

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, MAY 23, 2018**

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<b>Motion by Mr. Boyle</b>	<b>4</b>
<b>Seconded by Mr. Williams that based on a review of the information presented tonight, the Planning Board recommends APPROVAL of the SLUP Amendment and Final Site Plan and Design Review for 225 E. Maple Rd., Social Kitchen, pending receipt of the following:</b>	
<b>1. Historic District Commission approval to be required as the proposed bistro is located within the Central Business District Historic District;</b>	
<b>2. The applicant complies with the requirements of City departments and ensures that the canopy projection is within the regulations of the City.</b>	<b>4</b>
<b>Motion carried, 5-2.</b>	
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<b>1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;</b>	
<b>2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;</b>	

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<p>3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;</p> <p>4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and</p> <p>5. The applicant addresses the requests of all City Departments.</p>	
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<p>Motion by Mr. Williams                  Seconded by Mr. Boyle to postpone consideration of the Rezoning Application, the Preliminary Site Plan Review, and the Community Impact Study for 469-479 S. Old Woodward Ave. (former Mountain King) to Wednesday, June 27, 2018.</p>	8
<p>Motion carried, 7-0.</p>	
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<p>Motion carried, 7-0.</p>	11
<p>Motion by Mr. Koseck                  Seconded by Ms. Whipple-Boyce to nominate Robin Boyle and Stuart Jeffares to the Ad Hoc Master Plan Selection Committee.</p>	11
<p>Motion carried, 7-0.</p>	

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 23, 2018  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on May 23, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Jason Emerine

**Absent:** Alternate Board Member Nasseen Ramin; Student Representatives Madison Dominato, Sam Fogel, Ellie McElroy

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

**05-87-18**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF May 9, 2018**

**Motion by Mr. Williams  
Seconded by Mr. Jeffares to approve the minutes of the Regular Planning Board Meeting of May 9, 2018 as presented.**

**Motion carried, 5-0.**

VOICE VOTE  
Yeas: Williams, Jeffares, Boyle, Clein, Whipple-Boyce  
Nays: None  
Abstain: Emerine, Koseck  
Absent: None

**05-88-18**

**CHAIRPERSON'S COMMENTS**

Chairman Clein welcomed the board's new alternate, Jason Emerine.

05-89-18

## **APPROVAL OF THE AGENDA**

The Chairman noted that with regard to 469-479 S. Old Woodward Ave., the Mountain King site, the paperwork was not filed in a timely manner so the board will not discuss the rezoning, the Community Impact Study or the site plan tonight. However, this evening the developer will be allowed to present quick highlights of the project.

05-90-18

## **SPECIAL LAND USE PERMIT ("SLUP") AMENDMENT FINAL SITE PLAN AND DESIGN REVIEW**

### **1. 225 E. Maple Rd, Social Kitchen - Application for SLUP Amendment and Final Site Plan and Design Review to allow changes to the exterior of the building**

Ms. Ecker advised the subject site is located at 225 E. Maple Rd., between N. Old Woodward Ave. and Park St. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Social Kitchen, is seeking an amendment to their SLUP.

They are proposing to replace the existing retractable awnings covering the rooftop dining area with a new unenclosed rooftop canopy with wood pergola, retractable canvas panels (overhead only), new lighting, fans, and a fire suppression system. Other work proposed is the re-cladding of the existing canopy over the exit stairs leading to the via, relocation of service doors, new wall finishes on the rooftop, and new planters. There is no enclosure around the rooftop dining area. Finally, the applicant is proposing to paint the existing building a new color. Therefore the changes are mainly aesthetic. The number of seats will remain the same.

Ms. Ecker stated that this is deemed a structure and an enclosure so the applicant will have to meet all of the Building Code requirements for a building.

Chapter 10 of the Zoning Ordinance 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 receive a recommendation from the Planning Board on the Final Site Plan and SLUP, and subsequently obtain approval from the City Commission for the Final Site Plan and SLUP Amendment. Historic District Commission approval will also be required, as the proposed bistro is located within the Central Business District Historic District.

#### *Design Review*

Ms. Ecker advised that the applicant is proposing to paint the entire exterior of the existing building in Benjamin Moore Historical Collection "Chrome Green," and is proposing to replace the existing awning on the exterior stair in the via with a new fabric awning in ivory to match the existing canopy. In addition, the applicant is proposing numerous improvements to the rooftop dining area. The applicant proposes to relocate the existing service access door leading to the roof, and to install a new unenclosed canopy with a walnut finish pergola structure and rigid clear polycarbonate panels fastened over the wood structure, along with a retractable fabric "ceiling" beneath the canopy.

New pendant lighting is proposed to hang from the canopy, and LED strip lighting is proposed along both the east and west edges of the canopy structure. New fans are also proposed. In accordance with the request of the Fire Department, the applicant will also be installing a fire suppression system under the rooftop canopy structure. New lattice trim is proposed to be affixed to the exterior walls of the building on the rooftop, and to the north and south ends of the canopy structure, to be painted in Benjamin Moore Historical Collection "Fairview Taupe." New furniture is also proposed for the rooftop dining area, as well as floor lighting and planters. It is not clear from the plans which tables are proposed to be bar height with stools and which are regular height dining tables and chairs.

Mr. Roman Bonislowski, Ron and Roman Architects, said that it is time for a refresh of Social. The pergola style canopy structure has a polycarbonate sun screen underneath. Linear LED lighting gently casts light up into the wooden structure above. No changes are proposed for the main level downstairs or occupancy load. He will follow up with Mr. O'Meara to make sure there is no pergola encroachment into the Maple Rd. right-of-way.

In response to Mr. Boyle, Mr. Bonislowski said he is confident the plantings they have chosen will grow up along the posts.

Chairman Clein took public comments on this matter at 7:53 p.m.

Mr. Mitch Black, proprietor of Dick O'Dows, 160 W. Maple Rd., said his concern as a business owner is that new establishments are allowed to exceed the original seating intent of the Bistro Ordinance which was to allow 55 seats and up to ten bar stools. At what point does the Planning Board take a look and decide this is not what they intended to do.

Ms. Ecker noted they are in the process of tightening up on some of Mr. Black's points. Chairman Clein said the Planning Board will be reviewing the Bistro Regulations related to outdoor dining.

For Ms. Whipple-Boyce, Mr. Bonislowski summarized they are not proposing any change from the way the street-level café is operating. The downstairs stays as it is, the building gets a paint job, the interior will get a little tweak that doesn't affect seating, and there is no permanent enclosure on the roof.

Ms. Ecker reviewed the seating arrangement which adds up to 150 seats and is not being changed:

- Inside - 54 seats plus 10 at the bar;
- Via - 56 seats;
- Roof - 30 seats.

Mr. Williams thought there should be discussion about code enforcement when the matter of Bistro Regulations comes back before the board.

Mr. Boyle noted the City is investing a significant amount of money in improving Old Woodward Ave. and Maple Rd. He asked what is being done about the via. Ms. Ecker responded the City is not planning any changes to the via at this time. Mr. Boyle thought it is only fair that the City improve the vias when they get the opportunity, such as with a development like this. When the proposal for something like a mural comes back he will step up and ask for the City to consider what to do for the vias.

### **Motion by Mr. Boyle**

Seconded by Mr. Williams that based on a review of the information presented tonight, the Planning Board recommends APPROVAL of the SLUP Amendment and Final Site Plan and Design Review for 225 E. Maple Rd., Social Kitchen, pending receipt of the following:

1. Historic District Commission approval to be required as the proposed bistro is located within the Central Business District Historic District;
2. The applicant complies with the requirements of City departments and ensures that the canopy projection is within the regulations of the City.

Mr. Koseck indicated that he will not support the motion. He has no issue with the proposed improvements, but his view is that when a SLUP comes back it should be looked at holistically. His issue is with the enclosure of the existing first floor addition in the via. When the weather is nice this is a really a large building and he would like to see other aspects of it come into what in his mind is compliance.

Ms. Whipple-Boyce thought this a fantastic improvement but she is torn because of the enclosed patio that became enclosed with Isinglass. She sympathizes with the Class C License holders because the City is not delivering what it told them. Going forward, she is glad the board will study this further.

At 8:10 p.m. the Chairman called for public comments on the motion.

Mr. Jack Reinhart, who is involved with the 555 Building and also the Triple Nickel, commented on the way the City has approached the liquor licenses. In the last six months the Stand, Mitchells, and Café Via have gone out of business. Also he has heard that Hyde Park is going out. Triple Nickel struggles. The Chairman invited him to be present when the Planning Board talks about possible changes to the bistro regulations.

