

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, AUGUST 26, 2020**

Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on August 26, 2020. 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, Nasseem Ramin; Student Representatives Rachel Hester, June Lee

**Absent:** None.

**Administration:** Jana Ecker, Planning Director  
Jamil Alawadi, IT Staff  
Nicholas Dupuis, City Planner  
Laura Eichenhorn, Transcriptionist

**08-100-20**

**B. Approval of the Minutes of the Regular Planning Board Meeting of August 12, 2020**

Mr. Share recommended the following changes:

- On page four, second bullet point, 'discusses' should be changed to 'discussed'.
- On page five, second bullet, 'multi-family' should be changed to 'courtyard'.

**Motion by Mr. Share**

**Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of August 12, 2020 as amended.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**08-101-20**

**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.

08-102-20

**D. Review of the Agenda**

There were no changes to the agenda.

08-103-20

**E. Unfinished Business – Revised Final Site Plan & Design Review**

**1. 34745 Woodward (JAX Kar Wash) – Request for Revised Final Site Plan & Design Review for site plan and design changes to Jax Car Wash (Postponed from July 8, 2020, Request to postpone to September 23, 2020).**

Planning Director Ecker stated the September 23, 2020 agenda was already at capacity. She said the next meeting with availability would be October 28, 2020.

She explained the applicant requested the postponement because they only received a letter from MDOT regarding the right-of-way issue a week prior to the present meeting, and they wanted to ensure that the City Attorney and City staff would have sufficient time to review and respond to the MDOT letter.

**Motion by Mr. Williams**

**Seconded by Mr. Jeffares to postpone the Final Site Plan and Design Review for 34745 Woodward (JAX Kar Wash) to October 28, 2020.**

**Motion carried, 7-0.**

**ROLL CALL VOTE**

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

Nays: None

08-104-20

**F. Public Hearing**

1. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham:

**TO AMEND ARTICLE 3, SECTION 3.04(E), ARCHITECTURAL STANDARDS, AND ARTICLE 4, SECTION 4.90(A), WINDOW STANDARDS TO AMEND THE WINDOW GLAZING STANDARDS IN THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT;**

**AND**

**TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS TO REDEFINE CLEAR**

**GLAZING, AND TO ELIMINATE THE DEFINITION OF LIGHTLY TINTED  
GLAZING.**

Chairman Clein opened the public hearing at 7:48 p.m.

City Planner Dupuis reviewed the item.

Chairman Clein clarified that by reducing the VLT to 66% the City would be allowing low-e coating which would help with the Energy Code. He noted that by adding the reflectivity component the City would be ensuring the ability to see the inside of a business when viewed from the exterior.

Mr. Boyle asked City Planner Dupuis if he had been able to return with comparative costs between regular and low-iron glass as had been requested during the last Board discussion of this topic.

City Planner Dupuis said he had been unable to attain comparative costs because he would have had to receive quotes for a specific proposed project.

Ms. Whipple-Boyce said that when she asked her glass supplier about comparative costs she was told that low-iron glass could be up to 25% more than regular. She said she looked at a sample of low-iron glass and a sample of regular glass side-by-side and saw only a negligible difference. She said the regular glass appeared slightly more green, but not enough to merit the City requiring low-iron glass for its storefronts.

Mr. Koseck said in a recent purchase low-iron glass was about 10% more costly than regular. He noted that the prices likely vary according to the amount of glass being purchased. Given that storefronts in Birmingham are relatively small and therefore unlikely to receive a volume discount, he said that low-iron glass could be unnecessarily cost burdensome on owners and should perhaps not be required by ordinance.

Mr. Share said he also did outside research and was told that low-iron glass is about 30% more expensive than regular glass. He reported that he was told that low-iron glass is more often used in retail display cases or as backing for whiteboards. When walking by the Daxton and Brookside he said he was unable to notice a difference between their glass, even though the Daxton is low-iron and Brookside is not.

After Board discussion regarding the definitions of 'facade' and 'storefront', Chairman Clein said the Board should likely return to a study session to clarify the meanings of those words as they apply to this potential ordinance change.

The Board was unclear on whether 'facade' meant any vertical exterior surface of a building facing a street, or the vertical exterior surface of a building facing the frontage line, as determined by the address. They also felt that 'storefront' was more vague than necessary.

Mr. Jeffares said he would want concrete definitions of these terms at the study session.

Ms. Whipple-Boyce said it would be helpful for City Planner Dupuis to determine the most likely comparative costs of low-iron and regular glass since the Board members' research yielded a range of increased costs anywhere from 10% to 30%.

Chairman Clein closed the public hearing at 8:12 p.m.

**08-105-20**

### **G. Special Land Use Permit Amendment and Final Site Plan & Design Review**

**1. 525 N. Old Woodward, Luxe Bistro** – Request for Special Land Use Permit Amendment to expand the existing restaurant into the storefront space to the south.

**2. 525 N. Old Woodward, Luxe Bistro** – Request for Revised Final Site Plan Review to expand the existing restaurant into the storefront space to the south.

Planning Director Ecker summarized the proposed Special Land Use Permit (SLUP) Amendment and the Final Site Plan and Design Review. In reply to Chairman Clein, she confirmed that condition three of the proposed motion language could be removed as the applicant submitted the revised contract just prior to the present meeting. She said that for condition two of the proposed motion language the applicant had submitted the colors and glazing specs, but had not yet submitted the spec sheets for the planters and outdoor furnishings.

Joseph, Carrie, and Larry Bongiovanni, owners, Roman Bonislowski, architect, and Darrell Dinges, architect, were present on behalf of the applicant. Of the owners, only Joseph Bongiovanni spoke on behalf of the request.

Mr. Bongiovanni said part of the changes proposed were to allow for more social distancing within the restaurant and to better facilitate carryout service in light of the Covid-19 pandemic.

Kshama Jay spoke as a neighbor of Luxe. She said that she has been pleased to live next to Luxe in general and is a regular patron of their carryout services. Ms. Jay said her concerns were that parking was becoming congested by restaurant patrons and that there has been an accumulation of litter and cigarette butts in front of and adjacent to Luxe. She asked what the owners would be doing to remedy the issues.

Mr. Bongiovanni said that the Park-n-Fly model has reduced the strain on parking and decreases the opportunity to litter. He said that anything the City can do to encourage Park-n-Fly as an option would yield further benefits. He also said that he took responsibility as the owner of Luxe and would make sure that Luxe staff pay more attention to litter generated by restaurant customers.

Chairman Clein asked Mr. Bongiovanni for a confirmation that he would take appropriate action to reduce litter and cigarette butts outside Luxe. He emphasized the importance of being respectful to neighbors as a business in a residential area.

Mr. Bongiovanni confirmed he would.

Mr. Emerine noted that the applicant was allowed 65 seats but was only asking for 64. He said it might be worthwhile for the Board to consider allowing the 65th seat to be at the bar if the applicant wanted that option.

Mr. Bongiovanni said the lack of the 65th seat was an oversight and not intentional.

Mr. Williams said he would be in favor of allowing an additional seat at the bar. He also commended the Bongiovanni family for the commercial vibrancy they have added via their joint ventures to the north end of Birmingham.

Mr. Boyle echoed Mr. Williams' commendation of the Bongiovanni family and noted that their establishments gave Birmingham a model of what bistros could look like.

**Motion by Mr. Boyle**

**Seconded by Mr. Jeffares to recommend approval to the City Commission for a SLUP Amendment to allow Luxe bistro at 525 N. Old Woodward to expand into the storefront to the south with the following conditions:**

- (1) The applicant must submit official hours of operation to ensure the outdoor dining area is not open past 12 AM;
- (2) The applicant provide specification sheets for the planters, outdoor furnishings, paint colors and glazing prior to appearing before the City Commission for review;
- (3) The applicant comply with the requests of all city departments; and,
- (4) The applicant be permitted to have six seats at the bar.

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**Motion by Mr. Boyle**

**Seconded by Mr. Williams to recommend approval to the City Commission for the revised final site plan and design review to allow Luxe bistro at 525 N. Old Woodward to expand into the storefront to the south with the following conditions:**

- (1) The applicant must submit official hours of operation to ensure the outdoor dining area is not open past 12 AM;
- (2) The applicant provide specification sheets for the planters, outdoor furnishings, paint colors and glazing prior to appearing before the City Commission for review; and,
- (3) The applicant comply with the requests of all city departments; and,
- (4) The applicant be permitted to have six seats at the bar.

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Boyle, Williams, Jeffares, Share, Whipple-Boyce, Koseck, Clein  
Nays: None

Chairman Clein reminded Mr. Bongiovanni to take neighbors' comments to heart, noting that successful businesses in the City hinge in part on good relationships with their neighbors.

**08-106-20**

**F. Miscellaneous Business and Communications:**

**a. Communications**

**b. Administrative Approval Correspondence**

City Planner Dupuis reviewed a request for 420 E. Frank.

Chairman Clein said the number of changes proposed amounted to a new landscape plan, and said the item should not be approved administratively. He said he would only consider approval of the plan at a Board level after seeing a full revised site plan along with comments from the City arborist and any other appropriate City staff.

Mr. Jeffares agreed with Chairman Clein.

Mr. Share agreed with the Chair as well, and noted that one of the neighbors had previously commented on the landscape plan. He said the item should be reviewed by the Board in order to allow the neighbors the opportunity to comment on the new proposal. He added that pear trees are no longer considered appropriate to plant given a rust they are experiencing.

Mr. Koseck said he recognized that sometimes the availability of certain landscape materials change. He said he would want to hear from a landscape architect regarding their assessment of the proposed changes to the landscaping.

**c. Draft Agenda for the next Regular Planning Board Meeting (September 9, 2020)**

- **Master Plan discussion of Mixed Use Districts**
- **Draft review of a framework plan, as composed by staff, regarding next steps for the Bates Street extension**

**d. Other Business**

**08-107-20**

**G. Planning Division Action Items**

**a. Staff Report on Previous Requests**

**b. Additional Items from tonight's meeting**

**08-108-20**

**H. Adjournment**

No further business being evident, the Chairman adjourned the meeting at 8:57 p.m.

Jana L. Ecker  
Planning Director

APPROVED