

City Of Birmingham
Regular Meeting Of The Planning Board
November 13, 2024
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on November 13, 2024. The meeting was convened at 7:30 p.m.

A. Roll Call

Present: Vice Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Jason Emerine

Absent: Chair Scott Clein; Alternate Board Member Nasseem Ramin

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn, Fire Marshal Scaife

KMG: Brian Deming

B. Approval Of The Minutes Of The Regular Planning Board Meeting of October 9, 2024
11-42-24

Motion by Share

Seconded by Emerine to approve the minutes of the Regular Planning Board meeting of October 9, 2024.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

C. Chair's Comments

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

D. Review Of The Agenda

E. Meeting Open to the Public for Items Not on the Printed Agenda

F. Unfinished Business

G. Rezoning Applications

H. Community Impact Study and Site Plan Review

I. Special Land Use Permits

J. Site Plan & Design Reviews

1. 35001 & 35075 Woodward – Request for One Year Extension of Final Site Plan

PD Dupuis summarized the item. Kevin Biddison, architect, and Hesham Gayar, owner, spoke on behalf of the request and answered informational questions from the Board.

Board member comments were as follows:

- Since more information would likely be available at the end of February 2025, a shorter extension than the requested year might be more appropriate.
- The applicant could request another extension in the future if necessary.
- If the legal situation is resolved prior to the end of the extension period, the Board would welcome an earlier update on the project's status.

11-43-24

Motion by Share

Seconded by Koseck that the Planning Board grant an extension of the final site plan approval for 35001 through 35075 Woodward for a period of six months from today.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

L. Miscellaneous Business and Communications (moved from usual order)

1. Pre-Application Discussions

i. 225 E. Maple – Social Kitchen & Bar

PD Dupuis introduced the item. Representatives from the applicant's team spoke on behalf of the proposal and answered informational questions from the Board.

Board consensus was that the proposal was aesthetically pleasing and that a formal submission would be appropriate.

K. Study Session

1. Generator Ordinance – Study Session

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

Board member comments were as follows:

- These restrictions might be too prohibitive for R3 zoned homes.
- It might be more appropriate to allow a generator to be within 18 inches of a structure, but require it be five or more feet from any possible entry into the house, including dryer vents, soffits, or similar features.
- Many deaths from carbon dioxide from generators occur at night, and prohibiting running them at night might increase safety and reduce noise during the evening hours.
- Residents installing generators should be required to notify their neighbors in writing of the installation. The notification should recommend the neighboring properties purchase carbon dioxide monitors.

- The City should also recommend the purchase of a carbon dioxide monitor for any home with a new generator.
- Easements may also make generators more difficult to install in certain residential zones.
- 'Occupiable' or a similar word should be added before 'structure' in the ordinance, and 'occupied' should be changed to 'occupiable'.
- The ordinance should only opine on the location and distance for the generator exhaust, and not for the generator intake.
- It makes sense to defer to the Fire Marshal's opinion on the safest option for generator locations.
- Locating the generator in the rear of a home makes sense.
- This item should be returned for further review.

2. 400 E. Lincoln Property – Public Project Review Guidelines

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

Board members raised the following points during discussion:

- The Fire Marshal's determination of occupancy limits should not be used to estimate the necessary number of parking spaces.
- These criteria will be useful for reviewing public projects. Inevitably, there will also be unique aspects to this project that will require some flexibility on certain criteria, including entrance locations and parking amounts.
- It would be more appropriate to dispense with the use of public property as a zoning classification, and to judge any public building according to the zoning that would otherwise apply. Any requested variances should be pursued at the Board of Zoning appeals, as would be required of any private project.
- There is insufficient time to apply the private project review process to this project since Next has a deadline for vacating Midvale.
- Midvale may not be as strict on forcing Next to move as the agreement would imply because seniors are a significant voting demographic.
- These criteria will serve as targets or guides, and not as strict requirements. This process represents a significant improvement over courtesy reviews.
- A pre-application discussion with the next project architect would be beneficial.
- If necessary, a special meeting should be scheduled for this review process.
- Design standards like glazing should be added.

3. Triangle District Bonus Height Requirements Phase 2 – Study Session

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

Board members raised the following points during discussion:

- The original intent of the Triangle vis-a-vis mixed use and commercial should be among the higher study priorities.
- Commercial may or may not be necessary in all spaces, and may or may not be an appropriate reason to grant extra floors.
- Public parking should be another high priority.

- The Commissioners prioritized public amenities, green space, and attainable and affordable housing at the last Commission-Planning Board joint meeting. It might be appropriate to start with the Commission's priorities, and then to add the Planning Board's priorities.
- Sustainability may need to be another priority.
- Buildings should focus on being adaptable for potential future uses.
- Promoting neighborhood-relevant commercial uses could be more appropriate than more general commercial uses.
- Including the map that addressed potential mixed use locations in future discussions would be helpful.
- Staff should consult with the Historic District Committee about whether preserving transfer of development rights is a priority.
- Mixed use and public amenities should be discussed at the next meeting.

4. Impervious Surface – Study Session

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

Board members raised the following points during discussion:

- Gravel, as a general category, should not be listed as an impervious surface. Doing so would allow the City to determine which gravel is pervious and which is impervious for a given project.
- The differences in gravel and perviousness are so technical that it would be difficult to describe pervious and impervious gravel in the ordinance.
- This definition should mimic SEMCOG's low impact design manual.
- SEMCOG's manual had more input from sustainability-oriented Ann Arbor professionals than Oakland County's manual.
- It would be useful to have clarity about how gravel can or cannot be used within open space per the ordinance.
- This item should be returned for further review.

5. Planning Board Rules of Procedure

The Board discussed brief updates to the Rules of Procedure. PD Dupuis integrated updates into the draft during the discussion. All updates were added by Board consensus.

The following Board comments did not result in immediate revisions to the draft, but were discussed for later revisions:

- One type of vote may require five affirmative votes as opposed to four.

11-44-24

Motion by Share

Seconded by Boyle that, subject to confirmation that Section 2(E) is consistent with state law, the Planning Board adopts the amended Rules of Procedure as presented on this date.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

L. Miscellaneous Business and Communications (continued)

- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**
- 5. Action List**
- 6. Other Business**

M. Planning Division Action Items

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

N. Adjournment

No further business being evident, the meeting was adjourned at 10:09 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist