

AGENDA <u>REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD</u> WEDNESDAY AUGUST 9, 2023 – 7:30 PM 151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple layered masks for attendees.

- A. Roll Call
- B. Review and Approval of the Minutes of the Regular Meeting of July 12, 2023
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Unfinished Business
- F. Rezoning Applications
- G. Community Impact Studies
- H. Special Land Use Permits
- I. Site Plan & Design Reviews
- J. Study Session
 - 1. Health Club/Studio Study Session
 - 2. Dumpster Screening Materials Study Session
 - 3. Mixed-Use Requirements Study Session
- K. Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. Project Updates
 - 3. Administrative Approval Correspondence
 - i. July 21, 2023 August 4, 2023
 - 4. Draft Agenda August 23, 2023
 - 5. Action List 2023
 - 6. Other Business
- L. Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- **M.** 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: <u>https://zoom.us/j/111656967</u> 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.

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City Of Birmingham Regular Meeting Of The Planning Board July 12, 2023 City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 12, 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, Bert Koseck, Janelle Whipple-Boyce; Alternate Board Member Jason Emerine, Nasseem Ramin; Student Representative Matthew Wiegand (arrived 8:25 p.m.)
- Absent: Board Members Stuart Jeffares, Daniel Share; Student Representatives Asher Kaftan
- **Staff:** Planning Director Dupuis; Senior Planner Cowan, City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 14, 2023

07-28-23

Motion by Mr. Williams Seconded by Mr. Koseck to approve the minutes of the Regular Planning Board meeting of June 14, 2023 as amended.

Motion carried, 7-0

VOICE VOTE Yeas: Ramin, Clein, Koseck, Emerine, Boyle, Whipple-Boyce, Williams 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
 - 1. 245 S. Eton Big Rock Request for Special Land Use Permit and Final Site Plan and Design Review for New Restaurant Tenant Serving Alcohol for On-Premise Consumption

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

Mark Knauer of Knauer, Randy Roberty of Cameron Mitchell, and Kelly Allen, attorney, spoke on behalf of the project and answered informational questions from the Board.

Seeing no public comment, discussion returned to the Board.

Board discussion was as follows:

- The design was beautifully done, and most of the issues outlined by Staff would be easily addressed;
- Five Board members shared a lack of support for the polycarbonate roof and the screen for the outdoor dining;
- One Board member said they preferred the pergola be removed because it seemed like an enclosure and detracted from the building's facade, but said they would not make their vote contingent on the pergola;
- Two Board members expressed support for the pergola and said it added to the site;
- The Board had not intended the recently amended ordinance to allow for something like the proposed polycarbonate roof; and,
- Based on Board comment, if the applicant preferred to proceed with the polycarbonate roof, the final site plan and design approval would likely be postponed to allow for further deliberation, and if the applicant chose to forgo the polycarbonate roof, the final site plan and design review would likely be approved.

In reply to Board comment, the project team indicated that the matter of the polycarbonate roof and screening would be pursued as a variance request at a later date.

07-29-23

Motion by Mr. Williams

Seconded by Mr. Emerine to recommend to the Commission for approval the Special Land Use Permit for 245 S. Eton – Big Rock – subject to the following conditions:

- 1. The applicant must submit revised site/design plans and provide screening for all new mechanical units in accordance with Article 4, Section 4.54 of the Zoning Ordinance;
- 2. The property owner work with City Staff to provide an easement to the City of Birmingham of up to 5 feet attached to the sidewalk north of the existing historic building for the purpose of an 8'-10' wide shared use path, contingent upon the City receiving a TAP Grant for the proposed S. Eton project, applied for on June 21, 2023 and subsequently amended;
- 3. The applicant must submit revised site/design plans demonstrating one offstreet loading space at the minimum dimensions required;
- 4. The Planning Board grants a waiver for non-cutoff light fixtures pursuant to Article 4, Section 4.21 (D)(1) of the Zoning Ordinance;
- 5. The applicant must submit revised site/design plans that meet the outdoor dining standards of Article 4, Section 4.44 of the Zoning Ordinance, and must remove the proposed roof on the outdoor dining facility and the roll down screens also depicted on the plans;
- 6. The applicant must revise the site/design plans to include sufficient details and signs that meet the requirements of the Sign Ordinance; and,

7. The applicant must comply with the requests of all City Departments

Motion carried, 7-0

VOICE VOTE Yeas: Ramin, Clein, Koseck, Emerine, Boyle, Whipple-Boyce, Williams Nays: None

07-30-23

Motion by Mr. Williams Seconded by Mr. Emerine to recommend approval of Final Site Plan and Design Review for 245 S. Eton – Big Rock – subject to the same seven conditions just recited.

Motion carried, 7-0

VOICE VOTE Yeas: Ramin, Clein, Koseck, Emerine, Boyle, Whipple-Boyce, Williams Nays: None

I. Site Plan & Design Review

1. 33866 Woodward – Polestar – Request for Final Site Plan & Design Review for Extensive Building and Site Renovations for new Auto Sales Agency (POSTPONED FROM 6/14/23)

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

Elizabeth Marchese and Gary Laundroche of LAG Development spoke on behalf of the project and answered informational questions from the Board.

One Board member recommended that the screening wall should be brick or furnished block as opposed to painted concrete.

Seeing no public comment, discussion returned to the Board.

07-31-23

Motion by Mr. Williams

Seconded by Mr. Koseck to approve the Final Site Plan and Design Review for 33866 Woodward – Polestar – with the following conditions:

- 1. The applicant must revise their lighting plan to reduce the light intensity at the western property line;
- 2. The applicant must work with the Planning Division to submit glazing calculations that meet the requirements of the Zoning Ordinance;
- 3. No signage is approved as a part of this Final Site Plan & Design Review application; and,
- 4. The applicant must comply with the requests of all City Departments.

Motion carried, 7-0

VOICE VOTE

Yeas: Ramin, Clein, Koseck, Emerine, Boyle, Whipple-Boyce, Williams Nays: None

J. Study Session

1. Health Club/Studio – Study Session

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

Board discussion was as follows:

- Most Board members said that garden level and second floor or above would be appropriate for this use, while first floor would not;
- Allowing this use would help activate other aspects of the City, and using a SLUP to regulate the use would be appropriate;
- Three Board members advocated for allowing the use on the first floor with a SLUP, saying that it would activate the street;
- One Board member said that the use on the first floor would not be significantly activating since shades would likely be drawn and the classes would likely be held outside of regular business hours, resulting in a lack of activity during most of the day;
- Limiting the use to upper floors or garden levels may present challenges for landlords to find tenants interested in the use. Many buildings do not have garden levels, and concerns about impact load or sound control could be prohibitive for upper floors;
- It would be appropriate to allow the use in the garden level or upper floor contexts first to see how it impacts the community before considering a first floor use. It would be very challenging to permit a first floor use and then to remove that use if it was not benefiting the community;
- The BSD did not support the use on the first floor;
- One Board member said the ordinance should specify how many instances of this use could be allowed per building or per a certain amount of square feet in one building;
- Three Board members said they were not concerned about larger or repeat instances of the use in one building;
- One Board member advocated for a SLUP above a certain square footage;
- The Board requested Staff remove the first floor use and return with research on the use and square footage in other urban environments; and,
- A public hearing could likely be scheduled after one more review of this use.

K. Miscellaneous Business and Communications

1. Administrative Approval Correspondence i. 751 Chestnut

SP Cowan presented the item and answered informational questions from the Board. The project team spoke on behalf of the request.

Board consensus was that the request should not be administratively approved.

ii. 325 S. Eton – District Lofts Phase III

SP Cowan presented the item and answered informational questions from the Board.

Board consensus was that the request should not be administratively approved.

iii. 320 Martin – Birmingham Post Office Addition

PD Dupuis presented the item and answered informational questions from the Board. The project architect spoke on behalf of the request.

Board consensus was that the request should be administratively approved.

The Chair said in the future requests similar in scale to this one should include far more detail on the proposed changes. He said a before and after presentation would be useful.

- 2. Communications
- 3. Draft Agenda
- 4. Action List 2023
- 5. Other Business

Concerns about code violations were discussed. It was recommended that concerned Board members and residents use the GovAlert mobile app to submit concerns.

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 adjourned the meeting at 10:01 p.m.

Nick Dupuis, Planning Director

Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Division

DATE: August 3rd, 2023

TO: Planning Board Members

FROM: Brooks Cowan, Senior Planner

APPROVED: Nicholas Dupuis, Planning Director

SUBJECT: Study Session – Health Club/Studio Use in the B4 (Business Residential) District

Health club/studio uses such as yoga, barre, pilates, spinning, and personal training are not currently permitted in the downtown B4 zone. The use is permitted in the B3, MX, and TZ3 zone districts, as well as the Triangle District. Chapter 9 of the Zoning Ordinance defines health club / studios as "a place designated and equipped for the conduct of sports, exercise and physical fitness activities."

Concerns about the health club/studio use is that it promotes big box gyms and can lead to classes with higher hourly parking demands. In order to accommodate for smaller studio classes such as yoga and pilates while preventing larger big box gyms, cities have regulated the size and square footage of the use to an appropriate size that fits in with the fabric of the downtown shops.

City staff has encountered a number of inquiries to place a small health club/studio use in the downtown, however staff has continually denied such inquiries and applications over the years due to the current zoning.

City staff recommends that the Planning Board consider including health club/studio use in the B4 zoning district. Such a proposal was presented to the City Commission during long range planning in 2020 and the City Commission was amenable to such a consideration.

The Planning Division recomends that the health club/studio use be included within the B4 zone because it is within the former parking assessment district and nearest to the city's five public parking structures. Such a use typically promotes weekly visits and can have a multiplier effect on surounding businesses. The use typically operates with peak hours in the morning and after 5pm which could assist in activating downtown Birmingham during non-work hours. Health club/studio uses have grown as "experience based retail" and could increase the supply of uses

in the Downtown B4 zone to provide an alternative to current retail blend while increasing the daily and/or weekly visitations.

