

**BIRMINGHAM CITY COMMISSION /
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES
JUNE 18, 2018
DPS FACILITY, 851 SOUTH ETON
7:30 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Andrew Harris called the meeting to order at 7:30 PM.

II. ROLL CALL

PRESENT: Mayor Nickita
Mayor Pro Tem Harris
Commissioner Bordman
Commissioner Boutros
Commissioner DeWeese
Commissioner Hoff
Commissioner Sherman

Scott Klein, Planning Board Chairman
Robin Boyle, Member
Stuart Jeffares, Member
Bert Koseck, Member
Naseem Ramin, Member
Daniel Share, Member
Janelle Whipple-Boyce, Member
J. Bryan Williams, Member

ABSENT: Jason Emerine, Member

ADMINISTRATION: City Manager Valentine, City Attorney Currier, Deputy Clerk Arft, Assistant Planner Cowan, Planning Director Ecker, Building Official Johnson

III. ITEMS FOR DISCUSSION

Mayor Harris stated that this is a workshop session where no formal decisions will be made. The purpose of this workshop format is to focus on problem definition and desired outcomes. Each Commissioner will have an opportunity to share their perspective and thoughts on problems and possible solutions, and to engage the Planning Board for input. Citizens will also have opportunity to make public comment at the end of the workshop meeting.

City Manager Valentine said the objective was to provide discussion items in order to clarify how the City should move forward on the following issues.

B. PARKING STANDARDS

Planning Director Ecker noted this issue has been discussed in the past. She explained that requiring residential units to provide parking has the consequences of:

- Inflating the cost of the residential units;
- Encouraging the building of larger units in order to be in-line with the cost; and,

- Discouraging the building of smaller apartment units because people would not be getting good value for their money and because the building would be unable to provide parking for each unit.
- This, in turn, reduces economic diversity in housing in Birmingham's downtown.

Planning Director Ecker continued:

- There has been past discussion of eliminating the residential parking standards altogether, and that the same option is being revisited this evening.
- Only historic landmark buildings adding residences on the second or third floor are currently exempt from the parking standards.
- An overview of how parking is usually provided as part of a residential building within Birmingham.
- The public parking system could be used for residential parking since residents require parking during off-peak, non-business hours.

City Manager Valentine suggested:

- A two-prong approach of hiring a consultant to clarify relevant considerations in making this change and asking the Planning Board to study the issue would be the most effective course of action.
- The City would ask its current parking consultant to further explore the land-use issues at hand. The consultant would work with two other firms currently familiar with the parking situation in Birmingham – Nelson-Nygaard and MKSK.

Mr. Boyle opined that there may be a conflict in asking parking industry experts to explore ways to reduce the need for parking in the City.

Commissioner DeWeese said:

- The residential parking requirement should be voided and a method of dis-incentivizing the creation of more office-space in Birmingham should be explored, so as to tax Birmingham's parking systems less.
- While dis-incentivizing more offices, he would like to see parking remain affordable for Birmingham's retail workers.
- The City's goal is to enable people to live and work downtown, and finding ways to increase the affordability is part of achieving the City's goal.
- Nelson-Nygaard or any other contractor hired for the project must be capable of handling Birmingham's particular parking circumstances and goals in order to offer the most relevant solutions.
- This issue should not be delayed until the Master Planning process, but the City must also ensure that the solutions reached will be compatible with the Master Plan's objectives.

Mr. Koseck affirmed the City should solicit the help of experts in parking and land-use in order to understand all the relevant factors. He continued:

- One-and-a-half parking spaces in the City costs between \$30,000 and \$40,000. Removing the parking requirement for a hypothetical \$800,000 unit would only reduce the cost of the apartment by 5%. This decrease would not make residential units significantly more affordable.
- Because of this, the goal needs to be clarified. If the goal is smaller residential units and more flexibility, there are many ways to pursue that.

- These considerations must be part of the Master Planning process.

Mayor Pro Tem Bordman noted:

- Metro Detroit's dearth of mass transit makes giving up a vehicle relatively unfeasible.
- Many Birmingham households have a car for each adult, meaning residential parking remains in high demand.
- Making residential units more affordable by eliminating the parking standards is a worthy goal, but Mr. Koseck's calculations imply that this change will not have the intended impact.
- If the goal is making residential units more affordable, then hiring a consultant with broader experience in that area would be necessary.
- Determining whether City has a goal of increasing affordable residential units gets to the heart of how Birmingham wants to define itself. This is a much more complicated and theoretical question than just parking.

Mr. Williams said:

- The issue at hand is land-use and not just parking.
- Because residents already perceive Birmingham as lacking sufficient parking, the City should be very cautious with how it proceeds.
- If MKSK and Nelson-Nygaard have the necessary experience with complex land-use issues, Mr. Williams is in favor of using them. If these two consultants do not have the necessary experience, however, they must be supplemented with another consultant.

Commissioner Nickita ventured:

- This about a specific use in a particular district, meaning it should be addressed as a parking issue and not a broader land-use issue.
- The land-use aspects would be explored during the Master Planning process.
- It would be wise to consider alternative consultants due to the issues raised by Mr. Williams, but Commissioner Nickita remains confident that Nelson-Nygaard would also be up to the task.
- Requiring parking is one of the most challenging aspects of developing high-density residences in cities. Developers are often forced to pass on developing in cities with more strict residential parking requirements.
- The parking requirements are a large part of why there are so many buildings with one, two, or three residences downtown.
- Shared parking is a very viable option in Birmingham because downtown parking is so underutilized in the evenings.
- Residents in urban areas are largely comfortable and familiar with off-site parking as long as the streets are safe and comfortable.
- The 2016 Plan had a goal of increasing resident-density downtown and this would be an effective way to do it.
- A study should specifically clarify whether and how much the parking standards correlate with a lower resident-density downtown.

Commissioner DeWeese pointed out:

- Some of the senior residences in Birmingham became possible in when the parking requirements were halved.
- Those residences still have parking available because of the less-frequent car use of their residents.

- The built-in cost of parking for downtown residents is likely higher than the cost to get a monthly long-term parking permit.
- Some parking standards should remain, but the more they can be reduced the more the Birmingham market will respond in a positive and desired manner.
- A resident should be guaranteed the ability to purchase access to parking downtown should they so choose.

Mayor Harris noted consensus regarding the need for further study of the issue.

City Manager Valentine said he would return with a proposed Scope of Work which, if approved, can be extended either to Nelson-Nygaard or bid out to other contractors.

B. RETAIL ORDINANCE REVIEW

Assistant Planner Cowan reviewed the direction to the Planning Board (PB) to:

- Evaluate the boundary of the redline retail district ('Redline');
- Identify buildings less-suited to retail; and
- Discuss what is permitted in retail spaces within the first twenty feet from the door.

Assistant Planner Cowan discussed the maps provided to the meeting which delineated:

- The distribution of uses in the Redline;
- Market-rent data for various areas of the Redline; and,
- How the retail distribution in the Redline reflected the stated development goals of the 2016 Plan.

Assistant Planner Cowan then explained that the PB considered:

- Dividing the Redline into multiple tiers with more or less strict retail zoning requirements: D4 and D5 would have the strictest retail zoning requirements, and D2 and D3 would have slightly looser retail zoning requirements.
- Maintaining a strict retail core and then decreasing stringency in tiers as the zoning moves out from the City center.
- Maintaining a strict retail core, and relaxing the retail zoning requirements along the edges.

Assistant Planner Cowan said the PB recommends hiring a consultant because they feel they lack sufficient information regarding retail market and trends in Birmingham.

PB Chairman Clein reiterated that none of the above possibilities was moved as a recommendation to the Commission by the PB at this time, and that if the Commission is interested in exploring the possibilities, hiring a consultant would be the next step. PB Chairman Clein emphasized that the issue of where to draw zoning lines would be an important issue for a consultant to address.

Commissioner Nickita suggested Buxton may be able to provide some of the necessary information since the company is already working with the Birmingham Shopping District (BSD) in a consultant role. He also said the goals of the delineation need to be made more clearly.

Planning Director Ecker specified:

- The Commission this evening was only provided with five pages of highlights out of the PB's review materials, which comprise about 500 pages per PB agenda item.

- The PB has reviewed all information available from Buxton and the BSD from the last three years.
- Each property has been reviewed methodically for demand on the space, what kind of business is currently located in the property, what kind of businesses are suitable for the property, and other factors.
- Her understanding is that Buxton is only doing research on niche retailers in Birmingham, not a more systemic study.
- The PB is sure the retail core should remain and should be zoned strictly. All other possibilities remain open for consideration.

Commissioner Nickita explained that he was not questioning whether there has been sufficient research into this issue by the PB. Rather, his main concern was that the Commission was provided a map of Birmingham retail areas with green, red and blue sections, with no indication as to what those colors signify.

Commissioner DeWeese delineated the relevant issues as what is happening now in the Redline area, and what the City would like to be happening in 20 years in the Redline area, citing changes to Bates Street as a future anchor for retail. He continued that:

- Buxton could clarify why retailers are not moving to Birmingham. With that information, the City can then explore options for remedying the perceived issues.
- If a business in the Redline area is over a certain percentage of replacement, the business must be brought up to code.
- If a business in the Redline area is under a certain percentage of replacement, said business should retain grandfathered status.
- There may be use in providing incentive to businesses that elect to come up to code.
- In terms of street-friendliness, differentiation should be made between services like banks, which have windows open and engaging to the street, and doctors' offices, which have windows closed and not-engaging to the street and no after-hours use.
- Retail businesses that do not have street-centric windows should be encouraged to shift that practice through zoning and code enforcement.
- Birmingham's goal is to make the pedestrian experience friendly, open, interactive, and street-centric.
- The development of outdoor dining in Birmingham has enhanced the liveliness of the streetscape, for one example.

Ms. Whipple-Boyce explained that the PB had hypotheses as to what the green, red and blue sections on the provided map could signify, but had not narrowed it down enough to provide it as a legend. She added that:

- The PB will explore Commissioner DeWeese's concerns after the zones are clarified.
- In order to clarify the zones and the conditions leading to the delineation of the zones a consultant would be helpful.

Mr. Share said the PB undertook the process to explore reasons for vacant retail spaces, which turned into a need to consider the City's future retail goals. In order to do that, however, the PB needs to:

- Understand what broader retail trends are in order to best suggest a policy for the City.
- Know what kind of incentives would actually be desirable for retail businesses.

A consultant specializing in retail is the most prudent way to obtain such information.

Commissioner Boutros suggested asking Buxton if they are able to provide the information the PB needs, and if not, agreed the City should hire an outside consultant to explore these questions. The City must also be very clear on its goals for a consultant if that route is pursued.

Commissioner Hoff commended the PB on its work and said it returned what the Commission requested. She said the red zone on the map was clearly strict retail, the blue zone seemed to allow for more services, and the green zone is to be clarified. She continued Buxton should be able to provide retail trends and information, even if that is not currently part of its contract with Birmingham. Once that information is available a more informed exploration of these issues can continue.

Mayor Harris said:

- Procedurally staff can draw of a Request for Proposals (RFP) for a consultant, and at that point Buxton could determine whether they are an appropriate fit for the role. Until the City determines the criteria for an RFP, however, a consultant cannot be hired.
- He agrees with Commissioner Hoff that the PB has done thorough research and due diligence, and based on the information concurs that a retail consultant should be hired.

Commissioner Sherman concurred with Mayor Harris and Commissioner Hoff.

C. SIGN ORDINANCE REVIEW

Planning Director Ecker said current issues are:

- Overlay sign standards, which do not specify the square footage of signage permitted, but limit signage to one sign per entrance. As a result, businesses on a corner with two sets of windows facing two different streets are permitted only one sign. Additionally, upper-floor tenants are permitted from displaying any signage in the overlay. Businesses are appearing in front of the Board of Zoning Appeals (BZA) frequently to appeal these restrictions, which indicate the need to consider an adjustment to the ordinance.
- Window signage standards, which is limited by size – 12 sq. ft. or 18 sq. ft. on big Woodward – with no limits on quality of signage or content of signage.
- Window treatment standards, which currently prohibit window-tinting but permit first-floor businesses to put up blinds, drapes, screens and other window-blocking materials.

She concluded by saying the Community Development office gets complaints regarding these issues frequently.

Planning Director Ecker specified that the current window ordinances prevent tinting, blockage with shelves, blockage with furniture, and require 80% visible light transmittance. There is no current prohibition on blinds or other window treatments.

Commissioner Nickita said window-blockage is a huge discouragement to pedestrian activity and he would like to see the above issues explored seriously.

Mr. Koseck said the ordinance likely needs to be updated to reflect the spirit and intent of what Birmingham would like to see in windows.

Mayor Pro Tem Bordman concurred that these issues should be explored, adding that overlay businesses should likely not be limited to one sign per entrance if Birmingham is trying to encourage retail.

Commissioner DeWeese said he would like to see parking ordinances, retail ordinances, and sign ordinances addressed in that order.

Mr. Williams said he would like to see the City have increased influence on interior space in terms of what is seen from the windows.

Commissioner Hoff agreed with Mr. Williams, adding that current ordinances might provide relief for some of these concerns but would require increased enforcement.

Commissioner Boutros said he would like to see increased enforcement and further exploration of the issues.

Commissioner Nickita said Birmingham should explore prohibiting taped window signs in order to discourage the posting of haphazard signage.

Mayor Harris noted consensus to explore the aforementioned issues further.

D. FRONT YARD FENCES

Building Official Johnson explained current Birmingham residential fence requirements and said:

- A resident has asked to City to explore the issue of installing fences at the property line since some could potentially impede neighbors' free use of their driveways.
- This specific concern has arisen an estimated two times in Building Official Johnson's twenty-year tenure with the City.
- Local communities largely allow fencing up to the property line.
- The concerned resident could expand their driveway a bit in order to allow for both car-doors to be opened easily. Paved surfaces cannot occupy more than 35% of the front open space, but the particular lot in question would not likely exceed the limit with an expansion of their driveway.

Ms. Whipple-Boyce said a more general look at the fence ordinances is in order because other fence issues, especially commercial, have arisen in the past.

Mayor Pro Tem Bordman said:

- Infrequent complaints about the residential fencing ordinances positively indicate their functionality, and that a change to the ordinance would lead to many houses suddenly being out of code.
- If fencing at the lot line is prohibited, the allowance of shrubbery and driveways at the lot line would also have to be reconsidered.
- There may be commercial fencing issues to explore, but that is not the issue at hand.

Commissioner DeWeese suggested that if a resident needed to expand their paved surfaces to accommodate a neighbor's fence and the paved surfaces would then total more than 35% of their front open space, this issue could be addressed by the BZA. An ordinance consideration is only necessary if this is a frequent issue.

Ms. Whipple-Boyce mentioned fences made of burlap and said those should not be permitted by ordinance, which is another reason to review the issue.

Building Official Johnson said that City does let residents know if something is extremely narrow when issuing site permits.

Mayor Harris noted general agreement to allow the fencing ordinances to remain as-is. He also commended the property owner for making the effort to bring the issue to the Commission's attention.

E. ARTIFICIAL TURF LAWNS

Building Official Johnson explained:

- The question is whether artificial turf is considered an 'impervious surface' by ordinance, and is thus limited by open space ordinance requirements.
- Artificial turf lawn technology has improved drastically, allowing for drainage of water and realistic grass appearance.

Commissioner Hoff said with the information provided she is fine with artificial turf lawns.

Commissioner DeWeese suggested the Building Department should clarify its definitions, because while artificial turf lawns are technically 'impervious', advanced technology and drainage systems may eliminate the imperviousness as a concern.

City Manager Valentine explained that Building Official Johnson seeks direction from the Commission for interpreting the ordinance.

Building Official Johnson clarified the artificial turf lawn is 'impervious', but has a drainage hole to a drain, which is why a closer look at definitions is being recommended.

Mayor Pro Tem Bordman said:

- Understanding the amount of water that drains from artificial turf lawns into the ground is a critical part of whether this should be permitted.
- If 100% of the rainwater ends up in the ground with artificial turf lawns, this is a desirable move because it reduces fertilizer and pesticide run-off.

Commissioner Nickita said artificial turf lawns are inappropriate in Birmingham.

Building Official Johnson said stone is mentioned in the ordinance as an 'impervious surface', meaning it is subject to percentage limits.

Mayor Harris acknowledged consensus for further study and discussion.

IV. PUBLIC COMMENT

Mr. Templeton explained:

- He currently has an artificial turf lawn at his home in Birmingham.
- It was installed in an effort to make his home and lot environmentally-friendly.
- He can provide the City with data that shows artificial turf lawns drain better than standard grass lawns.

Mayor Pro Tem Bordman replied that it is worth considering whether artificial turf lawns should be allowed in some exceptional cases, such as when it is in conjunction with efforts to be environmentally-friendly.

V. ADJOURN

Mayor Harris adjourned the meeting at 9:43 p.m.

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