

**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**Wednesday, May 26, 2021**

Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 26, 2021. Chair Clein convened the meeting at 7:30 p.m.

**A. Roll Call**

**Present:** Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Nasseem Ramin; Student Representative Daniel Murphy

All located in Birmingham, MI.

**Absent:** Alternate Board Member Jason Emerine; Student Representative Jane Wineman

**Administration:** Jana Ecker, Planning Director ("PD")  
Nick Dupuis, City Planner ("CP")  
Laura Eichenhorn, City Transcriptionist

**05-067-21**

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of April 28, 2021**

**Motion by Mr. Share**

**Seconded by Mr. Koseck to approve the minutes of the Regular Planning Board Meeting of April 28, 2021 as submitted.**

**Motion carried, 6-0.**

ROLL CALL VOTE

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

Nays: None

Abstain: Clein

**05-068-21**

**C. Chair's Comments**

Chair Clein acknowledged the upcoming Memorial Day holiday and thanked those who served for their service.

Chair Clein also acknowledged that May 31, 2021 would be the hundredth anniversary of the Tulsa Race Massacres. He said that the legacy of the Tulsa Race Massacres could partially help highlight how zoning and land use can be used for malign purposes. He asked that those present remember the impact that planning decisions and ordinances can have.

Chair Clein then welcomed everyone to the virtual meeting and reviewed the meeting's procedures.

**05-069-21**

**D. Review Of The Agenda**

There were no changes to the agenda.

**05-070-21**

**E. Special Land Use Permit Reviews and Final Site Plan and Design Reviews**

**1. 239 N. Old Woodward - Bloom Bistro (former Pita Café)** Request for a Special Land Use Permit and Final Site Plan and Design Review to consider approval of a new bistro serving alcoholic liquors in an existing building.

CP Dupuis reviewed the item. He added that the ordinance requires a 10-foot wide clear zone for all active vias in the activation overlay district.

A number of Board members shared concern regarding the lack of departmental comments from Engineering.

Mr. Jeffares stated that if applicants provide their documentation on time the City must also provide its feedback on time. He said that if processes had to be updated to enable City departments to be able to do that, that should occur.

In reply to an inquiry from Ms. Whipple-Boyce, CP Dupuis said that in future SLUP reviews for bistros he would include the business hours of other currently-operating bistros in the City for reference.

Mr. Jeffares observed that the number of business users allowed for a dumpster or trash compactor should partially depend on the type of user.

Ron Rea and Roman Bonislawski, architects, and Matthew Kenney, food consultant, were present on behalf of the application.

Mr. Kenney provided a brief overview of Bloom Bistro's proposed cuisine.

Mr. Bonislawski confirmed that Bloom Bistro would be replacing Pita Cafe in their use of the compactor.

It was noted that Stacked Deli also uses the compactor, and the rest of the uses were lower-intensity than restaurants.

Mr. Bonislowski said the revised proposal for signage was submitted with the intent to meet the ordinance, and that the applicants would be adding additional trash receptacles as recommended.

Mr. Jeffares and Mr. Boyle spoke in favor of the proposal, concurring that it could be exemplary of what Birmingham has been striving for in the activation of its vias.

The Chair asked for public comment and seeing none returned the discussion to the Board. He asked Planning Staff to provide more guidance in SLUP and Final Site Plan and Design reviews regarding the use of trash compactors and dumpsters in the future.

Mr. Williams concurred with Chair Clein.

Ms. Whipple-Boyce said she was unconcerned with the number of users of the trash compactor in this case.

Chair Clein concurred.

Ms. Whipple-Boyce said she did have concerns about the hours given proximity of the bistro to residential uses on Willits.

While Mr. Boyle and Chair Clein both shared in the concern regarding the lack of Engineering comments more generally, they both cautioned that it was a via, not a roadway, being evaluated and as a result should not hold up the application.

A number of Board members expressed appreciation for the concept and plans.

Chair Clein recommended moving the approval forward, stating that the applicant should not be penalized for the City's lack of punctuality in providing feedback on the plans. He added he was specifically less concerned in this case since the conditions were not very problematic from an engineering perspective.

**Motion by Mr. Jeffares**

**Seconded by Mr. Boyle to recommend approval to the City Commission for the Special Land Use Permit for 239 N. Old Woodward – Bloom – subject to the following conditions: 1. The applicant must receive Historic District Commission approval for all exterior changes proposed; 2. The applicant must submit revised site plans showing non-public trash receptacles in each outdoor dining area; 3. The Planning Board approves the projection into the Willits Alley right-of-way; 4. The applicant must submit specification sheets with Visual Light Transmittance figures for all proposed glazing; 5. The applicant must revise the sign concept for Bloom to meet the dimensional requirements of the Sign Ordinance; 6. The applicant must comply with the requests of all City Departments; and, 7. The Planning Board approves outdoor dining in the Willits Alley.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

**Motion by Mr. Jeffares**

**Seconded by Mr. Boyle to recommend approval to the City Commission for the Final Site Plan & Design Review for 239 N. Old Woodward – Bloom – subject to the conditions of Special Land Use Permit approval.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

**2. 115 Willits Street – Mare Mediterranean (former Cameron’s Steakhouse),** Request for a Special Land Use Permit and Final Site Plan and Design Review to consider approval of new restaurant serving alcoholic liquors in an existing building.

PD Ecker reviewed the item.

Mr. Williams and Chair Clein agreed that the **outdoor dining** hours should not go past 12 a.m.

Applicant and owner Nino Cutraro agreed. Kelly Allen, attorney for the project and Simon Morrow, architect, were also present.

In reply to Mr. Jeffares, PD Ecker stated that she reached out to DPS to find out why there were only two trees between Bates and Old Woodward but had not yet heard back.

The applicant team confirmed they would adhere to the ordinance requirements regarding the dumpster and would adhere to the Fire Department’s comments.

There were no public comments.

Chair Clein said he would be comfortable allowing the remaining items outstanding to be administratively approved.

**Motion by Mr. Share**

**Seconded by Mr. Jeffares to recommend approval to the City Commission for the Special Land Use Permit for 115 Willits – Mare Mediterranean based on a review of the plans submitted and their adherence to Article 07, section 7.27 and Article 07, section 7.34 of the Zoning Ordinance and pending receipt of the following: 1. Details on the businesses sharing the trash facilities on site; 2. Applicant comply with all City Department requests; 3. Detailed sign plans for any proposed business signage to allow the Planning Department to complete their review of the recently submitted plans; 4. Outdoor dining be closed at midnight; and, 5. Specification sheets on the proposed tables, chairs, trash receptacle and railing system proposed in the outdoor dining area.**

Chair Clein stated that if documentation was not submitted to PD Ecker in time to allow for administrative review and approval that he did not want this item to proceed to the Commission for review.

Mr. Boyle commented that this applicant provided one of the best cover sheets he had ever seen for a site plan. He asked Planning to encourage other applicants to do the same.

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**Motion by Mr. Share**

**Seconded by Mr. Williams to recommend approval to the City Commission for the Final Site Plan and Design Review for 115 Willits – Mare Mediterranean based on a review of the plans submitted and their adherence to Article 07, section 7.27 and Article 07, section 7.34 of the Zoning Ordinance and pending receipt of the following: 1. Details on the businesses sharing the trash facilities on site; 2. Applicant comply with all City Department requests; 3. Detailed sign plans for any proposed business signage to allow the Planning Department to complete their review of the recently submitted plans; and, 4. Specification sheets on the proposed tables, chairs, trash receptacle and railing system proposed in the outdoor dining area.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**3. 176 S. Old Woodward – Sushi Japan (former 2941 Street Food),** Request for a Special Land Use Permit and Final Site Plan and Design Review to consider approval of new bistro serving alcoholic liquors in an existing building

PD Ecker reviewed the item. She noted that she was able to track down the Engineering Department for comments, and that they indicated that the dimensions for the outdoor dining appeared to be inaccurate but did not specify how. The Engineering Department did clarify that they wanted to see the outdoor dining adjacent to the building limited to no more than five feet, eight inches from the building to make sure the five-foot pedestrian pathway would remain unimpeded. They also expressed concern that vehicles parking in front of the building may overhang the parking space and thus interfere with the planters. The Engineering Department recommended that the planters be moved in some way to reduce potential interference with parked vehicles. PD Ecker said the likely purpose of the planters was to deter vehicles from overhanging the parking space.

Two Board members commented that confusion might result from the restaurant being called 'Sushi Japan' when much of the menu includes Chinese cuisine.

Mr. Jeffares expressed concern that the parking could possibly push one of the planters into someone sitting in the outdoor dining area.

Kelly Allen, attorney for the applicant, Charlie Yu, applicant and owner, and John Gardner, architect, were present.

In reply to Mr. Share, Mr. Gardner stated that to raise the glazing to 70% would require an increase of 11.5 sq. ft.

Mr. Share noted that if the Board did require the glazing to be increased it would require the applicant to make another hole in the facade and to return to the Historic District Commission for review.

PD Ecker said that requiring the applicant to increase the glazing would also disrupt the rhythm of the facade.

Mr. Gardner stated that the English ivy could be replaced with another climbing vine. He stated that he would speak with the Engineering Department regarding their comments about a discrepancy in the outdoor dining measurements since he did the field measurements himself. He said he could also remove any planters Engineering recommended to make the interaction between parking and outdoor dining safer.

It was noted that the previous restaurant used the same shared trash compactor as the one Sushi Japan would use.

There were no public comments.

Mr. Williams and Chair Clein were fine with leaving the glazing at 65%.

Chair Clein continued that he was not inclined to ask a small business to put a shield around a shared dumpster/trash compactor or to paint the mechanical equipment behind the building.

PD Ecker confirmed for Mr. Jeffares that this via was next on the list in the City's via plan to be redone.

Chair Clein said that the issue of the dumpsters in this via should be addressed as part of the upcoming improvements. He expressed mild concern that there was seating proposed on both sides of the pedestrian walkway but said that given how few seats there were on the side further from the restaurant he was not overly concerned.

Mr. Jeffares asked Planning to discuss with Engineering to determine how to prevent parking vehicles from hitting diners while parking.

**Motion by Mr. Williams**

**Seconded by Mr. Share to recommend approval of the Special Land Use Permit to the City Commission to permit a bistro license for Sushi Japan at 176 S. Old Woodward based on a review of the plans submitted and their adherence to Article 07, section 7.27 and Article 07, section 7.34 of the Zoning Ordinance with the following conditions: 1. The Planning Board approves of the proposed 65% storefront glazing; 2. The applicant comply with the requests of all City departments; and 3. A signed contract with the City that must be fully executed upon approval of the SLUP and bistro license.**

Bert Whitehead spoke in support of the motion.

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to recommend approval of the Final Site Plan and Design Review to the City Commission to permit a bistro license for Sushi Japan at 176 S. Old Woodward based on a review of the plans submitted and their adherence to Article 07, section 7.27 and Article 07, section 7.34 of the Zoning Ordinance with the following conditions: 1. The Planning Board approves of the proposed 65% storefront glazing; and, 2. The applicant comply with the requests of all City departments.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**05-071-21**

**G. Miscellaneous Business and Communications:**

**a. Communications**

PD Ecker reminded the Board there would be a joint meeting between the Planning Board and the Commission on June 21, 2021. She asked if there were any particular topics the Board would like to see addressed.

Chair Clein said he wanted guidance from the Commission regarding the Board's upcoming work on outdoor dining.

Mr. Williams said that parking ordinances needed to be reviewed. Mr. Share concurred.

**b. Administrative Approval Correspondence**

**c. Draft Agenda for next meeting**

**Motion by Mr. Koseck**

**Seconded by Mr. Jeffares to change the rules of procedure for the June 9, 2021 Planning Board meeting to allow a site plan review for Whistle Stop.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**d. Other Business**

**05-072-21**

**H. Planning Division Action Items**

**a. Staff Report on Previous Requests**

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

**05-073-21**

**I. Adjournment**

No further business being evident, the Chair adjourned the meeting at 10:02 p.m.

Jana L. Ecker

Planning Director