City of Birmingham
A Walkable Community

MEMORANDUM

City Clerk's Office

DATE: **June 10, 2016**

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

FROM: **J. Cherilynn Brown, City Clerk**

SUBJECT: **Public Hearing – Special Land Use Permit Violation at 250 N. Old Woodward – Emagine Palladium and Ironwood Grill**

On March 13, 2017, the City Commission set a public hearing date for April 13, 2017, to consider termination of the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant due to the failure of Emagine to comply with the terms of the SLUP.

The public hearing has been properly noticed.

The applicant has since submitted an application for a SLUP Amendment and Final Site Plan approval to address the violation. A public hearing to consider the amended SLUP is also scheduled for April 13, 2017, and will be held prior to the public hearing to consider termination of the SLUP.

SUGGESTED RESOLUTION:

To terminate the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant for failure to comply with the terms of the SLUP**.**

or

Take no action at this time.

NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
TERMINATION OF SPECIAL LAND USE PERMIT AMENDMENT

Meeting Date, Time, Location:	Monday, April 13, 2017 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	Emagine Palladium Theater & Ironwood Grill Restaurant, 250 N. Old Woodward
Nature of Hearing:	To consider termination of the Special Land Use Permit for failure to comply with the terms of the SLUP
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish March 26, 2017
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

MEMORANDUM

Planning Division

DATE: **March 8, 2017**

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

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

SUBJECT: **Special Land Use Permit Violation at 250 N. Old Woodward – Emagine Palladium and Ironwood Grill**

On March 25, 2015, the Planning Board conducted a public hearing to discuss a request by the applicant to open the Emagine Palladium Theatre, along with the Ironwood Grill., in the former Palladium Theatre space at 250 N. Old Woodward. Both the theatre and the restaurant were proposing to serve alcoholic liquors, and thus in accordance with the Zoning Ordinance, they are required to operate under a valid Special Land Use Permit. The existing Class C liquor license owner is The Palladium of Birmingham, LLC (owner of the Palladium Building), which is assigning the license to CH Birmingham, LLC a/k/a Emagine Palladium and Ironwood Grill Inside Emagine Palladium which will own and operate the theatre and restaurant previously proposed and approved. The Planning Board voted to recommend approval of the Final Site Plan and Special Land Use Permit Amendment to the City Commission with the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and
6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

On May 18, 2015, the City Commission approved the Final Site Plan and Special Land Use Permit to allow the operation of the Emagine Palladium Theatre and Ironwood Grill restaurant, operating under one Class C Liquor License, with the same conditions noted by the Planning Board. In accordance with this approval, the City Commission passed a resolution approving the Special Land Use Permit Amendment. In accordance with the terms of the SLUP Resolution, Emagine Palladium and Ironwood Grill were required to obtain the prior approval of the City Commission upon change in ownership or name of the establishment. A copy of the

approved resolution is attached for your review, and the relevant sections have been highlighted in yellow for your consideration.

In or around December 2016, Emagine Palladium and Ironwood Grill changed the name and concept of the eating establishment serving alcoholic liquors. Ironwood Grill was converted into Four Story Burger, a new, casual restaurant concept serving alcoholic liquors. A SLUP Amendment was not requested to permit this change, and the City Commission thus did not provide approval of the name change nor update the provisions of the SLUP to allow for the operation of Four Story Burger.

On March 2, 2017, a SLUP Amendment application and the corresponding fee was received. However, no plans were submitted along with the application. The applicant has been contacted, and has indicated they will submit plans as soon as possible.

Accordingly, the City Commission may wish to set a public hearing on the SLUP for Emagine Palladium and Ironwood Grill to review the SLUP at 250 N. Old Woodward due to the failure of Emagine to comply with the terms of the SLUP. After such a review, the City Commission has the option of terminating the SLUP. Termination of the SLUP would require the service of alcohol under the Class C liquor license held by CH Birmingham, LLC to cease immediately.

SUGGESTED ACTION:

To set a public hearing date for **April 13, 2017** to consider termination of the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant.

OR

To take no action at this time.

BIRMINGHAM CITY COMMISSION
REGULAR MEETING, MAY 18, 2015
RESOLUTION #05-110-15

Present: Mayor Sherman, Mayor Pro Tern Hoff, Commissioners Dilgard, McDaniel, Moore, Nickita, Rinschler,
Absent: None

05-110-15 MOTION: Motion by Rinschler, seconded by Nickita:
To approve the Final Site Plan and Special Land Use Permit Amendment at 250 N. Old Woodward to allow the operation of the Emagine Palladium Theatre and Ironwood Grill restaurant, operating under one Class C Liquor License to be held by CH Birmingham, LLC:

WHEREAS, CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium have together filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate two food and drink establishments under common ownership, both serving alcoholic liquors, as required in Article 6, section 6.02(5) of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of N. Old Woodward along Hamilton Row;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits food and drink establishments serving alcoholic liquors 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 March 25, 2015 reviewed the application for Final Site Plan and Special Land Use Permit and recommended approval with the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and
6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on March 25, 2015;

WHEREAS, The Birmingham City Commission has reviewed CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium's 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 the CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium application for a Special Land Use Permit authorizing the operation of two food and drink establishments, under common ownership, serving alcoholic liquors with a Class C liquor license with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. Old Woodward 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. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band;
6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area;
7. CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium shall abide by all provisions of the Birmingham City Code;
8. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
10. CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium shall provide for the removal of disposable materials resulting from the operations 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; and
11. CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium shall enter into a contract with the City outlining the details of the operation of the proposed restaurants.

