

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 8, 2020**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 8, 2020. Chairman Scott Clein convened the meeting at 7:30 p.m.

A. ROLL CALL

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams (left 7:32 p.m.); Alternate Board Members Jason Emerine, Nasseem Ramin

Absent: Board Member Robin Boyle

Administration: Jana Ecker, Planning Director
Nicholas Dupuis, City Planner
Nicole Ciurla, City Planner
Laura Eichenhorn, Transcriptionist

01-01-20

B. Approval Of The Minutes Of The Regular Planning Board Meeting of December 11, 2019

**Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of December 11, 2019 as submitted.**

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Abstain: Emerine, Ramin

01-02-20

C. Chairperson's Comments

Chairman Clein explained standard Planning Board meeting procedures and when the public would have opportunity to comment on items before the Board.

01-03-20

D. Approval Of The Agenda

There were no changes to the agenda.

01-04-20

E. Preliminary Site Plan Reviews

1. 770 S. Adams (existing office building) – Request for Preliminary Site Plan approval for construction of a new five story mixed use building in the MU3/MU5 zone of the Triangle District (Postponed from December 11, 2019).

Mr. Williams stated that his law firm, Dickinson Wright, represents MD Properties which owns the building immediately to the south of 770 S. Adams. He explained that in order to avoid any conflict of interest he would be recusing himself.

Mr. Williams departed the meeting at 7:32 p.m.

Planning Director Ecker presented the item.

In reply to Ms. Whipple-Boyce, Ross Hoekstra with McIntosh Poris Associates explained that they were not pursuing angled parking off of the alley per Ms. Kroll's recommendation because it takes up more space than the proposed parking design.

Ms. Whipple-Boyce noted angled parking could be a safety benefit by encouraging drivers to pull out and proceed in the correct direction down the one-way alley. She also noted that the plans as submitted provide for parking over the required amount, so that losing a few spaces in order to install angled parking should not necessarily present the applicant with an issue.

Michael Poris with McIntosh Poris Associates stated that angled parking would make those spaces inaccessible to cars entering the alley from N. Worth Street, since the alley is two-way until the last 40 feet closest to N. Adams Road.

Rick Rattner, attorney for the project, said he would like to be able to go before other City Boards with the Planning Board's opinion on the record regarding this project's alley-setback issue. He suggested that this alley should be treated as alleys are treated in the downtown district, with no sideyard setback required. Mr. Rattner asked that the required setback of the building be measured from the center of the alley instead. He explained that this project would greatly benefit the City in terms of helping develop the Triangle District, and that requiring the building to step back any further would be prohibitive to the building's development.

Seeing no further comment from the applicant team, Chairman Clein invited public comment.

Dr. Mitchell Shek spoke as one of the owners of Birmingham MD Properties, located at 800 S. Adams. He emphasized the importance of maintaining the parking lot's ingress, egress, and accessible parking for his practice's patients. He said he looked forward to working with the applicant team to make sure this is accomplished, and that he just wanted that information included in the public record.

Seeing no further public comment, Chairman Clein returned the discussion to the Board.

Mr. Share said it would be helpful to know where the one-way ends in the alley in order to determine the best parking configuration for the project.

Chairman Clein commended the applicant team on the changes made since the previous review of the project. He said his only concerns were making the direction of traffic within the alley clear and making the parking layout beneficial for visitors to both 700 and 800 S. Adams. He said that angled parking, per Ms. Kroll's and Ms. Whipple-Boyce's suggestion, could be a good way to achieve those goals.

Mr. Emerine said that determining where the one-way begins in the alley, where it ends, and whether those aspects would be best designated by striping, signage or both would be a matter for the City's Engineering Department to determine. He agreed that the angled parking could be a good idea and would likely cause the applicant to lose two of the currently laid out retail parking spots.

Planning Director Ecker noted that the Engineering Department provided comments on the project indicating their opinion that the entirety of the alley is one-way, and that traffic flows from east to west.

Chairman Clein suggested that since this was a preliminary site plan, the plan could be approved with requirements to further consider angled parking, to work with the site's neighbors on mutually beneficial parking designs, and to conform with the Engineering and Police Department comments related to the alley.

Mr. Emerine noted that the furthest west parking spaces, closest to the wall, would be difficult to pull into even if the current parking design were maintained. He also said that if a vehicle were proceeding the wrong way down the alley, and another vehicle were to back out of one of those spaces, it would have a high likelihood of resulting in a collision. He said, as a result, that even if the current perpendicular parking design were maintained he would likely request that the applicant remove one or two of those furthest west parking spaces. That would mean that the applicant faces a loss of two parking spaces whether they maintain the current parking layout or switch to the recommended angled parking.

Mr. Koseck said the angled parking spaces would likely increase the safety of parking and driving in the alley.

Chairman Clein spoke to Mr. Rattner's earlier question about the alley setback. Chairman Clein explained that in his work in Detroit his projects use the middle of the alley for calculation of the correct setback. He said in this particular case he had no concerns with regard to the layout of the setback, that it is an example of fine urban planning, and that he would be pleased to see the project moved forward with that consideration.

Mr. Emerine echoed Chairman Clein's comments, saying that cities like Ferndale and Northville do the same thing for calculating setbacks on alleys, and that measuring from the middle is a pretty standard way of doing so.

Mr. Poris asserted that the ordinance says that frontage on a right-of-way determines a front yard which results in a different setback calculation than a side yard designation. He said the frontage on the alley in this case should result in a front yard setback.

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to approve the Preliminary Site Plan Review for 770 S. Adams with the following conditions: 1. Revisions to the south side setbacks of the building or removal of windows within 10' of the property line, or obtain a variance from the Board of Zoning Appeals; 2. Correction of all site, landscape, elevations, streetscape and engineering plans showing consistency on all, and demonstrating that all zoning requirements have been met; 3. The addition/clarification of 43 bike racks on site; 4. A photometric plan and material samples and specifications will be required at Final Site Plan and Design Review; 5. Compliance with the requirements of all departments; and, 6. The conversion of parking spaces fronting on the alley to be angled so that the front of the vehicle would be facing northwest.

Mr. Share added that if the motion passes it should be clear that the Planning Board sees the project as worthwhile, and the minutes should accurately reflect that for the benefit of the Board of Zoning Appeals.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

01-05-20

F. Study Session Items

1. 2019 Administrative Approval Report

Planning Director Ecker presented the item.

Chairman Clein invited the Planning Department to keep the Planning Board updated on any frequently appearing administrative approval matters that would be worth further Planning Board discussion.

Planning Director Ecker confirmed that, when they arise, frequently appearing matters are brought to the attention of the Planning Board for potential future discussion, such as the issue of solar panels which will be discussed by the Board later this evening.

2. Master Plan Review Process Update

Planning Director Ecker presented the item. She explained that the City Commission approved the proposal as submitted with the exception that the schedule would start in February 2020, and not January 2020. She stated that in December 2019 the City Commission approved the expenditure of up to \$28,600 for additional public engagement activities. That figure included the potential for two different round-table discussions, a drop-in clinic, and two additional short surveys. Should the Board want to pursue any of those options, they would make a recommendation to the City Manager who would disburse the requisite funds should he approve of the recommendation.

Planning Director Ecker said the scheduled Planning Board master plan discussions would be publicized on the City's website, the Master Plan website, and all City social media channels. Sarah Traxler, one of the local members of the Master Plan team, would likely be attending each meeting and giving a presentation of the evening's master planning topic. Those presentations would also be included in the Planning Board's agenda packets the Friday before their Wednesday meetings in order to afford both the public and the Board members time to review the topic. Robert Gibbs, another local member of the Master Plan team, would likely also be present at the meetings.

Planning Director Ecker said that between sessions she would collect any master plan comments submitted to the Planning Department and include them in the agenda packet for the next scheduled master plan meeting so that the Board would have an opportunity to review those as well.

3. Solar Panel Review Process

City Planner Dupuis presented the item.

Mr. Emerine noted that on page 620 of the Planning Board's agenda packet, 4.88 B said 'wind' when it should read 'solar'.

City Planner Dupuis agreed and said he would make the change. He further explained:

- Ancillary solar panel equipment is very small and would be mounted to the wall of whatever building is using it. He said it would be visually unobtrusive and that he had not come across any information on undue noise production by the equipment. He said he would bring the spec sheets for the ancillary equipment to a public hearing once scheduled which would provide both the Board and the public with more information on the items.
- He would clarify the suggested language to explain that the 40 square foot limit on a solar panel system counts all connected panels as part of one system. Since the average solar panel is three-and-a-half feet by five feet, he recommended the 40 square foot limit in order to allow two average-sized solar panels. City Planner Dupuis said he provided the 40 square feet to begin the conversation, and also proposed the number because he was unsure whether it would be appropriate in a residential setting to have more than 40 square feet of solar panels. He noted that some other cities restrict solar panels to occupying no more than a certain percentage of a given lot.

- Ground mounted solar panels could enable residents who do not want to mount panels on their roof to still have access to some solar power. Ground mounted solar panels would also allow businesses to use solar-powered trash compactors.

Ms. Whipple-Boyce said that she did not yet know enough about ground-mounted solar panels, but that if the City proceeded toward allowing them she would prefer that their allowable yard coverage be calculated by percentage and not by a set amount. She also told City Planner Dupuis that there had been a conversation regarding wind energy facilities about ten years hence, and that if he could find the minutes from that conversation it might help provide some useful information on the topic.

Mr. Koseck said the Board might want to consider not allowing solar panels at grade because it could encourage residents to do away with any greenery that could get in the way of the panels. He also said that 40 square feet of solar panels on the ground might not be enough to generate a worthwhile amount of energy. Mr. Koseck added that solar panels are impervious which would also raise ordinance issues in terms of ground cover. Since most people would likely rather not install solar panels at grade anyways, Mr. Koseck said he would just as soon prohibit it to avoid these issues since the potential environmental gain would likely not be significant in those cases.

Mr. Jeffares echoed Mr. Koseck's concerns about ground mounted solar panels and said he would prefer to continue studying that possibility and whether it would be worthwhile.

Ms. Ramin noted that on page 625, in section G, the phrase "If a wind energy facility has not been removed within 30 days a deadline specified by the City" would need to be clarified.

Mr. Share noted that on page 621, Item F, the word should be 'complemented', not 'complimented'. He agreed with Mr. Koseck and Mr. Jeffares that ground mounted solar panels were likely not necessary to pursue at this time.

Chairman Clein expressed agreement with Mr. Koseck, Mr. Jeffares, and Mr. Share regarding ground mounted solar panels.

In reply to Chairman Clein, City Planner Dupuis said he would do more research on the benefits and drawbacks of the anti-reflective coating some other cities' ordinances require for solar panels.

4. Glazing Standards

City Planner Dupuis presented the item.

Mr. Koseck said he had a list of two or three people he would be reaching out to soon who might be able to contribute meaningfully to the glazing standards conversation. He said that once he had done that he would loop City Planner Dupuis in as appropriate.

Chairman Clein explained that in February 2020 and April 2020 there will only be one Planning Board meeting per each month and that both of those meetings are dedicated to master plan discussion. He suggested that Board members look at their calendars to see if a special meeting could be scheduled to wrap up some of these other study session topics. He added that even if

the Board moved forward with a resolution on this item during the present meeting, due to noticing requirements the public hearing would not occur until the second meeting in March 2020. Chairman Clein recommended the Board take the time to do adequate research, as a result, before moving further forward on this.

Mr. Emerine suggested it might be worthwhile to speak with glass contractors in addition to glass vendors in order to get more insight.

Planning Director Ecker said she would recommend reaching out to a mechanical engineer, a glass vendor or supplier, and a glass contractor or installer.

City Planner Dupuis confirmed he would reach out to people who work with glass regularly in architectural settings and would return to the Board with further information.

01-06-20

G. Miscellaneous Business and Communications:

a. Communications

b. Administrative Approval Correspondence

c. Draft Agenda for the next Regular Planning Board Meeting (January 22, 2020)

- Whistle Stop Design Review
- 35001 Woodward - Amended CIS and Amended Preliminary Site Plan
- Fred Lavery Porsche SLUP
- Two small solar panel items

d. Other Business – Discuss amending Rules of Procedure for January 22, 2020 meeting

Motion by Ms. Whipple-Boyce

Seconded by Mr. Share to amend the Rules of Procedure for the Planning Board's January 22, 2020 meeting to allow for the review of the above items as described by Planning Director Ecker.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Abstain: Emerine, Ramin

01-07-20

H. Planning Division Action Items

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

01-08-20

I. Adjournment

No further business being evident, the Chairman adjourned the meeting at 9:11 p.m.

Jana L. Ecker

Planning Director

APPROVED