



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY FEBRUARY 12, 2025 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **January 22, 2025**
- C.** Chairpersons' Comments
- 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 Studies
- I.** Special Land Use Permits
- J.** Site Plan & Design Reviews
- K.** Study Session
 - 1. **Generator Ordinance – Public Hearing**
 - 2. **Impervious Surface, Open Space & Lot Coverage – Study Session**
- L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - ii. **Royal Oak Master Plan Update**
 - iii. **Long Range Planning 2025**
 - 3. Administrative Approval Correspondence
 - i. **January 17, 2025 – February 7, 2025**
 - 4. Draft Agenda – **February 26, 2025**
 - 5. Action List – **2024/2025**
 - 6. Other Business
- M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- N.** Adjournment

*Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

Link to Access Virtual Meeting: <https://zoom.us/j/111656967>

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

NOTICE: Due to Building security, public entrance during non-business hours is through the Police Department — Pierce St. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or 248-644-3405 (TDD) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

City Of Birmingham
Regular Meeting Of The Planning Board
January 22, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 22, 2025. The meeting was convened at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein, Vice Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Daniel Share; Alternate Board Member Nasseem Ramin

Absent: Board Members Bert Koseck, Janelle Whipple-Boyce

Staff: Planning Director Dupuis; Planning Intern Aldred-Arens, City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of December 11, 2024

01-01-25

Motion by Boyle

Seconded by Williams to move the minutes of December 11, 2024.

Motion carried, 6-0.

VOICE VOTE

Yeas: Ramin, Clein, Williams, Share, Jeffares, Boyle

Nays: None

C. Chair's Comments

The 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

**1. 225 E. Maple – Social Kitchen & Bar – Request for Special Land Use Permit
Amendment for the Renovation of an Existing Outdoor Dining Facility**

PD Dupuis presented the item. Jacob Newman, representative for the applicant, spoke on behalf of the project. Both answered informational questions from the Board.

Board members raised the following points during discussion:

- While there was some hesitance around the number of seats, this was a pre-existing non-conforming condition.
- This would represent a major aesthetic improvement. The current condition is not satisfactory. The existing materials also do not comply with the zoning ordinance. This proposal would represent an upgrade and would not expand the non-conformity. This proposal should be supported for these reasons.
- Alternatively, without a roof or sides that lowered, support for the proposal would be a given. Despite the significant aesthetic improvement, it does not meet the ordinance. That said, this would not meaningfully change planning-related aspects for this area. It is largely an existing condition.

01-02-25

Motion by Williams

Seconded by Share to adopt the findings of the Planning Department in the report dated January 22, 2025 related to the approval criteria outlined in Article 7, Section 7.36 of the Zoning Ordinance and recommend approval to the City Commission the Special Land Use Permit application for 225 E. Maple – Social Kitchen & Bar – subject to the following conditions:

- 1. The applicant must resubmit plans that do not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance, or obtain a variance from the Board of Zoning Appeals; and,**
- 2. The applicant must comply with the requests of all City Departments.**

Motion carried, 6-0.

VOICE VOTE

Yeas: Ramin, Clein, Williams, Share, Jeffares, Boyle

Nays: None

J. Site Plan & Design Reviews

- 1. 225 E. Maple – Social Kitchen & Bar – Request for Final Site Plan & Design Review for the Renovation of an Existing Outdoor Dining Facility**

For discussion, see Item I1.

01-03-25

Motion by Williams

Seconded by Share to adopt the findings of the Planning Department in the report dated January 22, 2025 related to the approval criteria outlined in Article 7, Section 7.36 of the Zoning Ordinance and recommend approval to the City Commission the Final Site Plan and Design Review application for 225 E. Maple – Social Kitchen & Bar – subject to the following conditions:

- 1. The applicant must resubmit plans that do not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance, or obtain a variance from the Board of Zoning Appeals;**

2. **The applicant must comply with the requests of all City Departments; and,**
3. **The applicant understands that site plan approval shall be valid for a period of one year from the date it is granted. Upon request, the appropriate reviewing body may grant an extension of not in excess of one year to the applicant prior to the expiration date in accordance with Article 7, Section 7.28 of the Zoning Ordinance.**

Motion carried, 6-0.

VOICE VOTE

Yeas: Ramin, Clein, Williams, Share, Jeffares, Boyle

Nays: None

2. 34350 Woodward – Lavery Porsche – Request for 1-Year Extension of Approved Final Site Plans for New 3-Story Auto Sales Agency

PD Dupuis summarized the request. Tim McCaffery, representative for the applicant, spoke on behalf of the project. Both answered informational questions from the Board.

Board members raised the following points during discussion:

- An extension would be acceptable. The Board could consider a shorter extension, with the option to request a further extension if necessary.
- Building permits in the City can take three to four months for approval presently. That amount of time should be factored into an extension.
- A year extension could be fine in this case, since it is a case of a business being replaced with another business. A blighted site would be a different consideration.

01-04-25

Motion by Share

Seconded by Williams to move that the Planning Board grant an extension of nine months for the approved site plans for 34350 Woodward – Lavery Porsche.

Motion carried, 6-0.

VOICE VOTE

Yeas: Ramin, Clein, Williams, Share, Jeffares, Boyle

Nays: None

3. 320 Martin St. – Request for Re-Approval of Expired Final Site Plans for new 5-Story Addition to Existing Commercial Building

PD Dupuis provided an overview of the request and the project. Kevin Biddison, architect, spoke on behalf of the project. Both answered informational questions from the Board.

Board members raised the following points during discussion:

- Detailed information on the layout of residences in mixed-use projects should be provided. That detail should be re-added to these site plans prior to the plans being signed.

- This will be a beneficial development. It has been reviewed before.
- While there are aspects of the development that may not align with some of the Board's preferences, it does align with the ordinance.
- This size of retail may not be appropriate for some other areas of the City. It is appropriate here.
- The last review of this project by the Board in 2022 was unanimously approved.

01-05-25

Motion by Share

Seconded by Williams to adopt the findings of the Planning Department in the report dated January 22, 2025 related to the approval criteria outlined in Article 7, Section 7.27 of the Zoning Ordinance and approve the Final Site Plan & Design Review application for 320 Martin St. subject to the following conditions:

- 1. The applicant must comply with the requests of all City Departments; and**
- 2. The applicant understands that site plan approval shall be valid for a period of one year from the date it is granted. Upon request, the appropriate reviewing body may grant an extension of not in excess of one year to the applicant prior to the expiration date in accordance with Article 7, Section 7.28 of the Zoning Ordinance.**

Motion carried, 6-0.

VOICE VOTE

Yeas: Ramin, Clein, Williams, Share, Jeffares, Boyle

Nays: None

4. 185 Oakland – Request for Final Site Plan & Design Review for New Whole-Building Generator at Rear of Property

PI Aldred-Arens and PD Dupuis presented the request. Dan Bertolini and Doug Frazier, representatives for the applicant, spoke on behalf of the project. All answered informational questions from the Board.

Board members raised the following points during discussion:

- State permitting may be required for the storage tanks.
- The applicant was helpful in explaining the functioning and proposed location of the generator.
- A completed site plan and landscape plan was still required. The site plan should show the adjacent land uses and locations of neighboring buildings.
- Options for locating the generator further onto the site should be explored. The applicant needs to show that they are doing the best they can for the residential neighbors.
- Relocating the generator would likely result in more support from the neighbors.
- It is unlikely that using more vegetation for screening would mitigate the concern about the presently proposed location.
- The site plan should be more in-line with what the Board is used to seeing.

Public Comment

Matt Brown commented regarding the proposed location of the generator.

01-06-25

Motion by Williams

Seconded by Boyle to postpone the Final Site Plan and Design Review for 185 Oakland Ave – BELFOR Property Restoration to February 26, 2025.

Motion carried, 6-0.

VOICE VOTE

Yeas: Ramin, Clein, Williams, Share, Jeffares, Boyle

Nays: None

K. Study Session

1. Generator Ordinance – Study Session

PD Dupuis summarized the request to set the public hearing date and answered brief informational questions from the Board.

Board members raised the following points during discussion:

- The language should clarify whether 'five feet from the structure' is measured from the dripline or the wall of the house.

01-07-25

Motion by Williams

Seconded by Share to set a public hearing date of February 12, 2025 to review amendments to Article 4, Accessory Structure Standards, Section 4.03, to add provisions for standby generators.

Motion carried, 6-0.

VOICE VOTE

Yeas: Ramin, Clein, Williams, Share, Jeffares, Boyle

Nays: None

L. Miscellaneous Business and Communications

1. Pre-Application Discussions

i. 180 S. Chester – Chester St. Parking Deck Update

It was noted that this proposal would not be returning to the Planning Board due to a lack of interest from the Commission.

2. Communications

3. Administrative Approval Correspondence

4. Draft Agenda

5. Action List

6. Other Business

It was noted that the City would be looking to fill a vacancy in an alternate Board member position.

It was also noted that the Board should begin considering items for its 2025 action list.

M. Planning Division Action Items

- 1. Staff Report on Previous Requests**
- 2. Additional Items from tonight's meeting**

N. Adjournment

No further business being evident, the meeting was adjourned at 8:51 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Division

DATE: February 12, 2025

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director
Paul A. Wells, Fire Chief
Bruce Johnson, Building Official
Jeff Scaife, Fire Marshal

SUBJECT: Emergency Standby Generators in Single-Family Zoned Districts – PUBLIC HEARING

Home whole-house generators produce large amounts of carbon monoxide (CO); a silent killer that is a colorless, odorless, and toxic gas produced when carbon-containing materials are incompletely combusted. Over the last three years, the Fire Department has responded to more than a dozen CO incidents involving these generators. Typically, the calls originate during heavy storms where power outages occur, causing a strain on the Fire Department response due to multitudes of emergency calls for downed wires, downed trees, and occasionally structure fires. On June 19, 2024 an extremely strong storm came through our area and generated over 300 calls to Birmingham's dispatch center during the first hour. During this period the Fire Department responded to 3 homes with deadly levels of CO from whole house generators.

Additionally, these home generators produce a sizable amount of noise while operating, resulting in citizen complaints that have been filed with the Building Department and the City Commission. There have been 39 generator permits filed with the City through July of this year. The previous year saw over 100. With an unstable electrical grid/infrastructure, permit numbers will likely rise with time due to the increase in powerful storms.

Substantial storm cells have been increasing steadily over the past few years. These storms bring with them numerous occasions where electrical power has been halted by downed power lines or blown transformers. Three years ago the Fire Department and the Building Department began

tracking and investigating home generators that produced CO inside residential homes. Year-to-date both departments have investigated over a dozen homes that were found to have very high levels of CO. These readings ranged from 30 parts per million (ppm) to over 100 ppm with four-gas meters used by responding fire crews. Several times the levels peaked over 100 ppm and fire crews had to don their self-contained breathing apparatus (SCBA) to safely enter the dwelling. The World Health Organization recognizes the following CO levels and exposure times for residential homes:

- 9–10 parts per million (ppm): For no more than 8 hours
- 25–35 ppm: For no more than 1 hour
- 90–100 ppm: For no more than 15 minutes

Some home generators are placed in the side yard approximately 18 inches from the structure and 5 feet from window/door openings. This installation is according to manufacturer recommendations. However, in the environment of Birmingham with tight side yards and buildings within several feet of each other, this is not always proving to be safe. This placement has resulted in a dense concentration of CO where there is limited air movement on the side of the structure allowing the CO to seep into cracks, crevasses, and soffit vents, among other areas. Furthermore, with these units being placed between homes there is an additional concern where home 'A' could be on generator backup, and the neighboring home 'B' does not have a generator and elected to open their windows in the summer months allowing CO to enter into home 'B' through open windows. The Fire Department has responded multiple times to this exact type of incident.

Carbon monoxide has not been the only concern; noise pollution has been a topic of complaint recently received at both the Building Department and City Commission levels. The complaints received almost always involve generators installed in side yards between two houses.

