City of Birmingham
A Walkable Community

MEMORANDUM

Community Development Department

DATE: **August 14, 2015**

TO: **Joseph A. Valentine, City Manager**

FROM: **Jana L. Ecker, Planning Director**

SUBJECT: **Set Public Hearing for Final Site Plan & Special Land Use Permit at 243 E. Merrill – La Strada**

The subject site is located at 243 Merrill St., between S. Old Woodward and Pierce. The applicant is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a Special Land Use Permit 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. Accordingly, La Strada Caffe is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License.

On June 17, 2015 La Strada Caffe appeared before the Historic District Commission for approval of exterior design changes and signage. These changes were approved at that time, and the improvements are currently under construction. The applicant planned to open as a restaurant without alcohol service until such time as a Special Land Use Permit is approved to allow the operation of a bistro.

On July 22, 2015, the Planning Board conducted a public hearing to discuss a request by the applicant to add the service of alcoholic liquors and thus operate LaStrada Caffe as a bistro. The Planning Board voted to recommend approval of the Final Site Plan and Special Land Use Permit to permit a Bistro License for La Strada Caffe at 243 Merrill with the following conditions:

1. The applicant will be required to enter into a license agreement with the City, and to provide the required insurance. Liquor liability insurance will also be required for the service of liquor as well as an Outdoor Dining Permit;
2. The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance; and
3. The applicant must provide specifications and layout of the outdoor dining enclosure.

Thus, the Planning Division requests that the City Commission set a public hearing date for **September 21, 2015** to consider approval of the Final Site Plan and Special Land Use Permit to allow the operation of La Strada Caffe bistro at 243 E. Merrill. Please find attached the staff report presented to the Planning Board, along with the relevant meeting minutes for your review.

4F

SUGGESTED ACTION:

To set a public hearing date for **September 21, 2015** to consider the Final Site Plan and Special Land Use Permit for 243 E. Merrill – La Strada Caffe, to allow the operation of a new bistro.

LA STRADA CAFFE
243 E. MERRILL
SPECIAL LAND USE PERMIT
2015

WHEREAS, La Strada Caffe filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a new restaurant as a bistro as defined in Article 9, section 9.02 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the north side of Merrill Street between S. Old Woodward and Pierce;

WHEREAS, The land is zoned B-4 with a D-4 overlay, and is located within the Downtown Overlay District, which permits bistros with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The Planning Board on July 22, 2015 reviewed the application for Revised Final Site Plan Review and a Special Land Use Permit and recommended approval with the following conditions:

1) The applicant will be required to enter into a license agreement with the City, and to provide the required insurance. Liquor liability insurance will also be required for the service of liquor as well as an Outdoor Dining Permit;
2) The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance; and
3) The applicant must provide specifications and layout of the outdoor dining enclosure.

WHEREAS, The applicant has committed to comply with all conditions for approval as recommended by the Planning Board on July 22, 2015;

WHEREAS, The Birmingham City Commission has reviewed the La Strada Caffee Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED,The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that La Strada Caffe's application for a Special Land Use Permit authorizing the operation of a bistro at 735 Forest Avenue in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. La Strada Caffe shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit Amendment may be cancelled by the City Commission upon finding that the continued use is not in the public interest;
3. The hours of operation for outdoor dining shall cease at 12:00 a.m.;
4. La Strada Caffe shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;
5. La Strada Caffe enter into a contract with the City outlining the details of the proposed bistro option, and enter into an outdoor dining license agreement with the City.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, La Strada Caffe and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of La Strada Caffe to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Laura M. Pierce, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on September 21, 2015.

_____

Laura M. Pierce, City Clerk

City of Birmingham
A Walkable Community

MEMORANDUM

Community Development

DATE: **July 15, 2015**

TO: **Planning Board**

FROM: **Matthew Baka, Senior Planner**

SUBJECT: **Final Site Plan & Special Land Use Permit Review**
243 Merrill – La Strada Caffe

Executive Summary

The subject site is located at 243 Merrill St., between S. Old Woodward and Pierce. 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 'La Strada Caffe", is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. La Strada Caffe has been approved for exterior changes by the Historic District Commission and is currently under construction. Chapter 10 requires that the applicant obtain a Special Land Use Permit 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. La Strada Caffe will be required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License.

1.0 Land Use and Zoning

1.1 Existing Land Use – La Strada Caffe is currently under construction at this site. Land uses surrounding the site are retail, commercial and residential.

