

**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**Wednesday, February 24, 2021**  
Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 24, 2021. Chair Scott 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 Members Jason Emerine (arrived 8:30 p.m.), Nasseem Ramin (all located in Birmingham, MI, except for Bryan Williams who was located in Commerce Charter Twp.)

**Absent:** None.

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

**02-026-21**

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of February 10, 2021**

On page three of the minutes, second paragraph, Mr. Share recommended that 'neighborhoods' be changed to 'neighborhood associations'.

**Motion by Mr. Share**

**Seconded by Mr. Williams to approve the minutes of the Regular Planning Board Meeting of February 10, 2021 as amended.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**02-027-21**

**C. Chair's Comments**

Chair Clein welcomed everyone to the virtual meeting. He stated the meeting was being held under the auspices of state legislation. Chair Clein reviewed the meeting's procedures.

**02-028-21**

## **D. Review Of The Agenda**

There were no changes to the agenda.

**02-029-21**

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

**1. 555 S. Old Woodward – Birmingham Pub (Formerly Triple Nickel)**, Special Land Use Permit Amendment request and Final Site Plan and Design Review to consider changes in ownership and name, as well as interior and exterior changes to allow the approval of Birmingham Pub, a food and drink establishment serving alcoholic liquor under an existing economic development license.

PD Ecker reviewed the item.

In reply to a question from Ms. Whipple-Boyce, PD Ecker noted that the Planning Board had the right to require changes to the third-floor balcony wall lights under the new SLUP. She stated the lights do not change quickly enough to run afoul of the ordinance regarding flashing lights. She stated that the City had not received any complaints regarding the wall lights.

After Board discussion regarding the wall lights, there was consensus that the effect of the lights was generally positive and did not need be limited by the SLUP.

There was also Board consensus that the eastern view of the kitchen should be cleared of pots, pans, and other clutter, and maintained that way.

Joseph Shallal, lawyer for the applicant, said the applicant, Joe Vicari, would commit to decluttering the view of the eastern window fronting Woodward.

### **Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Boyle to recommend approval to the City Commission of the applicant's request for Revised Final Site Plan for Birmingham Pub restaurant at 555 S. Old Woodward with the following conditions: (1) The Planning Board designates the Bowers elevation as the principal building frontage ~~or the applicant reduces the overall building signage by 47.76 sq. ft.~~; (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals; and (3) Applicant provide all material, color and lighting specifications for all signage.**

**Mr. Shallal asked if a variance would need to be obtained for the proposed illumination of the building identification sign on Woodward Avenue since a variance was previously granted for the illumination of that sign, and usually variances stay with the building.**

---

**PD Ecker said the applicant would have to request another variance from the BZA because all granted variances are tied to the specific submitted plans as a condition of approval.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Boyle to recommend approval to the City Commission of the applicant's request for a Special Land Use Amendment for Birmingham Pub restaurant at 555 S. Old Woodward with the following conditions: (1) The Planning Board designates the Bowers elevation as the principal building frontage ~~or the applicant reduces the overall building signage by 47.76 sq. ft.~~; (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals; (3) Applicant provide all material, color and lighting specifications for all signage; and (4) Applicant execute a revised contract with the City of Birmingham outlining the nature of the proposed operation of Birmingham Pub and approving the use of the existing Economic Development liquor license under the new name Birmingham Pub.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**2. 720 N. Old Woodward – Vinewood Bistro (Lower Level in Kohler Building),** Special Land Use Permit request and Final Site Plan and Design Review to consider approval of Vinewood, a new bistro proposed at the rear of the building, including the service of alcoholic liquor.

CP Dupuis reviewed the item.

Chair Clein noted the Board received two emails from residents of Brookside, across the Rouge River from the proposed Vinewood Bistro. The emails were from Drew Detling and Kristen Tait, both expressing concerns about the proposed plans. He noted the emails would be included in the March 10, 2021 Planning Board agenda packet.

Brian Najor, co-applicant, Roman Bonislowski, architect, Ron Rea, architect, and Chris Bakos, restaurateur and co-applicant, were present on behalf of the application.

Mr. Bonislowski explained:

- The garage door opening at the north end of building will be removed and turned into a screen;

- There will be an infrared linear gas tube heating component in the building;
- The building will have fire sprinklers throughout;
- The rooftop mechanical will be screened;
- The proposed ducting architecture in the back of the building is because Kohler cannot have new shafts built through it;
- The grade differential outside the garage in the rear of the building means cars can only enter/exit very slowly;
- The rear canopy will be redesigned without the freestanding column;
- The part of the patio furthest from the building will be not engaged at all, with plans to sink it a bit to dampen the noise;
- There will be adequate space to take in the outdoor furniture at night in the off-season; and,
- There will be a separate natural gas radiant heater in the outdoor space, but nothing coming off of the interior HVAC into the outdoor space.

PD Ecker noted that the applicant could do off-season outdoor dining as long as they secure a permit from the City and bring in the outdoor furniture every night.

Chair Clein said the design was beautiful. He said he was supportive of the rear sign aesthetically but would defer to legal considerations on that. He asked what the applicant could do to address some of the nearby residents' concerns.

Mr. Bonislowski said that the foliage blocks a lot of the sound and light in spring and summer. The planned outdoor lighting is minimalist. He said they could add more greenery along the metal partition screening along the ramp, which faces Brookside to the east. He said the applicant team would be averse to putting any greenery between the outdoor dining and the river since part of the charm is seeing the river. He said their plans also keep the seats closer to the building rather than further out towards the ramp in order to maintain the distance from Brookside as much as possible.

