

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, AUGUST 28, 2019**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on August 28, 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; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives Sophia Trimble, John Utley

Absent: None

Administration: Jana Ecker, Planning Director
Laura Eichenhorn, Transcriptionist

08-126-19

B. Approval Of The Minutes Of The Regular Planning Board Meeting of August 14, 2019

Mr. Share recommended that "operation of the entire Library building" on page two of the minutes be amended to "operation of the entire Library addition".

Mr. Jeffares stated:

- The first bullet point on page three should be changed to read "The City should be just as concerned with its own investment as it would be with a developer's investment."
- The second bullet point on page three should be changed to read "Currently the City is inclined to be less demanding towards its own projects than it is towards private projects."
- The last bullet point on page three should be changed to read "This issue should be advanced on the Planning Board's action list to be reviewed during the fourth quarter of 2019, especially since many of the other action items are on hold due to their relation to the master plan process."
- For the last paragraph in Section E on page three, "this process" should be changed to "glazing requirements".
- On page four, "Mr. Jeffares said this proposal would stand to activate the Torry neighborhood area, which would be beneficial." should be changed to "Mr. Jeffares said that this proposal could be part of a neighborhood commercial center, as discussed in the master plan meetings."

Motion by Mr. Boyle

Seconded by Mr. Jeffares to approve the minutes of the Regular Planning Board Meeting of August 14, 2019 as amended.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Koseck

08-127-19

C. Chairperson's Comments

Chairman Clein explained that the City's master plan process is still in its early stages. He stated that there would be no action taken on the item. The information DPZ collected from the charrettes and surveys was provided to the City Commission and Planning Board in narrative form. The Board and Commission have also been provided with some preliminary ideas from DPZ.

During the discussion, the Board would provide DPZ with feedback on the preliminary ideas presented. The public would have opportunity to comment during the evening's discussion, and there would be additional opportunities for the public to provide comment throughout the master planning process, which will continue into Spring 2020. DPZ will then use those ideas to shape the upcoming draft recommendations in order to best address and integrate stakeholders' insights, feedback and concerns.

08-128-19

D. Approval Of The Agenda

No changes to the agenda.

08-129-19

E. Study Session Items

1. Discussion with DPZ on Master Plan Draft Preparation

Matt Lambert introduced the members of the team present: himself, Sarah Traxler, Bob Gibbs and Dave Mangum. Mr. Lambert then presented the item.

Mr. Boyle stated there should be conversation as part of this process regarding what role Birmingham wants to play as the region evolves into a polycentric place. He said the answer to that question would be the core of Birmingham's vision for itself. The City should become clear on what brings people to Birmingham and what causes people to disengage from Birmingham.

Mr. Williams said the Birmingham school system, its good reputation, its ability to attract people to the community and ways of helping the schools improve even further must be essential parts of the planning process. He said the process has been deficient thus far in its lack of focus on

schools. He acknowledged that the City does not have control over the school system, but that the impact of the schools on the community as a whole must be addressed.

Mr. Lambert told Mr. Williams the planning team has been working focus to address the way that the inflation of housing prices in Birmingham may make it difficult for families to move in or remain in the City. Making it possible for families to live in Birmingham will go towards maintaining population diversity in terms of age and go towards maintaining the schools.

Mr. Williams replied that the long-term sustainability of the City significantly depends on the maintenance of the schools and on the City's ability to attract families with school age children. He noted that it is nearly impossible for communities with failing school systems to recover from it.

Chairman Clein acknowledged Mr. Williams' points while noting that the City does not have jurisdiction over the school district. He stated that the school system is neither part of Birmingham's master plan nor part of any traditional master plan. He said the issue of schools can be addressed tangentially through the master plan process but not directly due to the lack of jurisdiction.

Mr. Williams concurred with Chairman Clein's points. He added that the planning process could seek insight from school administrators, however, on strategies for maintaining and promoting age diversity in Birmingham.

In reply to Mr. Koseck, Mr. Lambert stated that while the premises listed could be applied to other municipalities, Birmingham's uniqueness arises from particularities such as its regional connections, parks, schools, history, the character of its neighborhoods, and its relationship to its downtown. He said the planning process will work to maintain and enhance the aspects of Birmingham that are unique.

Ms. Whipple-Boyce explained that during her 25 year residence in the City, Birmingham has often had a competitive relationship with other local municipalities. Noting that different municipalities have different strengths, Ms. Whipple-Boyce stated the competition has been unfortunate and that collaboration among communities stands to benefit the region. She asked if encouraging collaboration between Birmingham and other municipalities would be part of the master plan draft report.

Mr. Lambert stated that when DPZ commenced writing the regional report, his first assumption was that Birmingham would need to clarify where the City has a competitive edge. He explained that as his understanding of Birmingham and its place in the region evolved, he came to believe, as Ms. Whipple-Boyce does, that collaboration between Birmingham and other local municipalities will actually serve Birmingham better than a competitive approach. Mr. Lambert said Birmingham will experience more benefit as other communities in the region become more prosperous.

Mr. Jeffares said:

- The new administration of Birmingham schools seems to be very community-oriented and he would like to see them engaged in the master planning process to whatever extent is possible.

- Elementary schools often form the center of neighborhoods in Birmingham, and finding a way to work with school board members and candidates regarding some of the City's planning goals might be worthwhile.
- The accessibility of various paths and other ways of getting around the City should be considered as part of the planning process. For instance, the City's wood-chipped paths may work well for people walking over them, but may not be as accommodating of wheels, whether wheelchair, scooter, bicycle or otherwise. Since this plan will last for the next 25 years, it should factor in the multi-modal mobility needs of an aging population.

Mr. Lambert agreed, and noted that while Birmingham is involved in the process of promoting walkability, discussions of other modes of moving through the community can be expanded upon in this process as well. He also said that getting a broader swath of people involved in community events can help change the perception of who lives in Birmingham, who uses public spaces, and how those public spaces are used.

Mr. Share said he would like to see the plan integrate population change projections, and how Birmingham can best plan for those changes. He noted that in 25 years, the youngest members of the baby boom would be in their late 80s, a fact which will affect many aspects of the City's life.

Mr. Williams replied to Ms. Whipple-Boyce's earlier comments regarding collaboration, noting that a positive impact on the Birmingham school system would also positively impact Beverly Hills, Franklin, and Bloomfield Township. He said this presented an opportunity to collaborate since a number of communities have a stake in the high performance of the Birmingham schools and in the neighborhood center concept.

Ms. Whipple-Boyce and Mr. Williams added Troy and Southfield Township to the list of communities that have a stake in Birmingham schools.

Ms. Trimble stated that she lives two blocks away from Quarton School, but her sister was rezoned to Pierce School, which requires a drive. She said if in the planning process the City could petition the school system to reconsider its school boundaries, as many students would find that beneficial.

Mr. Lambert agreed, saying that schools which serve their local neighborhood tend to pull the neighborhood together and increase the likelihood that people will walk around their neighborhood.

Ms. Whipple-Boyce drew the meeting's attention to the fact that some Birmingham neighborhoods lack sidewalks, so even where there is a will for children to walk to school and the proximity would allow it, some children cannot because of the resulting safety issues.

Chairman Clein said there were six principles he wanted to list, which were also included in the more detailed feedback he had sent the DPZ team prior to this meeting. He said he culled these principles together from conversations around town with other Birmingham residents and conversations with other members of the Board. The principles were as follows:

- Sustaining and strengthening Birmingham's residential neighborhoods is of the utmost

importance.

- Additional housing units, properly designed and located, are important to the successful future of Birmingham. Birmingham needs to find housing that is attainable, allows people to age in place, to get value from their home and allows young families to move in.
- These additional housing units should strive to diversify Birmingham's available housing stock because adding attainable housing is important to Birmingham's future success.
- The Triangle District is a priority of the City and needs to be successfully implemented.
- Slowing vehicular traffic within the City's boundaries will reduce the likelihood of deaths and significantly contribute to an increase in quality of life.
- Ground floor use within the downtown must be pedestrian-oriented to contribute to the City's quality of life.

Chairman Clein said that he wanted to provide those principles for consideration, discussion and possible incorporation into the master plan process. Chairman Clein said that determining a set of unambiguous principles will help the City make future decisions that are in line with the City's values and vision.

Mr. Lambert confirmed that the principles Chairman Clein sent were integrated into the team's content. For example, he cited 'street life' in the team's outline as a place where the team will be looking at the promotion of pedestrian-oriented ground floors in the downtown.

Chairman Clein said the document must include a list of principles, as opposed to the principles interwoven through the document. He said the principles must be listed in a manner clear enough for any non-planning professional to understand.

Mr. Lambert saw no issue with Chairman Clein's recommendation and said he might find reason to propose a few more principles as well. He said they could be referred to as "Principles of Community Success", or something similarly titled.

Ms. Traxler agreed and said Chairman Clein's list of principles or assertions will rise to the top as the team works on the first draft of the master plan. She said Chairman Clein's list was very clear, and that the City's list of principles could be its own table at the beginning of the document.

Chairman Clein shared concern regarding organizing the draft according to individual neighborhoods. He maintained that doing so runs the risk of making the different parts of the City seem at odds. He said it might be more useful to organize the draft to describe issues Birmingham neighborhoods face globally, and then to focus in on the particularities of different parts of the City.

Mr. Koseck said the connections between Birmingham and its neighboring communities may merit its own section within the plan, with specific focus on the maintenance and improvement of those connections.

Chairman Clein invited public comment.

Clinton Baller said:

- Some of the principles should focus directly on people and on the strengthening of the

Birmingham community.

- The document should be optimized for reading on the web and could include hyperlinks, a search function or video to illustrate various aspects of the plan.
- This planning process could invite Birmingham residents to reflect on Birmingham's identity as an increasingly wealthy community, whether that is a trend Birmingham residents would like to see continue, whether there are other aspects of City identity residents would rather emphasize, or whether Birmingham would largely rather leave questions of Birmingham's wealth concentration to the market.

Dominic Bertolini stated:

- The plan should have a strong emphasis on regional collaboration, echoing Ms. Whipple-Boyce's comments from earlier in the evening. Concentrating wealth and power solely in Birmingham should not be the City's goal.
- Royal Oak, MI has broad appeal for young people, and suggested Birmingham could consider opportunities for collaboration along that front.
- The City should aim to increase its diversity, and explore what diversity-increasing strategies have worked for other communities.
- He would like to see Birmingham collaborate with representatives from less-affluent local communities, such as Southfield or Detroit, regarding this master plan in order to incorporate ideas that will increase the prosperity of the region as a whole.

Brad Host said:

- It would be a mistake to provide inbound Birmingham commuters permits to park on residential streets.
- Homeowners would likely reject the proposal to put condominiums, apartments and townhouses along the neighborhood seams out of a fear of reducing property values.

David Bloom said:

- It would be helpful to clarify how citizen's input and feedback evolved into the plan's proposed principles and vision.
- It would be helpful for the plan to provide before-and-after maps to demonstrate recommended changes to neighborhoods or zoning.
- The City should endeavor to decrease office rentals in the downtown and increase residences in order to decrease strain on the City's parking resources.

Paul Regan stated:

- Building parking decks in Birmingham causes uncontrolled commercial growth which encroaches on the residential neighborhoods.
- Birmingham does not have much affordable housing because ordinances have both allowed and promoted the demolition of the previously available affordable housing stock. The ordinances that encourage the building of very large homes should be reviewed.
- The team should make its survey data available so that residents can see whether the planning process is aligning with what residents want.
- Development in Birmingham should be scaled back in general.

Chairman Clein asked the team when future opportunities for public input on the process would be available.

Mr. Lambert said that once the team has completed its first draft, the recommendations will be distilled into a survey which will be released in October 2019. Then there will be another study session with the Board, at which the public is welcome to provide input, in advance of the second draft which will be released in February 2020. He said the surveys done so far have demonstrated broad diversity of planning-related opinions among Birmingham residents.

Ms. Traxler stated the team would upload the full results and reports from the previous surveys to the City's master plan website, thebirminghamplan.com.

08-130-19

F. Special Land Use Permit and Final Site Plan & Design Review

- 1. 117 Willits, Sidecar, Slice and Shift (Former Mitchell's Seafood)** – Request for approval of a Special Land Use Permit to allow the operation of three licensed restaurants (Sidecar, Slice and Shift) sharing one kitchen and under common ownership.

Planning Director Ecker presented the item. She stated that to her knowledge, there are no rules preventing a lounge or a bar for a Class C license. She also stated that as far as she knew, Mitchell's Seafood resulted in no complaints from the adjacent residents in at least 15 years.

Steven Simon, applicant and owner of Rojo Mexican Bistro and Sidecar, explained:

- Sidecar would maintain its current hours of 11 a.m. to 2 a.m. daily. Slice would likely be open from 11 a.m. to 10 p.m. during the week, and 11 a.m. to 11 p.m. on Fridays and Saturdays. Shift would open at 3 p.m. and close at 2 a.m. as well, open five to six nights a week.
- He was unable to reach an agreement with the landlord to keep Sidecar in its current space beyond the end of its fall 2020 lease. As a result, Slice and Shift will open earlier at the 117 Willits location, and Sidecar will join those two establishments at the conclusion of its lease.
- He would be happy to either remove or rearrange a bit of outdoor seating to ease any possible pedestrian congestion on that sidewalk. It would be his preference to have the outdoor seating abutting the building, with the pedestrian walkway closer to the street, so that the business of the restaurant does not interrupt the pedestrian walkway.
- The storefront will be modified to allow the exterior of the restaurant to open onto the street in instances of good weather.
- Staff is trained thoroughly in how to deal with any alcohol-related issues that could arise with patrons later in the evening. Serving food late into the evening usually curtails the likelihood that the environment will yield alcohol-related nuisances.

Christopher Longe, architect, explained he was under the impression this was going to be a preliminary site plan review and so there are some discrepancies between the furniture that was specified and the furniture that was drawn on the plan. Doors will be added to the storefront in order to promote a more open atmosphere. No windows will be replaced.

Chairman Clein invited public comment.

Paul Regan noted that parking requirements were not discussed as part of this review.

Chairman Clein stated that the establishment is located in the Downtown Parking Assessment District (PAD).

Mr. Regan asked if there was any analysis to confirm that the necessary parking would be available in the parking deck adjacent to the establishment. He also asked if the Advisory Parking Committee had been consulted regarding the likely parking needs for this establishment.

Chairman Clein explained that establishments within the PAD are assumed to have their parking needs absorbed by the general parking available within the downtown area. The Zoning Ordinance does not require establishments within the district to provide their own parking.

Mr. Koseck added that the PAD had been able to absorb the parking needs of the restaurant that had previously been in this location. Since there will not be an outsized increase from the number of seats in the old establishment to the number of seats in the new establishment, there should not be any particular increase in the strain on the PAD.

Mr Williams said that he would like to see the planned layout for the outdoor seating if the pedestrian pathway does not abut the building. He said the current planned path is insufficient.

Chairman Clein agreed that the current path proposed is insufficient. He preferred Slice's outdoor seating to abut the building.

Motion by Mr. Williams

Seconded by Mr. Share to recommend postponement of the Special Land Use Permit Amendment and Final Site Plan Review for 117 Willits – Shift / Sidecar / Slice until September 11, 2019 and dependent on the receipt of the following:

- 1. The applicant must amend the floor plans to show the correct number of interior seats proposed prior to appearing before the City Commission for final approval;**
- 2. The applicant must submit specification sheets on the proposed outdoor planter boxes and railings for all restaurants prior to appearing before the City Commission for final approval;**
- 3. The applicant must add a second means of egress for both the Sidecar and Slice restaurant areas and submit plans showing egress travel paths and total egress travel distances prior to appearing before the City Commission;**
- 4. The applicant must obtain approval from the Historic District Commission for the exterior changes;**
- 5. The applicant must provide the proposed business hours for the interior or exterior dining areas of each of the three restaurants;**
- 6. The applicant must provide color selections for all materials prior to appearing before the City Commission for final approval; and,**
- 7. The applicant must provide a clearly marked 5' pedestrian pathway free of obstructions adjacent to the outdoor dining areas for each restaurant.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

08-131-19

G. Miscellaneous Business and Communications

a. Communications

b. Administrative Approval Correspondence

c. Draft Agenda for the next Regular Planning Board Meeting (September 11, 2019)

- DPZ's D5 Study
- Application for 34745 Woodward - Jax Kar Wash
- Public Hearing for 2159 E. Lincoln - to amend ordinance to change the economic development map to add that parcel and to amend the MX District to allow restaurants with licenses to fall under the economic development category
- 117 Willits Application

d. Other Business

Mickey Schwartz, resident of Birmingham Place, asked that the City reconsider pursuing DPZ's D5 study. He said asking whether that area should be rezoned is different than asking whether Birmingham should have more tall buildings. He said that DPZ could not possibly study all of the legal briefs, minutes, and general debates regarding the D5 issue in the limited hours that were allotted to them to do so. Mr. Schwartz said he thought it was foolish for the City to spend \$5,000 on a study of the issue that could only further complicate the situation.

08-132-19

H. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

08-133-19

I. Adjournment

No further business being evident, the Chairman adjourned the meeting at 9:31 p.m.

Jana L. Ecker

Planning Director

APPROVED