1.2 Existing Zoning – The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.

1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Commercial / Retail	Commercial / Retail	Commercial / Retail	Commercial / Retail
Existing Zoning District	B-4 Business-Residential	B-4 Business-Residential	B-4 Business-Residential	B-4 Business-Residential
Downtown Overlay Zoning District	D-4	D-4	D-4	D-4

2.0 Bistro Requirements

Article 9, section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. La Strada Caffe is proposing to consist of 42 interior seats; there is no bar proposed. La Strada Caffe will be a new restaurant applying for a new bistro license. La Strada Caffe proposes to operate a full service kitchen, with an extensive "Italian Caffe" menu which will include baked goods, panini sandwiches, pizza, meats and cheeses. La Strada Caffe is proposed to have outdoor dining for 10 patrons on private property directly adjacent to the building**.**

Article 3, section 3.04(C)(10) Building Use of the Zoning Ordinance permits bistros in the Overlay District as long as the following conditions are met:

(a) No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
(b) Alcohol is served only to seated patrons, except those standing in a defined bar area;
(c) No dance area is provided;
(d) Only low key entertainment is permitted;
(e) Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
(f) A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1' and 8' in height;
(g) All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
(h) Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining

on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.

As discussed above, La Strada is not proposing to have any seats situated at a bar. No direct connect bar permit will be permitted from this license if it is approved. Alcohol may only be served to seated patrons and those standing in the bar area only.

La Strada Caffe proposes occasional low key entertainment consisting of guitar and/or piano performances.

La Strada Caffe proposes to install seating at the front of the restaurant so that they are lining the storefront window. The existing storefront elevation is currently being renovated according to the HDC approval. The storefront does provide the required 70% glazing along the front façade.

The applicant has provided a signed copy of the contract with the City that must be fully executed upon approval of the SLUP and bistro license.

La Strada Caffe is proposed to have outdoor dining for 10 patrons on private property directly adjacent to the building**.** The outdoor dining area as proposed provides for safe and efficient pedestrian flow via the required 5' wide pathway between the proposed seating and the street. The 2016 Plan recommends that this pedestrian way be immediately adjacent to the storefront to allow pedestrians to see into the storefront and to have a consistent and unobstructed walkway. However, the Planning Board has discussed where the location of the pathway should be located (next to the building or closer to the street) and have chosen to review each proposal individually to determine the most logical location based on the current flow of pedestrians.

The applicant intends to have business hours of 7am to 10pm Monday – Thursday, 7am to 11pm on Friday and Saturday and 8am – 3pm on Sunday.

3.0 Screening and Landscaping

3.1 Screening – if any additional mechanical units or venting are required, all changes must be submitted to the Planning Division prior to installation.

3.2 Landscaping – No changes are proposed.

4.0 Parking, Loading, Access, and Circulation

4.1 Parking – As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.

4.2 Loading - Loading spaces are not required, nor proposed.

4.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.

4.4 Pedestrian Access & Circulation – Pedestrian access to the caffé is available directly from the City sidewalk. Under the 2016 Plan, outdoor cafes are encouraged as they create a more pedestrian friendly environment. All outdoor dining areas must maintain a 5 foot minimum width of unobstructed pedestrian access along the storefront in the public right-of-way, however as mentioned above, the Planning Board has determined that each applicant would be reviewed on a case by case basis to determine the existing pedestrian traffic flow.

4.5 Streetscape – The existing streetscape was completely reconstructed in 2013 and was built to the current downtown streetscape standards.

5.0 Lighting

No new lighting is proposed for the site.

6.0 Departmental Reports

6.1 Engineering Division – No concerns were reported from the Engineering Dept.

6.2 Department of Public Services – No concerns were reported from DPS.

6.3 Fire Department – Comments will be provided prior to the Planning Board meeting on July 22, 2015.

6.4 Police Department - No concerns were reported from the Police Dept.

6.5 Building Department – Standard comments were received from the Building Department.

7.0 Design Review

The applicant was approved by the Historic District Commission at the meeting held on June 17th, 2015 to install one new window in a previously existing opening, a new set of outswing French doors and the establishment of an outdoor dining area in a non-contributing historic building in the CBD Historic District. The applicant was also recently granted administrative approval to reinstall four of the original copper awnings that had been removed and put in storage at some time in the past.

