

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JUNE 10, 2020**

Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 10, 2020. Chairman Scott Clein convened the meeting at 7:32 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 Representative Rachel Hester (joined at 7:36 p.m.)

Absent: Student Representative June Lee

Administration: Jana Ecker, Planning Director
Eric Brunk, IT Manager
Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

Master Planning Team: Robert Gibbs, Gibbs Planning Group
Sarah Traxler, McKenna

06-60-20

B. Approval Of The Minutes Of The Regular Planning Board Meeting of May 27, 2020

Mr. Share recommended two changes:

- On page two, last paragraph, third line, the superfluous 'f' in front of 'and' should be removed.
- On page five, in the last paragraph, 'rezoning request' should be changed to 'findings of fact'.

Mr. Williams requested that the word 'for' on page six, third paragraph, fifth line be changed to 'on'.

Motion by Mr. Boyle

Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of May 27, 2020 as amended.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

06-61-20

C. Chairperson's Comments

Chairman Clein welcomed everyone to the meeting and reminded everyone that the meeting was being held under the guidance of the City Attorney and City administration to ensure compliance with Governor Whitmer's executive orders. Chairman Clein then reviewed procedures for the meeting.

Planning Director Ecker reviewed for the public the 'raise hand' function within Zoom.

06-62-20

D. Review Of The Agenda

There were no changes to the agenda.

06-63-20

E. Unfinished Business

1. **219 Elm Street (vacant office building)** - Request for Preliminary Site Plan Review to allow construction of a new 5 story multiple family building **(Postponed from May 13, 2020)**.

City Planner Dupuis reviewed the item.

Mark Highlen, member of the applicant team, Samuel Beznos, member of the applicant team, Xander Bogaerts, architect, and Mark Abanatha, architect, spoke on behalf of the project.

Chairman Clein said the design of the planned pedestrian path leading from the parking lot of 219 Elm into the first All Seasons' parking lot would need to be clear, efficient and barrier-free if the project moves onto final site plan review. He said the path should also be altered so that it ends at a more logical point on the All Seasons I site, rather than ending in the All Seasons I's parking lot.

In reply to a different question from Chairman Clein, Mr. Highlen confirmed that will be an accessible, barrier-free path from the accessible space by the north stairwell into the building's lobby.

Chairman Clein asked Mr. Highlen why the team planned to seek a variance for a zero foot setback on the north property line.

Mr. Highlen stated they would be seeking the variance in order to provide a certain size unit and to maximize the space they were using as part of this infill project. He said the team was hoping that since they would be using fire-rated windows that they would be granted a zero foot setback.

Mr. Highlen stated that if the BZA does not grant the variance that the applicant team would be able to alter their plans to adhere to the ordinance's setback requirements.

In reply to Mr. Boyle, Planning Director Ecker explained that Consumers Energy has been adding required utility fixtures to construction projects very late in the review process, and that the developers often have no choice as to where those fixtures will be installed on the building. She said that moving forward the City is requiring property owners to add screening to those fixtures.

Motion by Mr. Williams

Seconded by Mr. Share to approve the Preliminary Site Plan for 219 Elm St. – All Seasons 2 – with the following conditions:

- 1. The applicant must submit plans showing the side setback at the NORTH at a minimum of 10 ft. or obtain a variance from the Board of Zoning Appeals;**
- 2. The applicant must complete the requirements of 3.08 (E) to receive additional building height;**
- 3. The applicant must submit a rooftop plan showing a detailed rooftop use including any proposed structures;**
- 4. The applicant must provide construction details on the proposed parking lot screenwall;**
- 5. The applicant must submit details on all proposed RTUs and details on the proposed screen wall to ensure the RTUs are fully screened from public view;**
- 6. The applicant must submit material specifications, samples, and glazing calculations for the proposed building at Final Site Plan review;**
- 7. The applicant must submit details on the types and placement of all proposed light fixtures, as well as a photometric plan showing illumination levels at all property lines; and,**
- 8. The applicant comply with the requests of all City Departments.**

Chairman Clein stated he was supportive of the project's aim of adding diversity to Birmingham's housing stock and welcomed the development team back to the Birmingham community for another project. He continued by noting that the Planning Board provides its opinion to the BZA regarding requested variances with the understanding that those opinions are not legally binding. Chairman Clein said that in the case of this project's planned variance request for the north property line it seemed like the request was economic in origin and had little other justification. He said the development team must work with City staff and the BZA to find the best way forward regarding that issue. Chairman Clein concluded by stating that he would be voting in support of the motion on the table.

Mr. Koseck said he lacked enthusiasm for the project. He said that while building height was a non-issue for him, he was disappointed by what he saw as the lack of contextual sensitivity in design given that the adjacent lot has the same owners. Mr. Koseck said that while that issue would not cause him to vote down the motion, he did see it as a matter worth mentioning. Mr. Koseck said he was also dismayed that material choices for the building's exterior seemed to greatly emphasize cost-saving over aesthetic considerations, citing the planned cement-board siding and scabbed-on brick. Mr. Koseck continued that while he largely likes the existing All Seasons I building, he has found its design somewhat monotonous. In light of that design

monotony, he said he was having difficult time becoming enthused about the extension of those design choices onto an entirely different lot. He cited The Village at Midtown Square in Troy, Michigan as an example of the repetitive aesthetic he would like this project to avoid. In light of this, Mr. Koseck recommended that in advance of the final site plan review the applicant team find ways to design a related but differentiated project from the All Seasons I building.

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

Douglas Fehan, representative of the Hazel Chestnut Forest Homeowners Association, said he shared many of Mr. Koseck's concerns. His perspective was that the project's design choices are low-cost and designed to maximize profit above all else. Mr. Fehan said that while members of his homeowners association are pro-development, the proposed design of this particular project is so budget-oriented that it seemed frankly disrespectful to the project's residential neighbors. Mr. Fehan contrasted the proposed plans with the All Seasons I building, saying that the latter is a much better example of the kind of design consideration the Triangle District deserves. Mr. Fehan said he would be supportive of the Board allowing this project to move forward with the understanding that the development team should endeavor to remedy some of its design issues. He said his homeowners' association would be active participants in discussions of this project moving forward.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Chairman Clein stressed to the applicants that projects in Birmingham are most successful when they integrate and reflect feedback received from the public and the Planning Board. He strongly encouraged the applicant team to do that in this case. He said the project would also benefit from meeting with the project's neighbors to solicit more input, and said he was looking forward to seeing the project's evolution based off of these discussions.

06-64-20

F. Final Site Plan & Design Review

1. **770 S. Adams (Vacant Medical Building)** – Request for Final Site Plan and Design Review for new 5 story mixed use building (**Postponed from May 27, 2020**).

Mr. Williams recused himself at 8:36 p.m. citing a conflict related to this project.

Ms. Ramin served in Mr. Williams' place for consideration of this item.

Planning Director Ecker reviewed the item.

Ms. Whipple-Boyce commented that she has professional experience using the Aspen Wall Sconces by TechLighting in projects and that the fixtures emit a warm, ambient glow. She said she thought these fixtures would absolutely be appropriate for 770 S. Adams and should not cause any issue in terms of excess brightness.

Michael Poris, architect, Ross Hoekstra, architect, and John Shekerjian, developer, were present on behalf of the project.

In reply to Mr. Poris, Planning Director Ecker said she suspected that the photometric plans included the pedestrian street lighting in the light measurements of the Aspen Wall Sconces, which resulted in the higher light levels.

Mr. Poris agreed with Planning Director Ecker, stating that the Aspen Wall Sconces are LED and low-wattage and should not be emitting nearly as much light as the photometric plans state. He agreed with Ms. Whipple-Boyce's description of their ambient effect. Mr. Poris explained that the parking on the ground floor and below grade would be exclusively for the condominium owners. The alley would have an accessible door and seven or eight parking spaces for the retail businesses in the building. Mr. Poris also said the applicant team would find a way to align their canopy size with City requirements, either through seeking an exception to the ordinance from the Commission or through reducing the canopy size.

In reply to Mr. Share, Mr. Shekerjian stated that there would be signage outside the residents' parking entrance off Adams stating that it was for residents only. Mr. Poris added that there would be ample room for a vehicle to safely back out of that entrance should a non-resident vehicle mistakenly attempt to enter the resident parking off Adams.

In reply to Ms. Whipple-Boyce, Mr. Poris stated that there would be sufficient parking for the residents' guests in the residents' parking area. He noted that the required parking for the building is 81 parking spaces and that the plans provide over 100 parking spaces.

