

City Of Birmingham
Regular Meeting Of The Planning Board
July 23, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 23, 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, Bert Koseck, Janelle Whipple-Boyce; Alternate Board Member Duncan Currie

Absent: Board Member Daniel Share; Alternate Board Member Nasseem Ramin; Student Representatives Carter Anderson, Olivia Betanzos

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of July 9, 2025

07-46-25

Motion by Williams

Seconded by Koseck to move approval of the minutes of July 9, 2025.

Motion carried, 7-0.

VOICE VOTE

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

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. 479 S. Old Woodward – Birmingham Towers – Request for Special Land Use Permit to Modify Floor Plans and Seek Approval of a Parking Waiver Pursuant to Article 3, Section 3.04 (D)(3)(a) of the Zoning Ordinance (POSTPONED FROM 6/25/25)**

PD Dupuis presented the item. Doraïd Markus, applicant, Ethan Holt, attorney for the applicant, and Jill Bauer, traffic engineer for the applicant, spoke on behalf of the request. PD Dupuis, Mr. Holt¹, and Ms. Bauer answered informational questions from the Board.

The Chair noted that the Board was in receipt of a petition regarding this item.

Public Comment

Kate McNevin, Larry Rochkind, and Sam McKnight opposed the request.

James Richard commented regarding parking demand and the potential retail tenant in Birmingham Towers.

Pat Hardy commented regarding parking demand in the City.

Board members raised the following points during discussion:

- It might be challenging to achieve the 2040 Plan's goals for sites like this one while requiring this site be self-parked. The Board has flexibility vis-a-vis parking for this site, and it might promote achievement of the Master Plan goals to use that flexibility here.
- Birmingham Towers had the right to build to five stories.
- The technical memo provided by the applicant suggested that the Peabody and Pierce decks had excess parking in March 2025. It did not study seasonal impacts, general use throughout the year, potential future growth, or the impact of impending nearby business openings. Consequently, this memo can only be taken to reflect the parking availability of Pierce and Peabody in March 2025.
- The applicant did not pay into the Parking Assessment District (PAD) and therefore does not have the PAD-related rights outlined in the zoning ordinance.
- The applicant has already received a partial waiver for a substantial portion of its parking requirements. This further request would compound the parking waived for this site.
- Granting this waiver could lead to an increased perception of inadequate parking availability in the area.
- The applicant's attorney contended that this request must be assessed through the lens of Article 3, Section 3.04(D)(3)(a).
- While Article 3, Section 3.04(D)(3)(a) might allow for off-street parking requirements to be reduced or eliminated via a special land use permit, it does not require that off-street parking requirements be reduced or eliminated via a special land use permit.
- The applicant requested the use of 25% of the possibly-remaining parking within Pierce and Peabody. There are other properties that paid into the PAD and have not developed to their full capacities. If these spaces exist, the City should conserve these spaces for the potential future parking demand of those sites. It was not clear why it might be appropriate to allocate 25% of these possible spaces to the applicant for this site.
- This proposed change would likely be detrimental to the surrounding community, business owners, and the City's infrastructure.
- The applicant already has approvals and allowances that would allow for a building on the site.

¹As amended at the August 8, 2025 Planning Board meeting.

- Second-floor commercial in Birmingham is uncommon, and tends to only be successful when it is an extension of the same business on the first floor.
- The 2016 Plan sought to encourage residential development in the downtown area.
- The Planning Board is not the final arbiter of this request. The Board's recommendation will be reviewed by the Commission at an upcoming meeting.

07-47-25

Motion by Williams

Seconded by Boyle to move that the Planning Board recommend that the City Commission deny the special land use permit application for 479 South Old Woodward – Birmingham Tower for the following reasons:

- 1. The Planning Board adopts the findings of the Planning Department report dated July 23, 2025, which takes into account the provisions of Article 3, Section 3.04, D(3)(a) of the ordinance, and except to the extent it is inconsistent with any of the additional findings set forth as follows.**
- 2. The applicant has not established that there is an excess of residential units in the downtown area generally, or in the southern portion of the downtown area specifically, or that a second floor of residential units on the site would be inordinately difficult to market.**
- 3. The applicant has not established that there is a shortage of retail space in the downtown area generally, or in the southern portion of the downtown area, specifically such that two floors of commercial use are necessary for a building in this location to be successful.**
- 4. The current Master Plan encourages additional residential usages in the downtown area.**
- 5. The proposed site plan fails to comply with Section 4.50 of the zoning ordinance by a shortage of at least 49 onsite parking spaces, 47 if the City Commission allows the applicant to count two on street parking spaces.**
- 6. Merchants in the immediate area have complained that there is a shortage of public parking spaces in the southern portion of S. Old Woodward.**
- 7. The parking study submitted by the applicant does not take into account the RH building and Boji/Chase developments to the west of RH and other commercial properties within the former Parking Assessment District which may be developed. The number of available parking spaces at the day measured in the report is not indicative of the long term usage of those decks.**
- 8. The substantial parking shortage would be a burden on, and injurious to:**
 - a. The nearby commercial and residential properties that have onsite parking spaces;**
 - b. The publicly available on street parking near 479 S. Old Woodward, which has recently been reduced in number;**
 - c. The residential neighborhood to the west of 479 S. Old Woodward would perhaps be adversely affected; and,**
 - d. The capabilities of the City's public parking system, which will adversely affect the businesses in the former Parking Assessment District and their patrons.**

- 9. Therefore, the incompatibility of this request is contrary to the spirit and purposes of the zoning ordinance and fails to meet the requirements of Article 7, Section 7.36 of the zoning ordinance.**

Motion carried, 6-1.

ROLL CALL VOTE

Yeas: Currie, Koseck, Boyle, Williams, Clein, Whipple-Boyce

Nays: Jeffares

J. Site Plan & Design Reviews

- 1. 479 S. Old Woodward – Birmingham Towers – Request for Final Site Plan & Design Review to Modify Floor Plans and Seek Approval of a Parking Waiver Pursuant to Article 3, Section 3.04 (D)(3)(a) of the Zoning Ordinance (POSTPONED FROM 6/25/25)**

Discussed during Item I1.

07-48-25

Motion by Williams

Seconded by Boyle to move that the Planning Board recommend to the City Commission to deny the final site plan and design review application for 479 South Old Woodward – Birmingham Tower for the following reasons:

- 1. The Planning Board adopts the findings of the Planning Department report dated July 23, 2025, taking into account the provisions of Article 3, Section 3.04, D(3)(a), and except to the extent it is inconsistent with any of the additional findings set forth as follows.**
- 2. The applicant has not established that there is an excess of residential units in the downtown area generally, or in the southern portion of the downtown area specifically, or that a second floor of residential units on the site would be inordinately difficult to market.**
- 3. The applicant has not established that there is a shortage of retail space in the downtown area generally, or in the southern portion of the downtown area, such that two floors of commercial use are necessary for a building in this location to be successful.**
- 4. The current Master Plan encourages additional residential usages in the downtown area.**
- 5. The proposed site plan fails to comply with Section 4.50 of the zoning ordinance by a shortage of at least 49 onsite parking spaces, 47 if the City Commission allows the applicant to count two on street parking spaces.**
- 6. Merchants in the immediate area have complained that there is a shortage of public parking spaces in the southern portion of S. Old Woodward.**
- 7. The parking study submitted by the applicant does not take into account the RH building and Boji/Chase developments to the west of RH building and other commercial properties within the former Parking Assessment District. The number of available parking spaces at the day measured in the report is not indicative of the long term usage of those decks.**

- 8. The substantial parking shortage would be a burden on, and injurious to:**
 - a. The nearby commercial and residential properties that have onsite parking spaces;**
 - b. The publicly available on street parking near 479 S. Old Woodward, which has recently been reduced in number;**
 - c. The residential neighborhood to the west of 479 S. Old Woodward; and,**
 - d. The capabilities of the City's public parking system, which will adversely affect the businesses in the former Parking Assessment District and their patrons.**
- 9. This incompatibility is contrary to the spirit and purposes of the zoning ordinance, therefore this application fails to meet the requirements of Article 7, Section 7.27 ~~7.36~~². of the zoning ordinance.**

Board member comment was as follows:

- **The 2040 Plan seeks another parking deck, in addition to increased residential use in the downtown area.**

Motion carried, 6-1.

ROLL CALL VOTE

Yeas: Currie, Koseck, Boyle, Williams, Clein, Whipple-Boyce

Nays: Jeffares

It was noted this item would be before the Commission on August 11, 2025.

K. Study Session

L. Miscellaneous Business and Communications

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

There was Board consensus that the childcare ordinance update could be addressed as part of the overall ordinance update.

The Board would be provided with a recording of the recent presentation to the Commission regarding trees in the City.

The City's present tree management approaches were briefly discussed.

M. Planning Division Action Items

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

²As amended at the August 8, 2025 Planning Board meeting.

N. Adjournment

No further business being evident, the meeting adjourned at 8:54 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist

APPROVED