

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JUNE 24, 2020**

Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 24, 2020. Chairman Scott Clein convened the meeting at 7:31 p.m.

A. Roll Call

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representative Rachel Hester (joined at 7:37 p.m.)

Absent: Board Member Robin Boyle; 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
Matt Lambert, DPZ

06-69-20

B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 10, 2020

Motion by Mr. Williams

Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of June 10, 2020 as submitted.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

Abstain: Emerine

06-70-20

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.

06-71-20

D. Review Of The Agenda

There were no changes to the agenda.

06-72-20

E. Community Impact Study

1. **469 – 479 S. Old Woodward (Former Mountain King & Talmer Bank)**
– Request for Community Impact Study acceptance for a new 5 story mixed use building (Postponed from May 27, 2020).

City Planner Dupuis reviewed the item.

Chris Longe, architect, Steve Russo, traffic engineer, and Joel Rinkel, geotech consultant were present on behalf of the application.

Mr. Russo explained:

- The gate access for the garage would be internal to the building, located near the ramp that descends towards the subterranean levels. That would provide three stacking spaces for vehicles before they spill out onto Hazel. He said the card reader for the gate access takes about ten seconds to register and move a vehicle through the gate, and the applicant expects about 50 inbound vehicles every hour. Since that is less than one vehicle a minute, with three stacking spaces there should be no issue with vehicles queuing out onto Hazel.
- If the parking garage access is left where it was proposed in the plans, it would result in that access being blocked by eastbound traffic on Hazel for a total of only two minutes every hour. The average queue for the stop sign at Woodward and Hazel is one vehicle, with a 95th percentile queue of two vehicles.
- Since Hazel is not a through street at Woodward and vehicles can only enter Woodward from Hazel via southbound right turn, vehicles making that turn would rarely be travelling in excess of 15 m.p.h. Therefore, vehicles would be travelling slow enough at that intersection that sight distance should not be an issue with the proposed garage access location.
- The applicant will work with MDOT to get any necessary permits for construction that occurs in the MDOT right-of-way.
- He would to work with the City's traffic consultant to allay any further concerns there may be from the location of the parking garage access.

Mr. Rinkel stated that about 18,000 cubic yards of soil would be removed from the excavation on the site, which is equivalent to about 25,000 cubic truck yards of material.

Motion by Mr. Williams

Seconded by Mr. Jeffares to accept the Community Impact Study as provided by the applicant for the proposed development at 469-479 S. Old Woodward – Project M1 – with the following Conditions:

- 1. The applicant must submit in writing the volume of excavated soils to be removed from the site;**
- 2. The applicant must provide details on any proposed stormwater retention methods proposed on site;**
- 3. The applicant must provide all details on proposed public safety measures to the Fire and Police Departments for review, including the fire suppression system plans, fire command center plans, and details on the proposed security system;**
- 4. The applicant must either provide the stormwater retention methods to be used onsite or must update the CIS to indicate that the applicant will not provide stormwater management devices; and,**
- 5. The applicant must provide the information requested by the City's traffic consultant.**

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

06-73-20

F. Preliminary Site Plan Review

- 1. 469 – 479 S. Old Woodward (Former Mountain King & Talmer Bank) – Request for Preliminary Site Plan Review for a new 5 story mixed use building (Postponed from May 27, 2020).**

City Planner Dupuis reviewed the item. He said:

- An eleventh condition should be added to the recommended motion which would allow for the proposed projections into the right-of-way.
- If the building has a 20 foot setback, and the first floor use is changed to retail, then the applicant would have to provide approximately three to four parking spaces for the retail. The 111 parking spaces already included on-site would either come close to covering, or would cover, those extra three to four spaces for retail.
- The ordinance only specifies the number of parking spaces required for retail uses of various sizes. It does not specify where those retail parking spaces must be located.
- The size of the vestibule on the roof would have to be limited to the size of the elevator for queuing and egress.

Mr. Longe, architect, spoke on behalf of the application. He explained:

- He would be vehemently opposed to putting the building's ramp off of Woodward. He stated that the garages to the north of this property have their access off big Woodward, which he finds offensive. He said it is preferable for the garage entrance to be accessible off Hazel which is closer to the front door of the building and therefore more conventional.

- Pushing the ramp further to the west would complicate the traffic pattern into the ramp.
- The right-of-way space between the building and Woodward provides ample space for loading and unloading. Other buildings along Woodward use the space between the buildings and Woodward in the same way. In addition, there is a receiving area designated in the plans that would be used for loading and unloading.
- Other projects he has worked on have received variances for the 12 by 40 foot loading area requirement since it is generally smaller mail and package delivery trucks, and not larger industrial trucks, that will be delivering to the building.
- The wall system and the glazing would be used to mitigate the ambient noise coming from the exterior of the building into the interior.
- While the the residential parking arrangements are still under consideration, the applicant is preliminarily thinking that specific spaces will be assigned to the residents. There would also be a keyfob system in place.
- The applicant proposes to put eight parking spaces along Hazel rather than a retail store because Hazel is a low-traffic street and the applicant suspects the space would be too small for retail to thrive. It seemed that it would be more responsible to provide parking on Hazel for the other retail uses in the building located off of both big Woodward and Old Woodward. The applicant would be able to convert the space to retail if necessary.

Mr. Emerine said he thought it would make much more sense to have the eight spaces of retail parking on Hazel than it would to try to fit retail into that space. He also said that he concurred with Mr. Longe that the garage access should be located exactly where it was put in the plans. He said that coming in off Woodward would be an odd experience for people arriving to the building, and that if the garage entrance were to be moved the ramp might not function as it needs to. He said that he would like the applicant team to work with the City's traffic consultant to make sure her concerns are answered, but said he thinks the design for the garage access is appropriate as-is.

Planning Director Ecker stated that while she has seen the parking assessment district (P.A.D.) extended to additional buildings, she has not seen it extended to buildings that are not directly adjacent to another included building. She also stated that the 20 foot setback issue and the vestibule size issue would both be BZA considerations and not Planning Board ones.

Mr. Williams noted that this is the only D4 parcel in the City that is not in the P.A.D.

City Planner Dupuis requested commentary from the Board regarding the aforementioned issues that might be considered by the BZA.

Mr. Jeffares said that the vestibule as designed in the plans would be much safer, in the case of something like inclement weather, than a vestibule that is only equal to the size of the elevator shaft.

Mr. Koseck agreed with Mr. Jeffares. He continued by saying he was supportive of the eight parking spaces along Hazel. He noted that the floorplan works well to activate the corners and that the parking on Hazel would support the other retail in the building. He said there

was a case to be made that there is a practical difficulty with the three-sided building, and that the blank wall across the street from the proposed parking would also not be conducive to retail. He said he also agreed with Mr. Longe's explanation for why the spaces would be located along Hazel.

Mr. Share said he concurred with Mr. Koseck's comments regarding why parking along Hazel would be appropriate for this project. He added that a 20 feet of retail in that area would not make a significant difference towards activating the street.

Ms. Whipple-Boyce and Mr. Williams said they concurred with previous Board members' comments regarding the vestibule and the proposed parking on Hazel.

Mr. Williams said he would urge the members of the BZA to rule favorably for both variance requests.

Chairman Clein said he was supportive of the proposed parking on Hazel. He said that as far as the vestibule, he saw no difficulty necessitating it be larger than the ordinance allows. He stated that he would much rather the Board rework the ordinance if there is a problem with it rather than disregard the ordinance's requirements due to subjective preference.