At this time, the Planning Department has worked with the Fire and Building Departments to draft new ordinance language that aims to address the life safety concerns that are detailed above while also being sensitive to other requirements of the Zoning Ordinance. Please see the attached proposed amendments to Article 4, Section 4.03 of the Zoning Ordinance.

Sample Motion Language

I move that the Planning Board recommend APPROVAL to the City Commission the amendments to Article 4, Accessory Structure Standards, Section 4.03, to add provisions for standby generators.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, ACCESSORY STRUCTURE STANDARDS, SECTION 4.03, TO ADD PROVISIONS FOR STANDBY GENERATORS

4.03 AS-02

This Accessory Structure Standards section applies to the following districts:

R1 R1A R2 R3 R4 R5 R6 R7 R8 TZ1

The following accessory structure standards apply:

- A. Front and Side Open Space Limitations: No accessory buildings or structures shall be erected in the required front open space or side open space, except as may otherwise be provided in this section.
- B. Rear Open Space Limitations: Accessory buildings or structures may occupy a portion of the rear open space. They shall be at least 3 feet from any lot line, except as otherwise provided in this Article. If a lot has frontage on 2 streets so that the rear lot line abuts the street, accessory buildings or structures shall be set back from the rear lot line the same distance required in each two-page layout in Article 2, as a front setback for lots fronting on the street. An accessory building is not permitted closer to a principal building on an adjoining lot than the sum of the minimum required side setbacks as determined in Section 4.74(C).
- C. Corner Lots: On corner lots where a rear open space abuts a front or side open space, accessory buildings or structures on a corner lot shall have a minimum setback of 5 feet from the rear lot line.

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M. Air Conditioning Units: All new and existing air conditioning units shall not count against lot coverage calculations. Non-conforming air conditioning units located within required side yard setbacks may be continued, maintained and replaced provided:

1. The area occupied or devoted to such use is of similar size and location;
2. The nonconforming unit(s) must be screened from street view and the abutting property by privacy fence, landscaping or landscape fence.

N. Standby Generators: All new and replacement standby generators are subject to the following requirements:

1. The placement of standby generators shall be limited to the rear open space only at a location that is at least 5 feet from any principal building or accessory building with habitable space as defined in the Michigan Residential Code in effect at the date of the application including any overhang or projection and subject to the requirements of the open space limitations of subsections A and B of this section.
2. Standby generator exhaust outlets:
 - a. Shall be directed into the rear open space; and
 - b. Shall not be directed towards any principal building or accessory building with habitable space as defined in the current Michigan Residential Code located within 20 feet.
3. Standby generators shall be used only when the normal power source of the residence has been disrupted. As soon as normal power has been restored, the owner must cease operation of the generator.
4. A permit must be obtained for the installation of any standby generator on such forms as required by the Community Development Department.
5. All standby generators shall be maintained in good working order. Property owners are responsible for maintaining and operating the standby generator and complying with all applicable code requirements. Automatic maintenance exercise testing is limited to not more than fifteen (15) minutes once a week, Monday-Friday, between the hours of 7:00 a.m. to 5:00 p.m.
6. Non-conforming standby generators may be continued and maintained provided:
 - a. The non-conforming standby generator shall meet the requirements of subsection 5 of this section;

b. In the event a generator is determined to be unsafe by the Fire Department due to carbon monoxide readings measured in a dwelling, the Fire Department may issue a cease and desist order for the usage of the generator unit and issue an order for the generator to be relocated to the rear yard in accordance with the standards in this section.

ORDAINED this _____ day of _____, 2025 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Planning Department

DATE: February 12, 2025

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Impervious Surfaces, Open Space and Lot Coverage – Study Session

Recently, the Planning Board has begun to work through some perceived issues with the City's current definition of impervious surface. The remediation of these issues align with the current policy direction of the City related to reducing extreme weather impacts on the community, in this case through the mitigation of stormwater. Over several months in 2024, the Planning Board reviewed a variety of definitions and ultimately determined that a broader approach is warranted to achieve the goals of the City. It was discussed that at this point, the broader approach should include open space and impervious surfaces, but should also consider lot coverage, which are all integrally related zoning issues. It is worth noting that in the City of Birmingham, minimum open space and maximum lot coverage standards only exist for single family developments (R1A – R3). In all multifamily and commercial zoning districts, minimum open space and maximum lot coverage is not applicable. The major applicable definitions found in Article 9, Section 9.02 of the Zoning Ordinance are as follows:

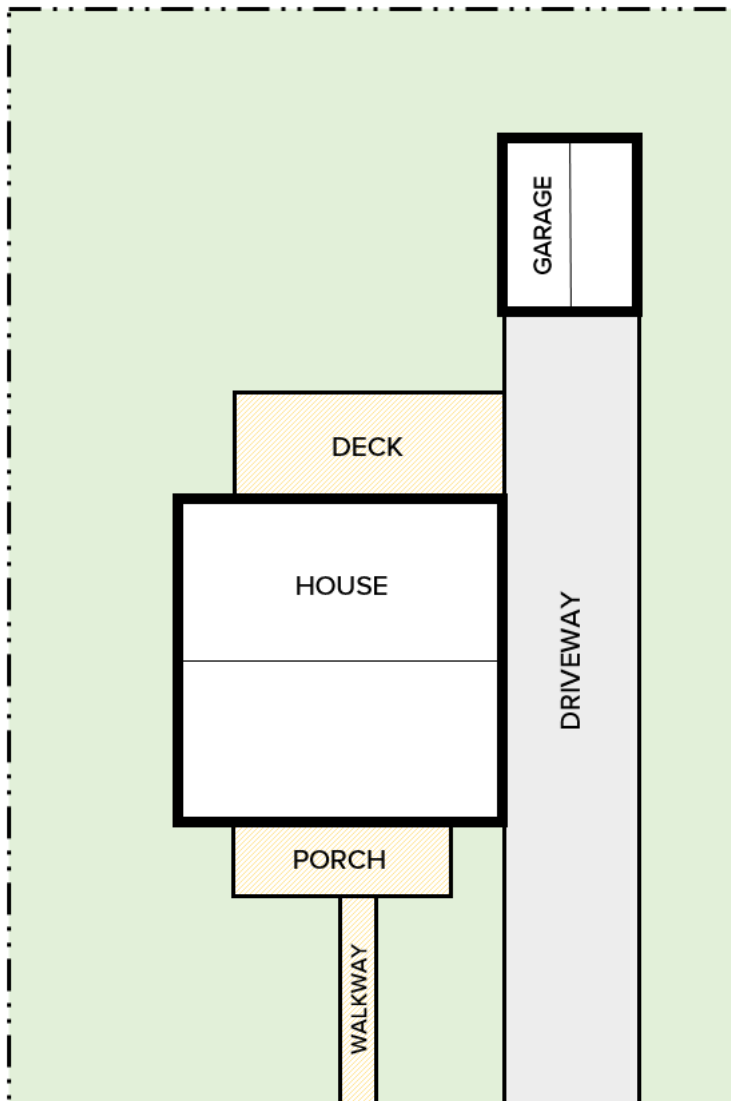
Open Space: All area of a lot except the areas occupied by a building, structure or impervious surface, excluding items listed in [4.30\(C\)](#), Projections into Required Open Spaces.

Open Space, Percent: The total area of open space divided by the total area of a lot in which the open space is located. Items listed in [4.30\(C\)](#), Projections into Required Open Space, shall be included as open space.

Impervious Surface: Any material which prevents the infiltration of surface water, such as concrete, blacktop, asphalt, brick, stone or a similar material, but excluding sidewalks 3 feet or less in width.

Lot Coverage, Percent: The area of a lot that is covered by buildings and structures divided by the total lot area, excluding those items listed in 4.30(C), Projections into Required Open Spaces.

To help understand how these three basic components of zoning are related, please see the following illustration:



LEGEND

-  PROPERTY LINE / AREA
-  OPEN SPACE
-  IMPERVIOUS SURFACE
-  LOT COVERAGE
-  EXCLUSIONS / EXCEPTIONS

ZONING RESTRICTIONS: R1A – R3

MINIMUM OPEN SPACE – 40%

$$\left(\text{[Dashed Box]} - \text{[Grey Box]} - \text{[Thick Black Border Box]} \right) / \text{[Dashed Box]} = 40\%$$

MAXIMUM LOT COVERAGE – 30%

$$\left(\text{[Thick Black Border Box HOUSE]} + \text{[Thick Black Border Box GARAGE]} \right) / \text{[Dashed Box]} = 30\%$$

In addition to these basic concepts and definitions, there are specific standards relating to open space in Article 4, Sections [4.30](#) and [4.31](#) of the Zoning Ordinance. Particularly consequential are the paved surface limitations outlined in 4.31, which cap paved surfaces in the front open space at 35%. Paved surface is not defined in the Zoning Ordinance, but is described in this section as “concrete, blacktop, gravel, brick or a similar material.”

The Planning Board last discussed the issue of the definition of impervious surfaces on December 11, 2024 ([Agenda](#) – [Minutes](#)).

STUDY SESSION #1 (February 12, 2025)

At this point, the Planning Department is seeking feedback from the Planning Board on where a solution may fit within the context of open space, impervious surface, and lot coverage. Summarizing feedback from previous meetings, the Planning Board has indicated that although they do not feel as though stone is impervious, there was a general consensus that the board did not want to see entire yards covered in stone. At this point, although lot coverage is a related issue, the definition is rather specific and may not lend itself well to tackling this specific issue. Rather, it seems prudent to either redefine Open Space, introduce a new term, create a purpose and intent, modify the specific standards in 4.31, or any combination thereof.

In addition to the definitions provided in previous meetings (December 11, 2024), please find additional definitions for consideration at this time:

[ROYAL OAK, MI](#)

Lot Coverage: The percentage of the lot area covered by the building area.

[FERNDALE, MI](#)

Lot Coverage: The percentage of the lot occupied by buildings, including accessory structures.

Yard: An open space, unoccupied and unobstructed from the ground upward, and being on the same lot with a building. The measurement of a yard is the minimum horizontal distance between the lot line and the building or structure.

Additional District Standards for Single Family Residential (R-1 and R-2): For all residential uses: 50% of the front yard and 50% (of the total) of the two side yards must be maintained as landscaped, green space. Permeable pavers or other semi-hardscape materials are not considered a landscaped, green space.

[ANN ARBOR, MI](#)

Open Space: The unenclosed portion of a lot that is devoted to space for recreation, greenery, and household activities. Open space area may include, but shall not be limited to, lawns, landscaping and gardens, wooded areas, sidewalks and walkways, active and passive recreational areas, unenclosed accessory structures used for recreation purposes, permanent or seasonal water surfaces, and protected natural areas. It shall not include areas covered by parking lots, driveways, refuse facilities, or enclosed accessory structures.

CANTON, MI

Lot Coverage: The part or percent of the lot that is occupied by buildings or structures.

Open Space: That part of a zoning lot, including courts and/or yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

EAST LANSING, MI

Open Space: Open space means an area of land associated with and located on the same tract of land as a major building or group of buildings, in relation to which it serves to provide light and air or scenic, recreational, or similar purposes. Such space shall be suitably improved for its intended use. Such space shall, in general, be of such a location, shape, and character suitable for entry and use by the occupants of the building or buildings involved, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants of those in neighboring areas, or a general appearance of openness. Open space area may include, but shall not be limited to lawns, decorative plantings, wooded areas, landscaped areas covering structures that are not more than 12 feet above ground level, sidewalks and walkways, active and passive recreational areas, and permanent water surfaces that comprise not more than 20 percent of the total open space area. It shall not include parking lots or other vehicular surfaces or accessory buildings other than swimming pools.

