

**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**Wednesday, June 9, 2021**

Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 9, 2021. Chair Clein convened the meeting at 7:30 p.m.

**A. Roll Call**

**Present:** Chair Scott Clein; Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representative Daniel Murphy (arrived 7:33 p.m.)

All located in Birmingham, MI.

**Absent:** Board Members Robin Boyle; Student Representative Jane Wineman

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

**06-074-21**

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of May 26, 2021**

Mr. Jeffares said that on page three of the minutes it should be specified that Mr. Williams and Chair Clein were agreeing that outdoor hours should not go past 12 a.m.

Mr. Williams and Chair Clein concurred.

**Motion by Mr. Koseck**

**Seconded by Mr. Jeffares to approve the minutes of the Regular Planning Board Meeting of May 26, 2021 as amended.**

**Motion carried, 6-0.**

ROLL CALL VOTE

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

Nays: None

Abstain: Emerine

**06-075-21**

**C. Chair's Comments**

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

**06-076-21**

**D. Review Of The Agenda**

There were no changes to the agenda.

**06-077-21**

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

**1. 501 S. Eton – Whistle Stop** – Request for a Special Land Use Permit to consider approval of a new bistro serving alcoholic liquors in an existing building.

CP Dupuis reviewed the item. He noted that this would actually be the second bistro in the Rail District since it would be in addition to the bistro in Whole Foods.

Patrick Howe, attorney, Jawan Matti, architect, and Elda and Valter Xhomaqi, owners, were present on behalf of the applicant.

Ms. Matti said she had proposed concrete for the area in front of the southern tenant space because she was concerned the sidewalk might otherwise be too choppy. She said she was not yet sure what the proposed pervious concrete would look like.

Mr. Koseck said he was in favor of having more green space in front of the southern tenant space instead of concrete. He also asked that the front windows be updated to the City's current standards of clear glass.

Ms. Matti confirmed that the Xhomaqis would change out the current front window glass to clear glass to meet the current standards.

Mr. Howe said that would leave the project with a 3% deficiency on the glazing and asked the Board to approve the plans as such since it is a renovation.

Mr. Jeffares concurred with Mr. Koseck that the green space should be increased in front of the southern tenant space.

In reply to the Chair, Mr. Howe stated that the alcoholic beverages served would not deviate from the sample menu provided. He stated that there would not be full bar service, and that if Whistle Stop in the future wanted to modify that proposal they would return for a SLUP amendment.

In regards to Messrs. Koseck's and Jeffares' concerns about green space in front of the restaurant, Chair Clein noted complicating the pedestrian pathway in front of the restaurant could result in difficulties for visually impaired pedestrians navigating the space. He said he would be more in favor of possibly adding a new street tree, adding more pervious pavement, or adding planters and boxes to retain more greenery without causing additional challenges for visually impaired pedestrians.

PD Ecker confirmed for the Chair that she could work with the Engineering Department and the applicant to implement the Board's comments and administratively approve the item if that was the Board's recommendation.

Mr. Jeffares said than if more green space could not be added then bike parking could be provided on the areas of extra concrete.

Mr. Koseck concurred and suggested that benches or light fixtures could be other options for areas of excess concrete.

Mr. Howe said the applicant would be happy to work with the City to improve the front streetscape.

Ms. Whipple-Boyce noted that the area around the tree proceeding north along the sidewalk did not need to be paved. She expressed appreciation for the applicant's submitted designs generally, and agreed that the applicant could work with City departments to increase green space or give the concrete purpose in the front streetscape.

Subsequent to Board discussion about vehicle door swings, Mr. Emerine noted that the sidewalk as proposed met the City's code and ordinance standards. He noted that there was only one parallel parking space in front of the Whistle Stop. He said that while door swings might be a future topic for the Board to discuss more generally it was not an issue for this item from an engineering standpoint.

PD Ecker confirmed that the sidewalk's width as proposed met the City's ordinance requirements.

#### Public Comment

James Schmier, resident of the Rail District and Board Member of Eton Two, said there were substantial issues with parking in the residential areas surround Whistle Stop. He said he was supportive of the bistro license being granted in general, but not until permit parking on the streets across from Attard was removed in order to decrease the number of vehicles parking in his neighborhood.

In reply to Chair Clein, PD Ecker confirmed that permit parking is evaluated by the Multi-Modal Transportation Board and the City Commission.

A second resident of the Rail District and a Board Member of Eton One concurred that she was fine with the bistro license being granted but not before traffic, congestion, and pedestrian safety issues at Eton and Hazel were addressed.

Chair Clein noted that the Whistle Stop is an existing establishment proposing a decreased amount of seating from what was previously approved. He stated that granting the bistro license would not likely have a significant impact on the number of patrons and would have no impact on the hours of operation. He said he also lives in the Rail District across from a restaurant and that parking has not been an issue as long as it is managed properly. He said that if the applicant

works to improve the proposed streetscape as discussed he would support the item if it came to a vote.

Mr. Emerine said he was happy to support the item moving forward. He noted that the Whistle Stop was an existing business with existing parking that would not exacerbate the area's parking and traffic issues, and that they had reduced their seating from the previous proposal. He said granting Whistle Stop a bistro license would be a wonderful asset to the City.

Mr. Jeffares said he wanted to see the Board's comments integrated into the design and returned for Board review once more. He said the changes proposed were important and stated it was unusual to allow these types of changes to be administratively approved.

Ms. Whipple-Boyce said she was confident that the Planning and Engineering Departments, working with the applicant, would be able to integrate the Board's comments without the Board needing to see the item again. She stated that the changes requested were not so significant that they required additional Board review. She also noted that PD Ecker had said she was comfortable resolving those issues as part of the administrative approval process.

Mr. Share said he agreed with Ms. Whipple-Boyce given the small area to be updated and the modest changes required. He agreed with Chair Clein that permitting the addition of eight alcoholic beverages to the Whistle Stop's menu would be unlikely to create an increase in parking congestion. He said he was not minimizing the parking issues in the area, only noting that denying this bistro application would not ameliorate those issues.

Mr. Williams concurred.

Mr. Williams also echoed some of the comments from the public. He stated that he had long been advocating for two stop signs to be added on Eton at Hazel. He explained the Police Department did not pursue his recommendations regarding the matter despite his previous appeals. He emphasized the dangerousness of the intersection of Eton and Hazel, and said installing the two stop signs he recommended would vastly improve traffic and pedestrian safety.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Emerine to recommend approval to the City Commission of the Final Site Plan & Design Review for 501 S. Eton – Whistle Stop – with the following conditions:**

- 1. The Planning Board approves the proposed 67% glazing on the storefront façade;**
- 2. The applicant must submit specification sheets for the proposed roll down garage doors showing a VLT of 80%;**
- 3. The applicant must submit a Certified Land Survey and Existing Conditions Plan prior to the Public Hearing at the City Commission;**
- 4. The applicant must work with the Planning and Engineering Departments to reduce the amount of concrete proposed and improve the streetscape as suggested by the Board for administrative approval;**
- 5. The applicant must replace the existing tinted windows with clear glass; and,**
- 6. The applicant must comply with the requests of all City Departments.**

**Public Comment**

Mr. Schmier asked that the public comments provided during the item's discussion be included in the documentation sent to the Commission to demonstrate the shared concerns of both Eton One and Eton Two.

Chair Clein confirmed that would occur.

**Motion carried, 6-1.**

ROLL CALL VOTE

Yeas: Whipple-Boyce, Emerine, Williams, Clein, Share, Koseck

Nays: Jeffares

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Emerine to recommend approval to the City Commission of the Special Land Use Permit for 501 S. Eton – Whistle Stop – subject to the conditions of Final Site Plan & Design Review approval.**

**Motion carried, 6-1.**

ROLL CALL VOTE

Yeas: Whipple-Boyce, Emerine, Williams, Clein, Share, Koseck

Nays: Jeffares

**06-078-21**

**F. Study Session Items**

**1. Public Hearing – Solar Panel Regulations**

PD Ecker reviewed the item.

Mr. Koseck said he was uncomfortable moving the ordinance language forward given that they had not spoken with a third-party expert like they had done for glazing.

Chair Clein noted that in formulating the recommended changes staff had reviewed solar panel ordinances from municipalities across the country. He expressed support for the recommended changes.

**Motion by Mr. Williams**

**Seconded by Mr. Share to recommend to the City Commission amendments to Section 4.09 of the Zoning Ordinance to remove roof-mounted solar electric systems from that section and to also amend Section 4.88, regarding alternative energy, to add amended solar energy system requirements and to reorganize the wind energy requirements without changing them.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**2. Public Hearing – Glazing Standards**

PD Ecker reviewed the item. She noted that 'low iron content' in the change to Article 9, Section 9.02 – Definitions should be struck per previous Board discussions.

**Motion by Mr. Share**

**Seconded by Mr. Williams to recommend to the City Commission amendments to Sections 3.04, 4.90, and 9.02 of the Zoning Ordinance to change the definition of clear glazing and to amend the glazing standards as recommended by staff in the evening's agenda packet.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**06-079-21**

**G. Miscellaneous Business and Communications:**

- a. Communications**
- b. Administrative Approval Correspondence**
- c. Draft Agenda for next meeting**
- d. Other Business**

PD Ecker updated the Board about potentially moving from virtual to hybrid live-virtual meetings in the near future.

Brief informational replies regarding other Board member inquiries were also provided.

**06-080-21**

**H. Planning Division Action Items**

- a. Staff Report on Previous Requests**
- b. Additional Items from tonight's meeting**

**06-081-21**

**I. Adjournment**

No further business being evident, the Chair adjourned the meeting at 9:10 p.m.

Jana L. Ecker  
Planning Director

APPROVED