The proposed window will be constructed of lightly tinted 1” insulated glass with a bronze anodized aluminum frame to match the rest of the building. The two sidelight windows are proposed to be operable. The French doors are proposed to replace an existing window to allow an open air atmosphere between the side walk and the inside of the caffe. The doors are proposed to be French style glass doors without muntins or

mullions. The color and finish of the doors will be anodized aluminum to match the rest of the building.

Based on the plans submitted, the applicant is proposing to provide 71% glazing between 1' and 8' above grade. Accordingly, the proposal meets the Zoning Ordinance requirements for a minimum of 70% glazing.

Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.
3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
6. For outdoor dining located in the public right-of-way:
   (a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
   (b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
   (c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
   (d) No such facility shall erect or install permanent fixtures in the public right-of-way.
   (e) Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than $1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be

primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

The applicant is proposing to create an outdoor dining area with ten (10) seats located directly in front of the cafe's proposed French doors and new window. The proposal includes three (3) two top tables and one (1) four (4) top table. The tables and chairs are proposed to be the Innova hearth and home bistro set with an antique black bamboo powder coat finish. The chairs are constructed with a cast iron frame and aluminum seats and backs. The tables are constructed with an aluminum frame and metal top. The total outdoor dining area proposed is 150 square feet. Specification sheets on the tables and chairs have been included for your review.

The applicant has not provided any information regarding the outdoor dining area enclosure. The State requires that any outdoor dining area where alcohol is served must be "enclosed". Accordingly, **the applicant must provide the specifications and layout of the outdoor dining enclosure**.

The applicant has not provided trash receptacles within the outdoor dining areas as required by Article 04, section 4.42 OD-01 of the Zoning Ordinance. **The applicant must provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance.** The applicant intends to have business hours of 7am to 10pm Monday – Thursday, 7am to 11pm on Friday and Saturday and 8am – 3pm on Sunday. The proposed outdoor café is not immediately adjacent to single-family or multi-family zoned property and therefore may stay open until 12am or the close of business.

The plans do not show umbrellas in the dining area.

The applicant will be required to obtain an outdoor dining license, and to provide the required insurance. Liquor liability insurance will also be required for the service of liquor.

<u>Signage</u>

The applicant was approved to install a name letter sign on the front. The total linear building frontage is 27' 6" permitting 27.5 square feet of sign area. The approved sign will measure 24" h x 13' 4" w for a total of 26.7 sq. ft. *In accordance with Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area - For all buildings, including multi-tenant office or retail buildings, the combined area of all types of signs shall not exceed 1 square foot (1.5 square feet for addresses on Woodward Avenue) for each linear foot of principal building frontage.* **The proposal meets this requirement.** The wall sign is proposed to be mounted over 8' above grade. *In accordance with Article 1.0, Table B of the Birmingham Sign Ordinance - Wall signs that project more than 3 inches from the building facade shall not be attached to the outer wall at a height of less than 8 feet above a public sidewalk and at a height of less than*

15 feet above public driveways, alleys and thoroughfares. **The proposal meets this requirement.**

Illumination
No new lighting is proposed for this project.

8.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. Specifically, the 2016 Plan recommends the addition of outdoor dining areas in the public right-of-way as it is in the public's best interest as it enhances street life, thus promoting a pedestrian friendly environment. The 2016 Plan also recommends that the 5' clear pedestrian passage be provided against the storefronts to ensure that merchants can display and sell their products and so as not to distort the flow of pedestrians. As stated previously, the Planning Board has previously determined that the location of the outdoor dining will be on a case by basis. The applicant's proposal to provide an outdoor dining in the right of way in front of the storefront is consistent with the recommendations contained in the 2016 Plan.

9.0 Selection Criteria for Bistro Licenses

Chapter 10, Alcoholic Liquors, section 10-82 provides a limitation on the number of Bistro Licenses that the City Commission may approve, and provides selection criteria to assist the Planning Board and City Commission in evaluating applications for Bistro Licenses. For existing restaurants in the City of Birmingham, section 10-82 states:

(a) **Maximum Number of Bistro Licenses**. The city commission may approve a maximum number of license transfers for Bistro licenses per calendar year as follows:

New establishments. Two (2) Bistro Licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in (a)(1) above. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:

- The applicant's demonstrated ability to finance the proposed project.
- The applicant's track record with the city including responding to city and/or citizen concerns.
- Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
- Whether the applicant has adequate health and sanitary facilities.
- The establishment's location in relation to the determined interest in the establishment of bistros in the Overlay District and the Triangle District.
- The extent that the cuisine offered by applicant is represented in the city.
- Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).

The La Strada Caffe application for a bistro license is one of two bistros that were pre-screened by the City Commission. La Strada will be a new bistro in the City.

The selection criteria provided above must be considered to provide a recommendation to the City Commission as to whether or not to approve the operation of a Bistro License for La Strada.

The applicant has provided a letter to the City from Huntington national bank indicating that they have an existing balance in excess of $360,000 available for the start-up and continuing operating costs of La Strada Caffe.

There are no outstanding violations or overdue taxes due to the City for this property.

The proposed site plan does provide adequate space to handle the proposed bistro operation in terms of food and drink preparation and service. The proposed outdoor dining also provides for safe and efficient pedestrian flow via a 5' walkway between the outdoor dining area and the existing street tree.

La Strada is located within the Overlay District. The City is interested in attracting bistro operations within the Downtown Overlay District, the Triangle District and the Rail District. Therefore, this operation fits into the parameters outlined by the Bistro Ordinance guidelines.

La Strada Caffe provides an extensive "Old World Italian Caffe" menu which will include baked goods complimented by a selection of jams and spreads, panini sandwiches, salads, pizza, gourmet meats and cheeses, a large selection of desserts, gelatos, daily fresh juices, European specialty and dessert beverages and a coffee bar. A sample menu is provided for your review. While some of the items may be found in other local restaurants, many of the menu items specifically are not offered anywhere else within the City of Birmingham.

10.0 Approval Criteria for Final Site Plan

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

(1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.

(2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.

(3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.

(4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

(5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.

(6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

11.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

> Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the **City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed** for the site described in the application of amendment.
>
> The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

12.0 Planning Department Findings

Based on a review of the site plans submitted, the Planning Department finds that the applicant meets all of the established ordinance requirements to qualify for approval of a Bistro License. The following sample motion with the attached conditions has been provided in the event that the Planning Board deems it appropriate to send a recommendation of approval forward to the City Commission.

13.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for La Strada at 243 Merrill with the following conditions:

1) 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;

2) The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;

3) The applicant must provide specifications and layout of the outdoor dining enclosure.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP to the City Commission for La Strada at 243 Merrill for the following reasons:

OR

Motion to recommend POSTPONE of the Final Site Plan and SLUP to the City Commission for La Strada at 243 Merrill, for the following reasons:

HISTORIC DISTRICT COMMISSION
MINUTES OF JUNE 17, 2015
Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, June 17, 2015. Chairman John Henke called the meeting to order at 7:10 p.m.

Present: Chairman John Henke; Board Members Mark Coir, Keith Deyer (arrived at 7:15 p.m.), Natalia Dukas, Vice Chairperson Shelli Weisberg, Michael Willoughby; Student Representatives Zoe Bowers, Patrick Rogers

Absent: Thomas Trapnell

Administration: Matthew Baka, Sr. Planner
Carole Salutes, Recording Secretary

06-26-15

Mr. Henke took over the chair for the next hearing.

HISTORIC DESIGN REVIEW
243 Merrill
La Strada Caffe
CBD Historic District

Zoning: B-4 Business Residential

Proposal: The applicant is seeking approval to install one new window in a previously existing opening, a new set of out-swing French doors and the establishment of an outdoor dining area in a non-contributing historic building in the CBD Historic District. The applicant was recently granted administrative approval to reinstall four (4) of the original copper awnings that had been removed and put in storage at some time in the past.

The proposed window will be constructed of lightly tinted 1 in. insulated glass with a bronze anodized aluminum frame to match the rest of the building. The two sidelight windows are proposed to be operable. The French doors are proposed to replace an existing window to allow an open air atmosphere between the sidewalk and the inside of the caffe. The doors are proposed to be French style glass doors without muntins or mullions. The color and finish of the doors will be anodized aluminum to match the rest of the building.

Outdoor dining area
The applicant is proposing to create an outdoor dining area with ten (10) seats located directly on the sidewalk in front of the caffe's proposed French doors and new window. The proposal includes three (3) two-top tables and one four (4) top table. The tables and chairs are proposed to be the Innova hearth and home bistro set with an antique black bamboo powder coat finish. The chairs are constructed with a cast iron frame and aluminum seats and backs. The tables are constructed with an aluminum frame and metal top. The total outdoor dining

area proposed is 150 sq. ft. **The applicant must provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance**.

