

**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**Wednesday, September 14, 2022**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 14, 2022. Chair Scott Clein convened the meeting at 7:30 p.m.

**A. Roll Call**

**Present:** Chair Scott Clein (left 8:39 p.m.); Board Members Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine (non-voting), Nasseem Ramin; Student Representatives Mackinzie Clein, Andrew Fuller

**Absent:** Board Member Robin Boyle

**Staff:** Planning Director Dupuis; City Planner Blizinski, City Transcriptionist Eichenhorn

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of August 24, 2022**

**09-153-22**

**Motion by Mr. Williams**

**Seconded by Mr. Share to approve the minutes of the Regular Planning Board meeting of August 24, 2022 as submitted.**

**Motion carried, 7-0**

VOICE VOTE

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

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**

**I. Site Plan & Design Reviews**

**J. Study Session**

**1. The Birmingham Plan 2040 – Final Draft Receipt**

PD Dupuis and Chair Clein introduced the item.

Board members' comments were as follows:

- The introduction should be shortened. It should include more positivity about Birmingham, and emphasize that the goal of the plan was to maintain Birmingham's success. Less or no reference should be made to social connections or social engineering concepts, because the master plan is a land planning document;
- Tudor-style design should not be mandated for civic buildings because the City already owns non-Tudor buildings;
- Recommending a specific formula for parking permits was unnecessary. The plan should just recommend that the pricing be reviewed to achieve the City's goals;
- Recommending that the senior and/or civic center meeting spaces be free was outside the scope of the master plan, as is the recommendation for a community foundation;
- The plan contains a few recommendations contrary to the City's current norms, including recommendations for six foot wide pedestrian clear paths, social districts, and a recommendation that the triangular piece of land between Woodward, Old Woodward, and Oak contain the 'most impressive structure' in the City when that parcel is only zoned B2-B. In addition, the last mentioned recommendation did not likely stem from Board discussion;
- Worth Park is unlikely to become a meaningful park for residents given current development adjacent to the area;
- The draft pays appropriate attention to Haynes Square and the area north of Lincoln between Adams and Old Woodward;
- The plan could place emphasis on a potential park at the east end of Adams Square;
- The plan could propose that Adams Square be integrated into the Triangle District, with Adams becoming more of a boulevard;
- The draft has some typos and misspellings that need correction, with different spellings of Shain Park being one example;
- The section on the pandemic was well done;
- Some acronyms need an initial explanation in the body of the text;
- The reference to an internal circulator should be expanded upon; and,
- In response to public requests, the present draft incorporated much more of a focus on neighborhoods and residential concerns than the initial draft did.

There was one question raised regarding whether the attention to accessory dwelling units was sufficiently scaled back to reflect residents' concerns about the topic.

Five Board members praised the draft in an overall sense.

#### Public Comment

David Bloom provided comments on the draft, and suggested the land use map be broken out into three or four maps to make different represented aspects more clear to the reader.

Seeing no further public comment, the Chair returned discussion to the Board.

Offering his comments, the Chair opined the City was ready to move forward with the public notice period for the draft. He said that the specific Board comments from the present discussion

regarded minor elements of the draft. He said those items could be corrected during the course of creating the final draft.

**09-154-22**

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to recommend that the City Commission authorize the 63-day distribution period for the final draft of the 2040 Plan pursuant to the requirements of Article III, Section 125.3841 of the Michigan Planning Enabling Act.**

**Mr. Share recommended that the Board be more involved in creating the final document to ensure that the document reflects the City's goals.**

**The Chair observed that perfection is the enemy of the good. He noted that there was general agreement that the planning aspects of the draft were very well done.**

**Motion carried, 7-0**

ROLL CALL VOTE

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

Nays: None

Mr. Williams recommended that the public submit their comments in writing if possible.

The Chair noted that no one should feel dissuaded from offering comments verbally, but concurred with Mr. Williams that comments in writing would be helpful.

**2. Outdoor Dining**

PD Dupuis and Chair Clein introduced the item.

Board recommended changes were:

- Restructuring the phrasing of Article 4, Section 4.44(C)(8)(iv) to remove redundancy;
- Clarifying what the ten feet is measured from in Article 4, Section 4.44(C)(8)(iv); and,
- Changing the blue section of Article 4, Section 4.44(C)(10), to '42 inches as measured above the following depending on the location:
  - Grade of the sidewalk or the furnishing zone; or,
  - The finished floor of an outdoor dining platform.'

The Board then discussed concerns around how to address Article 4, Section 4.44(D). The Chair noted that there were two options, broadly: 1. asking the City to restructure how contracts address ordinance compliance in order to eliminate the need for Article 4, Section 4.44(D), or 2. having the Board come up with a way to integrate the contracts' ordinance compliance language into the outdoor dining ordinance.

If the second option was selected, Mr. Williams said it was unlikely that the Board would reach complete consensus on the matter.

Some Board members preferred allowing the ordinance to operate as others generally do, which would not require previously-approved establishments to come into compliance with new ordinances.

Mr. Share said he did not favor that approach, since outdoor dining platforms are much less permanent than changes to a building.

PD Dupuis said he was inclined to agree with Mr. Share, noting that the majority of outdoor dining is on public property, and that it was therefore appropriate to mandate ordinance compliance.

In reply to a suggestion from Mr. Williams, there was some discussion about creating a rolling process for coming into compliance. Board members suggested that the date from SLUP approval, the last SLUP review date, or the date of purchase of the out-of-compliance items could be starting points, and compliance could be required after a set number of years from the selected date.

Mr. Jeffares expressed concern about the challenges of administering that process. He noted that the City already faces challenges with other aspects of enforcing SLUP compliance.

Mr. Williams said he did not believe administering that process would be onerous.

Ms. Whipple-Boyce said that the annual liquor license review process could be used as an opportunity to bring establishments into compliance. She concurred with Mr. Jeffares that the City has challenges regarding the enforcement of SLUP compliance, but felt that was a separate issue from the present question of how establishments might be required to bring their outdoor dining into compliance with ordinance.

#### Public Comment

Specifying that he was speaking as a resident, Robert Gibbs requested that the Board consider prohibiting amplified music in outdoor dining areas. He said there were ways to prevent the language from limiting events like concerts in the park.

Seeing no further public comment, the Chair returned discussion to the Board.

The Chair asked PD Dupuis to propose some potential ordinance language regarding amplified music in outdoor dining areas.

Mr. Jeffares recommended that PD Dupuis check with the Police Department to determine the frequency of noise complaints regarding amplified music in outdoor dining areas.

#### **K. Miscellaneous Business and Communications**

- 1. Pre-Application Discussions**
- 2. Communications**
- 3. Administrative Approval Correspondence**
  - i. 294 E. Brown**

PD Dupuis presented the request.

Chair Clein recused himself from the discussion citing a conflict-of-interest stemming from a business relationship with members of the development team.

The Chair departed the meeting after asking Vice-Chair Williams to assume facilitation of the remainder of the meeting.

The Board agreed that the request to have one loading space off Brown and one off Daines could be administratively approved.

#### **4. Draft Agenda**

The Board agreed that some smaller items from the action list could be added to the meetings in October if space permitted.

#### **5. Action List - 2022**

The Board briefly mentioned that loading space requirements should be reviewed, since there are instances where the Board does not believe the loading spaces are actually utilized.

#### **6. Other Business**

##### **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 Vice-Chair adjourned the meeting at 8:45 p.m.



Nick Dupuis  
Planning Director



Laura Eichenhorn  
City Transcriptionist