

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 23, 2019**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on October 23, 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, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Jason Emerine; Student Representative John Utley

Absent: Board Member Bert Koseck; Alternate Board Member Nasseem Ramin; Student Representative Sophia Trimble

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

10-151-19

B. Approval Of The Minutes Of The Regular Planning Board Meeting of September 25, 2019

Mr. Share asked that it be made more clear that with 49 parking spaces at the Lincoln Yard site, and an additional nine on the street, there would be 58 parking spaces which falls short of the City's required 65 parking spaces for the site. In addition to these spaces there would be an additional 16 parking spaces available to Lincoln Yard customers in Armstrong White's parking lot through a shared parking agreement between the two businesses.

Mr. Jeffares asked that 'City', in the third line of the first full paragraph on page two, be changed to 'Rail District (in the portion south of Lincoln)'.

Mr. Emerine recommended that it be made more clear on page six that Mr. Koseck ultimately agreed with Mr. Emerine's comments regarding the layout of the Lincoln Yard parking lot.

Motion by Mr. Boyle

Seconded by Mr. Williams to approve the minutes of the Regular Planning Board Meeting of September 25, 2019 as amended.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Abstain: Clein, Emerine

10-152-19

C. Chairperson's Comments

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

10-153-19

D. Approval Of The Agenda

Motion by Mr. Williams

Seconded by Mr. Share to postpone consideration of the Preliminary Site Plan Review for 469-479 S. Old Woodward to November 13, 2019.

Chairman Clein invited public comment on the motion.

In reply to Jim Arpin, Planning Director Ecker explained an application and plans for the site were available in the Planning Department for any members of the public who might wish to view them.

In reply to Mickey Schwartz, Planning Director Ecker explained the developer submitted an incomplete set of plans, and that they requested their review be postponed after the notices regarding the review had already gone out to the public.

Chairman Clein clarified for Dr. Schwartz that the same applicant is seeking, through a different application, to determine whether the D5 ordinance language should be modified based on questions that arose during City Commission meetings.

Planning Director Ecker also told Dr. Schwartz that it routinely happens that an applicant may submit two sets of plans, with one set being the preference and the second being the fallback.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

10-154-19

E. Old Business

1. 34745 Woodward, Jax Kar Wash – Request for Final Site Plan and Design Review to add a covered detailing area and reconfigure access and circulation for the site (Postponed from September 11, 2019).

Planning Director Ecker presented the item.

Mr. Jeffares said he was very familiar with the site both as a patron and because it is next to his workplace. He said that rather than reducing the queuing on Brown Street, the proposed plans would likely increase queuing on Brown because up to seven fewer vehicles could fit in Jax's lot while in line for the carwash.

Greg Roselli, site manager for Jax Kar Wash, explained that the issue with vacuuming cars in the rear of the lot is a time constraint. He said that once there are eight cars in the vacuum lanes, the line backs up to the curb by the booth which prevents other cars from being able to pass by. He said the plans would change the speed with which cars could be cleared from that area which would reduce the queuing on Brown.

Mr. Jeffares said he had never seen the area in the rear of the building congested, while conceding that Mr. Roselli was likely more aware of the site logistics than Mr. Jeffares.

Mr. Roselli said there would be more visible backups with winter's arrival.

Planning Director Ecker confirmed that:

- The Planning Department is still not in receipt of the signage calculations for all the additional proposed elements on the site.
- No floor plan for the site had been submitted.
- Both signage calculations and a floor plan are required for the Board to complete a final site plan and design review.

Mr. Roselli confirmed that the vacuuming of the cars would be done by Jax Kar Wash staff.

There was no public comment, and Chairman Clein returned the discussion to the Board.

Ms. Whipple-Boyce expressed dismay that the submitted site plans neither complied with the City's ordinances nor integrated the Board's previous feedback regarding the application. She said the Board gave specific feedback on a number of issues, none of which the applicant chose to resolve in the number of months since the previous meeting.

