

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, October 26, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on October 26, 2022. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce (left at 8:18 p.m.), Bryan Williams; Alternate Board Members Jason Emerine; Student Representatives Mackinzie Clein, Andrew Fuller

Absent: Board Member Bert Koseck; Alternate Board Member Nasseem Ramin

Staff: Planning Director Dupuis; City Planner Blizinski, Senior Planner Cowan, City Transcriptionist Eichenhorn

F&V: Julie Kroll

B. Approval Of The Minutes Of The Regular Planning Board Meeting of September 28, 2022

10-159-22

Motion by Mr. Share

Seconded by Mr. Williams to approve the minutes of the Regular Planning Board meeting of September 28, 2022 as amended.

Motion carried, 7-0

VOICE VOTE

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

Nays: None

C. Chair's Comments

Chair Clein welcomed everyone to the meeting and reviewed the meeting's procedures.

D. Review Of The Agenda

It was recommended that the Outdoor Dining Study Session be postponed to November 9, 2022, and to continue the Board's practice of voting in advance to have meetings that encompass both site plans and study sessions.

Messrs. Williams and Jeffares recommended the Board consider making the November and December meetings combined meetings on an ongoing basis since each month only has one meeting.

10-160-22

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone the Outdoor Dining Study Session to Wednesday, November 9, 2022.

Motion carried, 7-0

VOICE VOTE

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

Nays: None

E. Unfinished Business/Courtesy Review

F. Rezoning Applications

G. Community Impact Studies

- 1. 34350 Woodward – Lavery Porsche – Request for Community Impact Study review for new 3-story auto sales agency.**

SP Cowan presented the item.

SP Cowan and Ms. Kroll answered informational questions from the Board.

In reply to the Chair, Ms. Kroll confirmed that the development only raised concerns in terms of the multi-modal aspects of the Elm intersection. She confirmed that she did not see that the trip generations would cause any undue burden on the adjacent roadway network.

In reply to Ms. Whipple-Boyce, SP Cowan confirmed that the applicant, at their expense, would still be expected to provide the required trees along the sidewalk whether or not the City elects to transplant the trees from the site to the sidewalk.

Fred Lavery, owner, spoke on behalf of the project.

In reply to inquiry from the Board, Mr. Lavery explained:

- The project would be financially necessary due to requirements from Porsche;
- The general contractor would be required to file a due care plan to protect workers and the public from potential environmental issues;
- The site would be inspected for vapors as well, the report would be provided to City Staff, and vapor barriers would be installed if vapors are determined to be an issue; and,

- He was willing to work with City Staff and the Multi-Modal Transportation Board to determine the appropriate location for the driveway off Elm.

Board members' comments were as follows:

- The development itself was not found by Ms. Kroll to cause issues in terms of traffic intensity or trips;
- The CIS could be accepted without the final traffic study in this case because the issues regarding the Elm intersection would be addressed during the final site plan and design review;
- Improvements at the Elm intersection could be challenging if MDOT involvement is required. In that case, it might be most appropriate to design a crosswalk that gains approval from Ms. Kroll and is as well-designed as possible given present circumstances;
- The Elm intersection is presently dangerous and should be improved;
- While the Triangle Plan makes a recommendation, the Plan does not require on-site residential;
- Some stipulations should be added about the environmental aspects of the project; and,
- Making the crosswalk more visible might be appropriate.

Mr. Boyle asked whether the Board felt comfortable with the abbreviated CIS provided by Staff. He said he thought it worked well.

Mr. Share concurred with Mr. Boyle. He stated that Planning Staff provided him with the full-length environmental report at his request before the present meeting. He said that Staff would have likely done the same thing with any other documentation Board members may have requested.