**Motion carried, 5-2.**

ROLLCALL VOTE

Yeas: Boyle, Clein, Jeffares, Emerine, Whipple-Boyce

Nays: Koseck, Williams

Absent: None

**05-91-18**

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

**2. 34977 Woodward Ave., Hazel Ravines & Downtown (formerly The Stand) - Application for SLUP and Final Site Plan and Design Review to open a new restaurant serving alcoholic liquors, with exterior design changes and new signage proposed.**

Mr. Baka noted the subject site is located at 34977 Woodward Ave. on the southwest corner of Woodward Ave. and Maple Rd. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant is proposing to make several design changes to the building including replacing awnings, adding planters/ landscaping, and reworking the vestibule. They are proposing to enlarge the bar and add three new banquet rooms to the dining area. There will be table tops along the windows on the north façade.

The proposed new restaurant, Hazel Ravines & Downtown, will replace the existing restaurant, The Stand. Chapter 10 of the Birmingham City Code requires that the applicant obtain a SLUP Amendment and approval from the City Commission to make changes to an establishment with an Economic Development Liquor License within the City of Birmingham. An Economic Development License does not restrict size nor does it require outdoor dining. Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and Design Review and SLUP, and then obtain approval from the City Commission for the Final Site Plan and Design Review, and SLUP.

### *Design Review*

The applicant is proposing the following changes to the first floor restaurant space:

1. Replace six existing aluminum awnings with new fabric awnings (Sunbrella "Forest Green") on painted metal frames.
2. Rework landscaping in corner landscape beds with new proposed ground mounted sculptural signage letters (Pantone "396 C") and new groundcover with landscaping lighting in the M-DOT right-of-way, as well as a new painted metal fence (Iron Oxide Steel Primer) behind the existing curb. Trellises will also be installed on the façade to support climbing Hydrangeas.
3. Remove the existing metal canopy over the west entrance and remove the glass storefront entry wall to convert the entry vestibule into an indoor/outdoor seating patio. The canopy will be replaced with a new fabric awning (Sunbrella "Forest Green") on a painted metal frame with new signage above. The new patio will have illuminated wall panels and new tile flooring (Ceramic Mosaic Hex Tile "Cinnabar, Crisp Linen, Luminary Gold").

The applicant has submitted details and samples on the proposed design materials and colors.

### *Signage*

Mr. Baka advised that the applicant is proposing signage along the replaced canopies at the northeast corner of the building, as well as over the new entry canopy on the west entrance. The proposed signs for the project are indicated at nine different locations. Seven of the new canopies have signage proposed, the large weathervane sculpture is considered a sign, and the hedges proposed to spell the initials of the restaurant would be considered a sign under the definition of a sign in the Sign Ordinance.

Article 01 section 1.10 B (4) (d) states the following: Each business whose principal square footage is on the first story may have one sign per entry. **The proposal does not meet these requirements. The applicant is located on the first floor; however they only have one entrance which permits only one sign.**

Article 01 section 1.10 B (4) states the following: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 ft. in vertical dimension by any horizontal dimension. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 ft. in vertical dimension by any horizontal dimension. The proposal meets this requirement.

The proposed canopy signs at the northeast corner involve six canopies with one word per canopy. The signs read "Hunter Ravines & Downtown" in the aforementioned Pantone 396 C flat yellow color. The total signage dimensions for the each set of signage (one on Woodward Ave. frontage and one on Maple Rd. frontage) is 7 ft. 1 in. wide by 5 ½ in. tall. There are six total signs, which equal 19.32 sq. ft. of signage total. The signage located at the west entrance along Peabody St. is located on a canopy over the reworked entrance to the indoor/outdoor

dining area. The signage measures 10 ft. 1 in. wide by 1 ft. 2 in. tall. The west entrance canopy signage is proposed to be lit by an LED strip located at the bottom of the fascia.

The landscaping beds located in the road berm along Woodward Ave. containing pruned evergreen shrub letters H, R, and D must also be considered a sign based on the definition of "Sign" given in Article 3, section 3.02 of the Sign Ordinance. ***The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way, remove the weathervane pole sign (or submit specifications showing dimensions equaling no greater than 30 sq. ft. per side and a maximum of 8 ft. tall), and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals ("BZA").***

Mr. Koseck received confirmation that the evergreen letter sign that is located in the M-DOT right-of-way would be subject to Birmingham's landscape standards, but would have to be approved by M-DOT.

