

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JULY 22, 2020**

Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 22, 2020. Chairman Scott Clein convened the meeting at 7:35 p.m.

A. Roll Call

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representative Rachel Hester

Absent: Student Representative June Lee

Administration: Jana Ecker, Planning Director
Eric Brunk, IT Manager
Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

07-86-20

B. Approval Of The Minutes Of The Regular Planning Board Meeting of July 8, 2020

Motion by Mr. Boyle

Seconded by Mr. Koseck to approve the minutes of the Regular Planning Board Meeting of July 8, 2020 as submitted.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

07-87-20

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.

07-88-20

D. Review Of The Agenda

There were no changes to the agenda.

07-89-20

E. Study Session Items

1. Glazing Requirements

City Planner Dupuis reviewed the item and Kreg Hatfield, from Guardian Glass, was present to answer questions.

Mr. Hatfield explained that:

- All manufacturers calculate VLT and reflectivity percentages in the same way.
- Most people would be unlikely to notice the difference between 66% and 80% VLT.
- When glass gets into the range of 40-50% VLT it tends to begin to look less clear. Tinting would reduce the VLT even further.
- The glass make-up at the Brookside development and the glass make-up at the Daxton Hotel have identical coatings on the glass. The difference is that the Brookside development used a basic clear glass while the Daxton used a low iron glass. The Brookside glass has a VLT of 68% and the Daxton has a VLT of 70% because removing some iron makes glass a bit more clear.
- Glass can be rated in terms of reflectivity both from the inside-out and from the outside-in. It is important to keep those percentages about the same.
- For basic, first floor applications the ordinance should include language about prohibiting tinted glass. There would be no way for property owners to meet the proposed ordinance requirements if they have both tinted glass and low-e coating.
- There would likely be no need to mention low iron glass because it would meet ordinance requirements should a property owner choose to use it. Low iron glass tends to cost significantly more than regular clear glass. It also tends to be a bit more efficient in terms of retaining the heating and cooling of the building's interior.
- Clear glass tends to have a bit of a green hue versus low iron glass. For protection three coats of silver were added to the library windows' glass, and those layers of silver also add a bit of a greenish hue. If the library had used low iron glass with the same layers of silver the green tint would still be present but not as substantially.
- Low iron glass is widely enough available that no property owners would have a difficult time sourcing it should it be required by ordinance. Cost would be the biggest reason not to require low iron glass via ordinance.
- He has not heard of any municipality requiring low iron glass in their ordinances.
- Any glass sample from an architect submitted to the City should specify whether it is low iron glass.
- The Brookside development is the best example of what kind of glass would be permissible under the proposed ordinance language. Brookside's glass is regular clear glass and not low iron.

Mr. Share said the Board should probably not require low iron glass, especially in a time when the City is trying to help retailers weather the financial impacts of the Covid-19 pandemic.

In reply to Mr. Koseck, Planning Director Ecker stated that the ordinance does not specify how many feet from a window shelving must be placed. She said there could be some value in adding that to the ordinance.

City Planner Dupuis said it might also be worthwhile to consider a vertical height limit for shelving if a horizontal one is added.

Mr. Koseck suggested that some of the language could be clarified in Article 3, Section 3.04 of the ordinance. He said 'bronze' should probably be struck from that section.

Ms. Whipple-Boyce concurred with Mr. Koseck regarding removing the word 'bronze'. She said she agreed that it might be useful to have a horizontal distance requirement for how far shelving must be from a window. She said a typical aisle's width might be the appropriate distance. She said it would also be helpful to know the cost difference between low iron and clear glass.

City Planner Dupuis asked how the Board might want a horizontal distance requirement to deal with retail items displayed in a window.

Ms. Whipple-Boyce said that if retailers displayed their merchandise attractively in their windows she would be supportive of that.

Mr. Williams said the Board should come up with language regarding displaying merchandise in windows and shelving before it goes to a public hearing.

In reply to Chairman Clein, Planning Director Ecker said that the ordinance's current restrictions against shelving in the windows work well and are generally enforceable. She said that any examples that seem to be in egregious violation of that standard tend to have existed before the ordinance went into effect.

Mr. Jeffares recommended the Board conclude its discussion about glazing without trying to presently integrate new topics. He noted the Board had been studying glazing for months and had worked hard to prepare for the review, and thought the other topics being raised deserved a similar amount of thoroughness at a future date.

Mr. Koseck said he would be fine with Mr. Jeffares' recommendation that questions of shelving and merchandising in windows be discussed further at a later date.

The Board asked Planning Director Ecker to add 'no tint' and 'low iron glass' to the definition of clear glazing, with the understanding that 'low iron' could possibly be removed after discussion at the public hearing.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to set a public hearing on August 26, 2020 to consider Zoning Ordinance amendments to Article 3, Section 3.04(E), Article 4, Section 4.90(A) and Article 9, Section 9.02 to change the Clear Glazing standards and definition to require low iron glass, no tint, to relax the Visual Light Transmittance requirements and to add reflectivity requirements.

Mr. Share said he was in favor of moving the topic to a public hearing and not in favor of mandating low iron glass.

Motion carried, 6-1.

ROLL CALL VOTE

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

Nays: Share

Mr. Boyle echoed Ms. Whipple-Boyce's previous statement that the Board should have comparative costs for low iron and clear glass to review. He said the Board should be aware how a low iron requirement might be layering on costs to development in the City.

Chairman Clein thanked Mr. Hatfield for sharing his expertise with the Board.

2. Solar Panel Review Process

City Planner Dupuis reviewed the item.

Ms. Whipple-Boyce said she recently encountered a large solar battery in some work she was doing in another community, and cautioned that the Board might not want to allow any and all ancillary equipment for solar panels to be outside the home given the potential range of sizes.

Mr. Williams said he was fine with solar panels but might be less fine with ancillary equipment on the side of a home given that it might be more prominent in a neighbor's view.

City Planner Dupuis asked if Mr. Williams would prefer the ancillary equipment to be mounted only to the rear of the home, or to possibly be screened in some way.

Mr. Williams said he was not sure what the best approach would be. He said he thought it would depend on the house, the location of the neighboring properties, and the type of equipment.

Planning Director Ecker said that moving the equipment to the rear of a home would have the benefit of being further from a neighbor's yard because of the greater required setback. She noted that, in contrast, equipment on the side of a home might be only five feet from the property line.

Ms. Whipple-Boyce agreed that placement would depend on the size of the equipment. She said that a small electric meter or connection into the house to the battery need not be limited to the rear or interior of a home, whereas larger equipment should be. She said that the Board could likely specify appropriate locations with more information on the most commonly used kinds of equipment.

City Planner Dupuis said he could find pictures of the City's most recent solar panel approvals to provide the Board with a better sense of the size of the ancillary equipment.

Mr. Jeffares noted how helpful it was to have Mr. Hatfield consulting the Board during their glazing discussion, and said it would be equally helpful to find someone as well-versed in solar power technologies. He observed that the Board was doing some guesswork in the current discussion and thought it would be better to get more specific answers. He said that consulting with someone knowledgeable in the field would have the additional benefit of informing the Board on how the technology is trending, so they could factor those considerations into the ordinance language as well.

Mr. Williams agreed with Mr. Jeffares. He said that the proposed language regarding ancillary equipment was likely too vague and should be clarified before being advanced to a public hearing.

Ms. Whipple-Boyce said she could email City Planner Dupuis some contact information for someone who might know more about solar power technology.

07-90-20

F. Miscellaneous Business and Communications:

a. Communications

b. Administrative Approval Correspondence

City Planner Dupuis explained that the owners of 266 Elm Street wanted to remove the patio in the rear of their building, to replace it with exposed aggregate, to add eight planters, and to replace the rear fence. He noted that the exposed aggregate would go all the way to the rear fence which would result in the removal of some amount of landscaped area.

Consensus of the Board was to grant administrative approval for the plans.

c. Draft Agenda for the next Regular Planning Board Meeting (August 12, 2020)

- **Master Plan Draft Review**

d. Other Business

07-91-20

H. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

07-92-20

I. Adjournment

No further business being evident, the Chairman adjourned the meeting at 8:44 p.m.

Jana L. Ecker
Planning Director

APPROVED