

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, January 12, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 12, 2022. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

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

Absent: None

Administration:

Nick Dupuis, Planning Director
Leah Blizinski, City Planner
Laura Eichenhorn, City Transcriptionist

Master Planning Team:

Matthew Lambert, DPZ

01-01-22

B. Approval Of The Minutes Of The Regular Planning Board Meeting of December 8, 2021 and December 16, 2021

Mr. Williams asked that on page two, in the second bullet point, that "and this area was previously rejected for rezoning by the City Commission" be added after the word 'map' and before the semicolon.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of December 8, 2021 as amended.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Motion by Mr. Share

Seconded by Mr. Boyle to approve the minutes of the Special Planning Board Meeting of December 16, 2021 as submitted.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Whipple-Boyce

01-02-22

C. Chair's Comments

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

01-03-22

D. Review Of The Agenda

01-04-22

E. Unfinished Business

None.

01-05-22

F. Rezoning Applications

None.

01-06-22

G. Community Impact Studies

None.

01-07-22

H. Special Land Use Permits

None.

01-08-22

I. Site Plan & Design Reviews

None.

01-09-22

J. Study Session

1. The Birmingham Plan 2040 – Review of Chapter Three (Retain Neighborhood Quality)

Mr. Lambert presented the item.

Ms. Whipple-Boyce said there was a discrepancy between page 59, where the draft reads that “Community parks should provide the amenities of neighborhood parks, and include more significant active recreational offerings, cafes, restrooms, and other specialized amenities,” and the chart of recommended park amenities on page 57. She said she agreed with the text and thought the chart should be updated to match.

Mr. Lambert agreed the text was the more accurate version.

Ms. Whipple-Boyce and Mr. Koseck were in favor of the draft emphasizing its support for adding sidewalks to the places currently missing them.

Mr. Williams noted that if the draft endorses more sidewalks that it must also recommend ways of retaining the tree canopy, since adding sidewalks would affect many mature trees. He said that replanting trees older than saplings would an appropriate approach.

Ms. Whipple-Boyce expressed skepticism that relaxing zoning standards, expediting the application process, or reducing fees for proposed additions would sufficiently incentivize additions over new construction. She noted that in most neighborhoods there are also generous lot coverage allowances, in addition to small lots, which would make relaxing those aspects of the zoning standards difficult. She posited the City would likely need alternative incentives for additions over new construction.

Mr. Koseck did not believe additions should be encouraged over new construction, noting that there can be poorly-executed additions and well-executed new construction. He said he would never encourage bigger footprint than what is currently allowed. He suggested that ways of incentivizing or requiring better architecture in Birmingham should be studied instead.

Mr. Koseck recommended that the text of the draft be streamlined. He said that recommending Worth as a way to address park access for the Torry neighborhood is insufficient, since Worth is small and more of an urban park. He suggested the City be encouraged to consider partnerships with Our Shepherd Lutheran or Eton Academy to gain park space. He also suggested that certain unprogrammed areas of Kenning Park could be altered to make it appropriate for Torry use.

Mr. Koseck stated that broad statements such as “Streets are the most pervasive public space in a city, and Birmingham’s streets are exceptionally beautiful and pleasant,” and “As a result, Birmingham retains a wonderful tree canopy and streets that are pleasant to walk along, bike along, and not too difficult to drive along,” be qualified.

Mr. Koseck said he did not believe that there are calls for wider streets generally in Birmingham, and that statement should be removed. He said he was in favor of reducing the speed on residential streets to 20 m.p.h. if feasible. On page 63, he recommended that Master Plan Action Number Five, regarding convening a committee to establish tree policies, be moved to Number One instead.

Mr. Koseck said on page 66 the statement "These houses are designed to stand out and be noticed, rather than harmonize with and complement neighboring houses," was not likely accurate. He said the standing out was more a function of bad architecture than intent.

Mr. Share expressed concern that the chart on page 57 might be overstepping the draft's purview regarding parks. He said that the draft could just recommend that the Parks and Recreation Board (PRB) conduct a longer-term study of parks to see where the amenities listed might be best located.

Mr. Share stated that he did not think altering the posted speed on residential streets would be effective in slowing down traffic, and said other ways of calming traffic would likely be more effective. He said that his review of the statutes do not seem to support a speed limit of less than 25 miles per hour.

Mr. Share recommended that in addition to requiring native plants, the draft should recommend that plants more resilient to climate change be used as well.

Mr. Share said he was not aware of unapproved builds occurring often. If they are not, he recommended that point two on page 67 be removed.

Mr. Share noted that eight foot sidewalks would likely be too wide to accommodate in many mixed use areas.

Mr. Share said he liked the idea of creating historic districts as one way of slowing down new construction. He said he would also consider allowing wider homes in exchange for reductions in height, along with adherence with to-be-determined district-specific design guidelines.

Mr. Lambert stated that an eight foot sidewalk width was included as a best practice, not as a recommendation. He said the same was the case for the section on parks, and that the PRB could use the information as a basis for future park studies.

Messrs. Boyle and Jeffares said they were in favor of the draft retaining the parks list. Mr. Boyle said supplying figures and info about the City in the draft is useful.

Mr. Boyle and Chair Clein asked that the draft focus more on giving directives and prioritizing its recommendations. Mr. Boyle asked whether all the directions were equally important, whether they were all going in the direction the City wants, and whether they should all be addressed in the same time frame as factors to consider.

Mr. Boyle said a priority for the draft should be the City's implementation of the recommendations from the Ad Hoc Unimproved Streets Study Committee within a certain amount of time.

Mr. Boyle suggested that the best way to incentivize additions and not new buildings would be changing the way the buildings are taxed.

Mr. Boyle noted that the map was inaccurate on page 58, and that #2 shows Cranbrook Park instead of Derby Well.

Mr. Jeffares said the draft needed to focus more on adding senior amenities, like softball fields or shuffleboard, to the parks. He noted that parks do not have to contain brick and mortar cafes or nothing. He recommended that some of the larger parks be equipped with a concrete pad, water hook-up, and or electrical access in order to allow for pop-up amenities in the summer. He noted the City has precedent for working with schools or other organizations for shared park or facility use. He recommended that the City consider enhancing mobility in the area by allowing or encouraging the use of golf carts, noting that two can fit in a parking spot.

Mr. Jeffares agreed that Lincoln between Southfield and Woodward be studied regarding whether parking is required on both sides. He cautioned that residents abutting a park should not have more of a say on how a park is used than other community members, since parks are community amenities.

Messrs. Jeffares and Williams suggested that a small increase in lot coverage be considered for first floor additions, while making the second floor smaller than the first.

Chair Clein said he would like to see more specificity in terms of reviewing neighborhood character, with the draft being clear that in doing so reducing the building footprint allowed per ordinance or other changes could be recommended.

In reply to Chair Clein, Mr. Lambert stated that whether to further regulate aesthetics in single family residential areas is a matter that remains open to question based on Board and City preference. He noted that some residents seemed to want that, and some did not. He agreed that zoning should be used to better align houses to the character of the neighborhoods around them. He said that currently district standards specify lot size basis but not more particular character of neighborhoods. He agreed that the draft should recommend that the neighborhoods be reviewed for character, including bulk standards, and guidelines for new construction should be written based on those findings. He stated he did believe that bulk standards in the City can be too generous and can lead to the issues with new construction.

Mr. Williams recommended that oversimplification of the parking categories be resisted since one or two solutions would not address the needs of every neighborhood.

Public Comment

Carl Kona said he was supportive of adding sidewalks, and said he would like to see the draft make recommendations for maintenance of already existing sidewalks. He said he also wanted to make sure that parking limitations are sufficiently strict near the downtown in order to allow downtown residents to park near their homes.

Paul Reagan commended the Board members and Mr. Lambert for their work and comments thus far. He said that one way to stem demolitions would be to study why people are leaving the community and to do more to address those issues. He suggested that requiring the addition of drainage wells to new construction could act as a disincentive. He agreed with Mr. Lambert that the bulk and size allowances in Birmingham are often too generous. He recommended that the parks be considered as a system, and not just as individual parks. He said more needed to be done in planning for an aging population.

David Bloom said the City should explore ways to offset the costs of installing elevators into homes for seniors, which would eliminate the need to find ways to expand first floor additions. He said he wanted residents living near parks to continue to be engaged about potential changes to park amenities.

Mr. Bloom also made a number of comments regarding seams. Chair Clein addressed the comments, and noted that those issues had been discussed thoroughly during the Board's November 2021 and December 2021 meetings and were not part of the topic at hand.

Cindy Rose said zoning should be reviewed because new construction is negatively affecting character of the community.

After public comment concluded, Mr. Lambert said prioritizing partnerships with schools to increase access to parks for the community should be a more clear recommendation in the draft. He said that at the end of the review of the second draft, he and the Board should discuss how recommendations in the chapters should be prioritized.

In regards to whether speeds on residential streets could be lowered, Chair Clein asked Mr. Lambert to consult with ACM Ecker and the City Attorney.

2. Outdoor Dining (Comprehensive)

PD Dupuis summarized the item.

Ms. Whipple-Boyce recommended that if the Planning Board were to consider year-round outdoor dining at any point moving forward, more enclosed and/or heated options be considered for the coldest times of year.

Mr. Williams said he was concerned that the Board did not have sufficient expertise to make appropriate recommendations without an outside consultant.

Mr. Jeffares and Chair Clein expressed more confidence that the Board would be able to make appropriate recommendations.

Mr. Williams suggested then that the Board could make recommendations and maybe also continue a longer-term study with a consultant in the future.

Ms. Whipple-Boyce was concerned that knowing a consultant might be enlisted in the future could result in establishments not wanting to invest in the initially recommended outdoor dining guidelines.

Chair Clein said his understanding was that the Commission did not want more enclosed or heated areas that would functionally expand indoor dining. He agreed with Ms. Whipple-Boyce that without those aspects people would be unlikely to dine outside in the coldest months, and so recommended that the Board not overly focus on making those months conducive to outdoor dining.

After further discussion, there was consensus that the regular outdoor dining season should run from April 1 to December 31, using broadly the same ordinances that are currently in place with some modifications to be recommended. From January 1 to March 31, establishments should be allowed to have outdoor dining with no additional permitting process with the understanding that no dining decks should be used, the furniture and outdoor amenities must still be reviewed and approved by the Board, and that the furniture and amenities must be taken in every night.

Mr. Share noted that these changes could be implemented while seeking feedback from business owners and the public regarding how the extension of the regular outdoor dining season was going and on ways to improve.

The Board did not believe that establishments with liquor licenses and establishments without liquor licenses should be handled differently in terms of outdoor dining.

Ms. Whipple-Boyce said the material requirements could remain the same as the current ones, as they have largely been working.

After brief discussion, Chair Clein recommended that the material and appearance standards for outdoor dining overall be updated to align with the material and appearance standards for bistros.

Ms. Whipple-Boyce noted that in Article 3, Section 3.04(C)(10)(h), the ordinance seems to require that decks only be allowed if there is not enough room for dining on the sidewalk.

Mr. Williams said that if the ordinance does say that, it should be modified to reflect current practice.

A number of Board members recommended that social districts be considered for future study and discussion.

In regards to whether outdoor dining in public space and outdoor dining in private space should be regulated differently, the consensus was that they should be treated largely the same.

Mr. Jeffares and Ms. Whipple-Boyce said they did not believe that establishments on private property should have to take in their furniture at night in the off-season.

Mr. Share qualified that suggestion, saying that private property owners should be permitted to leave their furniture out at night if it is in the rear of their buildings, but not if it is along the street.

The Board requested further clarification from the Fire Marshal regarding when fire suppression is required, especially if non-flammable materials are used.

In reply to Board comments, PD Dupuis noted:

- In cases where there are differences between the general ordinance and the overlay, the overlay prevails;
- There would likely be ways to clean up the ordinance to make the differences between the general requirements and the overlay more clear;
- There is a difference in the appearance of built-up platforms and flush platforms that should be considered;
- The City is working harder to make sure outdoor dining is appropriately contained in its allowed space, often via railings or barriers; and,
- It would be worth considering how larger outdoor spaces, like the one by the Mad Hatter, could be used by a few neighboring establishments at once.

There was Board consensus that outdoor dining should be allowed in front of neighboring businesses with permission of the neighboring owner, and not only if the neighboring space is vacant. The Board specific that this would have to be renewed every year. It was noted that capacity and restroom requirements would still have to be met. It was also noted that this would not apply to decks.

It was determined that further discussion still needed to occur regarding whether an individual establishment should be permitted both dining adjacent to the building and dining on a deck in the street.

01-10-22

K. Miscellaneous Business and Communications

a. Communications

b. Administrative Approval Correspondence

In reply to Board feedback, PD Dupuis said he would require 191 N. Chester to appear before the Board for a design review if the owners choose to pursue a change in the location of their dumpster.

c. Draft Agenda for next meeting

The Chair asked that sufficient details be provided for the Townsend discussion, including views of the full street, the relationships of the proposed changes to the nearby buildings, and precise dimensions.

d. Other Business

It was noted that the benches outside the Daxton were being updated to adhere to the City's design standards.

Messrs. Boyle and Jeffares were supportive of the City finding a way to encourage the unpaved area near the Daxton sidewalk to be paved.

01-11-22

L. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

01-12-22

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:19 p.m.



Nick Dupuis
Planning Director



Laura Eichenhorn
City Transcriptionist