
**SPECIAL JOINT MEETING OF THE CITY OF BIRMINGHAM
PLANNING BOARD AND CITY OF TROY PLANNING COMMISSION
WEDNESDAY, JULY 14, 2010**

Conference Room, Department of Public Services Building
851 S. Eton, Birmingham, Michigan

Minutes of the special joint meeting of the Birmingham Planning Board and Troy Planning Commission held July 14, 2010. Birmingham Vice-Chairperson Gillian Lazar convened the meeting at 7:07 p.m.

Birmingham Planning Board

Present: Vice-Chairperson Gillian Lazar; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Student Representative Aaron Walden

Absent: Chairman Robin Boyle

Birmingham Administration: Matthew Baka, Planning Intern
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

Troy Planning Commission

Present: Chairman Michael Hutson; Commission Members Donald Edmunds, Mark Maxwell, Philip Sanzica, Robert Schultz, Thomas Strat, John Tagle, Lon Ullmann

Absent: Commission Member Mark Vleck

Troy Administration: Mark Miller, Acting City Manager
Allan Motzny, Asst. City Attorney
Steve Vandette, City Engineer

07-124-10

CHAIRPERSON'S COMMENTS AND INTRODUCTION OF GUESTS

Birmingham Vice-Chairperson Lazar welcomed everyone to the joint meeting.

07-125-10

**REVIEW AND APPROVAL OF THE MINUTES OF THE JOINT MEETING OF
JANUARY 27, 2010**

Motion by Mr. DeWeese

Seconded by Mr. Schultz to approve the Minutes of January 27, 2010.

Motion carried, all were in favor.

07-126-10

REVIEW AND APPROVAL OF THE AGENDA (no changes)

07-127-10

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no one spoke)

07-128-10

PRELIMINARY SITE PLAN REVIEW

1. Construction of Amtrak platform, public plaza, parking, pedestrian tunnel and sidewalks to access the rail platform in Birmingham and to link to the Transit Center building in Troy

Property within Birmingham:

(a) All of Parcel ID Number: 2031203024:

Legal Description: T2N, R11E, SEC 31 PART OF NE 1/4 BEG AT PT DIST S 31-18-02 E 1442.06 FT FROM N 1/4 COR, TH S 30-34-07 E 416.60 FT, TH S 28-10-17 E 385.25 FT, TH S 62-42-03 W 134.00 FT, TH N 18-59-17 W 272.01 FT, TH ALG CURVE TO LEFT, RAD 1907.31 FT, CHORD BEARS N 25-02-57 W 402.78 FT, DIST OF 403.53 FT, TH N 31-06-37 W 126.48 FT, TH N 59-25-23 E 57.75 FT TO BEG 1.49 A.

(b) Portion of Parcel ID Number: 2031203034:

Legal Description: T2N, R11E, SEC 31 BIRMINGHAM GARDENS PART OF LOT 164 & PART OF LOT 224, ALSO PART OF NE 1/4 ALL DESC AS BEG AT PT DIST S 01-59-10 W 702.05 FT & S 88-11-20 E 36.09 FT & S 01-59-10 W 1278.14 FT & S 88-14-42 E 604.04 FT & N 01- 51-11 E 621.01 FT FROM N 1/4 COR, TH ALG CURVE TO LEFT, RAD 22661.83 FT, CHORD BEARS N 30-57-17 W 44.05 FT, DIST OF 44.05 FT, TH N 58-29-24 E 98.60 FT, TH N 31-30-36 W 80.48 FT, TH N 57-33-35 E 53.46 FT, TH N 11-58-26 W 114.50 FT, TH N 18-54.

2. 1251 Doyle Drive, Troy, MI: Construction of multi-modal transit center, parking facility, pedestrian tunnel and sidewalks to access the rail platform in Birmingham and to link to the Transit Center building in Troy

Ms. Ecker offered a brief introduction. The two groups are meeting because the project stands under the jurisdictions of both the Cities of Troy and Birmingham. When it comes time for a motion to be made, the Birmingham Planning Board will make a separate motion on property within the City of Birmingham and a vote will be taken from the Birmingham Planning Board only. Then the Troy Planning Commission will have

the opportunity to make a motion regarding property on the Troy side and the vote will be called for Troy.

Mr. Miller announced that the property in the City of Troy is controlled by a Consent Agreement. Therefore, the Troy Planning Commission does not have the authority to grant site plan approval; the Troy City Council does. Therefore, this evening the City of Troy Planning Commission is a recommending body to City Council.

Mr. Ecker clarified that the Birmingham Planning Board makes the final decision on Preliminary and Final Site Plan Reviews.

Hubbell, Roth & Clark Project (“HRC”) Engineer Jim Surhigh went through a PowerPoint which explained the site plan for both Birmingham and Troy parcels including:

- Approaches;
- Circulation;
- Elevators; and
- Retaining wall elevation on the Troy and Birmingham sides.

Ms. Sally Elmiger, Landscape Architect from Carlisle/Wortman, showed a slide presentation depicting site amenities and landscape for both sides and both entrances which included:

- Site finishes and furnishings;
- Bus Shelter;
- Retaining walls and walkways;
- Entry signs; and
- Plant material and rain garden.

Mr. Larry Ancypa, Sr. Associate with HRC, continued with slides showing:

- LED site lighting and fixtures partially financed through a grant from the Michigan Dept. of Labor and Economic Growth;
- Photometrics of the site;
- Floor plan for the building including accommodation for traffic leading to the elevator at the south end, room for kiosks, seating and restrooms;
- Cross section of the building which is looking toward Silver LEED Certification through the use of: green roof rainwater harvesting, geothermal heating and cooling, LED lighting, bike racks, storm water quality control, construction waste management, use of recycled materials, low-emitting adhesives and paints, community connectivity through the tunnel and eco friendly elevator;
- Outside building elevations; and
- Platform and canopy elevation including heated sidewalks for Winter.

Ms. Ecker explained the two communities have now decided to put the elevators into the bidding process so they can get prices with and without them. The elevators are an alternate now and if the money is there when the final bidding and budget come in they can be added. Further, she recalled this group had talked about standards and her idea

was that the consensus was to have a futuristic, modern, contemporary look for the Transit Center.

Ms. Ecker went on to respond to questions. The bulk of the lighting is on the Troy side. It would not need to meet the Birmingham lighting standards and Troy does not have lighting standards. A lighting analysis will be provided at Final Site Plan Review. She noted that light from the shopping mall bleeds over into the site.

Mr. Koseck said he is in full support of the project and applauds all the work that has been done to obtain the Federal money for it. He has not heard what the vision is for what this building should be. This should be a beautiful building that is planned to stand for the next 100 years. In his opinion, it is nowhere close to being that. He has no idea how the building relates to anything around it. He asked what they are doing relative to sustainable design relative to the site. The elevators seem like an afterthought in terms of their placement. If the door opens, leaves and snow blow in.

Ms. Ecker responded there was a vision and a steering committee comprised of representatives from both cities. The group wanted this to be a joint project that would work for both sides and communities. They had originally talked about a larger building but they got the message at least from the Birmingham City Commission that the Commission wanted a small scale, utilitarian type center that would provide the basic needs of travelers. They did not want a large scale building.

Mr. Koseck stated that the size of a building should be driven by the program – how many busses come, how many people come, etc. and not a desire for big or small or medium. He asked about the vision. Ms. Ecker replied that in terms of vision there was a lot of discussion over the last couple of years. The vision of the steering committee when she joined the process was utilitarian. This group wanted a green building with sustainable elements. At the charrette in June of last year the focus was on the transit oriented district that would surround the transit center. The community talked about wanting connectivity between the communities, pedestrian scale elements, buildings that allow a mix of uses, development that promotes more activity, and futuristic interactive digital display elements that look toward to the future.

Mr. Miller reminded the City of Troy Planning Commission they are attending this meeting only to make a recommendation on the Preliminary Site Plan. They will certify whether it meets the Zoning Ordinance requirements and the Consent Agreement. Their recommendation will then go to the Troy City Council.

Mr. Schultz recalled that early on it was the consensus of this group to go with an arched roof, a clock tower, and an echoing arched roof on the platform so that this is a cohesive development on both sides of the tracks.

Mr. Williams noted ways in which the building has changed since the previous meeting and he had several comments:

- The building has been moved;

- The building laid out E/W and now it lays out N/S. The glass is now more exposed to the sun in the morning and afternoon. As a result, heating and cooling costs may increase.
- What is the status of control of the road from Cole on the south end to the entrance or exit point at the north end;
- Troy has jurisdiction and their Planning Commission has no authority;
- Birmingham has no jurisdiction over the building but has authority on its side.

He still believes in the entire process; however, the building itself is unremarkable.

Ms. Ecker explained why the building has moved. The Deed Restrictions and the Consent Judgment say that Grand Sacqua does not need to grant any easements for encroachment onto their property. In the previous plan there was an access road coming off of Doyle Dr. to the back of the Kroger site. Grand Sacqua was concerned that Kroger would have objections to this. Therefore, the site plan has been changed so there are no encroachments onto the Grand Sacqua property. The building was re-oriented because without the access road it would look at the back of the shopping center. Everyone on the steering committee agreed on the re-orientation. They like the fact that it now creates more of a public plaza space out front and opens up the view out onto the train tracks. She added that they do have control of the property and/or consent of all property owners on which this project is located on the Birmingham side to proceed with Preliminary and Final Site Plan Approval.

Mr. Ullmann received confirmation that the platforms are enclosed on four sides but they don't have closable doors. He thought the platform should be enclosed and that heat should be incorporated into the design. His problem about sustainability is that nothing is colder than aluminum and glass. He wanted to know if there is some sort of an estimate of what the operational costs for this will be. The grass roof seems to be the driving cost for this \$2 million building. A simple building would probably operate at 20 percent of the cost of this building and only cost 20 percent as much. If they want LEED certification for the building, build it out of reclaimed materials and materials that are grown in Michigan. Elevators have been added at the last minute and they are not blended into the design.

Mr. Motzny reiterated that any recommendation from the Troy Planning Commission has to be in accordance with the City of Troy Zoning Ordinance. Denial can only be based upon a provision of that law. If the site plan meets the Zoning Ordinance, it should be approved.

Mr. Strat said he is disappointed to hear that the Troy Planning Commission is forced to approve the drawings because they meet the Ordinance requirements. Secondly he thinks the City Council will be basing their judgment on the recommendations of the Planning Commission and not necessarily on what they see. Also, he noted that the City of Troy is going through difficult economic times and wondered how they could afford to maintain all of the energy efficient products and electronics and what the return is on the investment.

Mr. Williams asked if there is an agreement in place between Troy and Birmingham on sharing the maintenance and operating costs. Ms. Ecker said the two communities have discussed how they would proceed but there is no formal agreement. Mr. Williams said if it is conceivable that Birmingham will share a significant portion of the increased operating costs. If that is so, he objects. Ms. Ecker said that estimates for the operations and maintenance costs are not higher for this building compared to average construction. In fact, consumption of utilities is significantly lower for this project than for an average building of this size.

It was discussed by Mr. Motzny that the Troy Planning Commission can make recommendations to the plan but they would be design recommendations.

Mr. Tagle said tonight was the first time he heard that the building would be totally utilitarian. The Troy Planning Commission would be derelict in its duty not to make recommendations as part of discussion. It would be prudent for this group to have in hand a construction budget for this project.

Ms. Ecker explained that the ramps are needed should the elevator fail to operate. Mr. Tagle observed that the elevators could go down because they are unprotected.

Mr. Sonia spoke about the urgency of making decisions on the Preliminary Site Plan. He would hate to lose the grant money. Ms. Ecker agreed that time is of the essence on every single grant agreement. The economic stimulus packages that have been approved by Congress all have detailed time limitations.

Ms. Terse Cody from the Michigan Dept. of Transportation, their direct contact with the State of Michigan, spoke. She is acting as liaison with the Federal Railroad Administration ("FRA") with regard to the \$8.4 million grant that has been received. She gave background on how much work has been done just to get ready to apply to the FRA. The FRA does not care what the building looks like; however they look very closely at how any changes to the original application are presented. Specifics have to be documented as to why and what the cost difference is. If changes are to be made she suggested they should be completed within a short time.

Mr. Koseck thought all of the issues could be addressed by the architects within a month. Mr. Surhigh said the project could take a year to build.

Mr. Williams said that right now he is not comfortable with the design elements of the project because some of his fellow members from Troy are not comfortable. That causes him concern because this is a joint project. It was noted that two changes to the original application are the repositioning of the building and the addition of elevators.

Mr. Edmunds asked if the changes that are seen tonight saved any money. Mr. Ancypa responded they have been trade-offs. Mr. Edmunds thought it is essential to have the cost estimates. This is a public project using tax dollars and in the end the cities will

have to answer to the public. Discussion contemplated whether the project may be exceeding its funding.

Ms. Ecker agreed to check with the Birmingham City Attorney if the Planning Board could grant Preliminary and Final Site Plan Approval on the same night. She believes it would have to be noticed to that effect.

Mr. Miller explained that Troy has an Administrative Final Site Plan Approval that considers all of the check points and it happens just prior to construction.

It was determined that the two planning entities should conduct all of their meetings jointly because this a mutual project and it is important for everyone to stick together and to come to consensus as a group even though they will vote individually.

Vice-Chairperson Lazar invited public comments at 9:10 p.m.

Mr. Alan Green, Counsel for Grand Sacqua Properties, asked if there have been any impact assessments such as an updated traffic report, and the basis of the design. As an adjacent property owner, Grand Sacqua is concerned about how the Transit Center will affect their property. He suggested that the joint planning bodies table this matter. so those issues can be addressed.

Mr. Green pointed out an issue that Grand Sacqua has with the City of Troy. The City's title to the property results from a Consent Judgment that was entered into about ten years ago. There were conditions that had to be satisfied in that Consent Judgment that need to happen by June 2. It is Grand Sequa's contention that those conditions were not satisfied and therefore they are entitled to legal title to the property. That matter is pending now before the Oakland County Circuit Court. Therefore, they think it is premature for this body to go forth with a project.

Ms. Dorothy Conrad from Birmingham expressed her concern that the "sheds" that are being proposed on the Birmingham side don't do anything to keep out the elements for people waiting for the train. Further, she was concerned about the design of the building.

Mr. Michael Poris from Birmingham said he would hate to see them lose the Transportation Center because of a lot of issues concerning the process that could be resolved with some design revisions.

Mr. Ullmann offered a resolution that the Troy Planning Commission postpone this item. He thinks the Planning Commission should meet as soon as it legally can and then have a joint meeting with the Birmingham Planning Board August 4.

Mr. Tagle maintained that the boards need to keep this as a joint effort.

Mr. Edmunds pointed out that the Troy Planning Commission members have great reservations about the project; particularly because the current plan with the elevators is only an alternate, and because of the cost of the project.

Mr. Ullmann rephrased his motion as follows:

Motion by Mr. Ullmann

Seconded by Mr. Tagle to postpone the hearing on the Preliminary Site Plan for the Transit Center and hold a joint meeting of the Troy Planning Commission and the Birmingham Planning Board on July 27 in Troy at 7 p.m. to continue discussion on the Preliminary Site Plan.

Motion carried, 8-0.

ROLLCALL VOTE:

Yeas: Ullmann, Tagle, Edmunds, Hutson, Maxwell, Sanzica, Schultz, Strat

Nays: None

Absent: Vleck

Motion by Mr. Williams

Seconded by Mr. Koseck that the Birmingham Planning Board postpone the Special Joint Meeting to consider the Preliminary Site Plan for the Transit Center to July 27 at 7 p.m. in the City of Troy.

Motion carried, 6-0.

There were no comments from the public at 9:35 p.m.

ROLLCALL VOTE:

Yeas: Williams, Koseck, Clein, DeWeese, Lazar, Whipple-Boyce

Nays: None

Absent: Boyle

07-129-10

MEETING OPEN TO THE PUBLIC FOR ITEMS ON THE AGENDA (no one spoke)

07-130-10

ADJOURNMENT

No further business being evident, meeting adjourned at 9:40 p.m.

Respectfully submitted,

Jana Ecker
Planning Director
City of Birmingham

Mark Miller
Acting City Manager
City of Troy