MARQUETTE, MI

Impervious Surface: Any surface that cannot be effectively and easily penetrated by water, thereby resulting in runoff. Examples include, but are not limited to, "Lot Coverage" (as defined in this Ordinance) and any material (asphalt, concrete, compacted stone and gravel, etc.) used in roads, driveways, decks, terraces, patios, porches, or sidewalks that cannot be effectively and easily penetrated by water. Impervious surfaces shall exclude roads, driveways, and sidewalks that are composed of materials that will allow infiltration and prevent runoff, such as permeable pavers, permeable pavement, or crushed stone or pea stone that does not bind. The definition of an impervious surface shall also exclude decks, terraces, patios, or porches that are composed of pervious materials and/or designed to allow for easy infiltration and underlain with materials that will allow infiltration and prevent runoff. Natural and artificial water bodies, including swimming pools, shall not be classified as impervious surfaces.

Open Space: Open space is the part of a parcel (which includes required yards) that is open and unobstructed from its lowest level to the sky, except for specific permitted obstructions and access ways, and that is accessible to and usable by all persons that have rights to use the property.

[STERLING HEIGHTS, MI](#)

Impervious Surface: A surface consisting of impervious material that prevents or hinders the absorption or infiltration of water, or that causes reduced quality of runoff water, or causes water to runoff in greater quantities or at greater flow rates than the natural surface. It includes but is not limited to grade-level surfaces such as hard-surfaced driveways, service walks, patios and decks, pool decks, gazebo floors, recreational vehicle or equipment storage pads, vehicle parking or turn-around pads, or outdoor sports courts, if constructed of impervious materials that do not contain substantial spaces that allow drainage of water.

Impervious Material: A hard-surfaced material through which water cannot penetrate or through which fluid does not readily pass due to low porosity, very small individual pores, or pores that are disconnected.

Lot Coverage: That part or percentage of lot occupied by principal and accessory buildings.

Open Space: Land required by this ordinance to remain as open space to be used for recreation, resource protection, amenity or other specified purpose.

[NOVI, MI](#)

Open Space: An area of land that remains primarily undeveloped and in its natural state. For the purpose of this Ordinance, open space may include park lands and park facilities so long as they are provided as a part of an open space area.

Lot Coverage: The part or percent of the lot occupied by buildings including accessory buildings.

[TRAVERSE CITY, MI](#)

Impervious Surface: Impervious surface means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

[ROCHESTER HILLS, MI](#)

Lot Coverage: The part or percentage of the lot occupied by buildings, including accessory buildings.

Yard: An open space other than a courtyard located on the same lot as a main building or use, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring to determine the width of a yard, the minimum horizontal distance between the lot line and the main building shall be used.



MEMORANDUM

Planning Department

DATE: February 12, 2024

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Project Updates & Information

The following report contains the most recent updates on projects that have completed by the Planning Board and are on to the next steps of approval. In addition, other significant development-related projects that have been reviewed or embarked upon by boards/commissions such as the Historic District Commission, Design Review Board, Multi-Modal Transportation Board, or similar bodies have been included for reference as well.

Site Plan & Design Reviews

- 2159 E. Lincoln – Lincoln Yard – Temporary Certificate of Occupancy has been issued
- 35001 Woodward – Land lease executed by City Commission/design development, site plan extension granted on November 13, 2024
- 239 N Old Woodward – Bloom Bistro – Under construction
- 300 S. Old Woodward – Restoration Hardware – Under construction
- 707 S. Worth – Under construction
- 36877 Woodward – Gasow Veterinary Hospital – Temporary Certificate of Occupancy issued
- 243 Merrill – La Strada – Final inspections
- 320 Martin – Birmingham Post Office – Design Development
- 295 Elm St. – Forest Townhomes – Building permits under review
- 34350 Woodward – Fred Lavery Porsche – Design Development
- 479 S. Old Woodward – Birmingham Tower – Under construction
- 245 S. Eton – Big Rock – Under construction
- 33866 Woodward – Polestar – Permitting/Design development
- 370 E. Brown – Under construction
- 33816 Woodward – Auto Europe – Design development

City Commission

- 33278 Woodward – Ducati Detroit – Set Public Hearing (Waiting on Applicant)

Ordinance Amendments/Master Planning

- -

Non-Planning Board Projects

- 185 Oakland – Belfor – Façade renovations, permitting
- 33680 Woodward – Petrucci Studio – Under construction
- 138 W. Maple – Blakeslee Building – Façade renovations, permitting
- 151 N. Eton – Façade and screening improvements, final inspections
- 34500 Woodward – Golling Fiat – Façade renovations, design development
- 106 S. Old Woodward – O’Neal Building – Façade renovations, design development
- Historic Preservation Master Plan – In progress.

Sustainability & Climate Action Plan/Greenhouse Gas Emissions Inventory

- Greenhouse Gas Emissions inventory – COMPLETE
- Sustainability and Climate Action Plan – COMPLETE

January 28, 2025

Nicholas Dupuis
Planning Director
151 Martin St
Birmingham MI 48012

Re: 63-Day Review & Comment Period on Proposed Master Plan

Pursuant to the requirements of the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, the city is notifying the planning commission of each adjacent municipality, the Oakland County Board of Commissioners, the Oakland County Zoning Coordinating Committee, the Road Commission for Oakland County, the Michigan Department of Transportation, and jurisdictional public utility companies, railroads, public transportation systems of its Proposed Master Plan.

As required, the Proposed Master Plan is available for review and comment in advance of the required public hearing at the conclusion of the 63-day comment period. It may be viewed online at: www.planroyaloak.com

The 63-day comment period commences on January 31, 2025 and concludes on April 4, 2025. Comments from the entities identified in the state act must be addressed to:

Chairperson, Royal Oak Planning Commission
c/o Joseph M. Murphy, Director of Planning (joem@romi.gov)
Planning Division, Community Development Department
203 S. Troy St.
Royal Oak MI 48067

Questions may be directed to the undersigned at (248) 246-3285 or by e-mail at: joem@romi.gov

Respectfully,
CITY OF ROYAL OAK



Joseph M. Murphy
Director of Planning
Community Development Department

January 28, 2025

Chairperson
Birmingham Planning Commission
151 Martin St
Birmingham MI 48012

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Respectfully,
CITY OF ROYAL OAK



Joseph M. Murphy
Director of Planning
Community Development Department



MEMORANDUM

Planning Department

DATE: December 27, 2024

TO: Jana L. Ecker, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Long Range Planning – Planning Trends

The field of urban planning is an ever-evolving one which requires planners to adapt and respond to a challenging flow of inputs and information. Consequently, an essential facet of urban planning is the need to look into the future and assess the impacts of current decisions as well as evaluate trends. In terms of trends, the American Planning Association simplifies emerging and future trends in the planning profession into five categories: societal, technological, environmental, economic, and political.

As a part of the annual long range planning process in the City, the Planning Department reviews trends in the profession and attempts to analyze their potential impact in Birmingham. These analyses include a consideration for new tools/technology, the scaling down of bigger global issues into local contexts, a review of current plans/policies against trends, and the occasional, measured dismissal of trends that may not be applicable to Birmingham. To do this review, the Planning Department leverages the broad research contained in the [Trend Report for Planners](#), an annual publication from the [American Planning Association](#) and [Lincoln Institute of Land Policy](#). The report is described as one addressing the future of planning, explaining how the planning profession will have to evolve to keep up with a continuously changing world, what new skills planners will have to develop, and which new tools are worth trying. It also attempts to prioritize trends to guide planners around varying degrees of urgency.

Out of the 17 broad trends, which within themselves contain over 80 specific areas of deeper insight, the Planning Department focused on the following:

The AI Era

Artificial intelligence, in particular generative AI, and its accelerated growth and development has promised to define this next era in humanity, and its impact is projected to be far reaching and unavoidable in both personal and professional lives. The planning profession will not be immune to such affects. However, with careful utilization it will likely be more resilient to any negative

externalities that stem from the institutionalization of AI such as automation or algorithmic bias and representation. Thus far, the Planning Department participated in the City's internal AI committee to develop the first set of AI guidelines for use by City officials. In Birmingham, there are a myriad of opportunities to explore AI. To help frame future goals, it is important to understand that the planning field is driven by both qualitative and quantitative inputs, which provides a unique environment for AI to be a versatile tool that can fit particular needs.

In terms of usage, the Planning Department will be spending the next several years exploring AI's generative capabilities to more quickly perform research, particularly into zoning ordinances. Taking it a step further, AI could also eventually be used to generate zoning codes themselves. In addition to research, Planning will be attempting to utilize "augmented creativity" elevate its communication, engagement and analysis techniques. Augmented creativity can help planners visualize and share concepts, assess design scenarios, and ultimately help inform the public narrative regarding projects and plans within the City. Finally, on the quantitative side, Planning will also attempt to utilize AI to help make sense of large datasets that we are sure to encounter as we embark on implementing the Birmingham Plan 2040 as well as the Birmingham Green: Healthy Climate Plan.

Looming Climate Impacts and Adaptation Challenges

Climate change is often difficult to conceptualize, especially in a place like Michigan and in a City like Birmingham. The wildfires, hurricanes, famine, displacement and many other experiences that are synonymous with climate change are not as relatable in this state and in this City. However, we are feeling the effects, and we have begun to address them. Due to the City's commitment to sustainability and climate action through its strategic goals and the [Birmingham Green: Healthy Climate Plan](#), the Planning Department is fortunate to be working diligently on preparing the City to adapt and overcome these challenges.

In reviewing the Trend Report for Planners, the Planning Department will find it particularly valuable in the long-term to monitor climate displacement as a real potential factor affecting Birmingham in the future. To many, Michigan could be viewed as a "climate haven" due to its unique access to fresh water, its burgeoning commitment to going green, and the diversity of opportunity. For Birmingham, a highly desirable place to live in the state, these possibilities cannot be ignored. Also not to be ignored, however, are issues like air quality (both self-caused and external i.e. Canadian wildfires), flooding, rising temperatures and aging infrastructure that we are experiencing now that would make climate displacement, if experienced, even more difficult to manage.

Housing Challenges and Solutions

Housing is a highly sensitive and personal issue to human beings, and by many is viewed as a basic human right. Although the United States has signed onto many a resolution, treaty and declaration, no federal U.S. laws currently guarantee a right to housing. Similar to experiences with climate change, severe housing crises are not experienced in the same way in Birmingham as it is in other places, even other places in Southeast Michigan. In terms of housing, there are a few things that the Planning Department will be engaged in over the next several years. Foremost would be implementing the housing policies that are outlined in the Birmingham Plan 2040, which range from locating and constructing new housing to policies that support the maintenance of a

diverse housing stock. Many of these goals and recommendations align with and support the goals of the [Michigan Statewide Housing Plan](#).

Political Polarization and Societal Division

The planning profession has been, and will continue to be particularly susceptible to the furthering societal and political polarization being experienced not only in the United States, but globally as well. For planners, serving the public interest is our primary obligation. With the public interest constantly divided and becoming more and more hostile, it will become more difficult for planners to adhere to the principles in which we aspire to. For many cities, Birmingham included, planners may be considered front line officials who are the primary promulgators of information and policy affecting many residents' confidence in government and their willingness to participate and contribute to furthering a consensus public interest.

For the Planning Department in Birmingham, engaging with the public comes in many forms. Each form presents an opportunity, even those that are bound by law such as the Open Meeting Act or policies such as Roberts Rules of Procedure. Recognizing the effect that planners have on the success or failure of a project or policy decision, the Planning Department will be attempting to keep up with new or unique techniques for engaging the public, utilizing techniques from other professions, and ensuring that Planning Department staff has access to resources necessary to continue to perform at a high level.

Persisting Transportation Inequities

Birmingham's moniker, a Walkable City, is well known and supported through many progressive policies that have been adopted and implemented by the City over the last 20+ years. However, as most (if not all) cities in Michigan, Birmingham is still a car-centric community. The Planning Department presented an overview of some of the transportation-based plans and policy that we are monitoring as a part of Long Range Planning in [2024](#), and will continue to do so. The transportation issues within these plans and policies align with the suggestions in the Trend Report for Planners. However, the Report also offers an opportunity to review the intersection with other goals in Birmingham, particularly sustainability and climate action.

