

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, FEBRUARY 22, 2017**

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**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 22, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 22, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Vice Chairperson Gillian Lazar; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Daniel Share

Absent: Chairman Scott Clein; Alternate Board Member Lisa Prasad

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

02-33-17

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF FEBRUARY 8, 2017

Motion by Mr. Williams

Seconded by Mr. Koseck to approve the Planning Board Minutes of February 8, 2017 as presented.

Motion carried, 7-0.

VOICE VOTE

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

Abstain: Lazar, Share

Nays: None

Absent: Clein

02-34-17

CHAIRPERSON'S COMMENTS (none)

02-35-17

APPROVAL OF THE AGENDA

Ms. Ecker noted that Whole Foods will be applying for a Bistro License rather than an Economic Development License.

**SPECIAL LAND USE PERMIT ("SLUP")
FINAL SITE PLAN REVIEW**

**1. 325 S. Old Woodward Ave.
Adachi Bistro (Peabody Mansion)**

Request for a SLUP and Final Site Plan Review to allow the operation of a new Asian Fusion Bistro serving alcoholic liquors.

Mr. Baka advised that the subject site is located at 325 S. Old Woodward Ave., at the corner of Brown and S. Old Woodward. The parcel is zoned B-2, Business-Residential and D-3 in the Downtown Overlay District. The applicant is proposing to open a new restaurant by the name of "Adachi," and is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. The subject property is a designated historic building known as the Ford-Peabody Mansion. Adachi was approved for exterior changes by the Historic District Commission ("HDC") on February 15, 2017. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham in order to sell alcoholic liquors. Adachi will be required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan, SLUP, and for the operation of a Bistro License.

Adachi is proposing to have 65 interior seats, 10 of which will be located at a bar. No direct connect bar permit will be permitted from the license if it is approved. Alcohol may only be served to seated patrons and those standing in the bar area.

Adachi provides an extensive menu of Eastern Asian and Southeast Asian regional cuisine. Many of the menu items are not offered anywhere else within the City of Birmingham.

The applicant is proposing to construct a 6 ft. masonry enclosure with metal gates in the rear of the restaurant near Brown St. that will contain three AC units and two trash containers. The Birmingham Zoning Ordinance requires wooden gates. **Accordingly, the applicant is required to provide wooden gates on the dumpster enclosure or obtain a variance from the Board of Zoning Appeals ("BZA").**

Due to the residential design of the building, it does not provide the required 70% glazing along the front facade. Altering the facades of this designated historic structure would violate the Secretary of Interior Standards for historic rehabilitation and therefore could not be approved by the HDC. However, the City Attorney has determined that the applicant is still required to apply to the BZA for a variance from the glazing requirement. **Accordingly, the applicant is required to obtain a variance from the BZA in lieu of providing the required 70% glazing.**

Design Review

Adachi has proposed to have outdoor dining for 70 patrons on private property in the front open space of the building. The outdoor dining area will be enclosed with a landscaping hedge that will extend around the perimeter of the property.

The applicant was approved at the HDC meeting held on February 15, 2017 to make alterations to the designated historic building in the CBD Historic District. The applicant was approved to convert five existing windows into doors, construct the trash enclosure at the rear of the restaurant, and to build two new staircases/ramps on the north and south elevations. The staircase and ramp on the north elevation will replace the existing structure. Both of the staircases will be constructed with modern materials and design in order to differentiate the new construction from the historic materials in accordance with "The Secretary of the Interior's Standards for Rehabilitation" standard number 9.

Signage

The applicant has submitted plans indicating one small sign at the front property line next to the walkway that must receive administrative approval by the Planning Dept.

Illumination

No new lighting is currently proposed for this project.

Ms. Ecker explained the City Commission did the pre-screening of bistro applications in October. They selected three to move forward, even though only two can be approved for year 2017. All three applications will go to the City Commission after review by the Planning Board. The Planning Board has the choice of reviewing the applications and sending them back to the City Commission, or prioritizing them first. The City Commission will make the ultimate decision on which, if any, to approve.

Mr. Christopher Longe, the architect, was present with Mr. Ken Koza, the restaurateur, and Mr. Michael Dul, the landscape architect. Mr. Longe said there will be landscape lighting along with other lighting. Any lighting will need Planning approval. He described how both the north and south sides of the patio will be serviced. The building is three stories and the intent is for office to occupy the second and third floors. They are keeping the openings where they are, and simply changing some windows into doors for access. There is no designated area for loading and unloading but there is no parking in front of the building so there is adequate area for a truck to pull in.

There were no comments from members of the public at 8:05 p.m.

Ms. Ecker advised that the City has updated the contract that bistro applicants must execute. Three new sections have been amended that have to do with the following: no modifications to seating, layout, name change, or outdoor dining enclosures are permitted unless approved by the City Commission through a SLUP amendment; the restriction of outdoor dining to seasonal use from April 1st through November 15th only with a valid Outdoor Dining Permit; and a duty of continuing compliance with off-street parking as required in the Zoning Ordinance, as well as the responsibility to resolve future parking issues that may arise.

Mr. Baka discussed streetscape requirements that may need to be upgraded. The board then determined that two pedestrian scale lights would be needed on the south side of Brown. Bike racks will be added according to a schedule that the Engineering Dept. has.

Motion by Mr. Boyle

Seconded by Mr. Williams to recommend approval the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Adachi at 325 S. Old Woodward Ave. with the following conditions:

- 1) The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;
- 2) The applicant must provide specifications on the materials for the new staircases and doors;
- 3) The applicant must provide wooden gates on the dumpster enclosure or obtain a variance from the BZA;
- 4) The applicant submit details of outdoor lighting for the Bistro for review and approval by the Planning Staff;
- 5) The applicant provide sidewalk lighting (two standard lamps in accordance with the current Downtown design) plus an appropriate bike rack on the adjacent plaza, for review and approval by Planning Staff;
- 6) The applicant is required to obtain a variance from the BZA in lieu of providing the required 70% glazing;
- 7) The applicant will be required to have the final sign design administratively approved by the Planning Department; and
- 8) The applicant complies with the requests of all City Departments.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Clein

02-37-17

2. 2159 E. Lincoln

Lincoln Yard (Vacant, former BPS bus garage)

Request for a SLUP and Final Site Plan Review to allow the operation of a new American Style bistro serving alcoholic liquors.

Motion by Mr. Williams

Seconded by Mr. Koseck to receive and file four documents that have been received:

- 1) e-mail from Jerry J. Yaldao, 1997 Haines dated Saturday February 18th;
- 2) e-mail from Larry Bertollini dated Monday, February 20th;
- 3) e-mail from Jennifer Wheeler dated Wednesday, February 22nd; and
- 4) letter from the City of Birmingham Building Dept. dated February 22nd.

Motion carried, 7-0.

VOICE VOTE

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

Abstain: None

Nays: None

Absent: Clein

Ms. Ecker advised the subject site is located at 2159 E. Lincoln St., between S. Eton and Commerce. The parcel is the former Birmingham Public Schools bus garage repair center and is zoned MX. The applicant is seeking approval to renovate the existing building and add a small addition to the existing one-story building to house a new restaurant named Lincoln Yard. A

small area of the building will be used for a future independent restaurant, which is not the subject of this application.

At this time the applicant is seeking approval of a bistro license under Chapter 10, Alcoholic Liquors, of the City Code to allow the service of alcoholic beverages in the proposed bistro. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan, SLUP, and for the operation of a Bistro License.

Lincoln Yard is proposing a full menu of comfort-food items, as well as vegetarian and gluten-free options with a focus on light, clean eating with a variety of locally sourced, seasonal specials. While Lincoln Yard will clearly provide a unique dining experience, the type of cuisine offered is currently represented in the City.

Lincoln Yard is proposing 10 seats at a bar located on the first floor at the west side of the dining room. No direct connect additional bar permit will be permitted from this license if approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 257.5 sq. ft. designated bar area.

Lincoln Yard is proposing to have 55 seats in the restaurant. They have proposed a glazing percentage of 71.5% for the street facing the building facade, thus meeting the required 70% minimum.

As required, Lincoln Yard is proposing outdoor dining along E. Lincoln, as well as in the rear of the building and on the roof. A total of 132 outdoor dining seats is proposed, of which 64 will be at ground level, and 68 are planned for the rooftop. A portion of the rooftop outdoor dining seats is partially covered by shipping containers made out of corrugated steel. The rooftop seating area has a steel guard rail system proposed around the perimeter that is not enclosed by the shipping containers, and planters are proposed along the south side.

The photometric plan provided does not specify illumination levels for the entire parking lot. In addition, the levels that are shown exceed the 20:1 max min ratio. ***Thus, the applicant will be required to meet all lighting requirements, or obtain a variance from the BZA.***

The bistro requires 59 parking spaces. There are 56 on-site and they are seeking approval of 9 along the right-of-way.

Design Review

The applicant is proposing to update the entire property, to completely renovate the existing building by adding a small addition of 292 sq. ft. on the west side of the building, and open up the building to light by adding new openings and windows throughout. The entire building is proposed to be painted ivory with pre-finished metal coping in bronze added along the roofline, and extensive pedestrian scale architectural details. The applicant is proposing to add three new 20 ft. wide overhead garage doors with clear vision glass along the front (south) elevation. Each of these doors will be operable and can be opened in good weather. Two new steel channel awnings are proposed above the new doors.

On the east elevation facing the parking lot, the applicant is proposing three new divided light windows to replace the existing overhead panel garage doors. Also visible on the east elevation

will be a new steel egress stair on the rear of the building, rooftop mechanical screening panels and a wood pergola to be mounted on the rear of the building.

On the rear (north) elevation of the building, the applicant is proposing to infill several existing windows and doors, and add three new single glass doors to provide access to the rear at grade outdoor dining area. A new steel egress/service stair structure is proposed to provide secondary roof access. Two wood pergolas are also proposed to be mounted on the rear elevation to provide shade to the rear, at grade outdoor dining areas.

On the west elevation facing Armstrong White at 2125 E. Lincoln, the applicant is proposing to remove the existing covered porch structure and a door, and to construct a small addition with three new windows.

Signage

The applicant is permitted to have a total of 102 sq. ft. of signage for the entire building. At this time, a rendering of proposed signage above the front entrance to Lincoln Yard is shown, but no dimensions or material specifications have been proposed and the applicant will be required to obtain administrative approval for all signage prior to fabrication and installation.

Mr. Williams observed that two of the e-mails deal with parking. At the last meeting it was determined that parking in the entire Rail District is sufficient. The e-mails also talk about traffic in the area. In his view, the traffic in the area needs to be slowed down on S. Eton, particularly between Lincoln and Maple Rd. Further, stop signs are needed so pedestrians can get across Eton. In his e-mail Mr. Bertolini addresses the issue of the parking requirement when there is outdoor dining. This is a topic that needs to be considered in the future Master Plan. Ms. Ecker confirmed that if there are parking concerns and spillovers into the neighborhood and they come up, the City Commission can require that they be dealt with, or the SLUP can be revoked under the revised contract terms.

Mr. Boyle suggested that traffic along Lincoln could be slowed down by having striped parking on both sides. Immediately across the street from Lincoln Yard is a huge parking facility that is only used to its capacity during limited sporting activities. Most of the time there would be additional parking opportunities there. Further, the office parking on the adjacent lot will empty out at night and shared parking can occur. Lastly, Mr. Boyle questioned where people who are waiting to be seated will be accommodated.

Mr. Share wondered whether the use of a shared parking arrangement could be conditioned upon breaking up the lot with landscaping.

Ms. Whipple-Boyce observed that the majority of the dining activity in this plan occurs behind the building or on the roof rather than along the street. However, the whole point of the Bistro License is to encourage activation of the streetscape.

Mr. Curt Catallo from Union Joints, the applicant, came forward. Also present were Mr. Eric Lyons, Managing Partner; Mr. Chuck White and Ms. Catherine Abhoud from Armstrong White; and Mr. Jeff Klatt from Krieger Klatt Architects. Mr. Catallo explained they have a close relationship with the owners of Armstrong White who own the property. He noted they are always looking for a building that only served one purpose. They feel this project would allow them to bring something to an area that is already vibrant and changing. The shipping containers are not only right at home in the bus garage, but they are right at home in the Rail District with its industrial back bone that they want to celebrate.

They propose an interesting combination of three different outdoor settings within one. The interior plans for the bistro show it to be as honest as the food they serve. He believes this building fits into the vision of the Rail District Master Plan.

Mr. Koseck spoke to say he thinks there are some fundamental site plan design flaws such that he could never support the plan today even though he likes the project. In response to Mr. Koseck, Ms. Ecker explained there is not a hard and fast deadline for the bistros to go back to the City Commission. There would still be enough time if this were postponed to get a decision by the Planning Board prior to a hearing before the City Commission.

Mr. Koseck went on to describe the project as an island surrounded by a sea of parking. There are fundamental things that can be done to improve the site to make it into what his view is of a bistro and how it works within the City. Mr. Catallo explained the section that is not included in the SLUP application will be a tenant within the building that will be called "Little Yard." It is meant to accommodate takeout food, "grab and go." He said the cyclone fence at the west property line between them and Armstrong White will go away so they can share parking.

Mr. Koseck indicated that painted stripes on a driveway is not a great design to integrate the building with pedestrian sidewalks. He suggested that he could take the 3 ft. that is not required by Code out of each of the 23 ft. parking aisles. Then move the green belt on the east side of the parking lot and place it up against the building so it can become a sidewalk or landscaping. With the current design patrons inside looking out only see asphalt, driveway and cars, as opposed to landscaping. He would like to see the site read like a peninsula that engages with the street rather than an island.

Mr. Koseck made additional suggestions:

- Move the dumpster to the back of the building and provide some additional parking and eliminate some of the parking in front of the building to have the pedestrian entryway extend out and engage with the street;
- Place the energy of the building towards the front by removing dining from the rear north side so that patrons can see, be seen and engage with the street.
- He was concerned that more than a third of the building's facade is in the future tenant space, not in the bistro;
- Create a mirror image of the plan. Shift the entrance drive to the west so that people come in through the curb cut and have to go east. They would exit where they enter.

Mr. Boyle said that to him this is an industrial area and the site should be left hard to reflect that and not have trees and bits of green.

Discussion concluded that the fence between the two parking lots must come down because otherwise there would be a traffic flow problem there. Either a shared parking arrangement and/or an easement would need to be executed and recorded at the time they seek approval.

Ms. Whipple-Boyce noted the Bistro Ordinance is designed specifically to activate the streets Downtown. Now that the board is seeing projects in the MX District, she thinks maybe they should have tweaked the ordinance to be a little less restrictive in the MX. She is supportive of the 150 outdoor dining seats and not worried about the parking and changing the green area. However, she does think it is important to engage the street and that is lacking in this design.

She would like to see the tables in back come up to the front. Mr. Catallo advised they would not do this project if they thought it would create a parking problem.

Vice Chairperson Lazar opened discussion from the public at 9:47 p.m.

Ms. Catherine Abhoud said they absolutely will take down the cyclone fence. They will have an open parking and access arrangement. Mr. Williams reiterated that needs to be documented.

Street lighting inconsistencies in the Rail District were discussed and Ms. Ecker said that DTE is trying to select a new manufacturer that will not be so bright and will match the existing lighting at Armstrong White, which is the approved standard.

Motion by Mr. Share

Seconded by Mr. Koseck that the Planning Board postpone to March 8, 2017 the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Lincoln Yard at 2159 E. Lincoln.

Mr. Boyle explained the postponement will allow time for the applicant to come to the City with an appropriate document that states what they will do. It will also give the architect and the prospective tenant the opportunity to consider whether they might want to propose changes to the site plan.

There were no further comments from the public at 9:48 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Clein

At this time the board took a short recess.

02-38-17

3. 2100 E. Maple Rd.

Whole Foods (inside the Whole Foods building)

Request for a SLUP and Final Site Plan Review to allow the operation of a newbistro serving alcoholic liquors inside the Whole Foods Grocery Store currently under construction.

Ms. Ecker explained the applicant went before the City Commission last Monday evening with the recommendations from the Planning Board that the City Commission either clarify the boundaries of the Rail District and include Whole Foods and allow bistros in B-2 if they are in the Rail District; or approve an amendment to the Economic Development Map to include this site to allow an Economic Development License and to allow Economic Development Licenses in B-2. The City Commission decided to go with the Rail District option and concluded this property is not qualified for an Economic Development License.

Ms. Ecker advised the subject site is a 4.95 acre site that is zoned B-2. The applicant, Whole Foods, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City

Code. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan, SLUP, and for the operation of a Bistro License. As part of the previously approved grocery store, the applicant is now proposing a small bistro which will serve customers and provide indoor and outdoor seating. This will be located in the northeast portion of the building.

The proposal is to serve healthy American food.

Whole Foods is proposing 28 seats in the main dining room and eight seats at a bar towards the west side of the dining room. No direct connect additional bar permit will be permitted from this license if approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 257 sq. ft. designated bar area, which includes the eight seats.

Whole Foods is proposing to have six seats in the restaurant dining space lining E. Maple Rd. The applicant has not provided glazing calculations for the front wall of the bistro. ***A minimum of 70% glazing is required between 1 ft. and 8 ft. in height, or the applicant will be required to obtain a variance from the Board of Zoning Appeals.***

Whole Foods is proposing 33 outdoor dining seats. All of the seats will be on a raised patio, located on the E. Maple Rd. frontage of the building.

They are only required to have 162 parking spaces and they have 237.

The north elevation is framed at each corner with Ceramic tile "wood-look" siding. The base of the building is cast stone except in three instances where windows extend to the bottom of the building. The remaining building face is composed of brick and clear glass windows. The east entrance is framed with two columns covered in metal with a green and white "Whole Foods Market" sign centered above the entrance. The entrance is surrounded by a patio that extends towards E. Maple Rd. and the east parking lot.

The patio is shaded with a projecting metal canopy, and contains guard rails along its cast stone retaining wall base. The bistro is proposed to be just west of the large Whole Foods entry doors.

Outdoor seating is proposed along the north side of the building, along (but not on) an existing City sidewalk. The outdoor cafe area is proposed on a raised patio enclosed with a railing adjacent to the northern building facade.

The applicant must provide a trash receptacle within the outdoor dining area along E. Maple Rd. or obtain a variance from the BZA.

Ms. Kelly Allen was present on behalf of Whole Foods. She introduced Mr. Scott Salsbury, Executive Director of Store Development from their Chicago office; and Mr. Mark Sherrer, BRR Architecture. She stated this will be the Whole Foods Birmingham Bistro and it is a destination.

Mr. Sherrer talked about how they are able to meet the 70% glazing requirement by shifting the bistro wall. They just found out that two bathrooms rather than one are needed and they will have to work on that.

Mr. Salsbury said these bistros are a key design in their new stores and they are retrofitting their older stores with them. This is a great location and they would love to have a bistro at this store. There will be a fixed menu and the plan is to have wait service inside and outside for dinner.

Mr. Williams said he will not be present at the next meeting. Therefore, he offered the comment that he doesn't understand why the Economic Development License wasn't granted by the City Commission. His view is that they sent three bistros to this board and this board should send the three bistros back to them without prioritizing, since they created the problem.

There were no comments from the public at 10:30 p.m.

Motion by Mr. Boyle

Seconded by Mr. Williams that the Planning Board recommend approval of the applicant's request for Final Site Plan and a SLUP to the City Commission to permit a Bistro License for Whole Foods at 2100 E. Maple Rd. with the following conditions:

- 1) The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;**
- 2) Comply with the requirements of City departments; and**
- 3) The applicant must provide appropriate restroom facilities to be submitted to staff in the Planning Dept. and approved.**

No one from the audience wished to discuss the motion at 10:33 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Clein

02-39-17

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)

02-40-17

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications
- b. Administrative Approval Correspondence
- c. Draft Agenda for the Regular Planning Board Meeting on March 8, 2017
 - Lincoln Yard Final Site Plan and SLUP;
 - Grace Baptist Church SLUP amendment and Final Site Plan for monument sign;
 - 602 Riverside Dr. Final Site Plan Review;
 - Bloomfield Ct. accessory structure on multi-family property;
 - 927 Purdy Historic Designation.

- d. Other Business (none)

02-41-17

PLANNING DIVISION ACTION ITEMS

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

02-42-17

ADJOURNMENT

No further business being evident, the Vice-Chairperson adjourned the meeting at 10:35 p.m.

Jana Ecker
Planning Director

APPROVED