

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, AUGUST 14, 2013**

Item	Page
<b>SPECIAL LAND USE PERMIT (“SLUP”) REVIEW REVISED FINAL SITE PLAN REVIEW 525 N. Old Woodward Ave. Luxe Bar and Grill Expansion of outdoor dining area to the north of the building</b>	<b>2</b>
<p style="margin-left: 40px;"><b>Motion by Mr. DeWeese</b> Seconded by Mr. Williams to recommend approval to the City Commission of the applicant’s request for Revised Final Site Plan and SLUP Amendment to expand the outdoor dining at Luxe Bar and Grille at 525 N. Old Woodward Ave. with the following conditions:</p> <ol style="list-style-type: none"> <li>1) The applicant will be required to obtain a use variance from the BZA to add the proposed outdoor dining area north of the building;</li> <li>2) The applicant will be required to obtain an Outdoor Dining License for the expanded outdoor seating area;</li> <li>3) The applicant will be required to meet Fire Dept. requirements;</li> <li>4) Three pot lights will be added underneath the canopy and the applicant will submit spec sheets; and</li> <li>5) A copy of the Lease Agreement will be submitted.</li> </ol>	<b>3</b>
<p><b>Motion carried, 5-0.</b></p>	<b>3</b>
<b>SPECIAL LAND USE PERMIT (“SLUP”) REVIEW FINAL SITE PLAN REVIEW 180 W. Maple Rd. Lutheran Church of the Redeemer Installation of new ground sign</b>	<b>4</b>
<p style="margin-left: 40px;"><b>Motion by Mr. DeWeese</b> Seconded by Mr. Williams to recommend that the City Commission approve the SLUP Amendment for 1800 W. Maple Rd. to install a sign in front of the church building with a 42 in. foundation, per the specifications given tonight.</p>	<b>4</b>
<p><b>Motion carried, 5-0.</b></p>	<b>5</b>

Item	Page
<b>STUDY SESSION</b> <b>Glazing Standards</b>	5
<b>Motion by Ms. Whipple-Boyce</b> <b>Seconded by Mr. Clein to schedule a public hearing on Glazing Standards for September 11, 1913.</b>	6
<b>Motion carried, 5-0.</b>	6
<b>STUDY SESSION</b> <b>Outdoor Storage</b>	6
<b>Motion by Mr. Williams</b> <b>Seconded by Mr. DeWeese to defer the study session on Outdoor Storage to the August 28 Planning Board agenda, in light of the fact that Mr. Koseck is not present this evening.</b>	6
<b>Motion carried, 5-0.</b>	6

---

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, AUGUST 14, 2013  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held August 14, 2013. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

**Absent:** Board Members Bert Koseck, Gillian Lazar

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**08-132-13**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
HELD JULY 24, 2013**

**Motion by Mr. Clein**

**Seconded by Ms. Whipple-Boyce to accept the Minutes of the Regular Planning Board Meeting of July 24, 2013 as presented.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Clein, Whipple-Boyce, Boyle, DeWeese, Williams

Nays: None

Absent: Koseck, Lazar

**08-133-13**

**CHAIRPERSON'S COMMENTS**

Tonight's meeting will include site plan reviews along with study sessions.

**08-134-13**

**APPROVAL OF THE AGENDA (no change)**

**SPECIAL LAND USE PERMIT (“SLUP”) REVIEW  
REVISED FINAL SITE PLAN REVIEW  
525 N. Old Woodward Ave.  
Luxe Bar and Grill  
Expansion of outdoor dining area to the north of the building**

Ms. Ecker explained the subject site is located at 525 N. Old Woodward Ave., between Harmon Ave. and Vinewood Ave. The parcel is zoned O-2, Office-Commercial and D-2 in the Downtown Overlay District. The applicant, Luxe, is seeking approval for a new outdoor dining patio to the north of existing restaurant. Luxe was approved as a bistro in 2009. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham, and to obtain amendments for any changes to the approved plans. **Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Revised Final Site Plan and Special Land Use Permit Amendment, and then obtain approval from the City Commission.**

Ms. Ecker advised that the proposed outdoor dining area to the north of the building is on the neighboring property, which is zoned R-7, Multiple Family Residential. **Outdoor dining is not permitted in R-7, and thus the applicant will be required to obtain a use variance from the Board of Zoning Appeals (“BZA”) to add the proposed outdoor dining area north of the building.**

The only changes to the streetscape proposed by the applicant at this time are to extend the exposed aggregate strip of sidewalk approximately 5 ft. to the north along the curb, and to extend the broom finish strip of sidewalk approximately 12.5 ft. to the north along the eastern edge of the proposed new outdoor dining area.

No exterior design changes are proposed to the N. Old Woodward Ave. elevation of Luxe. However, the applicant is proposing numerous changes to the north elevation of the building. Currently the north elevation is a blank masonry wall. The applicant is proposing to add a new outdoor dining area that will extend 8.5 ft. to the north of the building wall. The outdoor dining area will be surrounded by a painted CMU retaining wall with a limestone cap. A large canopy is proposed to be mounted to the building and supported by 5 in. square painted metal posts.

The applicant is proposing to maintain the outdoor seating in front of the building along N. Old Woodward Ave., against the building. The new outdoor dining area will be connected to the existing outdoor dining area in the public right-of-way. The applicant is proposing a total of five new square tables and ten chairs to match the existing outdoor furniture. One four seat booth is also proposed at the west end of the new outdoor dining area. One new umbrella is proposed that will match the two existing umbrellas.

Around the new outdoor dining area the applicant proposes Bradford Pear trees and a retaining wall covered with Boston ivy. Up lighting will be placed between each of the Bradford Pear trees. Along the side the outdoor dining area is 8.5 ft. wide x 23 ft. long. ***The applicant will be required to obtain an outdoor dining license for the expanded outdoor seating area.***

Mr. Roman Bonislowski and Mr. Ron Rea were present from Ron and Roman Architects. Mr. Bonislowski noted they are not proposing any changes to the existing driveway. They are leaving 4 ft. along the edge in order to plant the trees that surround the entire dining area. They will cut into the hill in order to provide a flat surface that uses pervious concrete and allows water to drain through it. They propose uplighting the trees and will add three black cylinder lights mounted to the canopy which will provide circles of light to the pavement below.

Mr. Ken Carum with Luxe Bar and Grill said they have a five-year lease agreement with the condominium association with renewal every five years. There are no plans to use the space in the winter.

Mr. Rea advised the bistro will have 55 seats inside and 28 on the exterior, fourteen of which are already there.

No one from the public wished to comment on this proposal at 7:50 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to recommend approval to the City Commission of the applicant's request for Revised Final Site Plan and SLUP Amendment to expand the outdoor dining at Luxe Bar and Grille at 525 N. Old Woodward Ave. with the following conditions:**

- 1) **The applicant will be required to obtain a use variance from the BZA to add the proposed outdoor dining area north of the building;**
- 2) **The applicant will be required to obtain an Outdoor Dining License for the expanded outdoor seating area;**
- 3) **The applicant will be required to meet Fire Dept. requirements;**
- 4) **Three pot lights will be added underneath the canopy and the applicant will submit spec sheets; and**
- 5) **A copy of the Lease Agreement will be submitted.**

There were no comments from the public at 7:52 p.m.

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: DeWeese, Williams, Boyle, Clein, Whipple-Boyce

Nays: None

Absent: Koseck, Lazar

**SPECIAL LAND USE PERMIT (“SLUP”) REVIEW  
FINAL SITE PLAN REVIEW  
180 W. Maple Rd.  
Lutheran Church of the Redeemer  
Installation of new ground sign**

Mr. Baka advised that Lutheran Church of the Redeemer is located on the north side of W. Maple Rd. between Chesterfield and N. Glenhurst Dr. They are proposing to install a replacement identification sign in front of the Church building. As a result of this new sign, the petitioner will require an amendment to their existing SLUP. Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board. ***Should Planning Board approval be granted, a public hearing will be held by the City Commission to consider whether or not to grant the proposed SLUP Amendment.*** This parcel of land is zoned R-1, Single-Family Residential District. Churches are a permitted use in the R-1 District, subject to Special Land Use regulations. The church originally received a SLUP on May 13, 1991.

The Birmingham Sign Ordinance allows for one sign with 20 sq. ft. feet of signage per side. The applicant is proposing one sign, located in front of the Church on W. Maple Rd. The total amount of signage proposed per side on the sign is 18.662 sq. ft. The sign is proposed to be located 10 ft. from the front property line along W. Maple Rd. The proposed sign along W. Maple Rd. will be composed of High Density Polyurethane columns, a brick monument base wall constructed of brick that matches the Church Building, and an internally illuminated sign cabinet with acrylic push-thru letters. The applicant has indicated that they will not be using the ground mounted flood lighting depicted on the plan.

The monument sign will also include address numbers. Address signs are not counted toward the total amount of signage provided that the letters do not exceed 8 in. in height. The proposed address letters are 6 in. in height. The sign will have three lines of text that read “Lutheran Church of the Redeemer”, “Sundays 8, 9, 10:30 a.m. Mondays 7:30 p.m.” and “Come and Worship with Us”.

Ms. Ann Binstrom with Sign Graphics provided material samples that will be complimentary to the building. She noted the internal architectural lighting will be very soft.

No one from the public wished to comment at 8:56 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to recommend that the City Commission approve the SLUP Amendment for 1800 W. Maple Rd. to install a sign in front of the church building with a 42 in. foundation, per the specifications given tonight.**

There was no discussion from the public at 8:57 p.m.

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: DeWeese, Williams, Boyle, Clein, Whipple-Boyce

Nays: None

Absent: Koseck, Lazar

**08-137-13**

**STUDY SESSION  
Glazing Standards**

Ms. Ecker noted that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning Ordinance. At that time, several members of the Planning Board expressed support for the proposed design. It was discussed whether the Ordinance could be amended to authorize the reviewing City Board to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing Board the flexibility to modify the window standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 27, 2013 to review the draft ordinance amendment.

On February 27, 2013 the Planning Board recommended approval to the City Commission.

On May 6, 2013 the City Commission reviewed the ordinance amendment and sent it back to the Planning Dept. The City Attorney asked for more specific requirements to be added that would allow the Planning Board to waive the glazing requirements on the upper levels.

The Planning Board reviewed the revised ordinance and changed the wording as follows:

“ . . .To encourage flexibility in design these standards may be waived by a majority vote of the Planning Board and/or Historic District Commission for architectural design considerations. . . ”

b. The scale, color, design and quality of materials of upper stories must be consistent with the building and site; and

c. The proposed development must not adversely affect other uses

and buildings in the neighborhood.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Clein to schedule a public hearing on Glazing Standards for September 11, 1913.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Whipple-Boyce, Clein, Boyle, DeWeese, Williams

Nays: None

Absent: Koseck, Lazar

**08-138-13**

**STUDY SESSION**

**Outdoor Storage**

**Motion by Mr. Williams**

**Seconded by Mr. DeWeese to defer the study session on Outdoor Storage to the August 28 Planning Board agenda, in light of the fact that Mr. Koseck is not present this evening.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Williams, DeWeese, Boyle, Clein, Whipple-Boyce

Nays: None

Absent: Koseck, Lazar

**08-139-13**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA** (no public was present)

**08-140-13**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications (none)

b. Administrative Approvals

- 250 Martin St., Suite 502, Shain Park Condo Assoc. – Adding two AC units inside existing screenwall. Adding vents painted to match roof.



- 600 N. Old Woodward Ave., Suite 101, Maplewood Office – Installation of egress window on west wall front of building.
  - 2080 E. Maple Rd. – Replacing six of the existing antennas with six new antennas. No other ground or tower work.
  - 480 Pierce, 480 Pierce, LLC – Install flagpole and light fixture. Landscaping upgrades.
  - 662 Purdy – Fence being upgraded from white wood (rotting) to white vinyl.
  - 401 S. Old Woodward Ave., Birmingham Place – Add new building tenant entry door.
  - 300 Park St. –Installation of a new toilet exhaust fan for the suite. Exhaust ductwork and vent in the building soffit on the side of the building.
- c. Draft Agenda for the Regular Planning Board Meeting on August 28, 2013
- SLUP Application for Home, a new restaurant in the old South space;
  - Final Site Plan for the former Green’s space;
  - Study Session on Outdoor Storage.
- d. Other Business
- Ms. Ecker reported on the last Multi-Modal Steering Committee meeting. The Engineering Dept. brought their designs for two road projects that are coming up for re-construction next year. They cannot follow the Plan because it has not been adopted yet, but the Steering Committee reviewed the designs just as though it had been adopted. Many of the neighbors came out and they were very much in favor of the Multi-Modal Plan.
  - It was noted that Griffin Claw seems to be working well. Ms. Whipple-Boyce thought they should come back and ask for more outdoor seating.

**07-130-13**

**PLANNING DIVISION ACTION ITEMS**

- a. Staff report on previous requests (none)
- b. Additional items from tonight’s meeting (none)

07-131-13

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 8:19 p.m.

Jana Ecker  
Planning Director

APPROVED