Mr. Roman Bonislowski, Ron and Roman Architects, explained they are not proposing to serve outside in the patio area. However, people are welcome to purchase food at the Grab and Go Market to be consumed there. The mosaic tiles and illuminated walls invite people into this casual spot. It is a public space for anyone to use. Inside they are eliminating one banquet room, keeping one and then creating a new banquet set-up for private functions. The rest of the changes on the interior will be a brand new, fresh, casual, Birmingham appropriate spot. The sculpture on the corner is an operable weathervane that works with the signage band so that people will notice it and be directed towards the entrance. It has always been a sore spot with them that the businesses that occur at this really important intersection cannot succeed. However, they are in agreement that this is probably the best opportunity to succeed.

Responding to Ms. Whipple-Boyce, Mr. Bonislowski explained the picket fence shows as a traditional piece on the corner.

Mr. Koseck noted that part of the problem with The Stand was that people could not see into it. With this proposal he feels the picket fence and the HRD plantings make the site look cluttered and they don't beckon him to come in.

Mr. Bonislowski said with regard to the fence that part of what they do is to introduce a small component of shock value. The fence relates back to the neighborhood aspect of what the business is. The downtown feature is the trendier characteristic of the proposal and the ravines is the more eclectic, world traveled feature.

In discussing why two previous restaurants on that site failed, Mr. Williams observed that he has eaten at both Zazios and The Stand and has had better meals elsewhere. What he disliked about both of them was the openness. So, to him what has been done inside is a significant improvement. Adding some private dining and meeting rooms is probably a good thing.

Chairman Clein agreed with Mr. Koseck on the fence. He is very happy with the internal changes on the project but really dislikes the HRD landscape signage. He didn't think it would receive approval from the State. He didn't have an issue with the other proposed signage but did not like the weathervane.

No one from the public had comments on the project at 9 p.m.



Ms. Whipple-Boyce thought the proposal is great and hopes that it succeeds. The interior layout is so much improved. She loves the patio where there will be tons of morning traffic. Then people will come back for afternoon meetings in the great little banquet rooms. Further, she supports the additional band signage on the building because she thinks it is essential and it will be up-lighted from below. However, she was not a huge fan of the landscaped HRD sign or the fence.

Mr. Jeffares thought they are on the right track with making the dining area smaller. While he agrees with everybody on the HRD, he feels it would be cool to do something different with that space.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce that based on the site plans submitted, the Planning Board recommends APPROVAL to the City Commission of the SLUP, Final Site Plan and Design Review for 34977 Woodward Ave., Hunter, Ravines & Downtown with the following conditions:**

- 1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;**
- 2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;**
- 3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;**
- 4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and**
- 5. The applicant addresses the requests of all City Departments.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None

05-92-18

**REZONING APPLICATION**

- 2. 469-479 S. Old Woodward Ave. (former Mountain King) - Request to rezone from B-3 and D-4 to B-3 and D-5 to allow a nine-story mixed-use building.**

As Chairman Clein mentioned before, all of the required information for the Application for rezoning was not submitted in time to meet the noticing requirements.

**Motion by Mr. Williams**

**Seconded by Mr. Boyle to postpone consideration of the rezoning Application, the Preliminary Site Plan Review, and the Community Impact Study for 469-479 S. Old Woodward Ave. (former Mountain King) to Wednesday, June 27, 2018.**

No one from the public had comments on the motion at 9:06 p.m.

**Motion carried, 7-0.**

**VOICE VOTE**

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

Nays: None

Absent: None

**Motion by Mr. Williams**

**Seconded by Mr. Jeffares to waive Planning Board procedural rules tonight to allow consideration of two pre-application discussion items.**

**Motion carried, 7-0.**

**VOICE VOTE**

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

Nays: None

Absent: None

05-93-18

**PRELIMINARY SITE PLAN REVIEW AND COMMUNITY IMPACT STUDIES ("CIS")**

- 1. 35001 Woodward Ave., Mixed-Use Building (vacant property) - Application for Preliminary Site Plan and CIS to permit new construction of a five-story mixed-use building (request for postponement to June 27, 2018)**

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to postpone consideration of the Preliminary Site Plan Review and CIS for 35001 Woodward Ave., mixed-use building, (vacant property) to June 27, 2018.**

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Williams, Whipple-Boyce, Boyle, Clein, Emerine, Jeffares, Koseck  
Nays: None  
Absent: None

05-94-18

## PRE-APPLICATION DISCUSSIONS

### 1. 469-479 S. Old Woodward Ave. (former Mountain King) - Application for Preliminary Site Plan and CIS to permit new construction of a nine-story, mixed-use building

Mr. Christopher Longe, architect representing 469-479 S. Old Woodward Ave., was present with Mr. Duraid Markus, Managing Partner for the project. A 94 room hotel is proposed. Floors 1 through 5 are typical room size. Floors 6 and 7 are larger for apartments, and the 8th floor will be a condo. The idea is to have those three floors for extended stay. The top floor has an enclosed pool and sun deck along with a fitness area. Their parking requirement is 148 spaces. One hundred spaces are provided on-site, extending three levels below ground. There are four spaces in front on the street. Also, they have a parking agreement with the 555 Building for 35 cars. The entire first floor will be transparent. At the southwest corner there will be an open air dining facility for the adjacent bar and restaurant. The top three floors step back successively.

Chairman Clein indicated that he was taken aback by the streetscape treatment on Hazel, particularly the valet operations. Also he was disappointed with the Woodward Ave. elevation and streetscape. Both locations need massive pedestrian improvements. He asked the applicants to rework them before he would be on board with those aspects of the proposal.

### 2. 2010 Cole - Renovation of existing building

Mr. Jason Krieger, Krieger Klatt Architects, 1412 E. Eleven Mile Rd., was present with Nick and Andy Petcoff with LPH Ventures who recently purchased the property. Their hope is to improve the site and clean it up along with whatever streetscape treatments are required. Then they propose to move some tenants in and have time to plan a larger project. He ran through several slides to give the board an idea of the proposal. The goal is to split the building up for three different tenants. Currently there are 40 parking spaces on-site.

Mr. Petcoff noted they have plans to re-develop the property at some point. Their current plan is to beautify the building and site, and get a couple of tenants in while they work to come up with a plan for the future.

Mr. Boyle asked if the applicant could add some glazing on the west side of the building. Chairman Clein thought some windows toward the front to anchor the corner would be a big improvement. Also, the eastern drive seems very wide open. Maybe some islands or landscape could be added.

## MISCELLANEOUS BUSINESS AND COMMUNICATIONS

### a. Communications

#### Motion by Mr. Williams

**Seconded by Mr. Koseck to receive and file a letter from Adkison, Need, Allen & Rentrop from Kelly A. Allen dated May 21, 2018 concerning the Morrie.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None

Ms. Ecker explained that at their last meeting the City Commission approved The Morrie without dancing. However, they told them that if they wanted dancing they would have to go back through the process and get a SLUP Amendment. So, they are requesting the Planning Board to suspend its Rules of Procedure to hear this application on June 13, 2018.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to suspend the Rules of Procedure to consider an amendment to the SLUP for The Morrie at the June 13, 2018 meeting.**

Mr. Boyle announced this won't get his vote. This is a small change to a proposal that the board has looked at and approved. To put them through this process again is just in his opinion overkill.

**Motion carried, 6-1.**

VOICE VOTE

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

Nays: Boyle

Absent: None

Ms. Ecker went on to advise that also at their last meeting the City Commission set up an Ad Hoc Master Plan Selection Committee and there are two spots for members of the Planning Board. The job of the committee will be to review all of the proposals that come in and make a recommendation as to who the City should select as its consultant. Mr. Boyle and Mr. Jeffares volunteered.

**Motion by Mr. Koseck**

**Seconded by Ms. Whipple-Boyce to nominate Robin Boyle and Stuart Jeffares to the Ad Hoc Master Plan Selection Committee.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None

- b. Administrative Approval Requests (none)
- c. Draft Agenda for the next Regular Planning Board Meeting of June 13, 2018

- Continuation of the Retail Discussion;
- Bistro discussion to consider limits on outdoor dining;
- The Shell Gas Station SLUP (sidewalk and bumpout for restroom);
- The Morrie;
- The Rules of Procedure.

d. Other Business (none)

**05-96-18**

**PLANNING DIVISION ACTION ITEMS**

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

**05-97-18**

**ADJOURNMENT**

No further business being evident, the Chairman adjourned the meeting at 9:43 p.m.

Jana L. Ecker  
Planning Director