

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, FEBRUARY 15, 2012**

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Motion carried, 6-0.	3
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1) The applicant enter into a license agreement with the City for use of the public right-of-way, and obtain an Outdoor Dining Permit; and	
2) The applicant work with City staff to re-locate the existing bench on Townsend.	
Amended by Ms. Whipple-Boyce and accepted by everyone:	
3) The tinting on the windows be submitted for administrative approval.	
Motion carried, 6-0.	5

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 15, 2012
Department of Public Services Conference Room
851 S. Eton Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held February 15, 2012. Chairman Robin Boyle convened the meeting at 7:30 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Student Representative Kate Leary

Absent: Board Member Bryan Williams

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

02-19-12

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD FEBRUARY 8, 2012**

Chairman Boyle:

Page 5 - Third paragraph should say "Ed from World of Wine" and include his last name.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to approve the Minutes of the Regular Planning Board Meeting of February 8, 2012

Motion carried, 6-0.

VOICE VOTE

Yeas: DeWeese, Whipple-Boyce, Boyle, Clein, Koseck, Lazar

Nays: None

Absent: Williams

Chairman Boyle welcomed the new student representative, Kate Leary, who is a student at Seaholm H.S.

02-31-12

CHAIRPERSON'S COMMENTS

The chairman addressed 327 Hamilton, MI Kitchen. He reported there has been communication from the City Attorney that indicates why this matter will not be discussed this evening:

- 1) Failure to secure a Liquor License and get approval from the City Commission for the original application in full. It was not followed through;
- 2) The expiration of the site plan for the Cole St. location was similarly not followed through by the applicant;
- 3) Failure to secure a lease between the co-applicants for the Cole St. location; and
- 4) Failure to execute the required contract with the City as required by the Special Land Use Permit ("SLUP").

Because the site plan has expired, the SLUP likewise expired at the same time. Therefore, the Planning Board is not required to take any additional action.

02-32-12

APPROVAL OF THE AGENDA

02-33-12

SPECIAL LAND USE PERMIT ("SLUP") REVIEW

327 Hamilton

MI Kitchen

Request for Final Site Plan and SLUP approval to allow the operation of a bistro in the Downtown Overlay

FINAL SITE PLAN REVIEW

327 Hamilton

MI Kitchen

Request for Final Site Plan and SLUP approval to allow the operation of a bistro in the Downtown Overlay

Removed from the agenda.

02-34-12

FINAL SITE PLAN REVIEW

503-529 W. Brown

Peslar House

Mr. Baka advised that the subject site is a 0.28 acre parcel located on the south side of W. Brown St. between Cherry Ct. and Stanley in the R-8 Zoning District. The existing

parcel is currently vacant. The 12,360 sq. ft. parcel previously had two buildings which were demolished in 2004. This property has been before the Planning Board several times in recent years for Site Plan Review of a four-unit single-family attached development. Most recently on January 25 the Planning Board approved with conditions the applicant's proposal for Preliminary Site Plan Review of a new two-story single-family home with an attached garage, reminiscent of a Tudor revival. All of the conditions have now been met.

Mr. Baka described the materials and colors and passed around samples. The proposal meets all of the ordinance requirements for the R-3 Zoning District which is the standard for this house because it is single-family located in the R-8 Zone.

Mr. Alex Bogaerts, architect was present for the petitioner.

There was no discussion from the public at this time.

Motion by Mr. DeWeese

Seconded by Mr. Clein to approve the Final Site Plan for 503-529 W. Brown.

No one from the audience wished to comment on the motion.

Motion carried, 6-0.

VOICE VOTE

Yeas: DeWeese, Clein, Boyle, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: Williams

02-35-12

FINAL SITE PLAN AND DESIGN REVIEW

100 Townsend St.

Townsend Hotel

Rugby Grille

Ms. Ecker outlined the proposal. The subject site is located at 100 Townsend, on the north side of Townsend St. west of Pierce. The applicant proposes to install an outdoor dining patio in front of the Rugby Grille, an existing restaurant in the Townsend Hotel. The parcel is zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The applicant, Rugby Grille, is proposing to add an outdoor cafe, which is approximately 27.8 ft. by 4.5 ft. (125.1 sq. ft.) on public property, and 27.8 ft. by 5.5 ft. (152.9 sq. ft.) on private property adjacent to the public sidewalk on the north side of Townsend St. The outdoor café is allowed in the B-4 Zoning District per Article 05, Section 5.12 (H). The proposed café meets the overall goals of the 2016 Plan, which is to create a more pedestrian friendly environment.

Ms. Ecker advised that in order to create an outdoor dining area that is connected to the existing interior of the Rugby Grille, the applicant will be re-constructing a portion of the south façade of the building. The applicant proposes to remove the existing concrete planter and install a removable deck floor, replace the fixed windows with operable windows and doors, clad patio walls with wood panels, install removable railing, planters, metal grates, add seating and tables, and add awnings with signage. The applicant also proposes to clad the poles of the east end canopy to match those on the main entry canopy.

Ms. Ecker advised that the applicant proposes to furnish the patio with tables and chairs and install a Sunbrella Hemlock Tweed (4605) fabric awning over the patio. The open-ended awnings will have 1 ft. accent stripes at each end and 6 in. accent stripes flanking the lettering in Sunbrella Linen Tweed (4654). Finally, two new metal tree grates are proposed to be installed around the existing sidewalk trees to help in obtaining the required 5 ft. pedestrian path.

