

City Of Birmingham
Regular Meeting Of The Planning Board
September 13, 2023
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 13, 2023. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein, Vice-Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Nasseem Ramin (not voting); Student Representative Asher Kaftan, Matthew Wiegand (arrived 7:33 p.m.)

Absent: Alternate Board Member Jason Emerine

Staff: Planning Director Dupuis; Senior Planner Cowan, City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of August 9, 2023

09-34-23

Motion by Mr. Boyle

Seconded by Mr. Share to approve the minutes of the Regular Planning Board meeting of August 9, 2023 as presented.

Motion carried, 7-0.

VOICE VOTE

Yeas: Clein, Williams, Boyle, Jeffares, Share, Koseck, Whipple-Boyce

Nays: None

C. Chair's Comments

Chair Clein welcomed everyone to the meeting and reviewed the meeting's procedures.

D. Review Of The Agenda

E. Unfinished Business/Courtesy Review

F. Rezoning Applications

G. Community Impact Studies

H. Special Land Use Permits and Site Plan & Design Reviews

I. Site Plan & Design Review

J. Study Session

1. Health Club/Studio – Public Hearing

The Chair opened the public hearing at 7:33 p.m.

SP Cowan presented the item.

The Chair noted that the language was reviewed by the Birmingham Shopping District (BSD), and that the BSD was supportive.

Seeing no public comment, the Chair closed the public hearing at 7:35 p.m.

09-35-23

Motion by Mr. Williams

Seconded by Mr. Koseck to recommend to the City Commission approval of the proposed amendments to Article 2, Section 2.27 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District in the basement levels and floors two and above.

Mr. Boyle said he appreciated the feedback provided by both the business and real estate communities. He said the Board could consider a sunset clause for the amendments in case there was a consistent or increased in demand for the use on the ground floor.

Mr. Share replied that Staff should update the Board in the future if a consistent or increased demand for the use on the ground floor becomes apparent. He noted the Board could consider further proposals at that point in time. He said including a sunset clause would artificially affect the marketplace.

The Chair concurred with Mr. Share, affirming that the Board could make further amendments in the future. He added that the proposed amendments had not generated much conversation during the evening's review because there had been a lot of discussion about the amendments over the last few months.

Mr. Jeffares said there might be an opportunity for the use on the ground floor in the future. He advocated for approving the proposed amendments as presented and for observing the impact moving forward.

It was noted that these uses would permit an entrance, lobby, or retail on the first floor.

Motion carried, 7-0.

VOICE VOTE

Yeas: Clein, Williams, Boyle, Jeffares, Share, Koseck, Whipple-Boyce

Nays: None

The Chair thanked SP Cowan.

2. Dumpster Screening Materials – Study Session

PD Dupuis presented the item and answered informational questions from the Board.

Board discussion was as follows:

- Given that screenwalls for dumpster enclosures are frequently damaged by trash collection, it might be most appropriate to keep those screenwalls as masonry;
- It might be permissible to expand the types of materials used for the doors;
- Mechanical and dumpster screenwalls could have different requirements. Wood composite or metal could be appropriate additional materials for mechanical screenwalls;
- For Article 4, Section 4.54(B)(8)(a), the language should be changed to read something akin to 'Screenwalls shall measure at least 6 feet in height, or one foot taller than the height of the receptacle or equipment being screened';
- PVC siding could be further discussed as a possible material for mechanical screenwalls;
- The language should specify that the materials should be maintenance-free;
- While it might be too difficult to require by ordinance that screenwall doors come down to the ground in order to deter rodents, it might be possible for Staff to recommend that during design reviews;
- Concrete or steel bollards could potentially be used within dumpster screenwalls to minimize damage and to allow for other materials to be used;
- Given present issues with dumpster ordinance compliance in the City, the Board should consider recommending that all dumpsters be required to come into compliance with any updated ordinance over time;
 - That would be a policy issue for the Commission to opine on, and would also likely require the review of the City Attorney;
- Compactor use could be incentivized; and,
- Some language should be added for consideration that requires the gates to be closed at all times except when the dumpster is being accessed for use.

3. Mixed-Use Requirements – Study Session

PD Dupuis presented the item and answered informational questions from the Board.

Board discussion was as follows:

- It likely is no longer appropriate to offer a bonus story to developers for Bronze LEED certification;
- While it could be appropriate to require that all new buildings acquire LEED certification, that might be a Sustainability Committee or Commission decision;
- The commercial requirements should likely be higher than 25%. It would be helpful to review some recent projects to see their commercial percentages in order to get a sense of what different amounts look like;
- Heavy reliance on retail on the ground floor of mixed use buildings present problems, as noted in the article "The Ground-Floor Window Into What's Ailing Downtowns"¹;
- The emphasis on the ground floor should be on interaction and not on transaction;
- This is an opportunity to reconsider what commercial uses outside the redline area of the downtown might mean;
- There are commercial uses that are not retail that still generate traffic;

¹Badger, E. (2023, September 4). The Ground-Floor Window Into What's Ailing Downtowns. The New York Times. <https://www.nytimes.com/2023/09/04/upshot/cities-downtowns-vacant-storefronts.html>

- If commercial has to be a percentage of the first floor excluding parking, then parking could take up the majority of the first floor. It might be appropriate to have a minimum commercial requirement;
- It would be helpful to review whether there are commercial requirements on the ground floor if a developer were not trying to attain an additional story; and,
- It would be necessary to consider how to create an active, residential without duplicating the downtown. There are predominantly residential neighborhoods in other communities that still attract pedestrian activity.

K. Miscellaneous Business and Communications

- 1. Administrative Approval Correspondence**
- 2. Communications**
- 3. Draft Agenda**

Board members commented that Bates Street and directions on master plan implementation were two potential topics for the joint meeting with the Commission.

- 4. Action List – 2023**
- 5. Other Business**

L. Planning Division Action Items

- a. Staff Report on Previous Requests**
- b. Additional Items from tonight's meeting**

M. Adjournment

No further business being evident, the Chair commended everyone present and adjourned the meeting at 8:50 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist