

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, DECEMBER 12, 2012**

Item	Page
SPECIAL LAND USE PERMIT (SLUP) 377 Hamilton Row Birmingham Sushi Request for Bistro License for established restaurant	2
FINAL SITE PLAN REVIEW 377 Hamilton Row Birmingham Sushi Request for Bistro License for established restaurant	2
Motion by Mr. DeWeese Seconded by Ms. Whipple-Boyce to recommend that the City Commission approve the applicant's request for Final Site Plan and SLUP for Birmingham Sushi Café to operate a bistro at 377 Hamilton Row with the following conditions: <ol style="list-style-type: none"> 1) The applicant must execute a contract with the City outlining the details of the operation of the bistro; 2) The applicant executes a license agreement with the City for use of the public right-of-way, provide the required insurance, and obtain an Outdoor Dining Permit; 3) The applicant adds a Knox box subject to approval by the Fire Dept. 	4
Motion carried, 7-0.	4
SPECIAL LAND USE PERMIT (SLUP) 172 N. Old Woodward Ave. What Crepe? Request for Bistro License for established restaurant	4
FINAL SITE PLAN REVIEW 172 N. Old Woodward Ave. What Crepe? Request for Bistro License for established restaurant	5

Item	Page
<p>Motion by Mr. DeWeese Seconded by Mr. Williams to approve the applicant’s request for Final Site Plan and a SLUP to permit a Bistro License for What Crepe? at 172 N. Old Woodward Ave. with the following conditions:</p> <ol style="list-style-type: none"> 1) The applicant submit specification sheets on all railings, furniture, umbrellas and the platform prior to review by the City Commission; 2) The applicant obtain approval of the Advisory Parking Committee prior to review by the City Commission; 3) The applicant enter into a license agreement with the City for use of the public right-of-way, and provide the required insurance; 4) The applicant adds a Knox box subject to approval by the Fire Dept. 5) The applicant must execute a contract with the City outlining the details of the operation of the bistro; and 6) Changes in the location of the outdoor seating proposed are permitted to open up the passageway in front of the location subject to administrative approval. 	<p>6</p>
<p>Motion carried, 7-0.</p>	<p>7</p>
<p>SPECIAL LAND USE PERMIT (SLUP) 555 S. Old Woodward Ave. Crush Wine Bar and Bistro Request for Bistro License in new bistro to be constructed with outdoor dining</p>	<p>7</p>
<p>PRELIMINARY SITE PLAN REVIEW 555 S. Old Woodward Ave. Crush Wine Bar and Bistro Request for Bistro License in new bistro to be constructed with outdoor dining</p>	<p>7</p>
<p>Motion by Mr. DeWeese Seconded by Mr. Williams to recommend approval of the applicant’s request for Preliminary Site Plan and SLUP to the City Commission to permit a Bistro License for Crush Bistro at 555 S. Old Woodward Ave. with the following conditions:</p> <ol style="list-style-type: none"> 1) The applicant provide a signed copy of the contract with the City; 2) Obtain an outdoor dining license; 3) Applicant clarify the proposed hours of operation and the hours for full food service for all parts of the restaurant; 4) Applicant provide specification sheets for all outdoor dining furniture; 	<p>11</p>

Item	Page
<p>5) Applicant obtain approval of the City Commission to include the on-street parking spaces into the required parking;</p> <p>6) Applicant provide floor plans for all levels of the parking deck to allow verification of the numbers provided, as well as evidence of any shared parking agreements they have approved for on-site parking;</p> <p>7) Applicant reconstruct all streetside elements in accordance with current standards as recommended by the Engineering Dept.;</p> <p>8) Applicant revise photometric plan to include all proposed fixtures, and to reduce the light levels at the property lines to less than 1.5 fc or obtain a variance from the Board of Zoning Appeals (“BZA”);</p> <p>9) Applicant add knox boxes subject to Fire Dept. approval;</p> <p>10) No vinyl enclosures are allowed; and</p> <p>11) Applicant provides a plan for the dining areas on the second level that are agreed to under a signed contract with the City.</p>	11
<p>Motion carried, 7-0.</p>	12
<p>FINAL SITE PLAN REVIEW 550 W. Merrill St. Office Building Renovation and addition to the Birmingham Public Schools Administration Building</p>	12
<p>Motion by Mr. DeWeese Seconded by Mr. Williams to approve the Final Site Plan for 550 W. Merrill St. as it meets the requirements set out in Article 7, section 7.27 of the Zoning Ordinance, with the following conditions:</p> <p>1) The applicant obtain approval for exterior changes and signage from the Design Review Board;</p> <p>2) The applicant provide a photometric plan demonstrating compliance with Birmingham lighting standards and submit for administrative approval;</p> <p>3) The applicant agree to enter the parking assessment district or provide required parking or obtain a variance from the Board of Zoning Appeals;</p> <p>4) The Planning Board approves the use of landscaping as an alternate screening material along the eastern and southern edge of the parking lot;</p> <p>5) The applicant submits a contract or agreement to the City indicating that the landscaping on the Baldwin House property will be enhanced and maintained for the purpose of screening the</p>	14

Item	Page
<p>parking lot. Also, if the Baldwin House property is redeveloped and/or the owners of the Baldwin House wish to remove the screening then the applicant will be responsible for screening the parking lot in accordance with the current Zoning Ordinance standards.</p> <p>6) The Planning Board approves the use of non-cutoff fixtures to illuminate the parking lot.</p> <p>7) The applicant addresses the issues identified by Engineering and Fire Depts. subject to the administrative approval of the Planning Dept.</p> <p>Motion carried, 6-0.</p>	14

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, DECEMBER 12, 2012
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held December 12, 2012. Chairman Robin Boyle convened the meeting at 7:03 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce (left at 11:05 p.m.), Bryan Williams

Absent: Student Representative Kate Leary

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

12-197-12

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD NOVEMBER 14, 2012**

Motion by Mr. DeWeese

Seconded by Mr. Koseck to approve the Minutes of the Regular Planning Board Meeting of November 14, 2012 as presented.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

12-198-12

CHAIRMAN'S COMMENTS

The chairman set 45 minutes maximum for each bistro discussion because of the long agenda this evening.

12-199-12

APPROVAL OF THE AGENDA (no changes)

Ms. Ecker offered an overview of the bistro process. This year seven bistro applications were received and they were pre-screened by the City Commission. The Commission selected three to move on to the Planning Board for Preliminary and/or Final Site Plan Review and Special Land Use Permit ("SLUP") review. The Planning Board makes a decision as to whether any or all of the three applicants meet the requirements contained in the Ordinance with regard to bistro regulations and planning and zoning requirements. Then the applications are sent back to the Commission for a decision on which two of the three should be selected.

12-200-12

SPECIAL LAND USE PERMIT (SLUP)

377 Hamilton Row

Birmingham Sushi

Request for Bistro License for established restaurant

FINAL SITE PLAN REVIEW

377 Hamilton Row

Birmingham Sushi

Request for Bistro License for established restaurant

Mr. Baka advised the subject site is located at 377 Hamilton Row, on the north side of Hamilton. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Birmingham Sushi Cafe, is an existing restaurant 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 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.***

The applicant received approval for two wall signs from the Design Review Board on August 5, 2009. The outdoor dining on-street platform was approved by the Planning Board on August 26, 2009 and the use of the on-street parking space was approved by the Advisory Parking Committee on September 2, 2009.

Birmingham Sushi currently has 65 seats with seven seats situated at the sushi bar in the front of the restaurant. They propose to have three tables located in the storefront space lining Hamilton, and to provide the required 70% glazing along the front façade. Their menu is described as Asian Fusion. The outdoor dining is currently located on a deck which extends into one existing on-street parking space. The deck is located directly in front of the restaurant. Birmingham Sushi currently provides 24 seats for

outdoor dining leaving a 7 ft. pedestrian pathway between the storefront and the deck. The deck is enclosed utilizing a 42 in. high metal guard rail.

The Birmingham Sushi application for a Bistro License is one of three applications to be reviewed by the City for the 2013 calendar year. The proprietor has been in operation at their current location for approximately three years. This is the only restaurant in Birmingham that serves Asian Fusion cuisine.

Mr. Williams received information that the proprietors of the establishment are present and the liquor license will be issued directly to Ms. Hwang. Mr. Baka established that the property owner is KV Properties, LLC.

Keith Logsdon, Architect with Michael Willoughby & Associates, represented the Ho IM Hwang Family. Son Hwang, the son of the restaurant owners, said their lease is for five years and then for another five years after that. It is up for renewal in 2014. Mr. Logsdon noted the proprietors have had great success operating their restaurant for the past three years. They will be able to start operating immediately as a bistro and begin to draw more people into that area of the City.

Mr. Logsdon explained that the sushi bar will remain a sushi bar and will cater to customers who want a family style dining atmosphere. Drinks will be prepared in the kitchen and served by the wait staff to seated patrons. Their location at the end of Hamilton Row draws people to that area from the center of downtown. In response to a question from Ms. Lazar, Mr. Hwang said their cafe intends to promote additional business by advertising that they have obtained a Bistro License and by having a separate drink menu.

Mr. Koseck wondered why the owners didn't take the initiative to improve the storefront so that it would bring attention to the bistro. Mr. Michael Willoughby, Michael Willoughby & Associates, Architects, replied that was not the charge to them by his clients; it was to assist them in getting a Bistro License. However, it might benefit the Birmingham Sushi Café to do something in the near future to add punch to the building.

Chairman Boyle said the sushi along with the sake, plum wine, and Asian beers that will be served with it makes this a distinctive bistro experience.

There were no comments from members of the public at 7:43 p.m.

Mr. Willoughby indicated he met with the landlord when he signed the application and he is very enthusiastic about the idea of getting a Bistro License.

Mr. Koseck said this café is in a location that stimulates activity on that part of the street; they have been in business for three probably good years; and the only issue he has is there isn't some attempt to make an investment in the building.

Mr. Williams pointed out the applicants only have two years remaining on their primary lease and he isn't sure how much physical improvements to the site they would want to make. The landlord would have to come before the Planning Board if they insist on physical improvements.

Mr. DeWeese suggested the applicant get answers to these questions and put them into the packet that goes to the City Commission.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to recommend that the City Commission approve the applicant's request for Final Site Plan and SLUP for Birmingham Sushi Café to operate a bistro at 377 Hamilton Row with the following conditions:

- 1) The applicant must execute a contract with the City outlining the details of the operation of the bistro;**
- 2) The applicant executes a license agreement with the City for use of the public right-of-way, provide the required insurance, and obtain an Outdoor Dining Permit;**
- 3) The applicant adds a Knox box subject to approval by the Fire Dept.**

It was discussed that the applicant has two more years on their lease and they have an option for five years after that. There is never assurance that a bistro that was approved won't be gone a year later. Ms. Lazar felt it is not the Planning Board's charge to deny or approve on the basis of lease negotiations.

Board members considered the extent to which this bistro would be approved without any external modifications to the building or the façade, which would be a missed opportunity to activate the street. Secondly, the board raised some questions about the nature of the building owner, the lease, and the relationship of the Bistro License being awarded to the applicant who is operating on a relatively short lease. Chairman Boyle said that information can be forwarded to the City Commission to deal with.

There were no comments from the public at 7:55 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

12-201-12

SPECIAL LAND USE PERMIT (SLUP)

172 N. Old Woodward Ave.

What Crepe?

Request for Bistro License for established restaurant

**FINAL SITE PLAN REVIEW
172 N. Old Woodward Ave.**

What Crepe?

Request for Bistro License for established restaurant

Ms. Ecker highlighted the application. The subject site is located at 172 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, an existing restaurant by the name of 'What Crepe?' is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. What Crepe? has been open approximately one year, serving food and non-alcoholic beverages. 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. This is the second year that What Crepe? Has applied for a Bistro License. ***What Crepe? 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.***

Historic District Commission approval will also be required prior to going before the City Commission, as the proposed bistro is located within the Central Business District Historic District.

What Crepe? proposes to have outdoor dining for 27 patrons, with two four-top tables abutting the storefront along N. Old Woodward Ave, and 19 seats on a raised platform located in two angled parking spaces on N. Old Woodward Ave.

What Crepe? is proposing to have 42 seats inside the restaurant including four at a bar towards the center of the bistro. The applicant has advised that a bench in the storefront window will be relocated away from the window, and the tables will be shifted forward so that they are lining the storefront window.

They are proposing some entertainment on Thursday and Friday nights, consisting of acoustical guitar players who will offer soft dinner music.

The outdoor dining area as proposed will be immediately adjacent to the building. Both the platform and the sidewalk café area will be enclosed with a railing system. The proposal for the outdoor dining provides for safe and efficient pedestrian flow via the required 5 ft. wide pathway between the proposed café seating and the existing street light.

Installation of the dining area on the street would require the closure of two parking spaces. ***The applicant will be required to obtain approval from the Advisory Parking Committee prior to this portion of the work moving forward.***

French cuisine and crepes specifically are not offered anywhere else in the City, so they are distinctive in that regard.

What Crepe?'s application for a bistro license is one of three bistros that were pre-screened by the City Commission. What Crepe? will be a new bistro as they have not been in operation for more than five years in the City.

Discussion determined that having the windows open and the restaurant coming out would leave more room on the sidewalk which is not the easiest to maneuver. Mr. DeWeese suggested moving some of the current seating beside the window out onto the platform.

Mr. Paul Jenkins, Jr., the restaurant owner, said he would be the signatory on the license. He is a tenant of the building and has a three-year lease that was signed last year, with four three-year options to extend. He agreed to change the seating and add garage door windows as well if they could be approved. To go along with the crepes, he plans to serve eclectic French wines, beers and hand crafted cocktails that no other restaurant in the City offers. No one on their block has alcohol. He thinks it will enhance the complete experience for people.

Chairman Boyle noted this establishment is adjacent to one of the most difficult areas in the City. Having outdoor dining there will provide eyes on the street and act as a self-policing mechanism.

Ms. Ecker read a letter into the record from the building owners that was in favor of the issuance of a Bistro License.

The chairman took discussion from the audience at 8:25 p.m.

Mr. Ali Saad, 837 Forest Ave., commented favorably on Paul Jenkins, Jr. and his family.

Ms. Carol Falberg, the landlord and owner of the building, said they are delighted and thrilled to have Mr. Jenkins as their tenant.

Motion by Mr. DeWeese

Seconded by Mr. Williams to approve the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for What Crepe? at 172 N. Old Woodward Ave. with the following conditions:

- 1) The applicant submit specification sheets on all railings, furniture, umbrellas and the platform prior to review by the City Commission;**
- 2) The applicant obtain approval of the Advisory Parking Committee prior to review by the City Commission;**
- 3) The applicant enter into a license agreement with the City for use of the public right-of-way, and provide the required insurance;**
- 4) The applicant add a knox box subject to approval by the Fire Dept.**

- 5) The applicant must execute a contract with the City outlining the details of the operation of the bistro; and
- 6) Changes in the location of the outdoor seating proposed are permitted to open up the passageway in front of the location subject to administrative approval.

There were no public comments on the motion at 8:31 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

The board took a short recess at 8:33 p.m.

12-202-12

SPECIAL LAND USE PERMIT (SLUP)

555 S. Old Woodward Ave.

Crush Wine Bar and Bistro

Request for Bistro License in new bistro to be constructed with outdoor dining

PRELIMINARY SITE PLAN REVIEW

555 S. Old Woodward Ave.

Crush Wine Bar and Bistro

Request for Bistro License in new bistro to be constructed with outdoor dining

Ms. Ecker explained the subject site is located at 555 S. Old Woodward Ave., between Haynes and Bowers St. The parcel is zoned B-3, Office-Residential and D-4 in the Downtown Overlay District. The property is also in the Red Line Retail District. The applicant, a new restaurant by the name of Crush Bistro, 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 both the Preliminary and Final Site Plans and SLUP, and then obtain approval from the City Commission for the Final Site Plan, SLUP, and for the operation of a Bistro License.** The proposed restaurant will be located in a new separate structure located directly beneath a portion of the existing 555 Building. The first floor would be entirely enclosed and the second floor will be attached to the parking deck from the north to the south side of Bowers. There will be two outdoor terraces up there. A lower level with storage area is also planned. They propose to change the access drive so that it turns to the south and enters into the existing service drive or enters into the traffic on S. Old Woodward Ave.

Crush Bistro is proposing 55 interior seats, with an additional 10 seats at the bar, for a total of 65 interior seats. One hundred and six outdoor dining seats are proposed, 32 at grade on S. Old Woodward Ave., 40 on the second floor east terrace, and 34 on the second floor west terrace. The rooftop terraces are proposed to contain relaxed lounge seating for seven people on each terrace, centered around outdoor fireplaces, along with 24 regular dining seats on the west rooftop terrace and 32 regular dining seats on the east rooftop terrace. Crush Bistro will be a new restaurant applying for a new bistro license. Crush Bistro's application for a bistro license was one of the three applications pre-selected for review by the City Commission for the 2013 calendar year. This is the first bistro application in the southern gateway to the Downtown and it would add some necessary life to this side of the street in this location.

The applicant has provided approximately 408 sq. ft. of defined bar area, which includes the ten seats at the bar, two booths, and two drink rails.

Crush Bistro is proposing a full-service kitchen offering a selection of seafood and meat appetizers, sandwiches, entrees and desserts, serving lunch and dinner. This type of cuisine certainly is well represented in the City.

On the upper level terraces Crush Bistro is proposing umbrellas in the nice summer weather and retractable awnings with zip-down vinyl panels for the bad weather at the beginning and end of the outdoor dining season. Plexiglas railings will enclose the terraces. All of the outdoor dining areas at grade will be enclosed with planters.

With respect to parking there are many uses on the site and a lot of square footage. The applicant shows 428 spots and they need 414. The 428 includes a total of 36 spots in the right-of-way surrounding the site that they will seek permission from the City Commission to count towards their parking requirement. They have to make an investment in the right-of-way in order to apply for that.

The applicant must revise their photometric plan to include all proposed fixtures, and to reduce the light levels at the property lines to less than 1.5 fc or obtain a variance from the BZA.

Applicant must verify that all signage requirements are met and/or reduce window signage, or obtain variances from the BZA.

Ms. Lazar was concerned that the zip-down vinyl windows on the terrace takes this from being a bistro to being a restaurant.

Ms. Ecker reported that she received a phone call supporting the bistro, and she read a letter into the record to the effect that the addition of a second restaurant would be an enormous asset to the south end of town.

Rick Rattner, Attorney, 380 N. Old Woodward Ave., was present with Mr. Ron Rea, the interior designer of the bistro; Cory Campbell and Mike Yeager, Architects; along with Ms. Michelle Russo, Mr. Jack Reinhart, and Mr. Mark Blanke, operators and owners. Mr. Rattner indicated this will be a ten year lease with 555 with two five-year options. He pointed out this proposed bistro fits into the 2016 Plan mainly because of its location in the south part of town which is replete with residences but no services. This bistro is the same size as other bistros. It is not a huge project and it can be up and running in six months. Along with their plans for maintenance and repair of the 555 Building the applicants are trying to revitalize the south end of town. No other applicant can say that. He described the backgrounds of the operators in this venture and noted they are very professional restaurateurs who know how to run a restaurant. Crush has no power to build a sidewalk along the Woodward Ave. side of the 555 Building, as they are only a tenant.

Bistro Operations

Mr. Mark Blanke from Sinbad's Restaurant spoke for Crush Bistro. They propose to have ample space in the kitchen. He does not anticipate that the terraces will be packed full. Mr. Jack Reinhart also represented Crush. His concept on the terraces is they will mostly be used for overflow. Ms. Michelle Russo from Crush explained the way to create great flow lies in how the staff is utilized. It is common to take food up a stairway.

Mr. Clein questioned what they plan for the two terraces, because they are basically taking a 65 seat bistro with 30 outside seats and doubling it. Mr. Reinhart responded their concept is that the eastern terrace could be used for overflow and special events. Ms. Russo added it is not their intention to have the terraces open through the winter.

Mr. Cory Campbell clarified the location of the egress stairs. The restrooms meet Michigan Code for 171 patrons.

Mr. Ron Rea noted the intention is not to enclose the rooftop decks permanently. They plan to zip them closed during inclement weather March 15 through November 15. Outdoor seating on the ground or on the roof are both active points of interest in a visually dead part of the City.

Parking

Mr. Jack Reinhart reported that Fred Lavery is on a month-to-month lease for parking his Range Rovers on the top deck. They have never had a parking issue in this building. Their apartment tenants leave during the day and come back at night, while office and commercial tenants arrive during the day and leave at night. There is an elevator that comes right down from the parking deck into the restaurant. Crush will have a concession to validate the parking fee.

Mr. Rattner said they hope this becomes a true south Birmingham restaurant that people can walk to. Mr. Jack Reinhart advised their intention is not to have valet parking at this time.

Mr. DeWeese pointed out they have a built-in base in the 555 Building plus several hundred adjacent apartment dwellers. Mr. Jack Reinhart also noted that Bowers is the walkway to the Triangle District.

Mr. Williams observed there is parking in the S. Woodward Ave. area one block away that is almost never used.

Circulation

Mr. Cory Campbell explained the proposed reconfiguration of the private service drive as it ends out onto Woodward Ave. They do not plan to enlarge the width of the curb cut. With regard to pedestrian flow, the entire area where there is outdoor seating will be improved.

Mr. Clein noted that Bowers is a key connector to the Triangle District. There could be opportunity to work with the Engineering Dept. to increase with width of the sidewalk along there in order to provide a pedestrian feel.

Impact on the Immediate Neighborhood

Mr. Williams said the bistro location is ideal because it will serve an under-served neighborhood.

Ms. Whipple-Boyce announced she would support the terraces being open year around. She would like to see a different delivery of food to the west terrace that would convince her that it is for eating and not just drinking. She thinks the terraces need to close at midnight because of proximity to the residences. Ms. Michelle Russo told her the residents are extremely excited about a restaurant coming in. They like the idea of having something right out their door. The terrace is huge with them. It adds to the excitement of looking down.

Mr. DeWeese thought that having a terrace on both sides softens the whole building. Mr. Ron Rea assured that the circulation and flow will work.

The chairman called for comments from the audience at 10:28 p.m.

Mr. Salvatore Bitonti, 709 Ann St., would like to see the terraces, they are beautiful. The proposal is perfect.

Mr. Bob Krausman, 555 S. Old Woodward Ave., said that Crush appeals to the demographics of the people in the neighborhood and it will be an anchor for further development.

Mr. Koseck said it concerns him that the second floor doubles the seating capacity. He would rather see another bistro go in down the street and he wasn't sure how the terraces will add activity at the street level. For him it is important for pedestrians to be able to see what is happening.

Chairman Boyle's concern was the impact of this number of people in this location. His compromise to move this forward was to look to preliminary approval, and on the west side upper level, go with the idea of having 32 seats. He was not worried about how they get the food up there because the people who run restaurants can sort that out. Reducing the number of patrons by 50 seems a reasonable compromise. Mr. Jack Reinhart said that terraces are a nice place to look out over the City. The east terrace would be a restricted venue for parties and special events like the Dream Cruise.

Mr. Williams thought the Planning Board's recommendation for the applicant's contract with the City should be for 120 seats, along with a provision for how the east terrace might be utilized on infrequent special occasions.

Ms. Lazar had strong reservations about the number of available seats; but more than that she won't support a motion if there is the opportunity for enclosing additional dining.

Ms. Whipple-Boyce would rather they have seasonal outdoor dining on both terraces than full year-around with the vinyl windows. She would like to have seen a different drawing that would give a different perspective on the terraces. Mr. Ron Rea clarified the terrace dining will run only from March 15 through November 15. He went on to say this is a great opportunity to add life not only on the street, but above the street where nothing exists but a parking structure.

Mr. Koseck wanted to see a reduction in the number of patrons, plus he doesn't want to see what Social did on the second floor.

Motion by Mr. DeWeese

Seconded by Mr. Williams to recommend approval of the applicant's request for Preliminary Site Plan and SLUP to the City Commission to permit a Bistro License for Crush Bistro at 555 S. Old Woodward Ave. with the following conditions:

- 1) The applicant provide a signed copy of the contract with the City;
- 2) Obtain an outdoor dining license;
- 3) Applicant clarify the proposed hours of operation and the hours for full food service for all parts of the restaurant;
- 4) Applicant provide specification sheets for all outdoor dining furniture;
- 5) Applicant obtain approval of the City Commission to include the on-street parking spaces into the required parking;
- 6) Applicant provide floor plans for all levels of the parking deck to allow verification of the numbers provided, as well as evidence of any shared parking agreements they have approved for on-site parking;
- 7) Applicant reconstruct all streetside elements in accordance with current standards as recommended by the Engineering Dept.;
- 8) Applicant revise photometric plan to include all proposed fixtures, and to reduce the light levels at the property lines to less than 1.5 fc or obtain a variance from the Board of Zoning Appeals ("BZA");
- 9) Applicant add Knox boxes subject to Fire Dept. approval;
- 10) No vinyl enclosures are allowed; and

- 11) Applicant provide a plan for the dining areas on the second level that are agreed to under a signed contract with the City.**

Chairman Boyle announced he will not vote for 171 patrons. Mr. Williams added the intent is for them to work out the concepts that were discussed tonight in the signed contract.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Clein to extend the meeting 30 minutes to 11:30 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

No one from the public wished to comment on the motion regarding Crush Bistro at 11:01 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

12-203-12

FINAL SITE PLAN REVIEW

550 W. Merrill St.

Office Building

Renovation and addition to the Birmingham Public Schools Administration Building

Mr. Baka indicated the subject site is the former Birmingham Public Schools Administrative Building, and has a total land area of 0.96 acres. It is located on Merrill St. between Southfield and N. Chester. The applicant is proposing to renovate the existing building for use as office space and to upgrade the existing parking lot. The improvements include partially enclosing the lower level of the building (currently parking) for additional office space, adding a new vestibule, updated façade treatments and rehabilitating the existing parking lot. This will result in a net building square footage expansion of 11,338 sq. ft. The total resulting square footage of the building is proposed at 30,761.

Based on the proposed size and use of the building as office the applicant is required to provide 102 parking spaces ($30,761/300 = 102$). The site plan as submitted provides a total of 56 parking spaces, three of which are barrier free. ***The applicant must provide 46 additional parking spaces or obtain a variance from the Board of Zoning Appeals or enter into an agreement with the City of Birmingham to join the Parking Assessment District.***

In addition to the proposed screening along the north and south edges of the parking lot, the applicant is also required to screen the lot from the residential property to the east (Baldwin House). It has been agreed by both parties that enhancing the landscaping on the Baldwin House property would be preferable to constructing a concrete screenwall at the property line. The city attorney has said he would like to see an agreement to that effect.

The applicant is proposing to improve and renovate the exterior of the building by providing it with a more modern and contemporary design. The improvements include enclosing approximately half of the lower/garden level of parking, and adding an entrance vestibule and extensive landscaping throughout the site. ***The applicant will be required to appear before the Design Review Board for approval of the design changes to the exterior.***

It was clarified that a contract between the property owner and the City for using trees for parking lot screening will be recorded and stay with the property.

Kevin Biddison, Architect from Biddison Architecture, 320 Martin, spoke on behalf of the building owner, Mr. Jeff Surnow. He explained they are introducing a new two-story lobby which will connect the upper parking area and the lower parking and office areas, as well as extending above the existing roof to allow clerestory light into the first-floor lobby and the lower level. Hopefully the building will bring more life to an area that doesn't have a lot right now. The exterior ramp along the north elevation of the building is being removed and all of the barrier-free parking will be in the lower level. It was not cost effective to lower the sidewalk along Martin St. because there is a manhole underneath which houses utility wires. Anyway, that isn't a really high traffic sidewalk area. They have started discussions with the Engineering Dept. with respect to their concerns and are working to come to a resolution that works for everyone.

There was no public present at 11:28 p.m.

Motion by Mr. Clein

Seconded by Mr. DeWeese to extend the meeting 5 minutes to 11:35 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Clein, DeWeese, Williams, Boyle, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

Mr. Jeff Surnow, 320 Martin St. said the building will be used for high end general office.

Motion by Mr. DeWeese

Seconded by Mr. Williams to approve the Final Site Plan for 550 W. Merrill St. as it meets the requirements set out in Article 7, section 7.27 of the Zoning Ordinance, with the following conditions:

- 1) **The applicant obtain approval for exterior changes and signage from the Design Review Board;**
- 2) **The applicant provide a photometric plan demonstrating compliance with Birmingham lighting standards and submit for administrative approval;**
- 3) **The applicant agree to enter the parking assessment district or provide required parking or obtain a variance from the Board of Zoning Appeals;**
- 4) **The Planning Board approves the use of landscaping as an alternate screening material along the eastern and southern edge of the parking lot;**
- 5) **The applicant submits a contract or agreement to the City indicating that the landscaping on the Baldwin House property will be enhanced and maintained for the purpose of screening the parking lot. Also, if the Baldwin House property is redeveloped and/or the owners of the Baldwin House wish to remove the screening then the applicant will be responsible for screening the parking lot in accordance with the current Zoning Ordinance standards.**
- 6) **The Planning Board approves the use of non-cutoff fixtures to illuminate the parking lot.**
- 7) **The applicant addresses the issues identified by Engineering and Fire Depts. subject to the administrative approval of the Planning Dept.**

Motion carried, 6-0.

VOICE VOTE

Yeas: DeWeese, Williams, Boyle, Clein, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

12-204-12

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

12-205-12

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)

b. Administrative Approvals

- 555 S. Old Woodward Ave., Birmingham Center for Yoga – Installation of HRV system and ducting, two locations that require exterior penetrations to supply fresh air and one for exhaust air. Both penetrations will be 14 in. x 16 in.
- 34300 S. Woodward Ave., Walgreen's Retail/Office – Tree species in the rear.

c. Draft Agenda for the Regular Planning Board Meeting on January 9, 2013

- 404 Park St.
- Alternative Analysis update
- Modification of Ordinance window requirements
- Regulated uses

d. Other Business (none)

12-206-12

PLANNING DIVISION ACTION ITEMS

a. Staff report on previous requests (none)

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

12-207-12

ADJOURNMENT

No further matters being evident, the Planning Board motioned to adjourn at 11:35 p.m.

Jana Ecker
Planning Director