Motion by ~~Mr. Williams~~ Ms. Whipple-Boyce

Seconded by Mr. Koseck to approve to APPROVE the Preliminary Site Plan for 469-479 S. Old Woodward – Project M1 – with the following conditions:

- 1. The applicant must submit revised plans showing the amount of bedrooms in each unit to ensure that the minimum area required per unit is met, or obtain a variance from the Board of Zoning Appeals;**
- 2. The applicant must submit a revised rooftop plan that shows no habitable space at Final Site Plan review, or obtain a variance from the Board of Zoning Appeals;**
- 3. The applicant must submit details on all proposed RTUs and details on the proposed screen wall material to ensure the RTUs are fully screened from public view at Final Site Plan review;**
- 4. The applicant must provide 2 street trees on the Woodward frontage, obtain a waiver from the Staff Arborist, or obtain a variance from the Board of Zoning Appeals;**
- 5. The applicant must (1) provide site plans showing the number of rooms for each residential unit to clarify the parking requirements for such, and (2) provide a minimum 20 ft. setback for the parking facility located on the first floor along the Hazel frontage or obtain a variance from the Board of Zoning Appeals;**
- 6. The applicant must submit revised plans showing 2 off-street loading spaces measuring 40 feet long, 12 feet wide and 14 feet high and in compliance with Section 4.25 of the Zoning Ordinance or obtain a variance from the Board of Zoning Appeals;**
- 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 at Final Site Plan;**
- 8. The applicant must submit material specifications, samples, and glazing calculations for the proposed building at Final Site Plan review;**
- 9. The applicant must submit an existing conditions plan;**
- 10. The applicant must comply with the requests of all City Departments;**

11. The Planning Board approves the two-foot balcony projections into the right-of-way above eight feet.

Jim Arpin, member of the public, said that he would urge the Board to not accept plans that require ten or more conditions for the motion. He said it would be a more efficient use of the Board's time and City staff's time. Mr. Arpin also expressed concern regarding the safety, power and fire issues that could occur with the installation of subterranean lifts, and concern with how these plans will meet the ingress and egress requirements of the parking ordinances.

Mr. Arpin thanked the Board for their work reviewing City projects, and said he made his comments with the goal of making the process smoother for the Board's benefit in the future.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

06-74-20

G. Study Session Items

1. Draft Master Plan Review Process Debrief

Planning Director Ecker summarized the item.

Mr. Williams said that the public engagement process should recommence relatively soon even if it begins in a virtual environment. He noted that there would be an opportunity for further conversations with the community if necessary after the submission of the second draft as well.

Chairman Clein agreed with Mr. Williams. He noted that it would be at least three months before draft two would be available, and so that it would be appropriate to finish conversations with the public regarding draft one in a virtual environment.

Mr. Jeffares reminded the Board that virtual meetings potentially present an opportunity to reach an expanded audience, especially because some families with young children who may not otherwise be able to attend in-person meetings would be able to attend virtual ones.

There was consensus among the Board members that the Board's public engagement meetings regarding the master plan should recommence on August 12, 2020.

Chairman Clein suggested that the Board could review and re-rank the action list at their July 8, 2020 meeting.

Mr. Jeffares said he wanted to make sure the Board would remember to include the elevator vestibule discussion on their revised action list.

06-75-20

H. Miscellaneous Business and Communications:

a. Communications

b. Administrative Approval Correspondence

Planning Director Ecker sought the Board's feedback for a lot at the intersection of S. Adams and Webster. She explained that there are two buildings on the lot, and that the applicant is proposing restriping the parking lot to add two spots. One ADA compliant spots would be moved to the west to be closer to the currently vacant building on the lot. She noted that the ordinance would require a screening wall for the parking lot. In addition to the restriping, the applicant is proposing to use a landscape buffer for the screening wall, which would be made up of two rows of evergreen shrubs. She asked if the Board would be amenable to her approving these two changes administratively.

Mr. Jeffares said the landscape buffer would be an improvement over what is currently there.

John Marusich, architect, was present on behalf of the request.

There was consensus among the Board members that the proposals could be administratively approved.

c. Draft Agenda for the next Regular Planning Board Meeting (July 8, 2020)

- Jax Kar Wash site plan revisions
- 545 W. Brown site plan/design review
- Action list

Motion by Mr. Williams

Seconded by Mr. Koseck to suspend the rules to allow for site plan reviews at the regular meeting of July 8, 2020.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

d. Other Business

06-76-20

I. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

06-77-20

J. Adjournment

No further business being evident, the Chairman adjourned the meeting at 9:33 p.m.

APPROVED