

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, September 23, 2021
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 23, 2021. Vice-Chair Williams convened the meeting at 7:30 p.m.

A. Roll Call

Present: Vice-Chair Bryan Williams; Board Members Robin Boyle Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Jason Emerine

Absent: Chair Scott Clein; Board Member Bert Koseck; Alternate Board Member Nasseem Ramin; Student Representatives Daniel Murphy, Jane Wineman

Administration: Jana Ecker, Assistant City Manager ("ACM")
Nick Dupuis, Planning Director ("PD")
Brooks Cowan, Senior Planner ("SP")
Laura Eichenhorn, City Transcriptionist

F&V: Julie Kroll

09-140-21

B. Approval Of The Minutes Of The Regular Planning Board Meeting of September 9, 2021

Mr. Share said on page three that 'street lines' should be changed to 'street lights'.

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of September 9, 2021 as amended.

Motion carried, 4-0.

VOICE VOTE

Yeas: Share, Williams, Whipple-Boyce, Jeffares

Nays: None

Abstain: Boyle, Emerine

09-141-21

C. Chair's Comments

Vice-Chair Williams welcomed everyone to the meeting and reviewed the meeting's procedures.

09-142-21

D. Review Of The Agenda

09-143-21

E. Unfinished Business

1. 34745 Woodward – Jax Kar Wash – Request for Final Site Plan and Design Review for circulation, layout and minor building changes to the existing site.

PD Dupuis presented the item.

Jason Milen, owner, Brian Lawson, architect, and Bradley Scobel, attorney, spoke on behalf of the application.

Mr. Milen said he would be willing to introduce screening tall enough to screen the vacuums, and asked whether the directional signage over the auto attendants could not be counted towards overall signage. He said the directional signage was important to instruct customers on which lane to use.

In reply to Mr. Scobel, ACM Ecker reiterated the City's position that a lack of screening wall along Woodward would be hazardous to pedestrians.

Ms. Whipple-Boyce concurred with ACM Ecker. She stated that the plans as presented remained far from what she would like to see happening on the site. She added that the southern portion of the screening wall should be required in order to screen the adjacent four parking spots.

Vice-Chair Williams noted the four parking spots are used for detailing, and that adding the southern portion of the screening wall would block access to those spots from the car wash.

Mr. Emerine also expressed concern that adding the southern portion of the screening wall would prevent fire truck access on the southern end.

In reply to Ms. Whipple-Boyce, Mr. Lawson confirmed that 'masonry wall by others' on the plans should have just said 'masonry wall'.

In reply to Ms. Whipple-Boyce, Mr. Milen said there would be signage directing vehicles to the right or left depending on whether they are purchasing full service or just exterior cleaning. He stated that most Jax locations already do this without issue.

Ms. Kroll stated that a higher screening wall to screen the vacuums might block sight distance to the south for pedestrians.

Mr. Emerine concurred and recommended that the height of the screening wall not be increased.

Vice-Chair Williams opined that the queueing on-site would be improved by not having vacuuming at the initial queueing station.

Ms. Kroll stated she was not identifying a queueing issue, only that the amount of queueing on-site was being reduced by three vehicles.

Mr. Milen said there would actually be room for three more vehicles on-site than currently, and that the stacking time would be reduced by half.

Mr. Lawson stated that the height of the vacuum stanchions can be lowered.

Mr. Share said he wanted to see a clearly marked sidewalk delineation.

Mr. Jeffares suggested that the escape lane could be minimized or eliminated as long as public safety was all right with the suggestion.

Mr. Milen concurred with Mr. Jeffares.

Mr. Emerine said he liked having the escape lane in case it is needed. He also said he would pull the screening wall in the MDOT right-of-way at the far northeast corner back onto private property.

After discussion, Vice-Chair Williams recommended the applicant consider expanding the size of the door opening by moving the door opening a bit further west and a potential alternative form of screening, including landscaping options, for the north side.

Mr. Emerine said the primary goal should be to eliminate the potential for pedestrian-vehicle conflict at the site.

ACM Ecker clarified that the screening wall would have to be a 'permanent visual barrier'.

Vice-Chair Williams summarized that the Board will want to see paint samples and the material of the brick for the screening wall for the north side of the property, confirmation of the height of the stanchions, and updated signage proposals that meet the City's signage requirements.

Motion by Mr. Share

Seconded by Mr. Emerine to postpone the Final Site Plan & Design Review for 34745 Woodward – Jax Kar Wash to October 13, 2021.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Share, Emerine, Williams, Jeffares, Boyle

Nays: Whipple-Boyce

09-144-21

F. Rezoning Applications

None.

09-145-21

G. Community Impact Studies

None.

09-146-21

H. Special Land Use Permit and Final Site Plan and Design Review

1. 210 S. Old Woodward – Zana – Request for a Special Land Use Permit for a new food and drink establishment with alcoholic beverage sales for on premise consumption and request for Final Site Plan and Design Review for interior/exterior changes for a new restaurant.

PD Dupuis presented the item.

John Gardner, architect, Joseph Shallal, attorney, Mario Camaj, owner, James Esshaki, building owner, Robert White, lighting designer, and Sabrina Buchanan, interior designer, were present on behalf of the application.

Mr. Camaj stated he intended the restaurant and kitchen to be open 11:30 a.m. every day, and until 11 p.m. on weekdays and 12 a.m. on weekends. He said that he may discuss a valet share with the Daxton but that was yet to be determined.

Ms. Whipple-Boyce said she the open front of the restaurant was one of the location's best features, and asked why Mr. Camaj was enclosing the space.

In reply to Ms. Whipple-Boyce, Mr. Camaj explained that the second kitchen would take up some of the former patio. Consequently, he said he wanted to maximize the amount of space that could be used year-round, hence the addition of the NanaWall. He said the NanaWall would be open whenever weather permits. He also stated that he did not have any plans to use the alley between Zana and the Daxton.

Mr. Jeffares recommended adding a second NanaWall to allow for cross ventilation.

Mr. Camaj stated that Zana would provide food and drink, or just drink, for any events using Zana's banquet space.

In reply to Mr. Boyle, Mr. Camaj confirmed that appropriate steps would be taken to ensure the rear of Zana remains safe.

Since the new mechanicals would have the same footprint as the present mechanicals the Board concurred there was no need to add screening.

Motion by Mr. Share

Seconded by Mr. Boyle to recommend approval to the City Commission for the Final Site Plan & Design Review for 210 S. Old Woodward – Zana – with the following conditions:

- 1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;**
- 2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;**
- 3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and,**
- 4. The applicant must comply with the requests of all City Departments.**

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission for the Final Site Plan & Design Review for 210 S. Old Woodward – Zana – subject to the conditions of Final Site Plan & Design Review approval:

- 1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance;**
- 2. The Planning Board approves the proposed 64% glazing citing Article 4, Section 4.90 (E) of the Zoning Ordinance;**
- 3. The Planning Board approves the projections into the S. Old Woodward right-of-way; and,**
- 4. The applicant must comply with the requests of all City Departments.**

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

09-147-21

I. Study Sessions

1. Wall Art

SP Cowan presented the item.

Ms. Whipple-Boyce and ACM Ecker recommended that 'of the proposed location' be struck from the last line of 7.41 Wall Art Review: Purpose.

SP Cowan and ACM Ecker confirmed for Mr. Share that wall art would not be permitted on rear walls facing single family residential areas.

SP Cowan reviewed the different proposed review processes for a development with wall art, just wall art with a proposed location, and just wall art without a proposed location.

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to set a public hearing to consider amendments to Article 7, Section 7.41 to 7.46 and companion sections of Article 9 of the Zoning Ordinance on October 27, 2021.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

2. Outdoor Dining

PD Dupuis reviewed the item.

After discussion and with the exception of Ms. Whipple-Boyce, the Board concurred that wind breaks should be permitted on up to three sides with clear glass above 42 inches and a maximum height of 60 inches.

Mr. Jeffares suggested that umbrellas could be permitted in the summer and retractable awnings might be an all-season option. He noted that the awnings would have to be retracted every night.

ACM Ecker noted that the awnings would have to be higher than eight feet off the ground.

Mr. Share and Ms. Whipple-Boyce expressed concern that restaurant awnings that cover the entire sidewalk can deter pedestrians from using the sidewalk.

It was suggested that perhaps awnings could come out partially into the sidewalk and the rest would have to be covered by umbrellas.

Ms. Whipple-Boyce said she wanted to see more information about retractable awning options.

The Board said they would not likely limit the color options for retractable awnings.

It was noted that the Board still needed to hear preferences and concerns from both restaurateurs and retailers.

Mr. Share and Vice-Chair Williams said coverings for outdoor dining should not be required to handle snow loads.

There was general Board consensus that coverings would only need to protect from sun, rain, and possibly light snow.

Ms. Whipple-Boyce recommended the City look into sail shades that would protect against light inclement weather and sun. She said that could also help standardize some of the outdoor dining aesthetic.

In regards to retractable awnings, PD Dupuis noted as a point of consideration that the City recently revised its ordinance regarding projections into the right-of-way. He also noted that some awnings would be required to have fire suppression systems depending on their size.

The matter of allowing igloos was raised but not decided.

SP Cowan said the Board would also need to figure how to clearly define a 'side' in the ordinance in regards to windbreaks.

Public Comment

Mitch Black, owner of Dick O'Dow's, said he would support outdoor dining that was more open than many of the prior temporary outdoor dining structures. He said that enclosed outdoor dining in the winter can cause bistros to be more like Class C license holders. He said some standardization of outdoor dining aesthetics between establishments would be positive. He stated that those design and functional elements should not be cost prohibitive but should be high quality. He said a retractable awning was likely preferable to umbrellas, but that many operators may not be able to afford the cost.

09-148-21

J. Miscellaneous Business and Communications

a. Communications

b. Administrative Approval Correspondence

PD Dupuis presented a request from Dick O'Dow's to receive a waiver of the glazing requirement.

After brief discussion, the Board concurred that a waiver was reasonable.

Motion by Mr. Share

Seconded by Mr. Emerine to grant a waiver to 160 W Maple Rd - Dick O'Dow's - under Section 4.90(e) of the Zoning Ordinance to reduce their glazing percentage within the first eight feet from 70% to 52%.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

PD Dupuis presented a request from RH regarding a relocation of the interior stairs.

The Board asked that RH provide drawings and/or photos of locations with similar conditions in advance of the Board's October 13, 2021 meeting in order for the Board to evaluate the potential impact of the change.

c. Draft Agenda for next meeting

d. Other Business

09-149-21

K. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

09-150-21

L. Adjournment

No further business being evident, the Vice-Chair adjourned the meeting at 10:39 p.m.



Nick Dupuis

Planning Director