The applicant intends to serve patrons in the outdoor dining area during the same hours as the interior of the restaurant. The proposed outdoor café is not immediately adjacent to any single-family zoned property.

As the site is also in a Historic District, the applicant was required to obtain approval from the Historic District Commission (“HDC”). The applicant obtained approval from the HDC on February 1, 2012.

Mr. DeWeese said he would feel more comfortable if another planter were removed from the west end so that the clearance for pedestrians is more than 5 ft. This is an area where cars come in to unload and it is a congestion point.

Ms. Ecker verified there is no one City Standard for tree grates Downtown, as many are previously existing. Further, she clarified the provision of outdoor heaters is regulated by the International Fire Code which the City has recently adopted.

Mr. Victor Saroki, Architect for the Rugby Grille Café expansion, was present along with Mr. Peter Wilde, Manager of the Townsend Hotel; and Mr. Keith Schofield, Director of Restaurant Operations. Mr. Saroki explained the new Fire Code says that propane heaters must be 5 ft. from the building and cannot be in a covered area. Therefore, there is no space to place the propane heater. Maybe they will explore radiant heat.

Mr. Peter Wilde thought that heating underneath the concrete area underneath the balcony might be more effective because it is sheltered from the wind.

Mr. Saroki said the outsides of the new operable windows are clad with dark bronze aluminum to match the other windows. Also, the glass will be tinted the same color as the existing windows. Their preference would be to still maintain two planters on each end because of the green space that they add and because when the deck is taken down the intention is to move the planters in front of the recessed opening to finish it off.

Discussion concluded that the existing street bench will be moved but kept on Townsend.

Mr. Koseck noted that because of the 3 ft. 2 in. sill height someone dining inside will not be able to see outside. Furthermore, pedestrians passing by on the sidewalk will not be able to see inside. Mr. Saroki noted the two doors are all glass which will help open it up. Also, the windows can be raised on nice days.

Ms. Whipple-Boyce thought the horizontal band that wraps around the building might be a logical place to lower the windows somewhat but still maintain the horizontal line. She also thought the existing windows have a dark tint and Mr. Saroki agreed to lighten the windows that are being added. Ms. Whipple-Boyce went on to speak in favor of the planters.

Mr. DeWeese suggested going wider on the planters which would allow an "L" at the end. Mr. Saroki said if that would work, and the owners are okay with it, he will consider that.

At this time the chairman asked for comments from the public.

Ms. Dorothy Conrad, 2252 Yorkshire, asked if outdoor dining is to be continued on the other side of the hotel. Mr. Saroki affirmed the intention is to continue it there.

Motion by Mr. Clein

Seconded by Ms. Lazar to approve the Final Site Plan and Design for 100 Townsend, Rugby Grille, subject to the following conditions:

- 1) **The applicant enter into a license agreement with the City for use of the public right-of-way, and obtain an Outdoor Dining Permit; and**
- 2) **The applicant work with City staff to re-locate the existing bench on Townsend.**

Amended by Ms. Whipple-Boyce and accepted by everyone:

- 3) **The tinting on the windows be submitted for administrative approval.**

There was no discussion from the public on the motion.

Motion carried, 6-0.

VOICE VOTE

Yeas: Clein, Lazar, Boyle, DeWeese, Koseck, Whipple-Boyce

Nays: None

Absent: Williams

In response to an inquiry from Mr. Koseck, Mr. Wilde discussed how everything is working with the bistro that went in across the street. The real issue they had was with the platform going in the street and how narrow the street was. There hasn't been a

platform in the street up to this time, so it remains to be seen if that is a problem. It is one of the reasons why the Rugby Grille elected not to put a platform in the street.

02-36-12

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Ms. Dorothy Conrad noted the public that was opposed to the proposal to re-stripe Maple Rd. after it is reconstructed into three lanes and bicycle paths turned out in huge numbers at the City Commission meeting Monday night. She expressed her disappointment that the Commission did not go along with the proposal. Ms. Ecker said that part of the Commission's motion was for the Planning Dept. to proceed with an RFP to develop a Complete Streets Master Plan. Therefore, they will be moving ahead with that within the next month. Ms. Conrad asked them to think in terms of how both sides of Maple Rd. /Eton could connect into bike paths on Maple Rd.

Mr. Clein informed everyone that on February 27 both the House and Senate in Washington DC will be discussing and perhaps voting on re-authorization of the Transportation Bill. He urged everyone to read up on those because of the significant changes that are being proposed that could impact the community.

02-37-12

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications
- b. Administrative Approvals (none)
- c. Draft Agenda for the Regular Planning Board Meeting on March 14, 2012
 - Alleys and Passages;
 - Final version of the Action List will be provided;
 - Complete Streets Master Plan with Draft RFP that has been circulated internally;
 - Woodward Gateway Project; and
 - Informal proposal for a new building on Villa across from District Lofts. The chairman indicated if the applicant's submission is complete and they would like to come in for Preliminary Site Plan Review, generally speaking he would say "yes."

02-38-12

PLANNING DIVISION ACTION ITEMS

- a. Staff report on previous requests (none)

- b. Additional items from tonight's meeting (none)

02-39-12

ADJOURNMENT

No further business being evident, the board motioned to adjourn at 9 p.m.

Jana Ecker
Planning Director

APPROVED