10-161-22

Motion by Mr. Share

Seconded by Mr. Williams to accept the Community Impact Study as provided by the applicant for the proposed development at 34350 Woodward Ave and 909-911 Haynes Street with the following conditions:

- 1. The applicant resolve all issues related to the Transportation Impact Study as requested by the City's traffic consultants;**
- 2. The applicant obtain site plan review and recommendation from the Multi-Modal Transportation Board (MMTB) related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;**
- 3. The applicant provide the Planning Department with copies of any existing due care plans, plans developed in connection with the construction of the project, information about the existence of any vapors during the process of construction, and plans for remediation of any hazardous vapors identified; and,**

4. The applicant comply with all requests from City Departments.

Motion carried, 6-0

VOICE VOTE

Yeas: Jeffares, Clein, Emerine, Boyle, Williams, Share

Nays: None

H. Special Land Use Permits

I. Site Plan & Design Reviews

1. 34350 Woodward – Lavery Porsche – Request for Preliminary Site Plan review for new 3- story auto sales agency.

SP Cowan presented the item and answered informational questions from the Board.

Mr. Lavery, owner, spoke on behalf of the project.

In reply to inquiry from the Board, Mr. Lavery explained:

- Aside from one vintage, pre-owned car, the rest of the new and pre-owned inventory will be parked in the structure and not outside;
- How the different entrances and exits to the site would function for the different site uses;
- The electronic vehicle charging stations would be open to the public and would charge for electricity use;
- It might be possible to create a shared parking arrangement for the few extra parking spaces during the day, but would likely not be permitted by Porsche at night; and,
- This project would allow Porsche to terminate its lease of the parking area directly to the north of the property, and its lease of the top floor of the 555 Building's parking deck.

Board members' comments were as follows:

- The streetscape would be greatly improved by the project;
- There was some concern about not yet knowing how the Elm intersection would be ultimately laid out;
- The crosswalk could be moved further from Woodward;
- It is unlikely that the Elm intersection as a whole would be redesigned in a timeframe that would allow for this project. Therefore, the crosswalk and other conditions need to be changed within the broader context of the intersection's existing conditions;
- The Board should at least ask the applicant to work with the City's Planning and Engineering Departments and MDOT to see what improvements might be possible for the Elm intersection as a whole, even if improvements beyond the crosswalk are not mandated by the Board. The conclusions from that process could then be reviewed by the Board at the final site plan and design review; and,
- Screening should also be reviewed at final site plan and design review.

10-162-22

Motion by Mr. Share

Seconded by Mr. Williams to approve the Preliminary Site Plan for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

- 1. The applicant obtain site plan review and recommendation from the MMTB related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;**
- 2. The applicant provide sidewalks along Elm Street, Woodward Ave, and Haynes Street that are a minimum of 12 feet wide;**
- 3. The applicant comply with all department requests.**

Mr. Share noted that the most significant reason for this project to be reviewed by the MMTB is to solicit recommendations for the proper placement of the crosswalk at the Elm intersection.

The Chair reiterated that the applicant, MMTB, and Staff should also look at what improvements might be possible for the Elm intersection as a whole.

Motion carried, 5-1

VOICE VOTE

Yeas: Jeffares, Clein, Emerine, Boyle, Williams

Nays: Share

Mr. Lavery noted that three of the four proposed designs in the Triangle Plan for the Elm intersection would not interfere with his project as-proposed. He explained that meant that even if the Board were to approve his project at the final site plan and design review, the Board would not foreclose on opportunities to later improve the intersection.

Mr. Williams said he looked forward to the project and that it was a better result than the previously proposed project for the site.

J. Study Session

K. Miscellaneous Business and Communications

- 1. Pre-Application Discussions**
- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**

10-163-22

Motion by Mr. Williams

Seconded by Mr. Share to designate a change in the rules of procedure so that Wednesday, November 9, 2022 and Wednesday, December 14, 2022, be allowed to consider both site plans and study session items should they occur.

Motion carried, 6-0

VOICE VOTE

Yeas: Jeffares, Clein, Emerine, Boyle, Williams, Share

Nays: None

5. Action List - 2022

6. Other Business

Staff explained that the commencement of the Master Plan draft review would be delayed by a month since there was a delay in getting the Plan out for the 63-day comment period. It was confirmed that the City's messaging was updated to reflect the change.

L. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 9:21 p.m.



Nick Dupuis
Planning Director



Laura Eichenhorn
City Transcriptionist