

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, NOVEMBER 13, 2019**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on November 13, 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

Absent: Alternate Board Member Jason Emerine; Student Representatives Sophia Trimble, John Utley

Present in Audience:

Alternate Board Member Nasseem Ramin

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

11-161-19

B. Approval Of The Minutes Of The Regular Planning Board Meeting of October 23, 2019

Chairman Clein recommended that a typo found in the third paragraph on page nine be changed from "in residential" to "of residential."

Motion by Mr. Share

Seconded by Mr. Williams to approve the minutes of the Regular Planning Board Meeting of October 23, 2019 as amended.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Abstain: Koseck

11-162-19

C. Chairperson's Comments

Chairman Clein explained standard Planning Board meeting procedures including an explanation of when the public would have the opportunity to comment.

11-163-19

D. Approval Of The Agenda

There were no changes to the agenda.

11-164-19

E. Community Impact Study Review and Preliminary Site Plan Review

- 1. 469-479 S. Old Woodward (former Mountain King and Talmer Bank) –** Request for Community Impact Study acceptance for construction of a new five story mixed use building in the B4/D4 zone district (Postponed from October 23, 2019, Request from applicant to postpone to December 11, 2019).

Chairman Clein noted he had previously recused himself from this matter as his company had a business relationship with a property owner on the same block as the parcel in question. Since that business relationship has concluded, it is the opinion of both the City Attorney and the **based on a previous** Birmingham Ethics Board **determination** that Chairman Clein may participate in discussions regarding this parcel moving forward.

Mr. Williams said he would be more inclined to postpone the matter to a meeting in January 2020.

Seeing no additional comment from the Board, Chairman Clein invited comment from the public.

Jim Arpin noted that this matter has been repeatedly postponed, and asked whether the matter effectively has a permanent place on the Board's agenda.

Chairman Clein said he understood why it would seem that way, and said it was an issue the Board needed to discuss.

Mr. Arpin asked that the Board consider re-noticing the topic once a new date is selected, even though a postponement to a date certain does not require noticing according to City ordinance.

Chairman Clein returned discussion to the Board.

Mr. Share said he would be willing to provide the applicant with one last date certain as long as the applicant paid for the cost of postage for the item to be re-noticed.

Ms. Whipple-Boyce stated that the reason to postpone to a date certain is to avoid the need to re-notice. She opined that if the Board intended to re-notice the matter regardless, it should be postponed without a date certain to allow the applicant the flexibility of appearing on an agenda when they are certain they are ready.

Mr. Williams concurred with Ms. Whipple-Boyce, adding that it sets a bad precedent if items postponed to dates certain are re-noticed selectively.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone the Community Impact Study Review and Preliminary Site Plan Review for 469-479 S. Old Woodward (former Mountain King and Talmer Bank).

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

2. 770 S. Adams (existing office building) – Request for Community Impact Study acceptance for construction of a new five story mixed use building in the MU3/MU5 zone of the Triangle District.

Planning Director Ecker presented the item.

John Shekerjian, attorney, and Michael Poris, architect, spoke on behalf of the applicant.

Chairman Clein noted that Form A submitted by the project's consultant included a description of a 'Right-In, Right-Out', which would restrict turns entering and exiting parking. He noted that description was not included elsewhere, and asked that the discrepancy be resolved in the next iteration of the plans.

Mr. Poris explained that the south vehicle entrance is adjacent to the building's lobby.

Chairman Clein asked that the project's consultant and the City consultant review northbound traffic wanting to turn left into the first floor because the current plans may detrimentally impact traffic trying to turn left onto Holland and may include less stacking space than necessary.

Mr. Williams noted that pedestrians will likely be crossing Adams to access the proposed retail, and asked that the project include a note of that in the community impact study (CIS) so the City can consider creating a pedestrian crosswalk in that area.

Mr. Boyle noted that the applicants will be spending an estimated additional \$2 million in order to allow occupants to park a second car. He also noted that the dominant land use for the project is parking. Mr. Boyle asserted that if the City seeks to provide more accessible housing, reducing the parking requirements as the master plan is likely to recommend will be a large step towards achieving that.

Mr. Jeffares expressed his approval for the attention the site plan paid to bicycle storage options on-site.

Motion by Mr. Share

Seconded by Mr. Williams to postpone review of the Community Impact Study to December 11, 2019 for the proposed development at 770 S. Adams pending receipt of the following: (1) Drainage plan; (2) Noise study; (3) Phase 1 Environmental Assessment; (4) Details on the location of transformers and providers of all utilities; (5) Traffic data requested by Fleis & VandenBrink; (6) Information on all life safety issues and Fire Dept. approval; and (7) Information on the proposed security system for approval by the Police Department.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Motion by Mr. Williams

Seconded by Mr. Share to postpone the Preliminary Site Plan Review to December 11, 2019 for the proposed development at 770 S. Adams.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

11-165-19

G. Study Session Items

1. D5 Study

Planning Director Ecker presented the item.

Mr. Williams observed that the area north of 411 S. Old Woodward is D4 and in the parking assessment district (PAD) while the area south is not, and said that difference may be one of the factors to consider in this discussion moving forward.

Chairman Clein said Mr. Williams' point was well-taken while clarifying that the evening's discussion was about D5 in general and was not regarding any individual parcels.

Seeing no further Board comment, Chairman Clein invited public comment.

In reply to Mr. Arpin, Chairman Clein explained there is already a D5 ordinance in effect, and the goal of this review is to clarify the scope of that ordinance. He said the study was requested to determine whether good urban planning practices would support future rezoning requests for parcels in the area in question.

Planning Director Ecker told Mr. Arpin that the D5 study is available to the public in previous Planning Board agendas posted on the City's website.

In reply to a request by Mr. Arpin, Chairman Clein asked that the City Manager and City Commission consider whether it might be useful to provide the D5 study on thebirminghamplan.com website as well.

Mr. Arpin shared his gratitude for the Board's thoroughness when discussing a CIS, and expressed concern that, in his opinion, the Board was not proceeding as thoroughly when discussing potential zoning changes that would impact a three or four block area of the City.

Chairman Clein thanked Mr. Arpin for his comments.

Patrick Howe, attorney representing the Birmingham Place Condo Association, spoke. He reviewed the minutes from the February 13, 2017 City Commission meeting minutes in order to highlight the original intent of the D5 ordinance. Mr. Howe argued that the only piece of property that was both abutting and adjacent was the south strip next to the 555 Building. He noted that the entire transcript of the D5 portion of the February 13, 2017 City Commission meeting was 18 minutes long, and echoed Mr. Arpin's assertion that more discussion is merited before an amendment to the D5 ordinance is considered.

Motion by Mr. Share

Seconded by Mr. Williams to set a public hearing for December 11, 2019 for the two proposed ordinance amendments to Article 3, section 3.04 (A) and Article 9, Definitions, Section 9.02 as presented on pages 132 and 133 of the Board's November 13, 2019 agenda.

Duraid Markus, owner of 469-479 S. Old Woodward, asked whether an adjacent building's height would be calculated from the height of the closest point of a building, which could be five stories, for example, or from the highest part of a building as a whole, which could extend to nine stories on the far side of a building.

Planning Director Ecker confirmed for Mr. Markus and for Michele Prentiss that a building's height is calculated based off of a building's overall height, and not just the height of the closest part of the building.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

2. Glazing Standards

City Planner Dupuis presented the item.

Ms. Whipple-Boyce confirmed based on her research that the 80% VLT glass required in the City's ordinance causes much more heat loss and gain depending on the seasons, increases the cost of heating and cooling the building, could change the capacity of the HVAC to make up for that gain and loss, and that those facts will remain true as long as 80% VLT is required. She said that people in the industry she spoke with advised that if the VLT requirement is lowered to 68% those issues could be mitigated. She said determining how to accommodate low-e glass will have environmental benefits in addition to the benefits it would bring developers and builders.

Mr. Share and Ms. Whipple-Boyce both wondered about possible differences between one manufacturer's 68% VLT glass and another's.

City Planner Dupuis and Planning Director Ecker said they would return with more information on the topic for the Board's next meeting.

In reply to Mr. Boyle, City Planner Dupuis explained glass professionals advised staff that only the VLT and the reflectivity affect the transparency of glass, which is why the recommended wording only mentions those two criteria.

In reply to Chairman Clein, City Planner Dupuis said he could do further research on what other Michigan cities require for VLT since the table with VLT figures included in this item was produced sometime in 2017.

In reply to Chairman Clein, Planning Director Ecker said she would try to find someone who could provide the City with more insight into the various considerations at play in this discussion.

Ms. Whipple-Boyce stressed the environmental impact of this decision and said the decision should move towards the highest VLT glass that does not lead to negative environmental results.

3. Master Plan Review

Planning Director Ecker presented the item.

Chairman Clein thanked Planning Director for putting together the proposed schedule.

Subsequent to discussion, Board consensus was that they would schedule the master plan discussions for regular study session meetings beginning in January 2020 and running through May 2020. Notes would be provided to DPZ after each study session. The Board agreed to start those study session meetings at 7 p.m. instead of 7:30 p.m.

Planning Director Ecker noted that a member of the public could always provide their feedback on a previous meeting's topic as well.

Ms. Whipple-Boyce recommended creating an insert with the schedule of these meetings to mail out to all Birmingham residents in the City's 2020 calendar. She advocated for allowing staff to determine the most appropriate division of the master plan topics over the four or five study sessions.

Mr. Boyle also asked it be recommended to the Commission that the City publicize these master plan study sessions by every means available to the City's communications office.

Chairman Clein strongly concurred with Mr. Boyle's recommendation.

Ms. Whipple-Boyce noted that if a site plan meeting were particularly light one month the Board could address a smaller study session item like this evening's glazing discussion. She also ventured that as the Board provides feedback to DPZ on the master plan topics, DPZ will develop an increasingly clearer understanding of the Board's perspective and how to integrate it into the plan.

Mr. Williams stated that the Board's alternate members should be encouraged to attend and participate in the Board's master plan study sessions.

11-166-19

H. Miscellaneous Business and Communications:

a. Communications

b. Administrative Approval Correspondence

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

- Public Hearing to clarify the D5 Zone District Regulations
- CIS and Final Site Plan for 770 S. Adams
- 412-420 E. Frank

d. Other Business

11-169-19

J. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

11-170-19

K. Adjournment

No further business being evident, the Chairman adjourned the meeting at 10:44 p.m.

Jana L. Ecker

Planning Director