Chairman Clein noted that plans as submitted do not meet condition four from Article 7, section 7.27 of the Zoning Ordinance. In addition, Chairman Clein concurred with Ms. Whipple-Boyce's statement that the plans neither meet City ordinance nor previous Board recommendations regarding the application. He said that as a result of these issues he would not be prepared to move the plans forward.

Mr. Share concurred with both Ms. Whipple-Boyce and Chairman Clein.

Motion by Mr. Share

Seconded by Mr. Williams to deny the Final Site Plan and Design Review for 34745 Woodward – Jax Kar Wash – for the following reasons:

- 1. The proposed plan does not meet the requirements of the zoning ordinance in a number of ways as noted in both Planning Director Ecker's report and during previous meetings;**
- 2. The proposed plan does not meet the condition four of Article 7, section 7.27 of the Zoning Ordinance being that the plans propose hazardous traffic circumstances; and,**
- 3. At present, the applicant has not demonstrated an entitlement to utilize the counterflow into the Woodward Avenue right of way.**

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

10-155-19

F. Special Land Use Permit and Final Site Plan & Design Review

- 1. 111 Henrietta & 195 W. Maple - Brooklyn Pizza (including former Birmingham Geek space)** – Request for Special Land Use Permit to operate a bistro with the service of alcohol in the existing Brooklyn Pizza, to be expanded, in the B4/D4 zoning district.
- 2. 111 Henrietta & 195 W. Maple - Brooklyn Pizza (including former Birmingham Geek space)** – Request for Final Site Plan & Design Review to convert the former Birmingham Geek space into restaurant space to expand the existing Brooklyn Pizza space, including exterior changes to the building.

City Planner Cowan presented the item. He noted there would actually be 60 interior seats, not the 65 seats stated in his written report.

Planning Director Ecker explained that while many dumpsters in alleys do not have screening walls because they were grandfathered in, they would be subject to the same screening requirements as other dumpsters in the City should changes to their circumstances be made.

Mr. Jeffares said he was considering possible improvements to the alley behind Brooklyn Pizza as part of this review.

Mr. Share asked that the Board consider whether to grant a bistro license to a restaurant with no table service. He said the lack of table service seemed counter to what bistros within the City have traditionally been.

Patrick Howe, attorney for the applicant, discussed the plans for the restaurant. He noted that the first bistro license granted in the City was for Cosi, an now-closed establishment that did not provide table service.

The Board and the applicant's team discussed whether a bistro license could be granted to an establishment where patrons pick up their own alcoholic drinks from the bar and proceed to their tables. Ms. Whipple-Boyce noted that Article 3 of the Bistro License requires that alcohol is only served to seated patrons.

Chairman Clein said that Ms. Whipple-Boyce's point was a good one, and that it would be up to the City Commission to determine whether Brooklyn Pizza's proposed bar service would be sufficiently in-line with the ordinance. He said that since the issue had been minuted, it could now be further reviewed by the City Attorney and the Commission.

Sam Abdelfatah, owner of Brooklyn Pizza, told the Board that the alley behind their building is both very narrow and very busy. He said an apartment building next to the alley has their garage exit directly into the alley and that AT&T frequently parks their trucks in that alley. He added that his business plans to purchase a larger dumpster to fit the expanding needs of the restaurant, and that to fence it off would be prohibitive for other traffic that needs to flow through the alley and for the garbage company to empty the dumpster. He also said that during the summer three of the ten bar stools from the interior would be moved to the exterior bar, and that during the colder months they would move back inside.

Joel Schmidt, architect for the project, stated that the project plans to use high-density cement fiber board, and that there are no plans to use EFIS on this project. He continued:

- The decision about whether to screen the RTUs was a matter of either violating the ordinance requiring the screening of the RTUs or violating the ordinance requiring that to the best extent possible, no screening should extend above the top edge of an imaginary plane extending upward 45 degrees from the eave line. He said that screening the most northerly unit would likely cause the screen wall to either be flush with the exterior wall of the building, or to possibly even overhang the edge of the building. This is because this unit is two feet away from the edge of the building, and a screen wall should be installed two feet away from the unit. He recommended that if the City wants that unit completely screened, a perforated metal screen should be used to make that part of the screening wall less obtrusive. He said he would use a perforated metal screen rated for 70% opacity or greater.
- The City's ordinance requiring a VLT for windows of 80% or above makes buildings in Birmingham much more expensive. He said a standard window with a standard coating would yield a VLT of 71%. To get to the 80% a number of upgrades are required. Mr. Schmidt asserted that the visible difference between windows with 71% VLT and 80% VLT would be likely invisible to the naked eye. He said that both would result in clear facades on the main streets of Birmingham, and asked that the Board consider reviewing the matter. He said that, despite this point, if the City wanted Brooklyn Pizza to move forward with the 80% VLT they were absolutely prepared to do so.
- The park benches outside of Brooklyn Pizza will remain in place as part of these plans, and were only accidentally omitted from the drawings.
- Choosing to locate the bar where it is in the plans is because Mr. Abdelfatah insisted on a layout that made the restaurant and bar area feel like it opened up onto Shain Park. It was also assumed that bar patrons would more likely sit sideways interacting each other, and would not sit looking straight ahead at the wall that will be located in front of four of the bar seats.

- The high-density cement fiber board will have open joints that will allow for open ventilation and a bit of rain driven water to enter the wall. Then the water would hit a masonry wall behind the cement fiber board that was already weatherproofed. As a result, any water that was able to permeate the fiber board will drain out the bottom of the wall, meaning the cement fiber board would be able to fully dry.

Chairman Clein noted for the record that page 107 was submitted with the original bistro application, and is not what the Planning Board would be voting on this evening. The submittal the Board would be voting on would be based on updated plans.

Ms. Whipple-Boyce told Mr. Abdelfatah that she would like him to leave his outdoor seating down in the evenings so that people strolling through the City might be able to sit in those chairs. She said that many establishments stack their chairs in the evening in a way that is both inhospitable and unsightly, and that this application was her first opportunity to address the issue.

Mr. Abdelfatah said he would be happy to leave his outdoor seating for people to sit in when the establishment is closed.

Seeing no public comment, discussion returned to the Board.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to add the memorandum from the Birmingham Police Department indicating that Mr. Abdelfatah had no criminal record dated October 23, 2019, and the memorandum from the Building Department dated October 23, 2019 be received and filed.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

In reply to Mr. Boyle, Planning Director Ecker stated that while the RTUs must be screened the screening walls can exceed the imaginary 45 degree plane mentioned in the ordinance if necessary, and that they may be screened using any one of a number of appropriate materials as long as it meets City specifications. She also advised the Planning Board that they could choose to lower the 80% VLT requirement for this project if the four requirements to do so were met. She told the Board that they were scheduled to review the 80% VLT requirements on their November 13, 2019 agenda. She stated that there is reasonably-priced clear glass available that can meet the 80% VLT standard, but that when a building complies with that requirement they often cannot also get the building to be compliant with the Energy Code, especially in existing buildings.

Chairman Clein acknowledged the clause that would allow the Board to lower the VLT requirement, but said he would not be comfortable randomly applying the clause.

Mr. Jeffares noted that an exception had been made for the VLT of the glass in the Baldwin

Library's youth room addition, and that there should not be one standard for public development and one standard for private.

Acknowledging that she has been an ardent supporter of clear glass windows throughout the City, Ms. Whipple-Boyce said she would also be interested in seeing the difference between 71% VLT glass and 80% VLT glass given the hardships stemming from the 80% requirement that more than one applicant has described. Echoing a previous comment from Mr. Boyle, she agreed that there should be some language in the upcoming motion to allow Brooklyn Pizza to change its window VLT should the City's VLT requirements be amended subsequent to this meeting.

Chairman Clein said it would be inappropriate for the Board to decide on a VLT percentage from the outset with the understanding that it is the number that would best serve a particular applicant. He emphasized that the City has ordinances which must be followed, and that Brooklyn Pizza could still benefit from future changes if the City's VLT standard changed by the time they return for a building permit.

Mr. Abdelfatah told the Board that he would accommodate the City's VLT ordinance if it was the best way to move the process forward.

In reply to Mr. Jeffares question regarding whether the applicant should be required to screen their dumpster, Ms. Whipple-Boyce opined that it would not likely be possible with the circumstances as they are. She said an ideal scenario would be for a number of businesses to all utilize one compacting dumpster in that alley.

Planning Director Ecker confirmed for Mr. Jeffares that the alley in question is scheduled to be redone, but could not immediately recall when that work would commence.

Motion by Mr. Jeffares

Seconded by Mr. Williams that based on a review of the site plans submitted, the Planning Board recommends approval to the City Commission of the applicant's request for Final Site Plan and Design Review for Brooklyn Pizza at 111 Henrietta and 195 W. Maple, provided however that if there is a modification of the glazing ordinance that the applicant be allowed to meet the new VLT requirement without returning for Planning Board review, and pending receipt of the following prior to appearing before the City Commission:

- 1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;**
- 2) Provision of tree grate specifications indicating they will be ADA compliant;**
- 3) Specification sheets for the new glass indicating a VLT of 80% or above;**
- 4) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;**
- 5) Provision of specifications regarding the railing material and height for the outdoor patio barrier; and**
- 6) Both existing park benches remain outside the restaurant.**

Ms. Whipple-Boyce asked if there would be a way to allow Brooklyn Pizza to benefit if the City's VLT requirements were lowered in the future.

Planning Director Ecker replied that if the Board agreed Brooklyn Pizza should be afforded that option in the future, the relevant language should be included in the present motion.

Mr. Jeffares permitted Ms. Whipple Boyce's recommended language to be added to the motion.

Mr. Share made it known that he would not be supporting this motion or the following regarding the SLUP because in his view the operational plan was not consistent with the Zoning Ordinance in terms of serving seated patrons, and was not consistent with his conception of what a bistro is. Mr. Share stated that if the establishment were pursuing another type of alcohol-serving license within the City he would be more obliging. He noted that bistro licenses are relatively scarce resources in the City and that the Commission, as he understood it, had not considered those aspects.

Chairman Clein invited public comment.

Mr. Howe explained that the ordinance says alcohol is only served to seated patrons except for those standing in the defined bar area. He noted that with Brooklyn Pizza's proposed layout, patrons would only be served alcohol while standing in the defined bar area, after which they would proceed to their seats and become seated patrons. Mr. Howe reiterated that Brooklyn Pizza's plan is consistent with the first bistro ever granted in Birmingham, and that has been their intent.

Motion carried, 6-1.

VOICE VOTE

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

Nays: Share

Motion by Mr. Jeffares

Seconded by Ms. Whipple-Boyce that based on a review of the site plans submitted, the Planning Board recommends approval to the City Commission of the applicant's request for Special Land Use Permit for Brooklyn Pizza at 111 Henrietta and 195 W. Maple, provided however that if there is a modification of the glazing ordinance that the applicant be allowed to meet the new VLT requirement without returning for Planning Board review, and pending receipt of the following prior to appearing before the City Commission:

- 1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;**
- 2) Provision of tree grate specifications indicating they will be ADA compliant;**
- 3) Specification sheets for the new glass indicating a VLT of 80% or above;**
- 4) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;**
- 5) Provision of specifications regarding the railing material and height for the outdoor patio barrier; and**
- 6) Both existing park benches remain outside the restaurant.**

Motion carried, 6-1.

VOICE VOTE

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

Nays: Share

10-156-19

G. Preliminary Site Plan Review

1. 344 N. Old Woodward (Morganroth & Morganroth Building) - Request for approval to expand the second and third floors of the existing building and to add a fourth floor of residential units.

City Planner Dupuis presented the item, noting that he made a mistake within the report and that the applicant was correct regarding parking.

Mr. Williams said that this project should have a community impact study (CIS) given its proximity to a residential area and the proposed increase in the size of the building. He said he would not vote to approve these plans until staff and the Board are able to review a CIS. He stated that it was significant that ordinance allows only one floor of office while this building proposes to maintain two office floors. He also said a CIS would help clarify potential traffic issues.

Mr. Share said that he was generally supportive of the effort to add residential units to the site and that there was a good chance that a CIS would assist the applicant in a Board of Zoning Appeals (BZA) application. He agreed with Mr. Williams that a CIS would be appropriate.

Chaderique Menard and Brian Najor spoke on behalf of the project.

Chairman Clein advised Mr. Menard that the Zoning Ordinance provides the Board discretion regarding whether a project that would cause a building to exceed 20,000 square feet should be required to conduct a CIS. He noted that not only does this plan take the building over the 20,000 square feet threshold, but that it nearly doubles the size of the building which could have a significant impact on the surrounding area.

Mr. Najor said the project was submitted to the City two months ago and that the applicant received feedback from the City regarding the plans on October 21, 2019. He said the applicant team did its best to address and integrate the City's feedback. Mr. Najor said a community impact study was not mentioned in any prior conversation, and that he had not previously heard many of the comments being raised by the Board this evening. Mr. Najor emphasized that this project would be harmonious with Birmingham's desire for more residential units, and that phase one and phase two studies can be made available as they were conducted as part of the project's application for funding. Mr. Najor also asserted the project, in adding a fourth floor of residential, did not propose anything that was not already permitted within City ordinance.

Chairman Clein reiterated that it was at the Board's discretion whether to require a community impact study when a project takes a building over 20,000 square feet.

Mr. Williams corrected Mr. Najor's assertion, explaining that the project sought to maintain two floors of office within four floors, when only one floor of office would be permitted by ordinance.

In reply to Mr. Najor, Planning Director Ecker explained that even revised plans adding more office to the second floor and more residential to the third would be expanding a non-conformity, due to having more than one floor of office, and would require a variance from the BZA to proceed. She said that if the applicant wanted to avoid a variance for that issue, they could keep the first floor retail, the second floor office, and the third and fourth floors entirely residential.

Chairman Clein clarified that while he both liked the design of what he saw and is highly supportive in of more residential in the downtown, the Board has an obligation to review all required aspects of a project and to protect the community's interests as new projects proceed.

Chairman Clein then invited public comment.

Catherine Gaines, 343 Ferndale, explained that her home shares a property line with 344 N. Old Woodward. She stated that she was present with a number of other residential property owners adjacent to 344 N. Old Woodward, and was representing a few additional neighbors who were unable to attend the evening's meeting. Ms. Gaines said her group was asking the Board to deny the proposed project. She said three things were of particular concern:

- The likely change in community congestion and activity that would result from adding residential to the building;
- That three of the planned residential units would, from 40 feet up, face directly into her backyard; and,
- That, according to her estimate, the residential properties behind 344 N. Old Woodward stand to lose about three hours of sunlight each day if the proposed additional 20 feet in height were added to the site.

Andrew Madvin, 347 Ferndale, said he was generally supportive of development in Birmingham but that this proposed development seemed in excess. He echoed Ms. Gaines' request that the application be denied.

Lisa Krueger, 348 Ferndale, said that the residential neighborhood behind 344 N. Old Woodward already experiences significant amounts of traffic and parking congestion. She added that the proposed plans lay out a building that would be intrusive to the adjacent residential neighborhood.

John Henke, attorney for the residents of 335 Ferndale, stated that the planned massing of the building would significantly impact the neighboring residences. He said the petitioner planned to add residential to the SAIC building, which has a 14 foot 9 inch setback and abuts the Balfour building. He explained the petitioner has not supplied an SD-100 or an SD-102. Mr. Henke argued that a CIS would be particularly important for this project given the potential impact on the residential neighborhood. The plans would also have 280 N. Old Woodward ten feet from its residential neighbor. He requested on behalf of the residents of 335 Ferndale that a CIS be completed for this project before the Board further considers the plans.

Brad Host said that all the residential owners near the 344 N. Old Woodward hope to do is to ensure that the Board enforce the City's ordinances.

Chairman Clein returned discussion to the Board seeing no further public comment. Chairman Clein then explained to all present that the Board is careful to ensure enforcement of City ordinances. He clarified that while enforcement of ordinances can sometimes restrain certain developments, the ordinances can, by right, also sometimes result in projects neighbors may not prefer. He advised residents living in downtown Birmingham to be aware that possibility exists.

Motion by Mr. Boyle

Seconded by Mr. Share to postpone the Preliminary Site Plan Review for 344 N. Old Woodward until the applicant is able to provide a completed Community Impact Study in order that the Board has sufficient information regarding this proposal (to be built 32,000 square feet in size) and that this be submitted along with a full set of plans for the Preliminary Site Plan Review in accordance with Article 7, section 7.27(e)(2) of the Zoning Ordinance.

Planning Director Ecker confirmed for Ms. Whipple-Boyce that the applicant could obtain information on the requirements of a CIS either from the City's website or from coming into the Planning Department.

Planning Director Ecker confirmed for Ms. Gaines that the nearby residences to the project would be re-noticed when the CIS and site plans are submitted if the present motion was approved.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

10-157-19

H. Study Session Items

1. Master Plan Update

Chairman Clein asked the Board for ideas to encourage community involvement during the rest of the master plan process.

Mr. Williams said there is excessive and redundant narrative discussion within the first draft, and that bullet points could better convey the information. He said the plan needs to do a better job of addressing the implementation timing for its recommendations. Mr. Williams opined the City needs engagement from neighborhood representatives in order to achieve buy-in from the neighborhoods before the plan is finalized. Mr. Williams refuted the idea, ventured by a public commenter at the October 17, 2019 City Commission-Planning Board Joint meeting (Joint Meeting), that free discussion would be stymied if City representatives attended neighborhood association meetings. Rather, according to Mr. Williams, City representatives at neighborhood

association meetings would better allow the City to hear and subsequently address citizens' perspectives and needs. Mr. Williams expressed pressing concern that the first draft does not give the City a sense of the best way to get a broad range of community feedback regarding ideas in the master plan, and that efforts to acquire that feedback from the public should be a City effort undertaken immediately.

Mr. Share agreed. He said it would be important to invite community engagement, to engage each neighborhood in a familiar environment, and to be sure to engage each community in discussions relevant to their particular concerns. Mr. Share expressed hope that if well-publicized public meetings were held with City decision makers in various neighborhoods that the public would choose to attend.

Ms. Whipple-Boyce stated that DPZ did an outstanding job of soliciting community engagement during the spring charrettes and that the plan best represents guidelines for how to begin to draw the neighborhoods together. While Ms. Whipple-Boyce agreed with the importance of getting the neighborhoods involved, she noted for the Board that the community has been highly engaged and responsive throughout the entire process thus far. Ms. Whipple-Boyce stated that the first draft provides the City laid out some ideas for building further community engagement, and that by her assessment the level of community engagement is right in line with where it should be for implementing the plan's next steps. She also echoed Mr. Share's recommendation from the Joint Meeting that the Board create some subcommittees, possibly with some Commissioners as well, to discuss and invite public engagement on any aspects of the first draft that would benefit from a more in-depth review.

Chairman Clein agreed with Ms. Whipple-Boyce that the community has been engaged in the process. He said he wants to see continued community engagement because the plan cannot purport to represent the community's interests if very few community members ever attend the meetings or give input. Responsibility falls to the Board members, according to Chairman Clein, to encourage community engagement as much as possible. He opined that ad hoc meetings to discuss particular issues would ultimately amount to a well-intentioned misappropriation of time, since the public will often either be insufficiently aware of them, or the meetings are often scheduled for times when most people could not attend. Chairman Clein strongly recommended that any topics to be discussed from the first draft should be done as part of the Board's regular meetings. He also cautioned that the City is currently in a review stage of the process, and that implementation will not begin until the master plan is formally adopted sometime in the spring of 2020.

Mr. Boyle suggested three levels at which the plan should be discussed:

- Board-level planning topics, announced and scheduled for the Board's regular meetings;
- Implementation, which will be determined by various parts of City governance and by the Plan's ultimate recommendations; and,
- Leadership. After the November 5, 2019 City elections, Mr. Boyle anticipated the City Commission would recommence decision making processes regarding the master plan.

