

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, MAY 22, 2019**

Item	#
<p><b>B. Approval Of The Minutes Of The Regular Planning Board Meeting Of May 8, 2019</b></p> <p><b>Motion by Mr. Jeffares</b>  <b>Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of May 8, 2019 as submitted.</b></p> <p><b>Motion carried, 5-0.</b></p>	<p>3</p> <p>3</p>
<p><b>E. Request for Preliminary Site Plan Review</b></p> <p><b>1. 35001 Woodward – The Maple – Request for approval of a Preliminary Site Plan to permit the construction of a five story hotel building (Postponed from February 27, 2019).</b></p> <p><b>Motion by Mr. Williams</b>  <b>Seconded by Mr. Share to receive and file the letter dated May 20, 2019 from Kelly Wiliam Cobb into the official record.</b></p> <p><b>Motion carried, 7-0.</b></p>	<p>4</p> <p>6</p>
<p><b>Motion by Mr. Boyle</b>  <b>Seconded by Mr. Koseck to approve the Preliminary Site Plan for 35001 &amp; 35075 Woodward – The Maple – with the following conditions: 1) The applicant must clarify which refuse areas the two proposed retail uses are permitted to use, and the accessibility of such; 2) Submit specification sheets for the proposed ground mounted and rooftop mechanical units to ensure full screening; 3) Add the correct number of street trees to each street frontage, or obtain a waiver from the Staff Arborist; 4) The applicant must provide the correct number of street lights and provide regular spacing of such by Final Site Plan Review. 5) Submit a photometric plan and specifications on all proposed lighting; 5) The applicant must reduce the width of the garage entry on the west elevation or obtain a variance from the Board of Zoning Appeals; 6) Submit material samples, colors, and specifications as well as details on any proposed signage; 7) Applicant comply with the requests of all City Departments; 8) Applicant obtain approval of a lease agreement by the City Commission for all projections and /or encroachments on City property; 9) Applicant revise plan sheets as necessary to ensure all sheets are consistent and show the required property lines and clearly note all projections / encroachments</b></p>	<p>7</p>

<p><b>across property lines; and 10) At Final Site Plan Review, the applicant must provide the Special Event Operations Plan for the said hotel.</b></p> <p><b>Motion carried, 7-0.</b></p> <p><b>F. Request for Design Review</b></p> <p><b>1. 1986 Northlawn – Private Residence – Request for design review and approval of the installation of eight solar panels on the front (street) facing portion of the roof of a private single family residence.</b></p> <p><b>Motion by Mr. Williams</b> <b>Seconded by Ms. Whipple-Boyce to move to approve the design plan for 1986 Northlawn.</b></p> <p><b>Motion carried, 7-0.</b></p> <p><b>G. Miscellaneous Business and Communications:</b> <b>d. Other business</b></p> <p><b>Motion by Mr. Williams</b> <b>Seconded by Mr. Koseck to suspend the Rules of Procedure to allow the Site Plan Review for Pernoi at the Planning Board’s June 12, 2019 study session.</b></p> <p><b>Motion carried, 7-0.</b></p>	<p>8</p> <p>9</p> <p>10</p> <p>10</p>
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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 22, 2019**

City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 22, 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; Alternate Board Members Jason Emerine, Naseem Ramin; Student Representative Sophia Trimble, John Utley

**Absent:** None

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

**05-073-19**

**B. Approval Of The Minutes Of The Regular Planning Board Meeting Of May 8, 2019**

Mr. Jeffares noted that the awnings at Sidecar will be replaced, not "repainted" as was indicated on page 5.

Mr. Share asked that in the seventh paragraph, on page six, the information be updated to indicate that the applicant is not operating under the bistro ordinance. Mr. Share also noted a spelling correction on page eight, recommending "reproach" be changed to "re-approach".

**Motion by Mr. Jeffares  
Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of May 8, 2019 as submitted.**

**Motion carried, 5-0.**

VOICE VOTE

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

Nays: None

Abstain: Clein, Koseck

**05-074-19**

**C. Chairperson's Comments**

Chairman Clein reviewed the evening's agenda.

**05-075-19**

**D. Approval Of The Agenda**

No changes.

**05-076-19**

**E. Request for Preliminary Site Plan Review**

**1. 35001 Woodward – The Maple – Request for approval of a Preliminary Site Plan to permit the construction of a five story hotel building (Postponed from February 27, 2019).**

Planning Director Ecker presented the item.

Planning Director Ecker confirmed:

- City Engineer O'Meara has said the applicant's proposed plans for Park Street would not interfere with the City's plans for Park Street.
- The applicant has amended their plans to make them consistent with the City's plans for Maple.
- The applicant is required to have three loading spaces based on use and square footage of building. The spaces are required to be 40 feet long, 12 feet wide, and 14 feet in height.
- The traffic consultant has reviewed the most current plans. The three parking spaces further to the north have also been removed so the hotel may stack cars there if necessary.

Mr. Williams noted that the three spaces to the north which were removed were in front of retail establishments.

Kevin Biddison, architect, told the PB that he had met with the City's Engineering and Planning Departments multiple times in the past month and that the project had undergone a number of adjustments in order to come further into alignment with the City's requirements. He continued:

- The double-banked loading zone would allow the applicant to stack up to 10 cars if needed. Such circumstances would only be likely to occur in the daytime hours.
- The garage door width will be reduced to 25 feet from 30 feet as required.
- The applicant would be more than willing to add the additional tree necessary if the arborist signs off on it. The applicant will also add the additional street lamp required.
- Additional lighting will be added around the building once the building is built and the first round of lighting is installed to illuminate any remaining darker areas.
- The vertical aluminum fins with LED lighting at Maple and Park and Maple and Woodward are being installed to provide visual interest and are cut back into the stone so they will not project into the right-of-way.

Mr. Williams suggested adding the operations plan with the City onto the list of conditions for preliminary. He also cited his previous 'No' vote on the CIS due to safety concerns, and commended the applicant for their efforts towards making the project safer through improved traffic flow and valet parking.

Mr. Koseck agreed with Mr. Williams, saying the applicant had come a long way in terms of improvements made to safety and traffic flow. He also said the hotel would likely need vestibules within the building, but that as long as they were interior it would not affect the site plan.

In reply to a query by Mr. Koseck, Mr. Biddison said the parking spaces on Hamilton are part of the conversation with the Hunter House Group. In addition, there are stairs on the Hamilton side of the building which would allow Hunter House patrons access to some of the additional spaces below grade.

Mr. Koseck said the retention of the 1½ foot wide curbed median on Park Street was a strange decision.

Mr. Biddison said the curb was being maintained at the request of City Engineer O'Meara in order to help drainage along the street. He said he anticipated the conversation with the Engineering Department regarding the curb would continue.

Mr. Boyle acknowledged that with all the competing interests on this site, nothing was going to be perfect but that the applicant's efforts had brought them much closer.

In response to Mr. Boyle, Mr. Biddison explained the rooftop would have seating and a rooftop bar.

Planning Director Ecker advised Mr. Biddison that within the overlay a commercial use could not be located above a residential use. She suggested the rooftop could be used by the residential occupants of the fifth floor of the building.

Mr. Biddison stated that both elevators would be available for resident use in the building. He confirmed a key system would be in use, allowing only residents to access residential floors.

Chairman Clein asked that the applicant confirm the width of the sidewalk in front of Greenleaf Trust and design their sidewalk to match that width.

Mr. Biddison said the five feet sidewalk proposed is what the Engineering Department instructed the applicant to provide.

Mr. Williams said the elevator usage should be reconsidered by the City from a security standpoint since residents may not know all their neighbors, and a non-resident could easily follow a resident out onto a residential floor.

Chairman Clein said he was not as concerned about a potential security issue, and advised that the applicant work the issue out within their own operations and with the City's Building Department. He continued:

- He appreciated the applicant's continued efforts to meet City requirements.
- Seven stacking spaces on Park Street seemed like too many to reserve for the purpose. It would require the City give up too much pedestrian and public space. He said he was not comfortable with it, and that while it might not yield a no vote from him this evening, he would advise the layout be reconsidered for the final.
- There is no reason one line of valet cars should be insufficient, especially with the three extra spaces being made available to the north.
- For the final review he would want to know that the applicant and the City's Engineering Department are creating good design for these conditions, and not just what works.
- This should look like a valet operation, which would take up little more space than parallel parking, instead of a double-stack for cars.

Mr. Williams said he agreed with Chairman Clein's concerns, but that he would also not want to see cars unable to move on Maple. He said the City might have to change some of its plans if it wants to allow reasonable development on this site.

Mr. Boyle recommended the applicant discuss the possibility of renting some of the space within the small parking lot near the hotel on Park Street, which would reduce some of the need to have extra street space for stacking cars.

Chairman Clein noted the applicant would have to speak to the City about its lease of the City's property, so it should also raise the question of renting that parking lot space per Mr. Boyle's recommendation.

Mr. Biddison said the applicant would be open to the conversation.

Mr. Koseck said he also believed it would be a good idea to explore with the City.

Chairman Clein recommended adding a letter dated May 20, 2019 from Kelly William Cobb, Vice-President of Hunter House Hamburgers to the official record. He summarized the letter as notifying the PB of the applicant's contractual obligations to Hunter House as related to the development. Noting that the issues raised by the letter were not in the PB's purview, Chairman Clein said it was still helpful to understand where the negotiations stand and extended his appreciation for the letter to Mr. Cobb.

**Motion by Mr. Williams**

**Seconded by Mr. Share to receive and file the letter dated May 20, 2019 from Kelly William Cobb into the official record.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Mike Kopmeyer, 1351 Bennaville Ave, said he would like to see more green space in this plan. He said he would like to see some amount of the space set aside for a public park, and that in a perfect world Birmingham would not have a four or five story building on that lot. He said as a compromise it would be good if there could be areas shaded by trees which are public and allow for people to gather. He also said he endorsed Chairman Clein's concerns with the planned double-stacked space on Park Street.

Mr. Kopmeyer continued that the frontage along Woodward seemed cold and not conducive to pedestrian usage and activity. He suggested that awnings or more masonry or other options could make that frontage seem more human-scale and approachable.

Mr. Boyle commended the applicant and architect on all the work they have done. He said he would like the applicant to review the stacking plans on Park Street. He added that, along the lines of Mr. Kopmeyer's comments, Mr. Boyle was keen to see the proposed building materials at the final site plan.

Mr. Williams suggested it would be prudent for Chairman Clein to participate in some of the operation discussions between the applicant and the City since he could best represent the PB's concerns about traffic flow and parking. He noted that while Planning Director Ecker is a capable intermediary between the PB and the applicant, the PB's recommendations should be directly conveyed by Chairman Clein due to the specificity of the Board's concerns.

Mr. Share said he would also dislike the double-stacking if not for the extreme public safety risks that could result should traffic not be managed efficiently at this intersection. He noted that the hotel could handle up to 120 vehicles for events, and that a dangerous situation would likely compound very quickly if hotel traffic is not adequately controlled. He said he would be satisfied if the Engineering Department and the City's traffic consultant confirmed that high-volume hotel traffic could be managed with single-stacking and a healthy margin of safety. Otherwise, he said double-stacking is a reasonable, although not ideal, condition to accept.

Mr. Boyle recommended the applicant consider different options for signage as it moves towards its Final Site Plan Review, specifying that it should avoid the signage issue that the Greenleaf Trust building has.

**Motion by Mr. Boyle**

**Seconded by Mr. Koseck to approve the Preliminary Site Plan for 35001 & 35075 Woodward – The Maple – with the following conditions: 1) The applicant must clarify which refuse areas the two proposed retail uses are permitted to use, and the accessibility of such; 2) Submit specification sheets for the proposed ground mounted and rooftop mechanical units to ensure full screening; 3) Add the correct number of street trees to each street frontage, or obtain a waiver from the Staff Arborist; 4) The applicant must provide the correct number of street lights and provide regular spacing of such by Final Site Plan Review. 5) Submit a photometric plan and specifications on all proposed lighting; 5) The applicant must reduce the width of the garage entry on the west elevation or obtain a variance from the Board of Zoning Appeals; 6) Submit material samples, colors, and specifications as well as details on**

**any proposed signage; 7) Applicant comply with the requests of all City Departments; 8) Applicant obtain approval of a lease agreement by the City Commission for all projections and /or encroachments on City property; 9) Applicant revise plan sheets as necessary to ensure all sheets are consistent and show the required property lines and clearly note all projections / encroachments across property lines; and 10) At Final Site Plan Review, the applicant must provide the Special Event Operations Plan for the said hotel.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**05-077-19**

**F. Request for Design Review**

**1. 1986 Northlawn – Private Residence – Request for design review and approval of the installation of eight solar panels on the front (street) facing portion of the roof of a private single family residence.**

City Planner Dupuis presented the item.

Mr. Williams asked why the ordinance did not allow solar panels on the front of homes without Planning Board approval.

Planning Director Ecker said she was unsure as to the exact reason, but it is likely aesthetics.

Mr. Jeffares said that traditional solar panels can be aesthetically obtrusive, and noted that several manufacturers have recently started producing solar panels which resemble roofing shingles. While he stated that he was unsure if there were other reasons that the smaller solar panels could not be used, for instance cost or output, he said they are generally nicer to look at than traditional solar panels.

Ms. Whipple-Boyce reminded the PB that they granted a similar front-of-roof solar panel installation for a home on Lincoln a few years prior, and that it yielded a fine result.

Mr. Boyle asked how much the City charged for this review.

City Planner Dupuis said it was \$500 total.

Mr. Boyle said granting this resident request would be the easiest thing in the world to do to encourage ecological sustainability. He suggested that residents adding solar panels to their houses should incur no design review fee and a simple approval process.



Planning Director Ecker stated that the Planning Department could allow solar panel installations through administrative approval for \$100 if the Planning Board no longer wants to review the majority of such requests.

Chairman Clein said the Planning Board could ask the City Manager for permission to further consider the benefits of Mr. Boyle's proposal.

Ms. Whipple-Boyce assented to that idea.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to move to approve the design plan for 1986 Northlawn.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**05-078-19**

**G. Miscellaneous Business and Communications:**

**a. Communications**

Planning Director Ecker stated that the City Commission stated a public hearing date in June 2019 for Rojo/Sidecar, trash enclosures, screening, and railings.

The Bates Street development is on the meeting agenda for the second meeting in June 2019. City Manager Valentine will provide the Board with more specific direction on its obligations.

Mr. Williams reiterated his request for an opinion from City Attorney Currier on the Board's obligations vis-a-vis the Bates Street development as well.

Pernoi will be back to the PB on June 12, 2019 for bistro consideration. Brooklyn Pizza has not yet submitted.

The Board decided to continue discussion of aging in place, with staff providing information on what other urban communities have done in order to inform the conversation.

**b. Administrative Approval Correspondence**

City Planner Dupuis explained that the Old Woodward reconstruction removed the outdoor dining space for Mad Hatter Bistro, which is required by ordinance to retain its bistro license. Randy Dickow of Mad Hatter Bistro has negotiated with the next door property owner to use 50% of his frontage, which is permitted by ordinance as long as the next door property is vacant. The remaining issue is that the proposed location of the outdoor dining would cause it to abut a City-

installed stone bench. For this reason, the Planning Department sought the Planning Board's advice as to whether an administrative approval should be granted.

Mr. Dickow suggested that the bench could look like it was enclosing the proposed outdoor dining space. He explained that the Old Woodward reconstruction had detrimental financial effects on the business, and that outdoor dining is a large source of the establishment's revenue for the year.

Board consensus was to allow the proposed outdoor dining plans even though they would abut the bench, because they would rather be supportive of the business and keep the street activated.

Ms. Whipple-Boyce said she thought the Board should revisit the topic of vinyl windows and other enclosures on balconies, decks, etc. similar to what has been done at Crosswinds.

Mr. Koseck and Mr. Williams agreed. The Board asked that it be added to their request list to City Manager Valentine, in addition to waiving the charge for installation of solar panels.

**c. Draft Agenda for the next Regular Planning Board Meeting (June 12, 2019)**

- Per Noi Bistro
- Public hearing for rooftop uses
- Update of Master Plan
- Aging in place

**d. Other Business**

**Motion by Mr. Williams**

**Seconded by Mr. Koseck to suspend the Rules of Procedure to allow the Site Plan Review for Perno at the Planning Board's June 12, 2019 study session.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**05-079-19**

**H. Adjournment**

No further business being evident, the Vice-Chairman adjourned the meeting at 9:08 p.m.

Jana L. Ecker

Planning Director