

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, AUGUST 14, 2019**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on August 14, 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 (left at 8:03 p.m.); Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives Sophia Trimble, John Utley

Absent: Board Member Bert Koseck

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

08-118-19

B. Approval Of The Minutes Of The Regular Planning Board Meeting of July 24, 2019

**Motion by Ms. Whipple-Boyce
Seconded by Mr. Williams to approve the minutes of the Regular Planning Board Meeting of July 24, 2019 as submitted.**

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Share

08-119-19

C. Chairperson's Comments

None.

08-120-19

D. Approval Of The Agenda

Planning Director Ecker noted that Items E2 and E3 were being postponed indefinitely and were not going to be discussed during the evening's proceedings. The request for a Site Plan Extension

for 34965 Woodward (former Peabody restaurant) was removed from the agenda, as it was resolved.

Motion by Mr. Williams

Seconded by Mr. Jeffares to postpone the Final Site Plan and Design Review for 34745 Woodward, Jax Kar Wash to September 11, 2019 and to suspend the Rules of Procedure to hear said review during a Planning Board study session.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

08-121-19

E. Old Business

1. Courtesy Review - 300 W. Merrill – Baldwin Library, Youth Room Addition -
the
Baldwin Library.
Courtesy Review of glazing options only for proposed new addition to the Youth Room in

Library Director Koshik and John Gardner, one of the project's architects, reviewed the item for the Board.

Planning Director Ecker clarified that 300 W. Merrill is not required to meet ordinance glazing standards as the site is zoned public property.

George Hopkins of Peter Basso and Associates stated his team validated Mr. Gardner's findings that the higher visible light transmittance (VLT) windows, at 80%, perform worse than the windows with the better solar heat gain coefficient and the better u-values in both heating and cooling. Mr. Hopkins explained that areas near the windows in the Library stand to be colder in the winter and hotter in the summer if windows with worse solar heat gain coefficients and worse u-values are selected.

Ms. Whipple-Boyce said it was regrettable that the Library's team was obligated to be present at this meeting the night before the room addition construction was set to begin. She asked:

- If the team had been proposing 80% VLT windows initially and changed their proposal at some point; or,
- If the proposal had always included 62% VLT windows and the City had neglected to mention a potential conflict between that proposal and City ordinance.

Mr. Gardner stated that during the initial design the architectural team downloaded all the ordinances pertaining to the building, and at that time there was no mention of the 80% VLT requirement. He explained the Zoning Ordinance called for clear or lightly-tinted glass. He explained that between the design process and the creation of construction documents the

architectural team again downloaded the more recent ordinances for public property, which had no window standards. At some point during this entire process windows standards were adopted by the City and applied as amendments to the Zoning Ordinance. Mr. Gardner stated that these zoning amendments were not available online. Since then, the project was reviewed by all required City departments and all requisite Boards, and nothing had been mentioned about the recently implemented window standards.

Planning Director Ecker stated that the project plans she had most recently reviewed showed clear glass. She explained that this issue arose when bird protection glass was considered for the project, at which point the City requested specifications on the bird protection glass and it did not meet the VLT specifications. Mr. Gardner then noted that the original proposed clear glass shown on the plans previously was also less than 80% VLT and thus did not meet the standards.

Mr. Gardner told Mr. Share that the average person would be able to tell the difference between glass with 15% reflectivity and glass with 11% reflectivity.

Mr. Hopkins said there could be a 25% decrease in the efficiency of the heating and cooling operation of the entire Library **addition** building if glass with a worse shading coefficient is installed in the youth room addition. He said the costs of inefficiency could be an extra .75 cents to \$1 per square foot of the building per year, and noted the youth room addition is 7,000 square feet.

Noting that the glass being proposed is identical to the glass currently installed on the curved part of the Library building, Chairman Clein opined that the proposed glass is fine for installation as part of the youth services addition. He said he did not like that confusion resulted from the ordinance, and that it seems that the City ordinance does not take into account low-e coatings or the Energy Code as well as it should.

Chairman Clein broached the possibility of the Commission recommending the Board look further at better integrating low-e coatings and the Energy Code into City ordinance.

Mr. Williams echoed Chairman Clein and agreed it would be beneficial for the Board to be directed to review the relevant standards.

