

**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**November 8, 2023**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on November 8, 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 Representatives Asher Kaftan, Matthew Wiegand

**Absent:** Alternate Board Member Jason Emerine

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

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of October 25, 2023**

**11-47-23**

**Motion by Mr. Share**

**Seconded by Mr. Williams to approve the minutes of the Regular Planning Board meeting of October 25, 2023 as amended.**

**Motion carried, 7-0.**

VOICE VOTE

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

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 Study and Site Plan Review**

- 1. 380 S. Bates – Community House – Request for Community Impact Study for new 3-story addition to existing building (REQUEST TO POSTPONE)**

**11-48-23**

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to postpone without a date certain the community impact study for 380 S. Bates – Community House.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**2. 380 S. Bates – Community House – Request for Preliminary Site Plan Review for new 3-story addition to existing building (REQUEST TO POSTPONE)**

**11-49-23**

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to postpone without a date certain the preliminary site plan review for 380 S. Bates – Community House.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**H. Special Land Use Permits**

**1. 377 Hamilton Row – Birmingham Sushi – Request for Special Land Use Permit**

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

Kelly Allen, attorney, spoke on behalf of the applicant.

Board members commented:

- It might be challenging to fit a dumpster with screening walls that could be adequately serviced between the building and the via;
- This establishment's dumpster is one of a number in that via;
- The building owner, the owners of the establishments adjacent to alley, and the City should meet to discuss potential improvements to the via;
- It might not be necessary to require a change to the dumpster or the building since this request solely stemmed from a liquor license issue; and,
- That City projects should be held to the same standards that private projects are held to within the City.

**11-50-23**

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to recommend for approval the Special Land Use Permit for 377 Hamilton Row – Birmingham Sushi – subject to the following conditions:**

- 1. The applicant must comply with the requests of all City Departments.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**I. Site Plan & Design Review**

- 1. 377 Hamilton Row – Birmingham Sushi – Request for Final Site Plan and Design Review**

**11-51-23**

**Motion by Mr. Williams**

**Seconded by Mr. Share to recommend for approval the Final Site Plan and Design Review for 377 Hamilton Row – Birmingham Sushi – subject to the following conditions:**

- 1. The applicant must comply with the requests of all City Departments.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**J. Study Session**

- 1. Dumpster Screening Materials – PUBLIC HEARING**

The Chair opened the public hearing at 7:57 p.m.

PD Dupuis presented the item.

Seeing no public comment, the Chair closed the public hearing at 8:00 p.m.

Board members commented:

- 'Maintenance free' could be a valuable requirement for materials;
- Repairs or updates to dumpster screening happen very infrequently, and so the materials should be very durable; and,
- The City would benefit from more regular code enforcement of dumpster screenings.

**11-52-23**

**Motion by Mr. Share**

**Seconded by Mr. Williams to recommend that the City Commission approve amendments to Article 4, Section 4.54 of the Zoning Ordinance to add flexibility to screening requirements for waste receptacles and ground-mounted mechanical/electrical equipment.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

## **2. Mixed-Use Requirements – Study Session**

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

Board members made the following comments:

- The proposed ordinance changes were well done and would bring the ordinances more in line with the Triangle Plan;
- The amendments should include references to pedestrian and vehicular access so the ordinance is not interpreted as requiring a solid wall;
- The Board consensus was that LEED certification should not entitle a building to an extra floor;
- The ordinances should potentially apply to all the facades in the Triangle District and not just the four streets listed;
- Worth Street should be included in the ordinance;
- Alternatively, Worth, Elm, and some of the other streets in the Triangle District should be reserved as places where residential can be located on the ground floor, since the intent in the Triangle is not to replicate the central business district;
- If certain streets in the Triangle are reserved for residential on the ground floor, the ordinance should possibly state that;
- The first floor on the listed streets should possibly be entirely non-residential;
- Alternatively, just the frontages and first 20 feet on the listed streets should be non-residential;
- It could be worthwhile to offer an extra floor in exchange for a certain number of public parking spaces within a new development's already required parking;
- The City could potentially establish funds for community benefit, going towards amenities such as public parking or public spaces, that developers could contribute to in exchange for an extra floor;
- The ordinance should be clear that non-residential uses are broader than just retail uses;
- The ordinance's definition of Commercial was likely sufficient to capture the breadth of the non-residential uses intended by the Board;
- The potential difference between personal services and the service economy should be further discussed;
- An anecdote from one Birmingham resident relayed that the fitness center in his residential building, on the ground floor, with windows facing the street, was frequently used and enjoyed by residents of said building; and,
- The intent of this discussion was to clarify bonus floors in the Triangle, and the 2040 Plan would help guide other considerations for the Triangle in the coming months.

Given a number of questions regarding LEED that arose during the discussion, the Board requested that Staff invite a LEED professional to a future meeting.

The Board also asked Staff to research how other communities structure receiving funds from developers to be used for broader community benefit.

**K. Miscellaneous Business and Communications**

- 1. Pre-Application Discussions**
- 2. Communications**
  - i. Project Updates**
  - ii. Troy Master Plan Update - Oakland County Coordinating Zoning Committee Review**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**
- 5. Action List – 2023**
- 6. 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 9:04 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist