

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, DECEMBER 11, 2013**

Item	Page
<p>OLD BUSINESS 412-420 E. Frank St. Request for Rezoning (postponed from the meeting of September 25, 2013)</p> <p style="padding-left: 40px;">Motion by Mr. Williams Seconded by Ms. Whipple-Boyce to postpone consideration of the proposed rezoning of 412-420 E. Frank St.</p> <p>Motion carried, 5-0.</p> <p>SPECIAL LAND USE PERMIT ("SLUP") REVIEW FINAL SITE PLAN REVIEW 185 N. Old Woodward Ave. The Mad Hatter Request for approval of a bistro serving alcoholic liquors with an outdoor dining platform</p> <p style="padding-left: 40px;">Motion by Ms. Whipple-Boyce Seconded by Mr. DeWeese that the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Mad Hatter at 185 N. Old Woodward Ave with the following conditions:</p> <ol style="list-style-type: none"> 1) The applicant obtain a variance for the 70% glazing requirement from the Board of Zoning Appeals ("BZA"); 2) The applicant obtain a variance to extend the outdoor dining platform in front of the neighboring storefront from the BZA; 3) The applicant submit specification sheets on the planters prior to review by the City Commission; 4) The applicant will be required to enter into a license agreement with the City for use of the public right-of-way, and to provide the required insurance. Liquor liability insurance will also be required for the service of liquor in the right-of-way, as well as an outdoor dining permit. 5) The applicant will need to return to the Historic District Commission for changes they have made to the platform. 6) The applicant meets all Fire Dept. requirements. <p>Motion carried, 5-0.</p>	

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, DECEMBER 11, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held November 13, 2013. Chairman Robin Boyle convened the meeting at 7:30 p.m.

Present: Chairman Robin Boyle; Board Members Carroll DeWeese, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

Absent: Board Members Scott Clein, Bert Koseck; Student Representative Arshon Afrakhteh

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

12-197-13

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD NOVEMBER 13, 2013**

**Motion by Ms. Whipple-Boyce
Seconded by Mr. DeWeese to accept the Minutes of the Regular Planning Board
Meeting of November 13, 2013 as written.**

Motion carried, 5-0.

VOICE VOTE

Yeas: Whipple-Boyce, DeWeese, Boyle, Williams, Lazar

Nays: None

Absent: Clein, Koseck

12-198-13

CHAIRPERSON'S COMMENTS (none)

12-199-13

APPROVAL OF THE AGENDA

Ms. Ecker advised that the applicant for 2400 E. Lincoln has withdrawn their Preliminary Site Plan Review.

12-200-13

OLD BUSINESS

412-420 E. Frank St.

Request for Rezoning (postponed from the meeting of September 25, 2013)

Mr. Baka advised the subject property is located on the southeast corner of Frank St. and Ann St, and includes one corner lot (Lot 32, Blakeslee Addition), one lot immediately to the south facing Ann St. and running parallel to Frank St. (Lot 31, Blakeslee Addition), and the rear 32 ft. of lots 3 and 4 of the Blakeslee Addition that front on S. Old Woodward Ave.

On September 25, 2013, the property owner and his architect appeared before the Planning Board to present a conceptual drawing of an attached single-family development that would encompass the three parcels proposed for rezoning. The applicant explained that they chose to request rezoning from R-3 and B-1 to B2-B, a commercial zone, because the development standards allowed for the setbacks that they desired on the site. The applicant indicated that they were not interested in the commercial uses. However, the Planning Board voiced concerns regarding the long term implications of such a change. While the current owner may not wish to pursue the commercial uses, any future owner would be permitted to do so. Considering the proximity of the parcels to the adjacent single-family residential, this area has been identified as a "sensitive residential area" in the Future Land Use Plan and meets the criteria of a transitional area as outlined in recent Planning Board study sessions.

Accordingly, the Planning Board postponed the public hearing for the proposed rezoning to allow the applicant to consider withdrawing their rezoning request in lieu of inclusion in the Zoning Transition Overlay District. Since that time the Planning Division has met with the applicant's architect to discuss the feasibility of constructing the proposed attached single-family development under one of the proposed ASF zones. Through those discussions it was determined that the ASF zones as currently proposed would permit the proposed development to be built without the need for any variances. Based on this information, the applicant has indicated that they are amicable to being included in the Zoning Transition Overlay rather than pursuing the B2-B rezoning.

Mr. Irving Tobocman, 439 Greenwood, the architect for this proposal, was present with Mr. Salvador Bitonti, the property owner. Mr. Tobocman indicated they would be happy to postpone their application and see how the Overlay District develops. The only concern they have at this point is there was talk about a setback of 25 ft. from Ann St. Their major building is set about 21 ft. from the property line and their roof overhang and porch is approximately 17 ft.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone consideration of the proposed rezoning of 412-420 E. Frank St.

Motion carried, 5-0.

VOICE VOTE

Yeas: Williams, Whipple-Boyce, DeWeese, Boyle, Lazar

Nays: None

Absent: Clein, Koseck

12-201-13

SPECIAL LAND USE PERMIT ("SLUP") REVIEW

FINAL SITE PLAN REVIEW

185 N. Old Woodward Ave.

The Mad Hatter

Request for approval of a bistro serving alcoholic liquors with an outdoor dining platform

Site Plan Review

Mr. Baka noted the subject site is located at 185 N. Old Woodward Ave., between Maple Rd. and Hamilton Row. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, a new restaurant by the name of 'Mad Hatter', is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Mad Hatter has been approved for exterior changes by the Historic District Commission and is currently under construction.

Mad Hatter 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.

Mad Hatter proposes to operate a full service kitchen, with an extensive menu of "New American Cuisine" which will include tapas/small plates, supper, brunch and lunch items, a bakery counter and a "High Tea" menu. Mad Hatter proposes to have 65 indoor seats and outdoor dining for 22 patrons on a raised platform on N. Old Woodward Ave.

Mad Hatter is proposing to have five seats situated at a bar towards the rear of the bistro. Alcohol may only be served to seated patrons and those standing in the bar area.

Mad Hatter does not propose any dancing area or low key entertainment. Mad Hatter proposes to install seating at the front of the restaurant so they are lining the storefront window. The existing storefront elevation is currently being renovated according to the HDC approval. However, the storefront does not provide the required 70% glazing along the front façade. **Accordingly, the applicant has indicated that they will pursue a**

variance from the Board of Zoning Appeals. Mr. Bonaslowski has stated there is no opportunity for them to meet that requirement because of the logistics of the facade.

The outdoor dining area as proposed provides for safe and efficient pedestrian flow via the required 5 ft. wide pathway between the proposed platform seating and the storefront. The platform is proposed to be located in between the crosswalks that extend from the west side of the street across to Hamilton Row.

The proposal does not occupy any parking spaces and therefore the applicant is not required to appear before the Advisory Parking Committee. The proposal has been reviewed by the Engineering Dept. and they have stated that they have no objections to the platform as proposed. **However, the applicant will be required to pursue a variance from the Board of Zoning Appeals due to the platform extending in front of the neighboring storefront.** The platform will be located between two crosswalks that extend across N. Old Woodward and will not take up a parking space. The applicant is proposing to enclose the platform with a railing system.

Mr. Ron Rea and Mr. Roman Bonaslowski were present from Ron & Roman Architects along with the business owners, Eileen and Raad Sakko. Mr. Bonaslowski described the kitchen arrangements. He added that the bar area serves a dual purpose. During the day pastries will be displayed there. In the evening it becomes a bar and the stools are brought out.

He went on to note that the outdoor dining deck will be built in sections in order to encompass the tree. Mr. DeWeese clarified the deck takes up no more space than it would have taken if there hadn't been a City obstruction in the front. Further, the building is under the domain of one owner. Ms. Ecker added they can still operate as a bistro if they don't get the platform variance, because some outdoor seating is possible. Discussion concluded that the deck will not impede the visibility of pedestrians from vehicles. The deck is designed not to extend further out than 8 ft.

Mr. Bonaslowski said there is only room at the bar for patrons to stand two deep.

Design Review

The applicant was approved to make exterior design changes by the Historic District Commission on September 18, 2013 and is currently in the build-out phase for the restaurant. They are not currently proposing any changes to their previous approval. The approved exterior changes are as follows:

New Panel and Bi-fold Doors: The applicant was approved to remove the existing storefront window and kneewall and replace it with new full height wood and glass bi-fold doors.

Canopy: The applicant was approved to install a new curved metal canopy above the tenant space. The canopy is proposed to be painted Lavender (B.B. 2070-50 "Enchanted") with gold accent details and trim. The bottom of the awning will have

two alternating heights, and each portion will have a gold leafed metal tassel extending from it. The canopy will be bolted to the new MDF panel on each side, but it will appear to be supported under each side with decorative metal flatstock scrollwork wall brackets, painted Lavender. The same decorative Lavender metal scrollwork will be mounted on top of the canopy, culminating in a peaked center with the gold leafed "top hat" logo enclosed in a circle.

A 3-D Model was passed around, along with a materials board.

The applicant is proposing outdoor seating on an elevated street dining platform in front of the building, along N. Old Woodward Ave., in between the crosswalks. The outdoor café area is proposed to be enclosed with a railing. The applicant is proposing a total of 11 tables and 22 chairs. The plans also appear to show 3 umbrellas in the dining area.

Signage: The applicant was approved to install a name letter sign on the front and two tag lines on the side. The total linear building frontage is 11.9 ft. permitting 11.75 sq. ft. of sign area. The approved signs will measure 11.5 sq. ft. In accordance with Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area.

The approved sign will be gold leafed painted metal letters. On the front, letters reading "Mad Hatter Café" will be ½ in. thick and 1 ft. in height. On the south side, letters reading "High Tea" will be in ½ in. thick and 2 in. in height. On the north side letters reading "Café" will be ½ in. thick and 2 in. in height. The "top hat" logo will replace the "A" in "Hatter." The approved sign will be flush mounted with bolts to the curved metal awning.

Illumination: The applicant was approved to replace the three existing gooseneck lamps with three wall sconces with up-down lights mounted on the MDF panel behind the canopy. Thirty-six pin spotlights are proposed to be evenly spaced on the MDF overhang above the canopy and just inside above the new bi-fold doors. The proposed lights will have a white finish and 4W LEDs.

Mad Hatter's application for a bistro license is one of two bistros that were pre-screened by the City Commission. Mad Hatter will be a new bistro in the City.

Mr. Bonaslowski outlined the business owners' previous business experience. Ms. Sakko described their proposed menu along with the afternoon high teas and theme teas that will be offered.

Motion by Ms. Whipple-Boyce

Seconded by Mr. DeWeese that the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Mad Hatter at 185 N. Old Woodward Ave with the following conditions:

- 1) The applicant obtain a variance for the 70% glazing requirement from the Board of Zoning Appeals ("BZA");**

- 2) The applicant obtain a variance to extend the outdoor dining platform in front of the neighboring storefront from the BZA;
- 3) The applicant submit specification sheets on the planters prior to review by the City Commission;
- 4) The applicant will be required to enter into a license agreement with the City for use of the public right-of-way, and to provide the required insurance. Liquor liability insurance will also be required for the service of liquor in the right-of-way, as well as an outdoor dining permit.
- 5) The applicant will need to return to the Historic District Commission for changes they have made to the platform.
- 6) The applicant meets all Fire Dept. requirements.

There were no comments from the public at 8:17 p.m.

Motion carried, 5-0.

ROLLCALL VOTE

Yeas: Whipple-Boyce, DeWeese, Boyle, Lazar, Williams

Nays: None

Absent: Clein, Koseck

Chairman Boyle noted that what will make a success of the bistro is management that provides good service to the public.

12-202-13

PRELIMINARY SITE PLAN REVIEW

2400 E. Lincoln, Parcel 1

Proposed parking lot

Request for approval of new parking area to be used for additional parking for 2388 Cole St.

Withdrawn by the applicant.

12-203-13

PRE-APPLICATON DISCUSSION

856 N. Old Woodward Ave.

Synagogue

Mr. Irving Tobocman, 439 Greenwood, was present with Rabbi Boruch Cohen, Spiritual Leader of the Synagogue. Mr. Tobocman presented plans for a synagogue with exterior commercial spaces. They have 112 seats in the main sanctuary, requiring 19 parking spaces. For the retail area seven spaces are required, for a total of 26 spaces, four handicap.

Their intent is to pack the site with engineered fill. There are two buildings that will contain retail, and they are separated by a 16 ft. wide via with skylights. The retail establishments will be closed from sundown Friday night to sundown on Saturday. The major retail space of 1,400 sq. ft. will sell Judaica religious items. There are no plans for the smaller, 600 sq. ft. retail space.

There will be glazing on the first floor and stucco on the second floor which would overhang the first floor.

Rabbi Cohen stated their dream is not to rent out the retail space, but to operate it themselves in a way that serves the community.

Mr. DeWeese noted this area gets quite busy related to parking. Rabbi Cohen replied that almost all of the congregants walk to the synagogue.

Discussion considered that the retail space could possibly be used as an art gallery or a bookstore. Mr. Williams thought this is a marvelous use of space that is under utilized and it would be a benefit to the area. Ms. Ecker advised they are in a flood plane and will have to obtain approval to add fill from the Michigan Dept. of Environmental Quality.

Mr. DeWeese suggested the applicant get everything as buttoned up as possible prior to coming in for Preliminary Site Plan Approval. Chairman Boyle advised it would help if the applicant would look at comparable synagogues to find out what proportion of the congregation walks to services and what proportion needs to park. That will have a huge bearing on this board and on the City Commission. The more information they bring will help their case enormously.

Ms. Whipple-Boyce pointed out that on Saturdays in the Summertime the Farmers' Market sets up and there is a heavy need for parking in that area of town.

No one from the public had comments at 8:55 p.m.

12-204-13

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

12-205-13

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals

- 250 E. Merrill St., Rojo - Minor modifications to the interior floor plan, addition of a trash can at the outdoor cafe, design change to the rail at raised platform, changed sign tag line to be painted on canopy, modified soffit line design.
- 251 Merrill St., Merrillwood Bldg. - Verizon is proposing to change its existing antennas with similar size antennas. They will be painted to match the building.
- 555 S. Old Woodward Ave., Triple Nickel - Dumpster enclosure not indicated on site plan. Enclosure to be 10 ft. deep x 28 ft. long. Masonry sides and composite gate.
- 34200 Woodward Ave., Pizza Hut - Makeup air, 2 exhaust fans, 2 remote condensers. Screen to minimum height with attached specs. Comments were made about parking congestion in this area and that the site will be difficult to see from Woodward Ave.
- 400 Woodland Villa #7 - Elevation changes per Homeowner Association request.
- 450 Woodland Villa #8 - Elevation changes per Homeowner Association request.

Mr. Baka described a request for Administrative Approval from Jax Car Wash. Their wall got damaged and they want to make changes to the front. They hope to widen the garage door and move the people door over to the other side (north elevation). The only issue is generally the City doesn't like a lot of garage doors facing the street. It was pointed out that safety might be a reason to allow this so that people don't walk outside right next to the cars.

Ms. Whipple-Boyce pointed out the door swing should be changed to the opposite direction.

It was determined that if Jax Car Wash has not completed the changes that were asked of them in the past, they should come before the Planning Board. Otherwise they can be administratively approved.

- c. Draft Agenda for the Regular Planning Board Meeting on January 8, 2014
 - Transitional Zoning
 - Balmoral Building
- d. Other Business

The chairman voiced his disappointment with the facade and the materials used on the Woodward Gardens space. Ms. Ecker noted they haven't yet received a final Certificate of Occupancy.

Ms. Lazar said she thought the board vetoed enclosure of the outdoor space at Market and that will be researched.

12-206-13

PLANNING DIVISION ACTION ITEMS

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

12-207-13

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 9:15 p.m.

Jana Ecker
Planning Director

APPROVED