

City Of Birmingham
Regular Meeting Of The Planning Board
June 14, 2023
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 14, 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, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Jason Emerine, Nasseem Ramin (neither alternate voting)

Absent: Student Representatives Asher Kaftan, Matthew Wiegand

Staff: Planning Director Dupuis; City Planner Leah Blizinski, Senior Planner Cowan, City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of May 10, 2023

06-24-23

Motion by Mr. Boyle

Seconded by Mr. Share to approve the minutes of the Regular Planning Board meeting of May 10, 2023 as amended.

Motion carried, 7-0

VOICE VOTE

Yeas: Share, Clein, Koseck, Jeffares, 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. Study Session

1. B1 Zoning District – Commercial Permitted Uses – Public Hearing

The Chair opened the public hearing at 7:34 p.m.

SP Cowan presented the item.

Seeing no public comment, the Chair closed the public hearing at 7:36 p.m.

Staff answered informational questions from the Board.

Board discussion was as follows:

- The health club/studio use should be eliminated from the definition due to remaining variables around the definition and potential occupancy;
- The health club/studio use should remain in the definition because there would be a neighborhood benefit to allowing them in a B1 zone and the ordinance amendment would regulate a health club/studio use through a SLUP;
- While a health club/studio use could arise in a number of iterations, the SLUP provision would allow the Board to regulate the use as appropriate;
- While there was some hesitance about the health club/studio use, a SLUP would afford the Board planning control over the establishment and could result in an asset to the neighborhood;
- Even if an owner of a health club/studio use were to commit to an occupancy limit as part of a SLUP, it would be difficult for the City to ensure that occupancy limit was not regularly exceeded. This could result in detrimental amounts of traffic in certain B1 locations;
- The City is within its rights to revoke a SLUP for an establishment that exceeds its SLUP-permitted occupancy limits; and,
- The concerns about excess occupancy in a health club/studio use would be most appropriately curbed by City enforcement of the relevant SLUP.

06-25-23

Motion by Mr. Williams

Seconded by Mr. Share to recommend to the City Commission APPROVAL of the proposed amendments to Article 2, Section 2.27, Article 4, Section 4.46 Table A, Article 5, Section 5.09, and Article 9, Section 9.02 for the B1 Neighborhood Business District to include Specialty Food Store, Boutique, Bank, and Café as permitted uses, to include Health Club/Studio as a use requiring a Special Land Use Permit, to include indoor dining as an accessory use limited up to 500 square feet, to create a definition for a Café use, and to create a parking ratio requirement for a Café use.

Motion carried, 6-1.

ROLL CALL VOTE

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

Nays: Clein

The Chair thanked the applicant, the Staff, and the Board.

2. Health Club/Studio – Study Session

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

Board discussion was as follows:

- A health club/studio use in B4 areas might activate the street more than some of the present retail spaces implemented only to comply with the ordinance requirement that there be a retail/merchandising component within the first 20 feet along the retail frontage line;
- Allowing this use in the basement or on the second floor or higher might be beneficial;
- Clients visiting a health club/studio would likely prefer to utilize on-street parking as opposed to deck parking. Other businesses presently located in the B4 areas might have concerns about the possibility of increased on-street parking utilization with an added health club/studio use;
- Establishments in this use category should be encouraged or required to locate their more activating activities towards the front of the business, and to not obscure the view of the interior, in order to also activate the street;
- This use would be inappropriate on the first floor because it would activate the street primarily in the mornings and less later on in the day; the businesses would most likely obscure passing pedestrians' views of the interior and/or would most likely situate their more street-activating activities further back from the window; and it would not stimulate additional retail shopping or dining because people often do not eat immediately before exercise and may not want to shop or dine immediately after exercise;
- Traditional retail on the first floor better stimulates additional retail shopping or dining;
- There was not presently high demand for smaller spaces in the B4 zones from potential retail tenants. Allowing this use would provide landlords with additional flexibility;
- It might be most appropriate to regulate this use via a SLUP. It would also be worth considering only using a SLUP if this use were located on the first floor;
- This use might be beneficial since it would activate the street more in the morning, while many uses activate the street from noon on;
- Planning Staff should consult with the Birmingham Shopping District Director to gain further insight including how this use would mesh with retail and dining spaces;
- Planning Staff should consult with brokers to determine the type of demand for this kind of use, the preferred size space for this type of use, and any other relevant data that might be available; and,
- It would be helpful to clarify the definition of a health club/studio use.

H. Community Impact Studies

I. Special Land Use Permits and Site Plan & Design Reviews

J. 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

PD Dupuis presented the item and Elizabeth Marchese with LAG Development spoke on behalf of the proposal. Both answered informational questions from the Board.

Public Comment

PD Dupuis answered an informational question from Keely Crimando, who owns a home near the project property.

Eric Schick, owner of the Ducati and Auto Europe buildings, recommended the bump out in the sidewalk in front of the project property be removed because snowplows strike it and it causes larger vehicles' tails to partially obstruct the drive when parked.

Seeing no further public comment, conversation was returned to the Board.

Board discussion was as follows:

- The additional information provided by the applicant on June 14, 2023 could not be considered as part of the evening's review since the Board and public lacked sufficient time to go over the materials;
- It would be appropriate to postpone the evening's vote on the item to a future date in order for the Board and the public to review the materials;
- The project represented an improvement over what was presently and previously located at the project site. Fixing the turnoff as part of the project would benefit both the project and the neighborhood; and,
- The applicant should provide the required samples of materials at the next review.

06-26-23

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to schedule a combined meeting of site plan and study session for July 12, 2023.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

06-27-23

Motion by Mr. Williams

Seconded by Mr. Boyle to postpone the final site plan and design review for 33866 Woodward – Polestar to July 12, 2023.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

The Chair thanked the applicant.

It was recommended that the applicant bring back the pictures of the building to accompany the review of the samples at the next meeting.

K. Miscellaneous Business and Communications

1. Communications

i. Project Updates

ii. Gibbs – Residential & Commercial Supplemental Background

- 2. Administrative Approval Correspondence**
- 3. Draft Agenda**
- 4. Action List – 2023**
- 5. Other Business**

Mr. Williams commended the Chair and Staff on the outcome of the outdoor dining ordinance review process.

Staff answered a question from Mr. Koseck regarding the public arts program.

Ms. Whipple-Boyce suggested the Board discuss the appropriateness of first floor retail stores operating by appointment only.

The Chair requested that Staff provide the Board with background information about whether or how other communities were approaching retail by appointment only.

Mr. Jeffares said that if the City's goal is activation of the street, it would be helpful to know whether other communities are finding ways of achieving that beyond retail.

Mr. Share noted that the first floor retail store in question was presently a client of his. He indicated that while he might have a conflict of interest with direct discussion of that client, the Board would also be having a discussion about retail stores operating by appointment only in general.

The Chair said he did not think Mr. Share would have a conflict of interest in discussing trends in retail more broadly. He noted that if the conversation moved towards being about the specific retailer, the potential for a conflict of interest could be addressed at that time.

Mr. Williams said it would be helpful to hear the Birmingham Shopping District Director's perspective on the matter.

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 9:02 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist