

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, DECEMBER 11, 2019**

City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on December 11, 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, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representative John Utley

**Absent:** Alternate Board Member Jason Emerine, Alternate Board Member Nasseem Ramin; Student Representative Sophia Trimble

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

**Fleis and Vandenbrink:** Julie Kroll

**12-171-19**

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of November 13, 2019**

Chairman Clein said that the third sentence in the first paragraph of Item E should be amended to read "Since that business relationship has concluded, it is the opinion of the City Attorney, based on a previous Birmingham Ethics Board determination, that Chairman Clein may participate in discussions regarding this parcel moving forward."

**Motion by Mr. Share**

**Seconded by Mr. Williams to approve the minutes of the Regular Planning Board Meeting of November 13, 2019 as amended.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**12-172-19**

**C. Chairperson's Comments**

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

**12-173-19**

**D. Approval Of The Agenda**

There were no changes to the agenda.

**12-174-19**

**E. Public Hearings**

1. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham: To amend **Article 3, Overlay Districts, Section 3.04(A)**, to consider amending the building height standards in the D5 zone of the Downtown Birmingham Overlay District;

**AND**

To amend **Article 9, Section 9.02, Definitions**, to add a definition for abutting.

Chairman Clein opened the public hearing at 7:33 p.m.

Planning Director Ecker presented the item.

Seeing no comments from the Board, Chairman Clein invited public comment.

Duraid Markus said he would like to see it specified that height refers to the highest point of an entire building, as opposed to the highest point of a setback or the highest point of the nearest part of a building.

Planning Director Ecker confirmed for Chairman Clein that the Zoning Ordinance already defines height as the highest point of a building. She said this can vary for single family homes and mixed-use properties.

**Motion by Mr. Share**

**Seconded by Mr. Williams to recommend approval to the City Commission for the amendment of the following sections of the Birmingham Zoning Ordinance: 1. Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District; and 2. Article 9, Definitions, section 9.02 to add a definition for the term abutting.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Chairman Clein closed the public hearing at 7:39 p.m.

**12-175-19**

**F. Revised Final Site Plan & Design Review**

**1. 412 – 420 E. Frank Street (The Bristol)** – Request for design changes to the previously approved residential building.

City Planner Cowan presented the item.

Planning Director Ecker confirmed for Mr. Williams that the change in brick resulted from the previously approved brick being unavailable.

City Planner Cowan told Chairman Clein that the proposed window design changes would not run afoul of any ordinance requirements.

John Shekerjian and Joseph Mosey spoke on behalf of the project.

Mr. Shekerjian clarified City Planner Cowan's report, noting that:

- Unit 302 would retain all three windows as originally planned;
- Unit 202 would have two windows removed at the request of the unit's owner; and,
- There was no change to the column dimensions submitted in the updated plan.

He added the walls behind the grills will be made with non-combustible material and there will be fire suppression on the terraces.

Mr. Mosey noted that Unit 202's wall, from which the two windows will be removed, would be set back nearly 20 feet and would be facing the alley.

Mr. Shekerjian stated they added a soldier course at the top of the building, a limestone cap, and a rowlock of brick. He said he would be able to take the rowlock out and put limestone in if the Board would prefer. Mr. Shekerjian opined that the limestone cap ties in to the north elevation as one rounds the corner, but that a rowlock in limestone would not tie into the north elevation as one rounds the corner. He also said there is herringbone detailing on the chimney and limestone headers and sills on the windows.

Mr. Jeffares commented that even with the additional proposed detailing, the eastern elevation remains relatively visually monotonous.

Planning Director Ecker confirmed for Ms. Whipple-Boyce that the parking lot located next to the east elevation of this building could be developed in the future.

Mr. Shekerjian stated they stepped the building back six or seven feet on that side in case of a future development.

Ms. Whipple-Boyce said she was not enthused about the eastern elevation, the proposed changes, or a brick change. She suggested that there might be some more creative way to create visual interest on the eastern elevation, including art or vegetation. She also exhorted the developer to follow through on any agreement the Board and developer reach regarding the design of the eastern elevation, stating that many times developers make commitments to the Board and do not follow through.

Mr. Shekerjian said he met with the neighbor whose property is at the lot line next to the eastern elevation, and that they had agreed to grow vines both up the side of 412-420 E. Frank's eastern elevation and up the west elevation of the neighbor's building. The neighbor will provide 412-420 E. Frank with six inches of his land in which to plant the vines. Mr. Shekerjian added they are considering adding vines along the south elevation as well.

In reply to Mr. Share, Mr. Shekerjian said the vines along the south elevation would be maintained by 412-420 E. Frank's association. He said it was not yet clear who would maintain the vines along the east elevation, since they would be planted in the neighbor's property and growing along 412-420 E. Frank's wall. He said he would propose to the neighbor that 412-420 E. Frank's association maintain the east elevation's vines as well.

Chairman Clein and Ms. Whipple-Boyce said they liked the idea of vines along the east elevation. Ms. Whipple-Boyce reiterated that the developer must follow through on the commitment, and suggested the Board make it a condition of approval.

Mr. Koseck said that if these and similar project details are important to the Board, the Board should ask developers to come back and demonstrate that all agreed-upon details have been implemented.

Seeing no further Board comment, Chairman Clein invited public comment.

Planning Director Ecker told Eric Wolf there were no further proposed changes to the west elevation as of the present meeting.

Mr. Wolf asserted the Board should compel Mr. Shekerjian to take down the wall and rebuild it to reflect the original proposal. He said the Building Department should not have granted the building permit given Mr. Shekerjian's non-adherence to the plans for the eastern elevation, and that the Planning Department should not have made administrative approvals to the plans that, in Mr. Wolf's opinion, will make the building unsightly. Mr. Wolf expressed disappointment in the Board for what he saw as the non-enforcement of previous commitments made by this developer.

Jay Safeman spoke as a lawyer who helped develop this project and as the co-owner of Unit 202 with his wife. Mr. Safeman said all five individuals in 412-420 E. Frank's association want vines on the exterior walls, and that they will be planting them. He asked that the Board approve the plans in light of the association's commitment to having vines grown along their building.

**Motion by Mr. Koseck**

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**Seconded by Mr. Share to approve the Revised Design Plan for 412-420 E. Frank, with the condition that vines be planted along the entire length of the east wall of the building and that the vines be maintained forever.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**12-176-19**

**G. Community Impact Study Reviews**

**1. 770 S. Adams (existing office building)** – Request for acceptance of Community Impact Study for construction of a new five/six story mixed use building in the MU3/MU5 zone of the Triangle District (Continued from November 13, 2019).

Planning Director Ecker presented the background on the item.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to receive and file the letter to Planning Director Ecker dated December 9, 2019 from Fleis & Vandenbrink signed by Julie Kroll.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Ms. Kroll said the revised traffic study was returned to her with a change in land use. The retail section of the site is now approximately 1900 sq. ft. and changed from a small retail store to a coffee shop. Ms. Kroll explained that the trip generation with a coffee shop is considerably higher than a small retail store. As a result, she could no longer perform a simple trip generation analysis study, and would have to undertake a more involved traffic impact study due to the increase in the number of trips. In addition, the information provided by the applicant was sufficient to analyze the trip generation of a small retail space, but insufficient for to analyze the trip generation of a coffee shop. She explained that her letter details what additional information the applicant would need to provide to complete a traffic impact study for a coffee shop. She said that if the coffee shop idea is currently speculative, the applicant should stick with retail as its plan for now. Then, before the applicant receives a Certificate of Occupancy, the City should verify that the applicant's traffic study remains applicable to its final proposed land use.

Mr. Williams asked Ms. Kroll to explain the traffic flow off of Adams into the alley along the south property line of 770 S. Adams.

Ms. Kroll said the traffic impact study provided had 40 ingress and 40 egress just by the site in the alley, which concerned her because the alley is narrow and was not designed to accommodate that volume of traffic during peak periods. She said the applicant also indicated they had count data for the number of cars entering and exiting the alley to access the property to the south, but the numbers from the count data were not provided to Ms. Kroll.

Chairman Clein and Mr. Williams noted the alley was one way. Mr. Williams said it would be necessary to have the count data for the property to the south.

Ms. Kroll confirmed that to be the case, and confirmed that the traffic impact study did have ingress and egress in the alley. She said eight spaces were proposed for the coffee shop, including one ADA space and one electric vehicle space. She said that leaves six available spaces for the 100 vehicles the developer anticipates will visit the coffee shop.

Chairman Clein said he was comfortable that the 40 cars using the alley to access the south property's parking lot and the 57 cars that use the garage underneath could be addressed, it was just that the applicant had not yet addressed them.

In reply to Mr. Boyle, Ms. Kroll explained that the ITE manual for parking calculations and the ITE trip generation manual were both used to determine the difference in parking needs and trip generation for a retail shop versus a coffee shop.

Mr. Boyle asserted that if all trip generation and parking calculations are derived from car-centric manuals, Birmingham will never be a more walkable City. He said the Board should accept that this coffee shop would be mostly accessed by people who do not drive to it, and compared it to Cannelle Patisserie, a successful coffee and pastry shop in Birmingham with only four parking spots.

Chairman Clein noted that Ms. Kroll was not herself advocating for increases in parking, but was merely going on the information available to her. He stated the responsibility was on the applicant to explain that there would be urban internal capture, that there would be walking trips, and that the ITE manuals, which are industry standard, should not apply to this project.

Mr. Boyle said he does not fault the consultants for using industry standard materials, and said the ITE manuals are the problem. He noted ITE manuals have a direct impact on what the City does or does not approve. He pointed out that reliance on conventional industry thinking will result in continued conventional car-centric development, even though the City has been trying to increase walking and cycling on its streets for at least a decade. He said his main concern is that the industry standard directs Birmingham away from its own plan for the Triangle District.

Chairman Clein said that while it might be worthwhile to discuss a possible change in ordinances stemming from Mr. Boyle's critiques, the Board cannot simply alter the standards it is required to use in the middle of a review. He said if the applicant came to the Board with a traffic study describing urban internal capture and walking trips, then the Board would have legitimacy in not requiring the ITE-recommended number of parking spaces.

Ms. Kroll said she saw no excessive queues resulting from the provided data, and agreed with Chairman Clein that this data may even be an overestimation of the likely vehicular traffic accessing the area since many of the trips will more likely be pedestrian or cyclist.

**Motion by Mr. Boyle**

**Seconded by Ms. Whipple-Boyce to accept the Community Impact Study for the proposed development at 770 S. Adams, with the following conditions: (1) The applicant submit information on all life safety issues for Fire Dept. approval at Final Site Plan and Design Review; (2) The applicant submit information on the proposed security system for approval by the Police Department at Final Site Plan and Design Review; and, (3) The applicant submit a traffic study to allow the City's traffic consultant to provide an opinion on the traffic impact of the proposed plan.**

**Motion carried, 6-1.**

VOICE VOTE

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

Nays: Williams

**12-177-19**

**H. Preliminary Site Plan Reviews**

**1. 770 S. Adams (existing office building)** – Request for Preliminary Site Plan approval for construction of a new five/six story mixed use building in the MU3/MU5 zone of the Triangle District (Continued from November 13, 2019).

Planning Director Ecker presented the item. In reply to Chairman Clein, she stated that while the alley can be included as part of the setback requirements in parts of the Downtown Overlay, alleys cannot be included as part of the setback requirements within the Triangle District. In reply to Mr. Williams, she explained that the applicant must agree to restore the alley to its present condition once the applicant has finished construction, and that in the future the applicant would participate in a S.A.D. to improve the alley and pay its assigned portion for those improvements.

Ms. Whipple-Boyce said the adjacent alley is much more oriented to vehicular use than it is pedestrian use. She emphasized that the alley is entirely a means to access a parking lot in order to visit an adjacent business. Ms. Whipple-Boyce acknowledged there is insufficient signage indicating that there is a one-way drive, and that signage should be added to indicate that. Noting that she was on the subcommittee for improving vias throughout the City, Ms. Whipple-Boyce posited that the improvements the City is making elsewhere to pedestrian vias would not be appropriate for this particular condition.

Mr. Koseck asked where the specific pedestrian space would be within the alley, and said he was surprised that the Triangle District plan did not say that this alley should be turned into an actual street in the future.

Michael Poris, architect, noted that the lot is odd-shaped which meant the western side seemed like the best place to put a ramp to the lower parking level. He said that in order to get additional parking the access to upper parking is off of Adams. Mr. Poris added that lighting would be added to the alley and that the trash and transformers would be hidden so he could see potential pedestrian use of the alley in the future.

In reply to Mr. Koseck, Mr. Poris explained the building does not adhere to the ordinance-required ten feet setback because the building was designed to be setback ten feet from the center line of the alley. He also said that according to ordinance definition the alley would be more accurately described as a right-of-way, which means it would be counted as a front setback and the applicant would be permitted to build up to the property line. The City's interpretation of the right-of-way as more of a side setback came as a surprise to the applicant.

Planning Director Ecker said that the Building Official had been consistent in his interpretation of similar situations as side yards. She was not sure whether any applicant had taken the question to the Board of Zoning Appeals.

Mr. Koseck said he would like to see some designated pedestrian space in this alley.

Mr. Poris said that from an urban design perspective having to step the building back ten feet from the alley would be a poor choice. He suggested that this zoning issue should be re-evaluated by the City.

Chairman Clein said proposing to have someone in an accessible parking space enter the alley and then round the building's corner in order to reach the building's entrance caused him some concern.

Mr. Boyle said there was so much parking around the building that the City should not focus on increasing the alley's vehicular traffic. He said it would be sufficient in his view to move the accessible parking space to the front of the building, and to refinish the alley's surface to allow it to better accommodate the vehicular traffic that already uses it.

Ms. Whipple-Boyce recommended the applicant reach out to Citizens Bank at 1000 Haynes about the possibility of a shared parking agreement. She said the bank's parking lot is usually sparsely occupied.

Mr. Shekerjian stated that the applicant team has reached out to Citizens Bank and is in the process of discussing the possibility of shared parking.

In reply to Mr. Shekerjian, Planning Director Ecker explained that the Building Official has ruled in the past that there are conflicting definitions of a 'side setback', and that the written definition supercedes the image used to illustrate it. She clarified that the applicant could choose to seek a variance, could appeal the ruling to the Board of Zoning Appeals, or both, should they choose.

Mr. Shekerjian echoed Mr. Poris' previous comments that it would be detrimental to require that the building be stepped back 10 feet from the alley, not only aesthetically but because it would cause a substantial loss of square footage within the building. He asked whether the Board would



consider supporting a potential future variance appeal or overturn request from the applicant to the BZA on the issue.

Chairman Clein said that would be one of the matters the Board would have to discuss. He emphasized the Board is only in a position to provide its perspective to the BZA, and that the BZA ultimately makes the decision.

Mr. Jeffares described the area surrounding 770 S. Adams as having an abundance of parking, and said focusing specifically on how to park cars near 770 S. Adams when there is so much other parking in the immediate area may be an unnecessary exercise. He suggested the Board may want to consider some leniency towards a developer willing to develop in the Triangle District, since the City historically has had a difficult time attracting development to the area.

Chairman Clein said he was immensely supportive of this project, and that his concerns about turning movements have been somewhat allayed by Ms. Kroll's previous comments. He also acknowledged that the applicant would be submitting updated sight distance triangles and other traffic information, which would be helpful. He said he had no concerns about the alley conditions in general, and was only concerned about the location of the accessible parking space and the parking spaces backing up into the alley. Chairman Clein added that in his work in other cities he has often seen a portion of a right-of-way used as part of a setback calculation and said he agreed with the applicant that should be done in this case as well. He posited that not requiring a ten foot setback from the alley would not create a planning issue in this case.

A number of Board members also shared concerns about vehicles in the eight parking spaces having to back up into the alley.

In reply to Chairman Clein, Mr. Poris confirmed the applicant team would look into some sort of gating or separation between public and private parking.

Mr. Share and Mr. Williams commented that would be a matter for a preliminary site plan review.

Mr. Jeffares noted that the Board could do both the preliminary and final site plan reviews in the same meeting if everything else for preliminary was to the Board's satisfaction.

Planning Director Ecker confirmed that would be possible as long as the City appropriately noticed both reviews.

Mr. Williams commented he would be comfortable with that approach.

The Board asked whether those reviews could be noticed in time for the January 22, 2020 meeting. Planning Director Ecker confirmed they could. She also noted both that the applicant had not yet applied for final site plan review and that if the applicant needed to go to the BZA before January 22, 2020, it could be difficult for the applicant because the BZA prefers to have a preliminary site plan decision from the Board before making a ruling.

Chairman Clein invited the applicant up to discuss the best way to move forward.

To alleviate the timing issue, Ms. Whipple-Boyce recommended that the Board vote to approve the preliminary site plan while including language in the resolution that specifically outlines the Board's expectations regarding parking. She asked whether other Board members thought that would be a sufficient solution.

Mr. Share commented that he had not heard any specific commitments from the applicant regarding parking.

Mr. Shekerjian expressed that it would not behoove the applicant team to take the Board's concerns lightly since the development would not move forward without Board approval of the final site plan. Given that, he said all comments from the Board would be addressed to the extent the applicant is able.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Williams to approve the Preliminary Site Plan Review for 770 S. Adams pending the following: 1. Revisions to the south side setbacks of the building of the site or removal of windows within 10' of the property line, or obtain a variance from the Board of Zoning Appeals; 2. Provision of balcony projection dimensions, and if over 2', the review and approval of the City Commission will be a required condition of any approval granted; 3. Provision of a roof plan showing the location of all rooftop mechanical equipment and associated screening; 4. Corrections of all site, landscape, streetscape and engineering plans showing consistency on all, and demonstrating that all zoning requirements have been met, including 12' sidewalk width; 5. The addition/clarification of 43 bike racks on site; 6. A photometric plan will be required at Final Site Plan and Design Review; 7. All material samples and specifications will be required at Final Site Plan and Design Review; 8. Compliance with the requirements of all departments; 9. Public parking to be located in the first floor of the parking area adjacent to the retail space in a manner acceptable to the Planning Board to be granted or withheld at the final site plan review; and, 10. Parking spaces along the southern line of the building abutting the alley to be reduced or relocated the the west of Adams in a manner acceptable to the Planning Board to be granted or withheld at the final site plan review.**

Mr. Share provided suggestions for the wording of conditions nine and ten. Ms. Whipple-Boyce and Mr. Williams accepted Mr. Share's suggested wording.

Mr. Boyle ventured that condition ten of the motion could be "The parking spaces on the current plan to be enclosed within the envelope of the building."

Mr. Share said that might not be cost effective or fair to the applicant.

Mr. Boyle said he was aiming to make the condition as simple as possible.

Mr. Koseck noted that if the other side of the alley were developed into a building in the future, it would cause a 20 foot wide, 250 foot long straightaway with balconies encroaching into the space and no specified area for pedestrians. He said the alley should be treated as a road, with all the conditions that come with that designation according to ordinance. Secondly, Mr. Koseck

stated that he could not think of another condition in Birmingham where vehicles back up into an alley while other vehicles regularly traverse the alley. He noted that asking the applicant to remove those spaces would result in a changed floorplan and would affect other aspects of the plan which the Board should then review. Mr. Koseck reminded the Board that earlier in the evening they again had to review the east elevation of 412-420 E. Frank, a situation in which the Board did not fully vet that its expectations had been met and therefore had to troubleshoot unsatisfactory results. Mr. Koseck recommended the Board could avoid a similar outcome here by postponing the preliminary site plan so that the Board would have a chance to make sure all of its concerns had been resolved before moving on. He said he was very sympathetic to the desire to move the project forward, but that in his view too many issues were unresolved.

Mr. Boyle said he was unenthusiastic about the wording for condition ten because it did not prohibit a turning movement from a parking space into the alley. He said he would prefer a condition that completely prohibits turning movements into the alley from the parking lot.

Mr. Jeffares echoed Mr. Koseck's view that the Board has sometimes given developers excess leeway, and that the Board must make sure its expectations are met precisely with this and other projects. He said if the Board's expectations for this project are not met at the next review, he would have no compunction about waiting to move the project forward until all Board concerns are resolved. He said he was confident the Board's expectations for this project could be met by the applicant.

Mr. Koseck said he preferred Mr. Boyle's suggestion for condition ten because it clarified what the Board would like to see happen.

Chairman Clein said he would not be supporting the motion for the same reasons Mr. Boyle described. He also said he was persuaded by Mr. Koseck's comment that the Board should shy away from advancing a project in which a number of issues remain unresolved.

**Motion failed, 2-5.**

VOICE VOTE

Yeas: Whipple-Boyce, Jeffares

Nays: Williams, Boyle, Clein, Koseck, Share

**Motion by Mr. Boyle**

**Seconded by Mr. Koseck to postpone the Preliminary Site Plan Review for 770 S. Adams to January 8, 2020 pending the following: 1. Revisions to the south side setbacks of the building of the site or removal of windows within 10' of the property line, or obtain a variance from the Board of Zoning Appeals; 2. Provision of balcony projection dimensions, and if over 2', the review and approval of the City Commission will be a required condition of any approval granted; 3. Provision of a roof plan showing the location of all rooftop mechanical equipment and associated screening; 4. Corrections of all site, landscape, streetscape and engineering plans showing consistency on all, and demonstrating that all zoning requirements have been met, including 12' sidewalk width; 5. The addition/clarification of 43 bike racks on site; 6. A photometric plan will be required at Final Site Plan and Design Review; 7. All**

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**material samples and specifications will be required at Final Site Plan and Design Review; 8. Compliance with the requirements of all departments; and 9. Amendment of the parking situation.**

Planning Director Ecker told Mr. Poris that there is no Birmingham ordinance against perpendicular parking on an alley.

Mr. Poris noted that parking layouts usually require 18-20 feet behind a car to pull out and turn, which is the same amount of space the alley provides. He continued that parking lots frequently have conditions where two cars opposite each other may back out into the same space at the same time while also navigating possible cross-traffic. Mr. Poris added that cars back out into traffic on Woodward Ave, a street much busier than the alley being discussed. Since people usually navigate these circumstances with little trouble, and there is no ordinance against it, Mr. Poris suggested the Board's concern regarding the eight spaces in the alley was perhaps in excess. He said being required to redesign would cause the applicant team a number of difficulties, and asked the Board to consider those points.

Chairman Clein replied to Mr. Poris that if the applicant team can prove to Ms. Kroll that the sight distance triangles of the eight spaces do not cause an undue safety hazard for vehicles given the unique condition of the intersection, then Chairman Clein might consider whether he would personally support easing off on some of the requested parking changes.

**Motion carried, 6-1.**

VOICE VOTE

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

Nays: Jeffares

**2. 2101 E. 14 Mile Road (vacant parking lot)** – Request for Preliminary Site Plan approval for construction of a new one story medical office building in the O1 Office zoning district.

City Planner Cowan presented the item.

Robert Cliff with MGA Architects and Dr. Maureen Kuhta of Michigan Smile Design Family Orthodontics represented the application.

Mr. Cliff explained that as soon as he and Dr. Kuhta received the Fire Marshall's comments regarding the sprinkler, Dr. Kuhta decided to forego the plans for a sleep center and to proceed in a different direction with that portion of the building. The plans will likely be reworked to expand the staff room and to provide storage space for the orthodontic practice. It would be Dr. Kuhta's preference to maximize available parking by keeping the 28 parking spaces the plans currently represent and by not adding landscaping to the parking lot.

In reply to Mr. Koseck, Mr. Cliff explained that the front setback for this property was calculated based on the average of the front setbacks of the properties within 200 feet, as required by ordinance.

Planning Director Ecker confirmed this was correct.

In reply to Chairman Clein, Mr. Cliff noted that the neighbors to either side of 2101 E. 14 Mile Road have doors that technically open on to 14 Mile but are either blocked or otherwise inaccessible. He said the plans for 2101 E. 14 Mile could explore the possibility of having a door that opens onto the side street as a compromise.

Dr. Kuhta clarified that parents are often visiting her practice with a number of children, and having to walk them around the corner from the parking lot to a front entrance on 14 Mile could be both cumbersome and dangerous. In addition, for quicker orthodontic checks sometimes a child will just be sent in alone while a parent waits in a car. Allowing a child to walk straight from the parking lot into the office is safer than having a child exit the parking lot, walk around the corner, and enter the office on 14 Mile.

Planning Director Ecker told Ms. Whipple-Boyce that stamped concrete is technically allowed in Birmingham since it is masonry, but is not frequently permitted through the site plan process. She said the only location in Birmingham she could think of that has stamped concrete is around the Porsche Dealership on Woodward.

Ms. Whipple-Boyce noted that an additional example outside of Birmingham would be Consumer's Energy at the intersection of 14 Mile and Coolidge Highway.

Mr. Koseck endorsed the parking lot screen wall at the intersection of Eton and 14 Mile as one of the most attractive examples in the City.

In response to Mr. Whipple-Boyce, Mr. Cliff confirmed that part of the north elevation of the roof would be visible from the south elevation. He said he left it out of the printed renderings in an attempt to avoid confusion, but that it is shown in the 3D renderings on the computer.

In response to Chairman Clein, Mr. Cliff said the parking lot would adjoin with the neighbor's by happenstance since the neighbor's lot comes up to the property line. Mr. Cliff noted that the option of a fence had not been discussed as of yet. He also confirmed the dumpster would be a rollout.

J.C. Cataldo said he was present on behalf of John Kelly, the developer, should the Board have any questions for him.

Mr. Boyle said he would like more clarity regarding where pedestrians should walk through the parking lot.

Chairman Clein agreed with Mr. Boyle, saying that the sidewalk on the east leg of the parking lot might be confusing. He described someone parking in the spaces further to the east, attempting to follow the sidewalk towards the building, and then running into a landscape bed instead of being able to directly access the building.

Dr. Kuhta said that parking lot design was the result of trying to accommodate the sleep center as a tenant and would be redesigned now that the whole building will be occupied by her orthodontic practice.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Boyle to approve the Preliminary Site Plan for 2101 E. 14 Mile subject to the following conditions: 1. Applicant submit an updated landscape plan satisfying all landscape requirements at Final Site Plan review; and 2. The applicant provide specification sheets and material samples for all lighting, mechanical equipment, and building materials, as well as and signage details at Final Site Plan review.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**12-178-19**

**I. Miscellaneous Business and Communications:**

**a. Communications – Long Range Planning Meeting January 25, 2020**

**b. Administrative Approval Correspondence**

Planning Director Ecker presented two requests.

For 191 N. Chester, the Board concurred with the Engineering Department's recommendation to agree to a change in the building's frontage and to add two on street parking spaces as proposed in the applicant's submission.

For 525 Merrill, the Board agreed they would like to review the application in person in order to make sure the neighbors would not be negatively impacted by 525 Merrill's proposed carport.

**c. Draft Agenda for the next Regular Planning Board Meeting (January 8, 2020)**

- Preliminary Site Plan Review for 770 S. Adams
- Potentially draft Master Plan discussion

Planning Director Ecker explained that the Commission was still mulling how it would like the Planning Board to schedule its master plan draft review, and that she would likely have a better sense of that after the Commission's December 16, 2019 meeting.

Chairman Clein commented that nothing on the Planning Board's action list, short of the glazing issue, seemed necessary to advance before the master plan is completed unless the Commission wanted to reorganize or add to the Board's action list. He respectfully recommended that the

Board's master plan draft discussion meetings remain dedicated to that topic, and should not be intermixed with other action list items.

Mr. Jeffares noted that the topic was raised at the Commission's December 9, 2019 meeting that there could be contractual issues with DPZ should the master planning process proceed well beyond what was originally planned.

- Potentially glazing

Mr. Williams suggested glazing, balcony enclosures and loosening restrictions on residential solar panel installments could be potentially added to the January 8, 2020 meeting since there was already a site plan review scheduled. He said that while the Board may not get to all the action list items, it would be worthwhile to at least have it on the agenda.

Chairman Clein agreed.

**d. Other Business**

**12-179-19**

**J. Planning Division Action Items**

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

**12-180-19**

**K. Adjournment**

No further business being evident, the Chairman adjourned the meeting at 11:00 p.m.

Jana L. Ecker

Planning Director