#### Public Comment

Helene Fertal, owner/operator of Birmingham Wine, spoke largely in favor of the application. Her concerns were the often overfull dumpsters behind the building, and the grease trap given issues with flooding in the immediate area.

Kristen Tait, resident of Brookside, provided a brief overview of the concerns previously expressed in the email she submitted to the Board. She said that noise would be her biggest concern. She said that she is able to see and hear clearly across the river in all seasons. She also clarified that even when the foliage comes in, it still does not block her views into Vinewood's proposed outdoor seating area, and vice-versa.

Rob Kamenec, Brookside resident, said he was deeply concerned about the prospect of increased noise from Vinewood especially with the proposed closing hours of 1 a.m. He observed that staff would be staying after 1 a.m. to finish cleaning and closing, meaning that the noise would necessarily occur even after 1 a.m.

Mr. Share said that one evening the prior week he had been walking by Social Kitchen at 8 p.m. when the temperature was not above freezing. He said the outdoor seating area at Social was very crowded. He asked for some assurance from the applicant that the winter garden at Vinewood will not replicate some of the issues the City has faced from the outdoor seating at Social.

Some Board members asked for some clarifications of the plans in addition to the ones specified by CP Dupuis in his report. Those requests for clarifications included:

- Information about how deliveries will be handled;
- A floor plan that makes the number of seats and their location clear;
- Comments on the plans from City departments, including and especially the Fire Department; and,
- Consideration of the appropriate dumpster configuration due to the proximity of the river.

Ms. Whipple-Boyce said that two dumpsters are not enough behind Vinewood, and said she has often seen trash on the placed outside the dumpster. She recommended Mr. Najor consider a compacting dumpster for the rear of the building. She said she would not recommend adding a third dumpster. She advised the applicant team to have a conversation with the building owner to the south in order to make sure that Vinewood's plans do not conflict with the rear garage door used by the condominium owner on the top floor of that building. She said she was in favor of the winter garden idea as long as it is well-maintained.

Mr. Koseck expressed concerns about the outdoor seating not activating the street, which he stated was a significant aim of the bistro ordinance. He said that having the seating in the back could make it hard to police. He also said the logistics of trash pick-up, deliveries and cleaning would be made more difficult by the entrance in the back.

Mr. Jeffares noted that when bistro options were reviewed by the Commission at their October 26, 2020 meeting, Mr. Najor proposed two bistros: Vinewood and a bistro in the center of town that would have activated the street. He highlighted the fact that the Commissioners advanced the plans for Vinewood, even with the understanding that the outside seating would not be on the street, because it seemed like a unique opportunity to have seating by the river.

Mr. Williams, Mr. Jeffares, and Mr. Boyle expressed concern about making sure that the proposed hours do not adversely affect the residents across the river.

Mr. Williams recommended that staff return with information on the hours of operation for Market North and Luxe Bistro, the two nearest bistros, to see how those hours compare to the hours proposed for Vinewood.

Mr. Boyle said reviewing noise or other complaints for the two aforementioned bistros might clarify Vinewood's potential impact on the residents across the river since those two bistros abut residential area.

Mr. Koseck and Mr. Jeffares expressed concern about the high number of total proposed seats since the application was coming in as a bistro and not as a Class C license.

Mr. Emerine noted that the area behind the building is a regulated floodway, and that raising the ground elevation would require additional permits.

PD Ecker stated that information had been communicated to the applicant team.

**Motion by Mr. Boyle**

**Seconded by Mr. Williams to postpone the discussion regarding 720 N. Old Woodward – Vinewood Bistro – to the April 14, 2021 Planning Board meeting.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**Motion by Mr. Williams**

**Seconded by Mr. Share to suspend the rules for the April 14, 2021 Planning Board meeting to allow the review of site plans.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

Mr. Jeffares noted the City should take a look at the lighting in Lot Six to see whether that can be better screened so as not to adversely affect the residences across the river.

**02-30-21**

**G. Miscellaneous Business and Communications:**

**a. Communications**

**b. Administrative Approval Correspondence**

After a brief review of the proposal from CP Dupuis, the Planning Board told Randy Dickow they had no initial hesitations about the Mad Hatter moving into the vacant space next door to their current location in order to expand their access to space for outdoor dining.

In reply to Mr. Jeffares, Mr. Dickow said he would remove the two gazebos currently in front of the Mad Hatter as soon as possible.

CP Dupuis then presented a brief proposal from Brooklyn Pizza that would include two outdoor dining pods.

Mr. Williams and Mr. Boyle said they did not like the proposed pod to the north.

Chair Clein said the zigzag path that would result from the ~~adding~~ **addition** of the dining pods would have negative ramifications for a visually impaired person's ability to navigate the sidewalk around the restaurant.

Ms. Whipple-Boyce said she could not endorse an administrative approval of the dining pods without more information on the proposed design and build.

**c. Draft Agenda for the next Regular Planning Board Meeting (March 10, 2021)**

**d. Other Business**

Chair Clein agreed with Mr. Williams that it would be helpful for the Board to receive feedback from the Commission regarding the master planning process thus far.

In order to solicit that feedback, the Chair explained the master planning team would be providing the Board with a letter summarizing their understanding of all the recommended changes to the first draft for the Board to review at their March 10, 2021 meeting. After the Board's review of the letter, the letter will then be sent on to the Commission with a request from the Board for feedback on the recommended changes.

**02-031-21**

**H. Planning Division Action Items**

**a. Staff Report on Previous Requests**

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

**02-032-21**

**I. Adjournment**

No further business being evident, the Chair adjourned the meeting at 10:23 p.m.

Jana L. Ecker  
Planning Director