Mr. Zharko Palushaj, the restaurant owner, said he will share the space with his wife who has a nail salon. Inside at the front of the restaurant will be a bistro bar with no chairs for the service of specialty coffee and teas. In the rear there will be seating for people who want to sit quietly and discuss business. The signs can be administratively approved after the SLUP is approved at the City Commission.

Motion by Mr. Deyer
Seconded by Mr. Willoughby to approve the Historic Design Review for 243 Merrill, La Strada Caffe, as submitted.

There were no comments from the audience on the motion at 8:13 p.m.

Motion carried, 5-0.

VOICE VOTE
Yeas: Coir, Willoughby, Dukas, Henke, Weisberg
Nays: None
Absent: Deyer, Trapnell

SPECIAL LAND USE PERMIT ("SLUP") REVIEW
FINAL SITE PLAN REVIEW
243 E. Merrill
La Strada Dolci E Caffee
Application for a SLUP to allow the operation of a new bistro serving alcoholic liquors

Mr. Baka offered background. The subject site is located at 243 Merrill St., between S. Old Woodward Ave. and Pierce. 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 "La Strada Caffe", is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. La Strada Caffe has been approved for exterior changes by the Historic District Commission and is currently under construction. 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. La Strada Caffe 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.

Design Review
The applicant was approved by the Historic District Commission at their meeting held on June 17, 2015 to install one new window in a previously existing opening, a new set of swing-out French doors and the establishment of an outdoor dining area in a non-contributing historic building in the CBD Historic District. The applicant was also recently granted administrative approval to reinstall four of the original copper awnings that had been removed and put in storage at some time in the past.

The French doors are proposed to replace an existing window to allow an open air atmosphere between the sidewalk and the inside of the cafe.

La Strada Caffe proposes to install seating for ten patrons on private property directly adjacent to the building in front of the cafe's proposed French doors and new window. The outdoor dining area as proposed will be enclosed by pots and provides for safe and efficient pedestrian flow.

Based on the plans submitted, the applicant is proposing to provide 71% glazing between 1 ft. and 8 ft. above grade. Accordingly, the proposal meets the Zoning Ordinance requirements for a minimum of 70% glazing.

Signage
The applicant was approved to install a name letter sign on the front. The approved sign will measure a total of 26.7 sq. ft. The proposed size is in accordance with Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area. The wall sign is proposed to be mounted over 8 ft. above grade which meets the requirement of Article 1.0, Table B of the Birmingham Sign Ordinance.

Illumination
No new lighting is proposed for this project.

Ms. Whipple-Boyce pointed out that the furniture layout will not fit into the small space shown on the outdoor seating plan.

Mr. Zharko Palushaj, the restaurateur, said he is the operating partner of Tremonte Restaurant in Troy. His idea for the last four or five years has been to open an Old World Italian Cafe right in the city that is a place to be and to meet. He will share the 5,000 sq. ft. space with his wife, who plans to open a nail salon. The tables and bar at the front will be granite. The prep work will be done at the back where it will be open for people to see. Breakfast and lunch service is planned. At dinner, gourmet meats and cheeses will be served along with an array of crostinis, salads, pizzas, and desserts.
They have applied for a Bistro License in order to serve bubbles and wines.

Motion by Mr. Boyle
Seconded by Ms. Whipple-Boyce to extend the meeting 30 minutes to 11:30 p.m.

Motion carried, 5-0.

VOICE VOTE
Yeas: Boyle, Whipple-Boyce, Clein, Koseck, Lazar
Nays: None
Absent: DeWeese, Williams

There were no public comments at 11 p.m.

Motion by Ms. Whipple-Boyce
Seconded by Ms. Lazar to recommend approval of the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for La Strada Caffe at 243 Merrill with the following conditions:
1) The applicant will be required to enter into a license agreement with the City, and to provide the required insurance. Liquor liability insurance will also be required for the service of liquor as well as an Outdoor Dining Permit;
2) The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;
3) The applicant must provide specifications and layout of the outdoor dining enclosure.

No one from the audience wished to discuss the motion at 11:02 p.m.

Motion carried, 5-0.

VOICE VOTE
Yeas: Whipple-Boyce, Lazar, Boyle, Clein, Koseck
Nays: None
Absent: DeWeese, Williams