Mr. Koseck said he would be moving to approve the final site plan and design review for this project because he was pleased with how the plans have evolved as the project went through the City's review process. He said the site is difficult and that the plans for the planned building are of high quality. Mr. Koseck said that even though it is a large building architectural techniques were proposed that would create visual scale and rhythm along the building's exterior. He said he would like to see the All Seasons II project use similar architectural techniques to the ones being proposed for 770 S. Adams. Mr. Koseck stated he was supportive of the project team pursuing a size exception from the Commission for their front canopy because he said it would break the facade plane and create some pedestrian scale.

Motion by Mr. Koseck

Seconded by Mr. Share to approve the Final Site Plan and Design Review for 770 S. Adams with the following conditions:

1. The Planning Board approves the encroachment of the balconies on the southern elevation of 2' into the public via, but the applicant will be required to obtain approval of the City Commission for the 4' projection of the canopy into the public right of way along S. Adams;

- 2. The applicant provide a roof plan for the sixth floor roof at the SW corner of the building and specification sheets for all rooftop mechanical equipment to verify that all screening requirements have been met;**
- 3. The applicant obtain approval from both the City Arborist and the Engineering Division for the placement of the street trees and pedestrian lighting along S. Adams or reconfigure to provide the appropriate spacing;**
- 4. The applicant revise the photometric plan to include all cut off and not cut off fixtures and to provide 1.5 fc or less of light 5' from the property lines on all elevations or obtain a variance from the Board of Zoning Appeals;**
- 5. The applicant provide details on the joint pattern and variation of finish for the via surface, along with specification sheets on the proposed bollards; and,**
- 6. Compliance with the requirements of all departments.**

Mr. Boyle said the Board's relatively minimal discussion regarding this item stemmed from the fact that this was one of the best plan submittals the Board has reviewed within the past decade.

Chairman Clein heartily concurred.

Mr. Boyle continued that the applicant's submission provided a lot of the information that the Board usually has to extract from applicants, such as plans of the building in the context of the neighborhood, aerial images, and photographs. He reiterated that there was not more Board discussion of the item because the applicant team provided a very thorough and detailed submittal. He agreed with Mr. Koseck's statement that this is a very difficult site to develop, and stated that he thinks the City will be proud of this development in the Triangle District going forward.

Chairman Clein said that not only was it an excellent submittal, but that the building was also beautifully designed.

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

Mr. Fehan stated that, as a representative of the Hazel Chestnut Forest Homeowners Association, he thoroughly approved of the proposed project in all aspects. He said the plans represent the type of building, use of building, design, and quality of materials that will have an immensely positive impact the Triangle District. He said this project exemplifies the type of project the City should encourage and that he enthusiastically looked forward to the project's groundbreaking. Mr. Fehan concluded by encouraging the developers of All Seasons II to reflect on the plans for 770 S. Adams and to work to make the quality of their design and materials more similar to the latter.

Seeing no further public comment, Chairman Clein returned the matter to the Board for a roll call vote.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

06-65-20

G. Study Session Items

1. Draft Master Plan Review Process

Mr. Williams replaced Ms. Ramin on the Board at 9:23 p.m.

Planning Director Ecker and Ms. Traxler provided an overview of the item.

Mr. Williams said the City must make specific efforts to reach out to residents not represented by neighborhood associations to get their opinions on the master planning process. He explained that there are a number of households in the City who are not affiliated with any neighborhood association, and that relying on the associations to dialogue with residents risks leaving those households out of the process.

Mr. Jeffares concurred with Mr. Williams. He added that not only are many households unaffiliated with neighborhood associations, but many more households are affiliated with neighborhood associations in name only. He explained that while there are some active neighborhood associations in Birmingham, many exist merely as a holdover from a time when the association was active. These largely inactive associations exist without formalized representation or meetings and could not be said to have any buy-in or participation from the ostensibly represented residents. He warned that the City should not conduct its master plan review process through interactions with the current neighborhood associations since their connections to the residents of the neighborhoods vary so widely.

Chairman Clein agreed with Mr. Williams' and Mr. Jeffares' statements that the neighborhood associations could not be used as reliable sources of information, but explained they could be used as one more route of many to share information about the master planning process with residents. He noted that the information would also be accessible online and shared through various City-affiliated social media channels.

Ms. Whipple-Boyce agreed with Mr. Williams and Mr. Jeffares. She said reaching out to a random sampling of each neighborhood's residents for feedback would be vastly more effective than reaching out to neighborhoods via neighborhood associations.

Ms. Traxler said she wanted to clarify that, as Chairman Clein said, the neighborhood associations would just be one method of many for communicating with residents about the master planning process. She noted the City has many ways of communicating with residents including social media, school newsletters, local access cable, mailings and emails, and that the master planning team would be relying most heavily on those.

Mr. Boyle said he first wanted to commend Ms. Traxler for the focus and specificity of the plans she presented, saying that it would be helpful for moving the process forward. He continued by noting that it was most likely that the City would struggle to find active

participants in this process for the next while in light of the Covid-19 pandemic. He said that while public participation in the immediate future would likely take a dip, the City should keep in mind that they have already received a large amount useful feedback from residents. He said he was less concerned about when the public would return to the conversation, and more concerned about whether the Board has the support of the City Commission to proceed with the master planning process in the way it is being proposed.

Mr. Williams concurred with Mr. Boyle's point about the need for buy-in from the City Commission regarding the rest of the master planning process.

Chairman Clein agreed, saying that he hoped that after the June 15, 2020 joint Planning Board-City Commission meeting that the Commission would give its vocal political support to the Board's proposal for continuing with the master planning process. He said one of the items to be determined would be when the public-facing master plan review process would recommence. He noted he has seen more residents attend Board meetings via Zoom than have in-person, and said it was his opinion that recommencing the review process virtually could be beneficial for that reason.

Chairman Clein said that while he did not want a detailed review of the eleven themes set forward in the master planning process documents for the upcoming joint meeting, he did want feedback from the Commission regarding whether they agree that those eleven themes are appropriate focuses for the process moving forward. He also said it could be worth the Commission taking up a discussion of those themes at a future Commission meeting. He recommended to City staff and the master planning team that the Commission be provided with a brief written report after every one of the Board's master plan review discussions so the Commission can voice any concerns that arise as they occur and so that the Commission can remain apprised, in general, of the process.

Mr. Koseck said he was currently working on a master plan for another local community and said his team has had great success soliciting public feedback virtually. He said the discussions have been done somewhat by invitation, with that master planning team being careful to seek information from various specific cross-sections of the community. He said that while there is some loss to not being able to conduct the process in person, there also could be much gained from continuing the process virtually.

Ms. Traxler concurred with Mr. Koseck, and added that having some of these meetings virtually allows residents to attend who may not have otherwise been able to make it out to an in-person meeting. She said she has seen such success with the virtual option that it may be maintained as one more way to solicit public discussion and feedback moving forward even when in-person meetings are able to resume.

Mr. Williams said that during the joint meeting he hoped for Commission feedback on:

- The master plan process proposal as a whole as set forth by Ms. Traxler and the master planning team; and,
- The Commission's goals for its particular involvement in the rest of the master planning process.

Chairman Clein concurred.

Mr. Jeffares said it would also be important to specifically hear from the three newly elected Commissioners regarding their feedback on the master planning process and to make sure they are in favor of the direction the process is taking.

06-66-20

H. Miscellaneous Business and Communications:

a. Communications

b. Administrative Approval Correspondence

c. Draft Agenda for the joint City Commission-Planning Board Meeting (June 15, 2020)

- **Master Plan Process Review**
- **Lot Combination Process Review**
- **Consideration of potential economic assistance measures in light of Covid-19**

d. Draft Agenda for the next Regular Planning Board Meeting (June 24, 2020)

- **469-479 S. Old Woodward Preliminary Site Plan Review and CIS Review**
- **Jax Kar Wash Site Plan Revisions**

e. Other Business

Mr. Jeffares said someone posted on the social media website Nextdoor during the evening's meeting that they were unable to access the Zoom meeting even after following all the City's instructions.

Mr. Jeffares recommended that the City consider having a help line running for the first half-hour of virtual meetings so as to ensure that any members of the public who wish to participate are able to join. He said he would not want to continue with the master planning process virtually only to discover later that some residents were not able to participate due to technological issues.

Planning Director Ecker commented that any members of the public who are able to enter the waiting room during a virtual meeting are admitted by herself or by IT Manager Brunk and none appeared tonight that were not immediately admitted.

06-67-20

I. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

06-68-20

J. Adjournment

No further business being evident, the Chairman adjourned the meeting at 10:06 p.m.

Jana L. Ecker

Planning Director

APPROVED