

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, APRIL 10, 2019**

Item	Page
<p><b>B. APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF MARCH 27, 2019</b></p> <p><b>Motion by Mr. Williams</b> <b>Seconded by Mr. Jeffares to approve the minutes of the Regular Planning Board Meeting of March 27, 2019 as amended.</b></p> <p><b>Motion carried, 5-0.</b></p>	1
<p><b>E. Study Session Items</b></p> <p style="padding-left: 40px;"><b>1. Railing and Screening Materials</b></p> <p><b>Motion by Mr. Share</b> <b>Seconded by Mr. Boyle to set a public hearing for May 8, 2019 for the ordinance amendments to Article 4, Section 4.54(B)(8) and Article 3, Section 3.04(E)(12) with the aforementioned agreed upon language.</b></p> <p><b>Motion carried, 7-0.</b></p>	3

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 10, 2019**

City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 10, 2019. Chairman Scott Clein convened the meeting at 7:30 p.m.

**A. ROLL CALL**

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representative John Utley

**Absent:** Student Representative Sophia Trimble; Alternate Board Member Nasseen Ramin

**Administration:** Jana Ecker, Planning Director  
Brooks Cowan, City Planner  
Laura Eichenhorn, Transcriptionist

**Present in Audience:** Alternate Board Member Jason Emerine

**04-048-19**

**B. APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF MARCH 27, 2019**

Mr. Share noted that the second line on page seven contained a superfluous 'on'. He advised its removal.

**Motion by Mr. Williams**

**Seconded by Mr. Jeffares to approve the minutes of the Regular Planning Board Meeting of March 27, 2019 as amended.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Williams, Jeffares, Share, Boyle, Clein

Nays: None

Abstain: Koseck, Whipple-Boyce

**04-049-19**

**C. CHAIRPERSON'S COMMENTS (none)**

**04-050-19**

**D. APPROVAL OF THE AGENDA**

No changes.

**04-051-19**

**E. Study Session Items**

**1. Railing and Screening Materials**

City Planner Cowan presented the item.

Planning Director Ecker advised the Board that structural issues regarding glass use are addressed by the City's Building Code. She said issues around the aesthetics of glass use could be addressed in the ordinance, but that the Board is also able to guide the aesthetic aspects of glass use during a site plan review. In addition, the section of the ordinance being discussed is only applicable to the Downtown Overlay.

Ms. Whipple-Boyce said it would be prudent to consider the aesthetic aspects of glass use, such as tinting, color, or items within the glass, in order to have clarity as to how the City would proceed with the review of such cases.

After further Board discussion, Mr. Boyle suggested the best approach might be to state that all "materials must be compatible with each other and with the building."

The Board concurred.

Planning Director Ecker explained that City Code already requires the use of non-combustible materials in appropriate circumstances, so she suggested it would be unnecessary to address it further within this ordinance.

The Board agreed that chain link should be excluded from acceptable screening materials for trash receptacles.

Ms. Whipple-Boyce suggested eliminating wood from the list of acceptable screening materials as well since it deteriorates over time as it is exposed to the elements. She said model screening set-ups exist across the street from The Townsend Hotel on Henrietta Street and by the Baldwin Public Library. The doors there are metal, well-maintained, lightweight, and remain closed except for occasions of ingress or egress by staff or maintenance workers.

Mr. Boyle opined that it might be a mistake to preclude wood as a material, especially with properties closer to residential areas.

Mr. Jeffares suggested requiring that the screening doors have hinges which cause the doors to rest in a closed position. In this way, a dumpster could be pushed out of its enclosure and the doors would automatically close behind it.

Planning Director Ecker apprised the Board of recent changes to the dumpster ordinances which included:

- Requiring doors be closed when the dumpster is not being accessed;
- Requiring lids be closed when the dumpster is not being accessed;
- Mandatory labelling for all commercial dumpsters; and,
- Mandatory registration with the City of the refuse companies which service each dumpster.

Chairman Clein suggested the language should be "a masonry screenwall with opaque gates made of wood, metal, or materials of a similar quality is required. The screenwall shall match the material of the principal building. Chain link fencing is prohibited." He noted the ambivalence among Board members about the inclusion of wood as a screening material.

The Board concurred on the language.

Planning Director Ecker clarified the railing material discussion only applies to the Downtown Overlay, while the screening material standards apply Citywide.

**Motion by Mr. Share**

**Seconded by Mr. Boyle to set a public hearing for May 8, 2019 for the ordinance amendments to Article 4, Section 4.54(B)(8) and Article 3, Section 3.04(E)(12) with the aforementioned agreed upon language.**

**Motion carried, 7-0.**

**VOICE VOTE**

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

Nays: None

**2. Revised Draft of the Planning Board's Action List**

Planning Director Ecker reviewed the item.

Mr. Boyle suggested reference to the City's Master Planning process should be incorporated into the Planning Board's action list.

Chairman Clein agreed that the Master Planning process should be addressed by the Board in some way. That said, he noted the current iteration of the Action List was made before the Request for Proposals (RFP) went out for the Master Planning process. He suggested that Master Plan work should be added to the upcoming Action List for the Board.

Planning Director Ecker told Mr. Williams that Item Two, Definition of Retail, is currently on hold. The RFP for a retail consultant was not reissued.

Mr. Share suggested the Planning Board should ask whether the Commission would like the Board to study the question of whether D5 zoning extends from Hazel to Brown.

Planning Director Ecker stated that while she has received no direction to bring D5 zoning back to the Planning Board, it is likely that it will return to the Board at some point.

Mr. Share agreed, and added that even if the particular applicant does not broach the D5 issue again, the Commission may want the Board to recommend an approach to similar D5 zoning questions in the future.

Mr. Koseck said it would be valuable to revisit the issue of parking from 14 Mile to Lincoln along Woodward. He also said the issue could probably be studied further within the larger Master Plan discussion.

Chairman Clein clarified that the Board has completed the currently actionable items on its Action List. As a result, this item's purpose was to determine potential topics for further Board study before the City Commission-Planning Board joint meeting in June 2019. If the Board determined there were additional items they would like to study before the June meeting, then the Board would request direction from the Commission to do so.

Mr. Williams said he would like the South Woodward gateway to be added as a topic for further study. He said he would like to know why the Commission removed the topic from the Planning Board list, and whether they would like it back on the list. Mr. Williams also said that without a systematic approach to the area, the City gets involved in complicated ad hoc requests.

Chairman Clein agreed it would be good to study. He suggested the Board need not know why the Commission initially removed the item; rather, the Board just needs to know whether the Commission would like it back on the Board's list.

Mr. Koseck noted the City had hired a consultant to study the South Woodward gateway, and that a conclusion was never reached from that study. He recalled that the study encompassed parking, bicycle and bus lanes in the area, and also best planning practices regarding areas in the City where residential neighborhoods and commercial uses abut each other.

Ms. Whipple-Boyce added that the Master Plan process will be focusing on Birmingham neighborhoods and their continuity within the City, so the South Woodward gateway would likely be addressed as part of that topic.

Chairman Clein said the South Woodward gateway would not be a likely Board study topic before June 2019.

Planning Director Ecker told Mr. Williams that beyond the South Woodward gateway there were no other major items that had been removed from the Board's Action List by the Commission.

Mr. Boyle suggested that the Board should annotate Items Two, Seven, Nine and Twelve on the Action List as being included within the Master Plan process in order to make that as a Board recommendation to the Commission.

Ms. Whipple-Boyce concurred with Mr. Boyle. She suggested it could be a way to tell the Commission that the Board is waiting on the data needed to make the best recommendations, and including these items in the Master Plan process would provide the Board with the requisite data.

Chairman Clein recommended that the items Mr. Boyle listed be left on the List and annotated to indicate the Board believes that they are tied to, or part of, the Master Plan process. He said it would be a respectful statement of the Board's thought process and would indicate to the Commission what the Board sees as next steps.

Mr. Williams suggested that discussion of the South Woodward Gateway and of D5 zoning should also be noted as Master Plan related.

Mr. Boyle agreed with Mr. Williams.

The Board changed the language of the List annotations regarding the Master Plan to "Recommends be considered within the Master Plan process."

Mr. Jeffares suggested the Board should study how the City would best approach modular, pre-fabricated, and shipping container residential constructions.

Planning Director Ecker noted that there are already a few around the metro area. She added that the issue has been discussed within the City in terms of the design of single-family residential homes. She noted that the City does not do design reviews of single-family residential homes as a matter of policy.

Mr. Koseck suggested studying:

- How to calm traffic and bridge the connection between the east and west sides of Woodward.
- The issue of stacking and mixed use within D4 zoning should be reviewed, since it does not seem to be a popular option among developers.
- The boundaries of the Parking Assessment District.
- The Triangle District and whether a change in planning strategies in the area could help encourage development.

Mr. Boyle emphasized the stacking and mixed use issue. He explained that the approach adds costs to buildings, is indeed unpopular with developers, and assumes a stable market that is not reflective of reality.

Planning Director Ecker said she agreed that the issues of traffic calming, bridging Woodward, and the boundaries of the Parking Assessment District are relevant from a planning perspective, but these specific topics are more accurately the purview of other City Boards and Committees, such as the Multi Modal Transportation Board and the Advisory Parking Committee.

Chairman Clein suggested studying how to increase residential density -- whether it is a matter of apartment size, apartment costs, parking requirements, or other policy factors -- in the Downtown. He clarified that the policies may lead to apartments at a lower price point, but that the City has not determined whether it actually wants "affordable" housing as the term is commonly used in planning parlance.

Mr. Share agreed with Chairman Clein, and said the goal seems to be to exploring housing options that people in their twenties and thirties can afford.

Chairman Clein added that it would also encompass housing options appropriate for people in their sixties

and seventies looking to downsize from their previous homes.

Mr. Boyle said this topic could be addressed as part of the discussion of Item Nine -- Aging in Place.

The Board concurred.

Mr. Koseck clarified that the goal of creating denser residential options Downtown is to encourage a cityscape which remains activated after work hours and into the evening. He added:

- Offering developers leeway with their own projects in return for developers' contributions to City projects would be beneficial policy. He noted that Bethesda, Maryland has practices like this.
- LEED Certification is becoming an obsolete standard because many building codes have already incorporated many of the same standards, plus there is never a guarantee of receiving LEED certification even if the criteria are met.

Planning Director Ecker stated that incentive programs for developers are extant in the Triangle District.

Mr. Share said that the Board would like to know whether they should study residential requirements in the Downtown.

The Board concurred.

City Planner Cowan suggested the Board explore whether a floor with multiple uses could be considered as fulfilling a floor's specific use requirement. For instance, if a floor must be for office use, would a floor of half office and half personal services fulfill the policy requirement. If so, what percentage must the required use comprise of the floor's total use.

The Board said that question would be part of the study of the residential requirements in the Downtown district.

After Board discussion, Chairman Clein suggested the proposed item be changed to studying multifamily residential development requirements in the City.

Mr. Boyle suggested making the item more flexible by modifying it to propose the study of mixed use development within the City.

Chairman Clein agreed with Mr. Boyle, noting that the topic would be discussed and likely modified again during the City Commission-Planning Board joint meeting.

After further discussion, the Board settled on the item being "the study of mixed use requirements".

### **3. Rooftop Uses**

City Planner Cowan presented the item.

Chairman Clein said specifications pertaining to the use of a rooftop should be moved to Article 5 because they address use issues and not height issues.

City Planner Cowan suggested there be a category of Rooftop Uses under the Use Section for Article 5

within each zoning district.

The Board concurred that materials need not be discussed in this aspect of the ordinance since rooftop uses undergo site plan review and permitted material specifications exist elsewhere within City ordinance.

Planning Director Ecker suggested changing Rooftop Uses to Rooftop Use Standards. That would include the specification that any accessories, furnishings, cooking equipment has to be of sufficient weight and anchored to the building to resist anticipated windloads.

The Board concurred.

Mr. Williams clarified that he would like all the furniture stepped back ten feet from the roof perimeter.

Planning Director Ecker then said Article 4, Section 4.18(A)(3) would remain as "Rooftop features such as pergolas, trellises, furniture and other similar accessories may exceed the height limit," while 3(a), 3(b) and 3(c) would be moved into the new category called Rooftop Use Standards. Four is being removed from the list.

Mr. Williams said the issues of safety around rooftop uses should be given appropriate consideration, and one way of doing that is requiring all furniture to be ten feet from the perimeter of a roof. He noted that while there could also be concerns around the safety of balconies or terraces, rooftops are common areas where larger groups can gather.

Mr. Boyle suggested staff could look at rooftop uses one more time, and in that consideration include where on the rooftop furniture and other items can be placed.

Planning Director Ecker said it would be necessary to explore how the rooftop furniture placement requirements could impact terraces or other private roof-similar spaces.

Mr. Share suggested "they" in Article 4, Section 4.18(A)(1) be changed to "the mechanical equipment and appurtenances".

Planning Director Ecker agreed.

Ms. Whipple-Boyce noted that on occasion a rooftop could be reserved for private use, turning it functionally into an occupant's terrace. She recommended the definitions of rooftop and terrace accommodate that possibility. She added there may also be circumstances where a number of apartments have private access to a rooftop, and she asked whether the Board should consider whether an elevator to the roof for each apartment should be allowable, or a stairway for each apartment.

The Board asked staff to consider language related to approvals of rooftop uses.

Chairman Clein also asked that staff consider whether renting a rooftop to a building resident would be considered a commercial use, and whether such a circumstance should be permitted or prohibited.

**04-052-19**

**F. Miscellaneous Business and Communications**

**a. Communications** (none)

**b. Administrative Approval Correspondence** (none)

**c. Draft Agenda for the next Regular Planning Board Meeting (April 24)**

Planning Director Ecker told the Board that the Master Plan consultants will be at the Board's next meeting to present on the project thus far. She added that all members of the Board should have received their invitations to 75-minute individual meetings with the Master Plan consultants.

Toast will be coming before the Board for ownership and hours of operation changes.

Rojo and Sidecar will be coming before the Board to discuss moving the dividing wall between the establishments.

There may also be a discussion of the Bates Street extension and parking deck study.

Hunter House - 35001 Woodward will be coming back.

**d. Other Business** (none)

**04-053-19**

**G. Planning Division Action Items** (none)

**a. Staff Report on Previous Requests**

**b. Additional Items from tonight's meeting**

**04-054-19**

**H. ADJOURNMENT**

No further business being evident, the Chairman adjourned the meeting at 9:15 p.m.

Jana L. Ecker

Planning Director