Mr. Boyle said the Board's focus should be on reviewing the planning elements of the plan, and providing feedback and guidance on what DPZ and McKenna have set forth.

Mr. Jeffares said a diversity of strategies will be required to retain public engagement through the balance of the process. He mentioned surveys, meetings at schools, social media posts, door-to-door conversations, and neighborhood meetings as some of the options. Anything less than a comprehensive effort, similar to what the master planning team did for community engagement in the spring, would be insufficient in Mr. Jeffares' view.

Chairman Clein requested that Staff begin the process of breaking down the draft into manageable pieces and scheduling them for the Board's upcoming meetings. He said that once the Board has a full Study Session meeting a month, beginning in January 2020, it would be worth considering whether whatever master plan topic is scheduled should be the only topic during those meetings. He also said that City Manager Valentine could review these minutes for thoughts on developing a communication strategy in regards to the master plan, and how best to engage City residents through the multiple platforms the City possesses.

Mr. Williams said he would like the City Commission, after the election, to state what the Board's role should be during the rest of the process.

Chairman Clein agreed. He said that at their next meeting the Board could review the proposed schedule of meetings, a recommendation of enhanced engagement, and a request to the Commission for further direction. Once the Board has consensus on those, he suggested the Board could either ask through Staff or pass a resolution to request that the Commission either endorse or redirect the Board's plan.

10-158-19

I. Miscellaneous Business and Communications:

a. Communications

b. Administrative Approval Correspondence

For 412-420 E. Frank Street, the type of brick being used was switched by the developer without administrative approval. Planning Director Ecker noted that the brick being used is just a bit darker than the brick originally approved. She said the Board had also requested the site provide some architectural details on the east elevation wall to be administratively approved. Planning Director Ecker explained that while there were changes to the brick wall, administrative approval was not obtained for those changes. Given the sensitivity of the site, Planning Director Ecker explained she was bringing the matter to the Board for its review.

Chairman Clein said that while he was not entirely in favor of the selected brick's similarity to the brick used on the adjacent building, the brick being used is nearly identical to the brick selected. For the east elevation, however, he recommended that the developer be asked to appear before the Board again, ready with some additional ideas to add architectural interest to that wall.

Mr. Share agreed, saying he was less troubled by the brick change than he was by the issue regarding the east elevation. He also asked if a procedure could be put in place to prevent developers from receiving their permits until all Board conditions set in place during the approval are met. That would have meant, for instance, that this developer would not have received a

permit until the Planning Department saw and approved plans to add architectural interest to the east elevation.

In reply to Mr. Jeffares, Planning Director Ecker explained that developers submit their construction drawings for permits and staff will reject those if they are not the same as what was approved by the relevant Board. She said that sometimes the City is given the same plans they were given for site plan review, and then changes occur. Once that happens, it is either not until the City is notified by a concerned party, or final inspection occurs, that the City is made aware of unauthorized changes made in the construction.

After Board consensus, Planning Director Ecker confirmed she would advise the applicant that they need to return for Board review prepared with a more detailed design alternative for the east wall. The change in the type of brick being used for the building as a whole was deemed acceptable.

City Planner Dupuis asked the Board to weigh in on the tarp being used at 34000 Woodward to screen their mechanical units. He said that the owner of the property insisted City Planner Dupuis ask the Board, even though City Planner Dupuis advised the owner that the setup was unlikely to receive Board approval.

The Board concurred with City Planner Dupuis' assessment, saying the use of a tarp as a screening wall is entirely unacceptable.

c. Draft Agenda for the next Regular Planning Board Meeting (November 13, 2019)

- D5 Zoning Discussion
- 720 N. Old Woodward -- Final Site Plan Review, Kohler Building
- 770 S. Adams, CIS and Site Plan
- 469-479 S. Old Woodward, tentatively
- 412-420 E. Frank St.

d. Other Business

10-159-19

J. Planning Division Action Items

- a. Staff Report on Previous Requests**
b. Additional Items from tonight's meeting

10-160-19

K. Adjournment

No further business being evident, the Chairman adjourned the meeting at 10:29 p.m.

Jana L. Ecker
Planning Director