Ms. Whipple-Boyce said she also agreed with Chairman Clein, and reiterated her regret that the Library team was obligated to be present for this the night before construction was scheduled to begin. She stated that this represented a breakdown of communication at some point in the process, and the fact that these ordinance amendments were not available on the City's website was unfortunate. She noted that most people check online for this kind of information at this point, and that people building within the City rely on the website to provide correct and up-to-date information. Ms. Whipple-Boyce said it was imperative that all necessary ordinance information be available on the website moving forward, and that the Board should absolutely review the relevant standards. She concluded by saying that if those things had been in place as they should have been, the Library team would not be before the Board tonight.

Mr. Jeffares agreed with other Board members' comments. He stated:

- The standards for public and private development should be made clear, and should be

applied equitably.

- The City should be just as concerned with a ~~developer's~~ **its own** investment in Birmingham as it would be with ~~its own~~ **a developer's** investment.
- Currently the City is more inclined to ~~show leniency~~ **be less demanding** towards its own projects than it is towards private projects.
- He had serious reservations about the fact that private development is consistently required to have a Planning Board review, while the City will often choose to bypass Planning Board review for public projects.
- He wants to see public projects submitted for an equally thorough review to make sure the projects are the best they can be.
- ~~These issues~~ **This issue** should be advanced on the Planning Board's action list to be reviewed during the fourth quarter of 2019, especially since many of the other action items are on hold due to their relation to the master plan process.

Chairman Clein asked Building Official Johnson if he would like to add anything to the discussion.

Building Official Johnson stated the City hired a new company to manage the online ordinance, that online updates to the Zoning Ordinance will be processed much more quickly, and that the online ordinance will be more interactive in general when it is completed.

Ms. Whipple-Boyce said she looked forward to those changes.

The Board's consensus was that the windows planned by the project's architects were fine, and that the Board would like to revisit the ordinance issues related to ~~this process~~ **glazing requirements**.

08-122-19

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

1. 2159 E. Lincoln – Lincoln Yard (Former Birmingham Schools Bus Garage) – Special Land Use Permit Review and Final Site Plan & Design Review to consider a new restaurant serving alcohol under the economic development category of liquor license in the MX zoning district.

Mr. Williams left the meeting at 8:03 p.m. Ms. Ramin, previously in the audience, joined the Board at this time.

City Planner Cowan presented the item.

Curt Catallo, member of the applicant team, addressed the Board. He introduced the other members of the applicant team present, which included Jeffrey Klatt, architect for the project, Ann Stevenson, lead designer, Erich Lines, managing partner, and Tony Yurgo, project manager for Lincoln Yard.

Mr. Catallo stated that Lincoln Yard was before the Planning Board in 2017 to pursue a bistro license for the project. He explained two things became clear during that process: that the project

would not work for a bistro, and that the project had a lot to offer Birmingham's vision for Rail District development. He said:

- The enthusiasm the project garnered from the community in 2017 inspired the applicant team to continue working to bring the project to Birmingham.
- The parking agreement between the applicant and Armstrong-White is still valid.
- Lincoln Yard's seating, revised since the 2017 submission, is now more appropriately scaled for indoor seating and patio outdoor seating. The prior plans were trying to make the building's parameters fit a bistro license, whereas now with a Class C license the project can be laid out more organically. Being aware that the City Commission would like to see more activation of the street, Mr. Catallo stated that the planned outdoor seating does just that.
- Outdoor seating will help to make the building, which has an otherwise plain exterior, more inviting.
- Little Yard would provide fast service and fresh food. It would have a bit of seating, a bit of alcohol service, and would share a kitchen with Lincoln Yard. It would benefit people around the neighborhood looking for a quick bite, including kids and adults visiting the nearby ice arena.
- The Lincoln Yard side would be table service and would open at 11 a.m. Little Yard may open prior to 11 a.m. with coffee and pastries.
- The tentative hours would be 6 a.m. to 8 p.m. for Little Yard, and Lincoln Yard would be 11 a.m. through midnight Monday through Wednesday, and 11 a.m. through 2 a.m. Thursday through Saturday. Lincoln Yard may open at 9 a.m. on Sundays for brunch service.
- Lincoln Yard would actually be paid for grease pick-up, as opposed to having to pay for grease pick-up, because vendors have uses for the used grease.

Mr. Jeffares said ~~that this proposal would stand to activate the Torry neighborhood area, which would be beneficial~~ **could be part of a neighborhood center as discussed during the master plan public meetings.**

Mr. Share said there must be ample warning to drivers looking to park at Lincoln Yard to be mindful of the pedestrian crossing near the building. He recommended adding a tint to the aggregate to emphasize the crossing.

Mr. Jeffares and Planning Director Ecker suggested raising the crosswalk a bit to resemble a speed table could also be beneficial.

Mr. Catallo shared enthusiasm for tinting the concrete of the crosswalk, and said he would be concerned about snowplows if the crosswalk were raised. He said they just poured tinted concrete at another site and have been pleased with the results. Mr. Catallo said he would bring a photo of the tinted concrete to his next meeting with the Planning Board.

Motion by Mr. Share

Seconded by Mr. Emerine to accept and file the August 14, 2019 email in support of the Lincoln Yards project from Ryan Tate and Marci Hensley of 1999 Hazel.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Chairman Clein said he was glad to see this project returning. He recommended Lincoln Yard talk to its neighbors to create community cohesion, and recommended Lincoln Yard be prepared to talk about the economic impact of the project in its application process for the economic development license.

Mr. Boyle said that whatever Lincoln Yard or the City could do to facilitate the removal of some of the fences along the block would likely help increase the business' foot traffic. He said it is currently difficult to navigate on foot due to the high number of fences.

Mr. Catallo concurred with Mr. Boyle, said his business had good relationships with its neighbors and would be interested in pursuing the removal of some of those fences.

Ms. Whipple-Boyce concurred with Mr. Boyle, saying she was glad the project was back and would be enthusiastic about increasing walkability in that area. She also said the design of the project, down to the furniture, was cool and innovative. She said she anticipated the design would bring a lot of people out to check out the space and that she was excited to have the space in Birmingham.

Mr. Catallo said that Ms. Stevenson took advantage of the time since the application for the project to really develop the design further, and Mr. Catallo said the whole team is proud of the project's design.

Motion by Ms. Whipple-Boyce

Second by Mr. Boyle to postpone the applicant's request for Final Site Plan and a SLUP for 2159 E. Lincoln – Lincoln Yard, with the following conditions: 1. The applicant obtain approval for the subject property to qualify for an Economic Development Liquor License. 2. The applicant provides legal documentation from the owner of 2125 E. Lincoln Street for a shared parking agreement of 16 spaces. 3. The applicant provides façade glazing design and calculations that exceed 80% VLT and 70% of the building frontage between 1 to 8 feet measured from the ground. 4. The applicant provides specification sheets and layout for rooftop mechanical equipment; and 5. The applicant provides detailed signage information.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

08-123-19

G. Miscellaneous Business and Communications

a. Communications

b. Administrative Approval Correspondence

Planning Director Ecker explained Nick Talmers was seeking an informal review as to whether some changes to a parking lot at 36801 Woodward Ave. could be administratively approved.

Mr. Talmers explained that he had sought consultation from City Engineer O'Meara on the project. Mr. Talmers planned to move a parking lot greenbelt to an area of the parking lot which cannot support parking, and to expand a curb, retaining wall and screening wall.

Mr. Talmers then presented an illustration of the planned changes to the Board.

Mr. Boyle expressed concern about the single family home adjacent to the lot.

After further discussion, Ms. Whipple-Boyce said she did not see the proposed changes adversely affecting the single family residence.

Mr. Boyle concurred with Ms. Whipple-Boyce.

Mr. Share said he would like to hear the owner of the single family home's opinion on the changes. Mr. Share recommended that if the owner of that home approves of the changes, the proposal could be administratively approved.

After further Board discussion, Chairman Clein summarized the Board's perspective. He said pending any ordinance issues and the single family home's owner being able to provide input and approval, the Board would be in agreement with administrative approval. He said if issues arise with either of those conditions, then the project should be brought for a site plan review.

The Board invited Mr. Talmers to reach out to the owner of the adjacent single family home for a letter or email indicating the owner's opinion of the changes.

c. Draft Agenda for the next Regular Planning Board Meeting (August 28, 2019)

- SLUP and Final Site Plan for Sidecar
- SLUP and Final Site Plan for Shift
- SLUP and Final Site Plan for Slice
- Master Plan Discussion with DPZ

Planning Director Ecker said she would inquire as to whether DPZ would be providing any materials for Board review in advance of their discussion. In reply to Mr. Jeffares, she said she would also look into whether the N. Old Woodward garage and Bates St. extension will be included in the master planning process moving forward.

d. Other Business

Mr. Boyle reported at least four extended balconies built at Crosswinds and a fifth under construction, saying the Board seemed to have lost the battle on the matter. He shared some photos of the balconies with the Board.

08-124-19

H. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

08-125-19

I. Adjournment

No further business being evident, the Chairman adjourned the meeting at 9:03 p.m.

Jana L. Ecker

Planning Director