On June 14th, 2023 (<u>Agenda</u>) the Planning Board discussed allowing health club/studio uses in the downtown. General consensus was that the board is comfortable permitting the use in the basement levels as well as the 2nd floor and above in the downtown. However there was mixed reviews on allowing the use on the first floor. The Planning Board wished to maintain the ethos of the first floor retail requirement and were concerned about blinds closing off the space or workout equipment occupying the window frontage. There was suggestion that the use be considered for a SLUP on the first floor.

The Planning Board requested feedback from the Birmingham Shopping District (BSD) and local brokers. The Planning Division met with the BSD's Business Development Committee on June 27th, 2023 and then with the Birmingham Shopping District Executive Committee on July 6th, 2023. Members of the BSD commented that they support the additional use of health/club studios to the downtown's B4 District in downtown in the basements as well as the second floor and above. However, there was concern about allowing the use on the first floor where the City's goal has been to promote active retail and restaurants. The BSD would prefer if the fitness studios did not interfere with the vision for first floor retail. The BSD has provided a letter of support which summarizes their recommendations which can be found in the attachments below.

City staff also spoke with local commercial brokers involved in Birmingham's downtown. Angela Thomas of Aeres Real Estate commented that she gets calls about fitness studios in Birmingham's downtown on a weekly basis. Inquiries for high end boutique yoga and pilates studios have been turned down given the current ordinance regulations. Ms. Thomas' input was that 1,500 to 2,500 square feet would be ideal for the boutique fitness studios she receives inquiries about.

Cindy Ciura of CC Consulting also commented that she has received a number of inquiries from potential tenants looking to have a high end fitness studio in Birmingham. The retail consultant stated that there is a demand for such a use, though one thing the City should consider is the noise levels coming from music and weights.

Robert Hibbert of Friedman Real Estate commented that the use would help increase foot traffic on a weekly basis, particularly after work hours. The increase in foot traffic could have a spillover effect on surrounding businesses and lead to additional purchases. Mr. Hibbert supported allowing the use on all floors as well, stating that having more use options will enable stronger businesses with longer occupancies.

On July 12th, 2023 (<u>Agenda</u>) the Planning Board reviewed input from the BSD, local brokers, and draft ordinance language. The general consensus was that everyone supported allowing the use in the B4 district, however there was some disagreement on whether to allow the use on the first floor. The majority of Planning Board members appeared to support limiting the use to basements and second floor and above. They felt the first floor should be reserved for more retail and restaurant style uses.

The Planning Board also discussed whether or not to limit the square footage. Board members referenced other cities where they have seen treadmills and other workout equipment facing the upper floor windows looking out into the city. Fitness studios in urban environments can range in

size from Powerhouse Fitness to Blue yoga in Birmingham and Boll Family YMCA to Citizens Yoga in Detroit. While searching fitness studios in nearby cities with downtowns, Royal Oak and Northville appear to have most of their fitness studios located on the periphery of dowtown, while Ann Arbor is scattered throughout the core. Nearby cities do not appear to regulate the floor which fitness studios are permitted.

Recommended items for consideration along with current feedback includes the following:

- Allowing health club/studio use in the B4 District (yes)
- Limiting the size of tenant space (no)
- Allowing locations of health club/studio use to the following:
 - 1. Basement and 2nd floor and above (yes)
 - 2. Retail Frontage Line requires a SLUP (no)
 - 3. 1st floor spaces not on retail frontage (no)
 - 4. Allow on all floors by right (no)

City staff has provided DRAFT ordinance language for review to allow health club/studio uses in the B4 District on the basement levels and 2nd floor and above of buildings.

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 2, SECTION 2.27, B4 (BUSINESS RESIDENTIAL), PERMITTED USES TO ADD HEALTH CLUB / STUDIO TO COMMERCIAL PERMITTED USES.

ARTICLE 2: ZONING DISTRICTS AND REGULATIONS

2.37 B4 (Business-Residential) District Intent, Permitted Uses, and Special Uses A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

- 1. Residential Permitted Uses
 - a. dwelling multiple-family
 - b. dwelling one-family*
 - c. dwelling two-family*
 - d. live/work unit
- 2. Institutional Permitted Uses
 - a. community center
 - b. garage public
 - c. government office
 - d. government use
 - e. loading facility off-street
 - f. parking facility off-street
 - g. religious institution
 - h. school private
 - i. school public
 - j. social club
- 3. Recreational Permitted Uses
 - a. bowling alley
 - b. outdoor amusement*
 - c. recreational club
 - d. swimming pool public & semiprivate
- 4. Commercial Permitted Uses
 - a. auto sales agency
 - b. bakery
 - c. bank
 - d. barber shop/beauty salon
 - e. catering
 - f. child care center
 - g. clothing store
 - h. delicatessen
 - i. department store
 - j. drugstore

- k. dry cleaning
- I. flower/gift shop
- m. food or drink establishment*
- n. furniture
- o. greenhouse
- p. grocery store
- q. hardware store
- r. health club/studio*
- s. hotel
- t. jewelry store
- u. motel
- v. neighborhood convenience store
- w. office
- x. paint
- y. party store
- z. retail photocopying
- aa. school-business
- bb. shoe store/shoe repair
- cc. showroom of electricians/plumbers
- dd. tailor
- ee. theater*
- 5. Other Permitted Uses
 - a. utility substation

C. Other Use Regulations

- 1. Accessory Permitted Uses
 - a. alcoholic beverage sales (off-premise consumption)*
 - b. laboratory medical/dental*
 - c. loading facility off-street
 - d. outdoor cafe*
 - e. outdoor display*
 - f. parking facility off-street
 - g. retail fur sales cold storage facility
 - h. sign
- 2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (on-premise consumption)
 - b. assisted living
 - c. continued care retirement community
 - d. establishments operated with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 5, Licenses for Theaters and Hotels
 - e. independent hospice facility
 - f. independent senior living
 - g. skilled nursing facility
- 3. Uses Requiring City Commission Approval
 - a. regulated uses*
- * = Use Specific Standards in Section 5.12 Apply

CITY OF BIRMINGHAM

ORDINANCE NO. _____

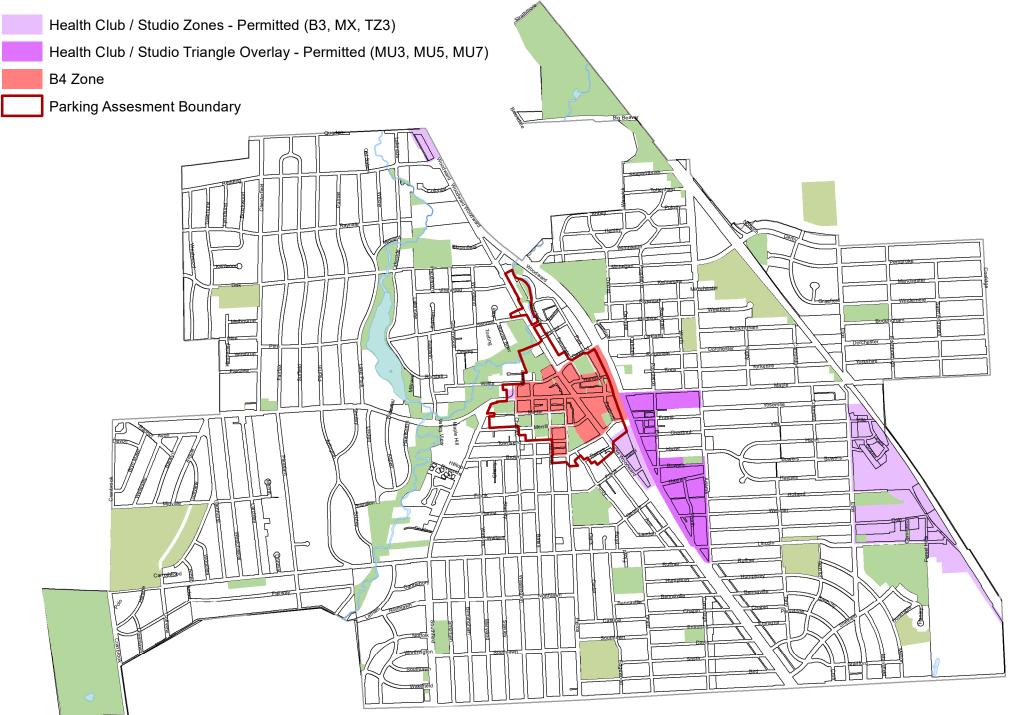
THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 5, SECTION 5.12, B4 DISTRICT USE SPECIFIC STANDARDS TO ALLOW HEALTH CLUB/STUDIO USES TO OCCUPY THE BASEMENT LEVELS AND FLOORS TWO AND ABOVE.

G. <u>Health Club/Studio</u>: Health club/studio uses are permitted in the B4 District in the basement level and the second floor and above. Health club/studio uses are not permitted on the first floor of a building in the B4 District.

Health Club/Studio Use





Birmingham Shopping District 151 Martin Street Birmingham, MI 48009 248-530-1200 ALLINBirmingham.com

MEMORANDUM

DATE:	July 6, 2023
TO:	City of Birmingham Planning Commission
	Brooks Cowan, Planning Department
FROM:	BSD Executive Director Cristina Sheppard-Decius, CMSM
SUBJECT:	Health Club Zoning Change for B4

Custing Down

The Birmingham Shopping District (BSD) Board of Directors met on July 6, 2023, to review and discuss the potential zoning change to B4 to include health clubs and fitness studios.

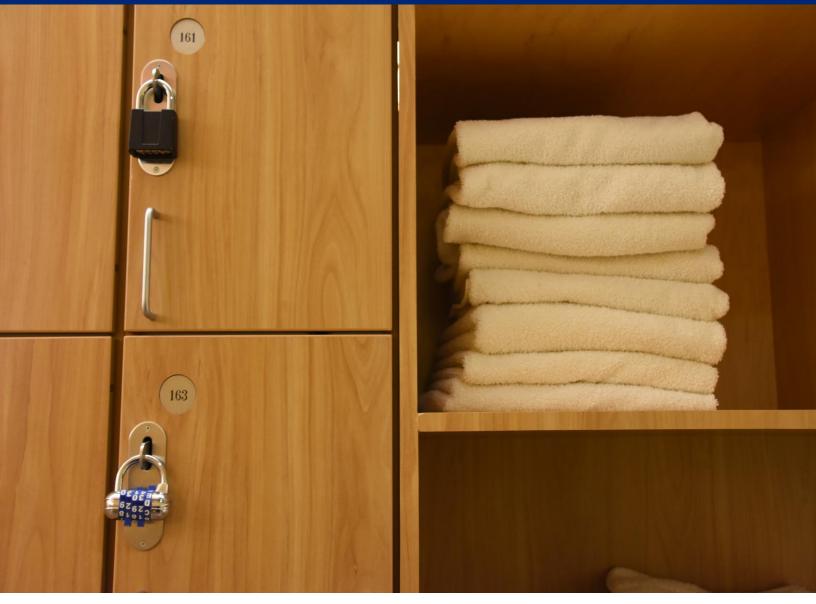
The BSD Business Development Committee recommended to the BSD Board that the health and fitness clubs not be allowed on main floors in the B4 area, but to allow them on second floors and basements/sub-levels. This would open up opportunities for property owners to fill second floor vacant spaces. The committee felt that there is such a high occupancy rate of main floors in the B4 area that property owners are not in need of expanding use groups for main floors in this area. It was also important to the Business Development Committee that the BSD focus on specific uses for recruitment on the main floors identified in the business mix analysis and recommendations presented to the BSD Board in May 2023, including apparel, books/media/toys, specialty gifts and fast casual dining.

The BSD Board unanimously agreed with the BSD Business Development Committee's recommendation, and felt that the flexibility for upper floors and basement/sub-levels would provide the BSD a great opportunity to market upper floor occupancy.

The BSD Board hopes this insight is helpful in making your decision on this subject. If you have any further questions, please do not hesitate to contact me at <u>csdecius@bhamgov.org</u>.



Yoga/Dance Studios





Rick D. Chandler, PE Commissioner nyc.gov/buildings

Yoga is typically defined as a series of postures and breathing exercises, which are practiced to achieve control of the body and mind, tranquility, or similar.

Commercial yoga instruction is typically provided in an open floor plan arrangement similar to both a dance studio, Use Group (UG) 9A, which does not require exercise equipment, and similar to a retail or service establishment, meeting hall, UG 6C. Many yoga students are allowed to pay for one class at a time. As a result, yoga studios typically allow walk-in students, similar to the other uses listed in both Use Groups 6 and 9.

Outdoor yoga instruction may require a temporary place of assembly if more than 300 people. For additional information see Temporary Place of Assembly Code Notes.

New York City Construction Code

Site safety, structural standards, fire protection, exits, height and area limitations and accessibility are among the essential elements regulated by the NYC Building Code (BC). Some main building systems are further regulated by the NYC Mechanical Code (MC), NYC Plumbing Code (PC) and NYC Fuel Gas Code (FGC).

New York City Zoning Resolution

The Zoning Resolution's (ZR) regulations governing use and bulk vary according to zoning districts. These regulations also govern lot size, floor area, open space, density, yards, height, setbacks and parking.

New York City Energy Conservation Code

The NYC Energy Conservation Code (NYCECC) mandates minimum required thermal ratings for building envelopes and minimum efficiency ratings for mechanical equipment and lighting.

The Code Notes series has been developed to provide a general overview of the NYC Department of Buildings (DOB) project requirements for the construction industry. The information in this document is only a summary and overview and is not intended to substitute for the full text and meaning of any law, rule or regulation. Users may also consult with a registered design professional for more specific guidance on Construction Codes requirements, other regulatory laws and rules, and technical site-specific requirements.

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ADMINISTRATIVE

DOB Forms

- PW1 Plan/Work Approval Application
 - Job type and job description, indicating scope of work, i.e. yoga or dance studio (items 5 and 11)
 - Zoning use group (item 12C)
 - Occupancy classification (item 13C)

- PW1A Use Group 6 or 9
- PW1B Schedule B- Plumbing/ Sprinkler/ Standpipe
- TR1 Statement of Responsibility
- TR8 Statement of Responsibility for Energy Code Progress Inspections

Technical Documents

Zoning exhibits, restrictive declarations, easements ZR 12-10

BIS Required Items

 As applicable for the associated work permit application (New Building or Alteration Type 1)

ZONING

The Borough Commissioner may classify a commercial yoga studio under zoning UG 6C Retail/Service Establishment or UG 9A Retail Establishment Studio, art, music, dancing or theatrical using the following conditions as a guide:

- Each individual yoga establishment shall have no more than one student instruction area, with an open floor plan arrangement. This instruction area shall not exceed 1500 square feet. If more than one yoga establishment is located within the same building, then the establishments shall be operated by separate entities and shall not share ownership or facilities.
- The yoga instruction area shall not be a Public Assembly (PA) space, and may at no time have an occupancy capacity that exceeds 74 persons, including the staff and instructors.
- There shall be no accessory showers or bathtubs to the establishment. No showers or bathtubs shall be installed nor utilized by the establishment's staff or students in the yoga studio or in any other portion of the building.

- The yoga studio shall not be accessory to a *physical culture or health establishment*, e.g. a fitness gym or any similar facility requiring a BSA permit, nor shall a physical culture or health establishment be accessory to a yoga studio.
- Where the Borough Commissioner finds the subject establishment meets the definition of a Physical Culture Establishment per ZR 12-10, a BSA special permit is required per ZR 73-36.

MULTIPLE DWELLING LAW

N/A

FIRE CODE

N/A

BUILDING CODE

General

For prior code buildings, optional use of 1968 Building Code with exceptions to conform with 2014 Building Code – AC 28-101.4.3, Exceptions 1 through 19

Occupancy Group

 Where the occupancy group is altered or inconsistent with the Certificate of Occupancy (CO), a new or amended CO is required – AC 28-118

Egress

 Occupant load, number of exits, egress capacity and travel distances – BC Chapter 10

Accessibility

- Door widths and clearances, ramps, and handrails as well as bathrooms BC Chapter 11 and ANSI A117.1, 2009
- Compliance for entire building required where a change is made in the main use or occupancy group. Where the use or occupancy of a space is changed, such space, including entrance to, shall comply with accessibility requirements – BC 1101.3.1
- Compliance for entire building required where the alteration cost is greater than 50% of the value of the existing building. Where the alteration cost is equal to or less than 50%, such alteration work shall comply with accessibility requirements – BC 1101.3.2

ENERGY CODE

See Energy Code

APPLICABLE BULLETINS, DIRECTIVES, PPNS, MEMOS

 Buildings Bulletin 2013-010: Zoning requirements when establishing yoga studios in buildings or portions thereof

OTHER AGENCY APPROVALS

- NYC Fire Department: Approval if above Fire Code provisions are not met
- Landmarks Preservation Commission: Approval if in landmarked building or landmark district



MEMORANDUM

Planning Division

DATE:	August 9, 2023		
то:	Planning Board Members		
FROM:	Nicholas Dupuis, Planning Director		
SUBJECT:	Dumpster Screening Materials		

Over the years, the Planning Board has grappled with design proposals for dumpster enclosures that do not meet the technical requirements of the Zoning Ordinance, but have generally offered a high quality design and material composition that appeared to meet the intent of the ordinance when it was written. As it stands, an applicant that wished to utilize alternate materials would be required to acquire a variance from the Board of Zoning Appeals. The language is as follows:

Article 4, Section 4.54 (B)(8)

When required to screen a trash receptacle or ground-mounted mechanical or electrical equipment, a masonry screenwall with wood gates. The screenwall shall match the material of the principal building.

On July 10, 2019 (<u>Agenda</u> – <u>Minutes</u>), the Planning Board held its last study session on the topic, which had been discussed or several months prior. At that time, the conversations appeared to be more detailed, and were revolving around the level of screening that certain materials might offer, and how far the City should go in regulating opening sizes.

At this time, the Planning Board has expressed interest in reviving the conversation and opening up the standards to permit more materials for dumpster screening enclosures. As stated in recent discussions, the Planning Division is looking to simplify this section wherever possible, and has provided sample language on the next page to discuss.

Once more direction is provided, and if needed, the Planning Division can perform ordinance research into other communities, as well as contact various design professionals to gather more information.

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, SECTION 4.54 (B)(8), SCREENING STANDARDS, TO AMEND DUMPSTER SCREENING REQUIREMENTS.

- B. <u>Screenwall Descriptions</u>: Screenwall as required by this section shall mean:
 - 1. When required along a street line, alley, passage or mixed passage, a masonry wall with an exterior face of brick, precast aggregate panels, sculptured block, stone, architecturally treated concrete or other materials acceptable to the Planning Board which are demonstrated to be durable, easily maintained, and provide a similar permanent visual barrier.
 - 2. When required, a screenwall of capped masonry.
 - 3. Screenwalls shall be so constructed that the lower 32 inches in height, as measured from the finished parking lot surface, or ground surface on the outside of the screenwall, whichever is higher, shall be solid. Openings above 32 inches may be permitted provided the intent of the Zoning Ordinance is maintained and further provided the openings are not larger than 64 square inches and do not exceed 33% of the surface of the screenwall.
 - 4. Where a screenwall is adjacent to a vehicular or pedestrian accessway, the screenwall shall be so de- signed and constructed as to not constitute a hazard to vehicular or pedestrian traffic.
 - 5. Screenwalls along a street shall be so designed as to not form a continuous barrier. Depending upon the length, location and ground contour, a break in the screenwall is required every 50 to 100 feet. Such break shall be a minimum of 10 feet long. A screening wall of a material permitted under Section 4.54(C)(1) shall be constructed for the full length of the required break and shall be located a minimum of 2 feet to either the front of or the rear of the principal screenwall. The Planning Board may, upon Site Plan Review, require the screenwall spanning the break to be attached to the principal screenwall. Landscaping is required in any area created on the street side of the screenwall by the required break and shall be subject to the requirements of Section 4.54(D)(1).

- 6. When required along the front, side or rear of any building, a masonry screenwall shall match or complement the exterior of the building.
- 7. When required along the side or rear lot line of any parking facility which immediately adjoins the rear lot line of property located in a residential zone, a masonry screenwall of 6 feet. When required along the side or rear lot line of any parking facility which adjoins an alley or passage adjoining the rear line of property located in a residential zone, a masonry screenwall of 3 feet.
- 8. When required to screen a trash receptacle or ground-mounted mechanical or electrical equipment, a masonry screenwall with wood gates constructed of high quality materials such as wood, wood composite, or metal. The screenwall shall match complement the material of the principal building.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Planning Division

DATE:	August 9, 2023
то:	Planning Board Members
FROM:	Nicholas Dupuis, Planning Director
SUBJECT:	Mixed Use Requirements

As development applications have increased in the Triangle District of Birmingham, the Planning Board has expressed concerns over the proportions of mixed use buildings, specifically as it relates to the opportunity for bonus stories.

In the Triangle District, buildings or portions of buildings that are 100 feet or more from a singlefamily residential zoning district may have additional building where 2 or more of the following are provided as part of the development:

- 1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. The applicant may provide payment-in-lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:
 - a. The rate of \$27,500 per space to match the current cost per above-ground structured parking space in 2018.
 - b. Starting July 1st, 2019, the rate of payment per parking space shall be increased by 3 percent each year.
- 2. Dedication of an improved public plaza with an area that is at least equal to 25% of the additional floor area of building area allowed in the additional stories. Where additional building height is proposed without additional stories, then public plaza space shall be based upon 25% of the building floor area on the top floor. The location and design of the plaza shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan.
- 3. A mixed use building that provides residential dwelling units above first-floor commercial where a mini- mum of 50% of the buildings floor area is residential.
- 4. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.

5. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

Using figures from recent development proposals, the percentage of commercial area provided has been less than 5 percent of total gross floor area, and in one case less than 2 percent. While the requirement noted above contains a clear percentage threshold for residential floor area, it does not address the commercial floor area.

At this time, the Planning Division has provided draft ordinance amendments for discussion at the Planning Board level. The amendment is simple and addresses the core issue at hand, which is ensuring that there is an appropriate balance of uses in the Triangle District that will meet the intent of the Triangle District Urban Design Plan and its recommendations regarding mixed-use development.

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 3, SECTION 3.08, HEIGHT AND PLACEMENT REQUIREMENTS, TO ADD COMMERCIAL FLOOR AREA REQUIREMENTS TO BONUS HEIGHT PROVISION.

- E. <u>Additional Building Height</u>: Buildings or portions of buildings that are 100 feet or more from a single- family residential zoning district may have the additional building height (in number of stories and/or feet of height) noted in Section 3.08B, Section 3.08C, and Section 3.08D where 2 or more of the following are provided as part of the development. Additional stories shall be stepped back at a 45-degree angle from the top story allowed by right without the height bonus.
 - 1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. The applicant may provide payment-in-lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:
 - a. The rate of \$27,500 per space to match the current cost per above-ground structured parking space in 2018.
 - b. Starting July 1st, 2019, the rate of payment per parking space shall be increased by 3 percent each year.
 - 2. Dedication of an improved public plaza with an area that is at least equal to 25% of the additional floor area of building area allowed in the additional stories. Where additional building height is proposed without additional stories, then public plaza space shall be based upon 25% of the building floor area on the top floor. The location and design of the plaza shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan.
 - 3. A mixed use building that provides residential dwelling units above first-floor commercial where a minimum of 50% of the buildings floor area is residential, **and a minimum of 25% of the buildings floor area is commercial**.

- 4. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.
- 5. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Planning Division

DATE:August 9, 2023TO:Planning Board MembersFROM: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

- <u>2159 E. Lincoln</u> Lincoln Yard Under construction
- <u>34965 Woodward</u> Peabody Redevelopment Permitting, numerous extensions requested.
- <u>35001 Woodward</u> Land lease executed by City Commission/Design development.
- <u>770 S. Adams</u> Under construction
- 2225 E. 14 Mile Our Shepherd Under construction
- <u>36877 Woodward</u> Gasow Veterinary Hospital Building being demolished.
- <u>243 Merrill</u> La Strada Permitting/Construction
- <u>320 Martin</u> Birmingham Post Office Design Development
- <u>185 N. Old Woodward</u> Bell Bistro Permitting
- <u>460 N. Old Woodward</u> Wilders Under construction
- 295 Elm St. Forest Townhomes Design Development
- <u>34350 Woodward</u> Fred Lavery Porsche Public Hearing at the City Commission was tabled by the City Commission to afford the applicant and City Staff time to work out any issues. No new public hearing date set at this time.
- <u>479 S. Old Woodward Birmingham Tower</u> Received a variance for 11 off-street parking spaces on May 9, 2023. Design Development and demolition.
- <u>245 S. Eton Big Rock</u> Permitting and interior demolition.
- <u>33866 Woodward Polestar</u> Permitting/Design development

Ordinance Amendments/Master Planning

• B1 Zoning District Amendment – Amendment was adopted 8/24/23

Non-Planning Board Projects

- <u>148 Pierce</u> Telephone Exchange Building New mural on rear of building.
- <u>135-139 S. Old Woodward</u> Stifel Façade renovations on historic Briggs Building, under construction.
- <u>34040 Woodward</u> Community Unity Bank Façade renovations, in progress.
- <u>185 Oakland</u> Belfor Façade renovations, design development.
- <u>33680 Woodward</u> Petrucci Studio Façade renovations, permitting.
- <u>188 N. Old Woodward</u> Comerica Bank Façade renovations, permitting.
- <u>163 W. Maple</u> Seven Daughters Façade renovations, postponed indefinitely.
- 138 W. Maple Blakeslee Building Façade renovations, scheduled at HDC on 8/16/23.
- Citywide Wayfinding and Signage Design Program Update Design proposals going to Wayfinding and Branding Committee on 8/14/23.
- Eton St. Bike Lane Study Design approved by City Commission on 8/24/23.
- Historic Preservation Master Plan in progress.

Sustainability & Climate Action Plan

- Next meeting August 21, 2023
- Planned Public Engagement
 - Engage Birmingham Survey Live Now
 - Day on the Town July 29, 2023
 - Farmers Market August 27, 2023
- Greenhouse Gas Emissions inventory in progress
- Sustainability and Climate Action Plan in progress

PZE Process Detail - DRB+HDC+PB

08/02/2023

ADMIN APPROVAL - PB

App Date	Case #	Scope of Work	Property Address	Status
07/21/2023	PAA23-0059	Interior changes to garage, lobby, and retail, minor exterior changes to column	320 MARTIN ST	IN PROGRESS

Total Processes For Type:

1



AGENDA <u>REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD</u> WEDNESDAY AUGUST 23, 2023 – 7:30 PM 151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple layered masks for attendees.

- A. Roll Call
- B. Review and Approval of the Minutes of the Regular Meeting of August 9, 2023
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Unfinished Business
- F. Rezoning Applications
- G. Community Impact Studies
 - 1. 380 S. Bates Community House Request for Community Impact Study Review for New 3-Story Addition to Existing Building in Downtown Birmingham.
- H. Special Land Use Permits
 - Site Plan & Design Reviews
 - 1. 380 S. Bates Community House Request for Preliminary Site Plan Review for New 3-Story Addition to Existing Building in Downtown Birmingham.
- J. Study Session

Ι.

- K. Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. Project Updates
 - 3. Administrative Approval Correspondence
 - i. August 4, 2023 August 18, 2023
 - 4. Draft Agenda July 26, 2023
 - 5. Action List 2023
 - 6. Other Business
- L. Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- M. 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: <u>https://zoom.us/j/111656967</u> 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) 644-5115 (for the hearing impaired) 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 dia 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).



AGENDA <u>REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD</u> WEDNESDAY SEPTEMBER 13, 2023 – 7:30 PM 151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple layered masks for attendees.

- A. Roll Call
- B. Review and Approval of the Minutes of the Regular Meeting of August 23, 2023
- C. Chairpersons' Comments
- **D.** Review of the Agenda
- E. Unfinished Business
- F. Rezoning Applications
- G. Community Impact Studies
- H. Special Land Use Permits
- I. Site Plan & Design Reviews
- J. Study Session

1. Health Club/Studio – Study Session

- **K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. Project Updates
 - 3. Administrative Approval Correspondence
 - i. August 18, 2023 September 8, 2023
 - 4. Draft Agenda September 27, 2023
 - 5. Action List 2023
 - 6. Other Business
- L. Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- M. Adjournment

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Planning Board Action List – 2023

Tonic	General Goals	City Commission Directive?	Quarter	Status	
Торіс				In Progress	Complete
2040 Master Plan	Adopt a new comprehensive master plan.		Ongoing		\boxtimes
B1 Neighborhood Business Uses	Consider adding additional commercial permitted uses in the B1 zone.		1 st (January-March)		\boxtimes
Mixed Use Requirements	Consider changing the requirements for mixed use in the Triangle District.		1 st (January-March)	\boxtimes	
Impervious Surface Definition	Clarify definition to promote the infiltration of storm water.		2 nd (April-June)		
Lighting Standards	Review lighting standards and study residential districts to reduce light pollution and nuisance.		2 nd (April-June)		
Health Club/Studio Use	Consider allowing health/fitness type activities in more areas of the City.		3 rd (July-September)	\boxtimes	
Dumpster Enclosures	Expand the materials permitted/not permitted in dumpster enclosures.		3 rd (July-September)	\boxtimes	
Definitions	Revisit key definitions to address any challenges presented and clean up verbiage to aid Planning Staff.		4 th (October-December)		

Next Up...

Торіс	General Goals	City Commission Directive?	Quarter	Status	
Topic				In Progress	Complete
Public Project Review	Place on joint meeting agenda to express concerns over the review process of public projects.		-		
					•