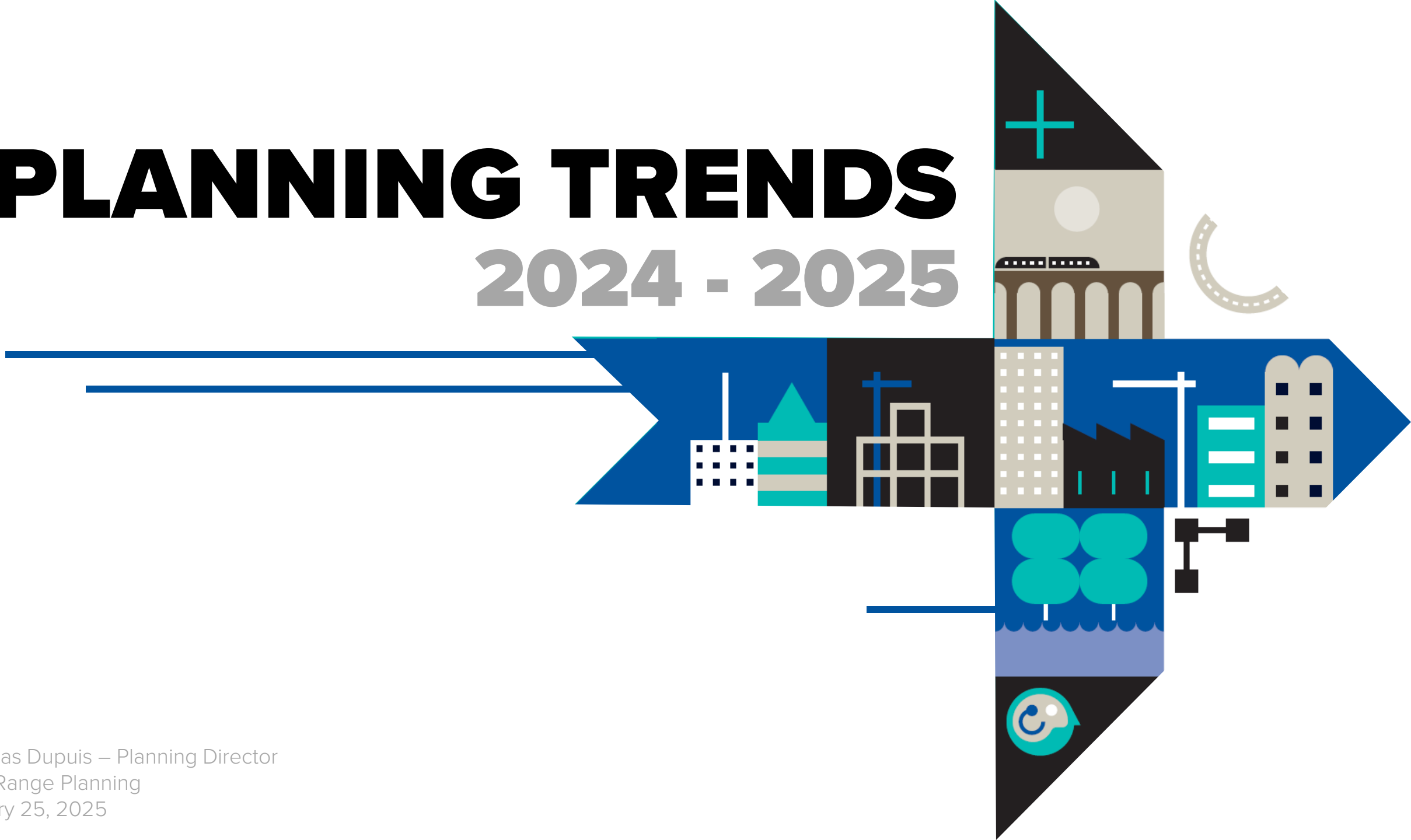
Continuing Changes in Work and Retail

Birmingham is characterized by its character-filled, high quality, tree lined residential neighborhoods, but may also be characterized by its vibrant downtown and other commercial corridors that provide the City with a unique, diverse experience and opportunity. In the last 10 years, the world of work and retail had begun to change rapidly with the explosion of e-commerce and technology that greatly affected employer and consumer behaviors. The effects of these changes are currently, and will continue to be experienced by cities like Birmingham.

The Planning Department has been ahead of the curve, generally speaking, in monitoring and updating policies for its retail and commercial environments based on best practices and trends. However, the COVID-19 pandemic appears to have accelerated a number of trends that may prove to be long-lasting and impactful, which will require another close and careful look from the Planning Department, which will be a focus of the next few years of planning.

PLANNING TRENDS

2024 - 2025



Nicholas Dupuis – Planning Director
Long Range Planning
January 25, 2025

TREND CATEGORIES





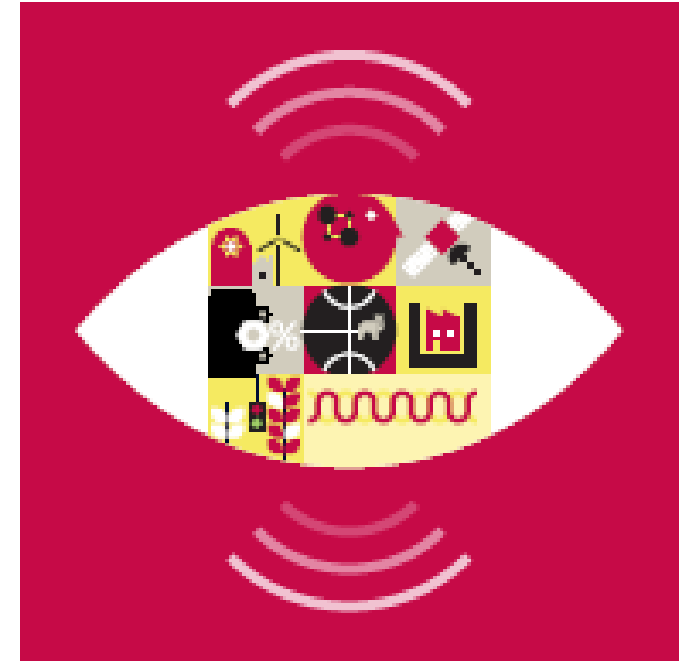
| **Act Now** |

Existing trends
planners need to act
on today.



| **Prepare** |

Emerging trends
planners need to
prepare for.



| **Learn & Watch** |

Potential future trends
or signals planners
need to learn more
about and keep
watching.

| The AI Era |

- General AI and Traditional AI – Potential benefits to both tools
- Urban Planning profession stands to benefit more than “suffer”
 - Benefit relies heavily on careful, responsible use
- Planning Department to focus on several uses :
 - Research (Zoning Codes, Master Planning)
 - Augmented Creativity
 - Data Analysis



Looming Climate Impacts & Adaptation Challenges |

- Relatability and Lived Experience as a Challenge
- Birmingham Green: Healthy Climate Plan as a Tool
- Climate Displacement
 - Is Michigan Well-suited to be a Climate Haven?
- Infrastructure and Ongoing Issues



| Housing Challenges & Solutions |

- Housing as a Human Right – Not in United States
- The Birmingham Plan 2040 – The Right Tool for the Job
 - Renovations Over Demolition
 - Neighborhood Character
 - Increase Stock and Diversity
- Review and Utilize the Michigan Statewide Housing Plan



| Political Polarization & Societal Division |

- Serving the Public Interest – Primary Obligation
- Planners as Front-Line Officials
- Supporting Confidence and Trust in Government
- New Techniques, New Tools, New Needs
- New Techniques, New Tools, New Needs



Persisting Transportation Inequities |

- Commitment to Walkability & Safety – A Walkable City
- A City Designed for the Passenger Vehicle
- New Regional Plans, Policies and Strategies Forthcoming
 - Oakland Transit
 - Regional Transit Authority
 - SEMCOG



| Continuing Changes in Work & Retail |

- Birmingham as a Model Community for Progressive Policy
- Rapid Change and the COVID-19 Pandemic
- The Birmingham Plan 2040 (Again)
- E-Commerce and the Urban Realm
- Adaptability and Retrofitting



ADMIN APPROVAL - PB

App Date	Case #	Scope of Work	Property Address	Status
06/14/2023	PAA23-0042	Proposed carport	460 N OLD WOODWARD AVE MAIN BLDG	WITHDRAWN
01/30/2025	PAA25-0006	Replace existing fence and gate that leads to alley off Harmon Street. Will stain in Spring. Building color and paint poles.	505 N OLD WOODWARD AVE	COMPLETED - APPROVED
01/30/2025	PAA25-0007	Two new HVAC condensing units and associated screening	135 E MAPLE RD	COMPLETED - APPROVED

Total Processes For Type: 3



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY FEBRUARY 26, 2025 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

- A.** Roll Call
 - B.** Review and Approval of the Minutes of the Regular Meeting of **February 12, 2025**
 - C.** Chairpersons' Comments
 - 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.** Special Land Use Permits
 - I.** Community Impact Studies
 - J.** Site Plan & Design Reviews
 - K.** Study Session
 - 1. **Triangle District Bonus Height Requirements Phase 2 – Study Session**
 - 2. **Childcare Ordinance – Study Session**
 - 3. **Impervious Surface/Open Space – Study Session**
 - L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **February 7, 2025 – February 21, 2025**
 - 4. Draft Agenda – **March 12, 2025**
 - 5. Action List – **2025**
 - 6. Other Business
 - M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
 - N.** Adjournment
-

* Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

Link to Access Virtual Meeting: <https://zoom.us/j/111656967>

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

NOTICE: Due to Building security, public entrance during non-business hours is through the Police Department — Pierce St. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or 248-644-3405 (TDD) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).



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WEDNESDAY MARCH 12, 2025 – 7:30 PM
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 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **February 21, 2025 – March 7, 2025**
 - 4. Draft Agenda – **March 26, 2025**
 - 5. Action List – **2025**
 - 6. Other Business
- M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
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Planning Board Action List – 2024

Topic	General Goals	City Commission Directive?	2040 Plan	Quarter	Status	
					In Progress	Complete
Comprehensive Zoning Ordinance Update	Update the Zoning Ordinance based on recommendations of the 2040 Plan.	☐	☒	Ongoing	☐	☐
Mixed Use Requirements	Consider changing the requirements for mixed use in the Triangle District.	☐	☐	1 st (January-March)	☒	☐
“Encourage renovations to expand existing houses rather than the construction of new houses.”	Support neighborhoods.	☐	☒	2 nd (April-June)	☐	☐
“Create a Woodward Safety and Beautification Plan.”	Begin to bridge the Woodward divide.	☐	☒	3 rd (July-September)	☐	☐
Ordinance Enforcement	Maintain a vibrant community.	☐	☐	4 th (October-December)	☒	☐

Planning Board Action List – 2025

Topic	General Goals	City Commission Directive?	2040 Plan	Quarter	Status	
					In Progress	Complete
Comprehensive Zoning Ordinance Update	Update the Zoning Ordinance based on recommendations of the 2040 Plan.	☐	☒	Ongoing	☐	☐
Mixed Use Requirements	Create a new list of bonus height provisions for the Triangle District	☐	☐	1 st (January-March)	☒	☐
Impervious Surface, Open Space & Lot Coverage	Review and improve standards for impervious surfaces and ensure consistency with open space and lot coverage goals	☐	☐	1 st (January-March)	☒	☐
Public Project Review Process	Develop a comprehensive set of guidelines for the review of public development projects	☐	☐	2 nd (April-June)	☐	☐
“Create a Woodward Safety and Beautification Plan.”	Begin to bridge the Woodward divide.	☐	☒	3 rd (July-September)	☐	☐
Ordinance Enforcement	Maintain a vibrant community.	☐	☐	4 th (October-December)	☐	☐