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, CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium 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 CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that CH Birmingham LLC dba Emagine Palladium and Ionwood Grill inside Emagine Palladium are recommended for operation of a theatre and restaurant, under common ownership, serving alcoholic liquors, with a Class C Liquor License with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

VOTE: Yeas, 7
Nays, None
Absent, None

I, Cheryl Arft, Acting City Clerk of the City of Birmingham, do hereby certify that the above is a true and correct copy of a resolution adopted by the Birmingham City Commission at the regular meeting of May 18, 2015.

Cheryl Arft
Acting City Clerk

Planning Board Minutes
March 11, 2015

SPECIAL LAND USE PERMIT ("SLUP")
FINAL SITE PLAN REVIEW
250 N. Old Woodward Ave.
Emagine Palladium Theatre, and Ironwood Grill
Application to allow a movie theatre, restaurant and bar serving alcoholic liquors in a portion of the former Palladium Theatre space

Ms. Ecker explained that the subject site is located at 250 N. Old Woodward Ave., on the south side of the existing Palladium building, in a portion of the former Palladium Theatre space. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District.

The applicant, Emagine Palladium Theatre and Ironwood Grill, is seeking approval of the transfer of ownership of one of the Class C liquor licenses that has long been associated with the Palladium Building to allow the owner to operate the Emagine Palladium Theatre and Ironwood Grill under Chapter 10, Alcoholic Liquors, of the City Code. This license was formerly used at Buca di Beppo and is being transferred from 270 N. Old Woodward to 250 N. Old Woodward. This Class C liquor license is proposed to be held by CH Birmingham, LLC,

The applicant has indicated that dancing and entertainment will be offered at special events only. The applicant has also indicated that the additional bar permit is to allow the use of a "floating bar," which will be set up in certain areas of the establishment as needed for special events. Finally, the applicant has advised that the specific purpose permit is to allow the showing of movies and the service of food outside the normal operating hours for the service of alcohol (such as special midnight release showings that could go past 2 a.m., thus the theater would be open past 2 a.m., but alcohol service would cease at 2 a.m.). No outdoor dining permit is requested, nor required.

Emagine Palladium Theatre and Ironwood Grill 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 and SLUP, and for the transfer of ownership of the existing liquor license.

Ms. Ecker advised that the proposed theatre and restaurant space is approximately 31,000 sq. ft. in size, and is proposing to operate five movie screens are proposed with a total of 590 seats. The former Palladium Theatre had 12 screens and 2200 seats. Emagine Palladium Theatre and Ironwood Grill propose to operate under a new neighborhood theatre membership model, where patrons must purchase a yearly membership. Under this model, only members can buy movie tickets, and all individual seats will be reserved for a specific date and time. The applicant does intend to provide guest memberships to visitors staying at the Townsend Hotel. All theatre seating will be luxury recliners and luxury rockers in the digital projection auditoriums.

Ironwood Grill is proposed to be open to the public (with no membership requirement). The restaurant will provide an upscale casual dining experience and offer 198 seats,

including 17 seats at the bar, with an exhibition style brick pizza oven kitchen and an open air dining experience overlooking Hamilton St. Ironwood Grill will offer award winning BBQ specialties and wood-fired Neapolitan style pizzas, a variety of freshly prepared dishes and an extensive selection of craft beer, wine and cocktails. A private banquet room is also proposed with a private bar that will be available for rental.

Design Review
The applicant is proposing several design changes to the existing building. The changes proposed are to the design of the marquis itself, signage changes and the removal of decorative metal elements and fixed windows at the new fourth floor. The applicant is proposing to remove the art deco metal design element from the top of the marquis as well as the changeable channel letter boards that were previously used to list movies being shown in the former Palladium Theatre. In addition, 40 ft. of the fourth floor fixed curtain wall windows are proposed to be replaced with a retractable Nanawall folding window system to provide an open air dining experience in the portion of the Ironwood Grill overlooking Hamilton St. above the existing marquis.

Three new name letter signs and three graphic elements are proposed to be mounted to the existing marquis sign. The sign drawings as submitted do not meet all required sign standards. The applicant has agreed to comply with the sign requirements. Details are needed from the petitioner with regard to the balcony railing, the spandrel glass and signage. This evening the board will consider only the packet that has been submitted and reviewed.

Discussion followed as to whether the membership requirement causes the operation to be a private social club rather than a movie theatre and how that may affect the Liquor License.

Mr. Paul Glance, CEO of Imagine Entertainment, Inc., talked about the project. They have substantially reduced the seat count which is consistent with their goal of serving the local community as a neighborhood theatre. They believe that by creating an economic barrier to entry they will to some degree ensure they are serving the demographic that they endeavor to serve. They are considering a $400 membership fee which would include a $250 gift card that could be used at the theatre. Thereafter the membership would be $150/year. He wants the theatre to be a place where there will be civility and good behavior.

Mr. Glance advised that on occasions when there is a special midnight showing, the theatre may stay open until 2 a.m.

Ms. Whipple-Boyce asked if it is possible to see what is going on in other floors in order to understand how this application fits into the site as a whole. Ms. Lazar said the new concept of requiring membership comes across to her as being very exclusionary and she is uncomfortable with it. Mr. Glance replied the venue is so small that they can't serve a region. The best they can do is to serve a community. He noted they are not selling movies anymore; they are selling an out-of-home entertainment experience. If they don't pick up their game to better serve the market, he thinks they will be relegated to the economic junk heap.

There was no input from the public at 8:50 p.m.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to postpone the Final Site Plan and SLUP for 250 N. Old Woodward Ave, Emagine Palladium Theatre and Ironwood Grill to March 25, 2015, pending receipt of:
1. Detailed elevation drawings to illustrate the design of the proposed safety barrier or the panel that may be attached to the safety barrier;
2. Specification sheets and color selection for all proposed materials, which materials shall not include the use of spandrel glass or glass railings; and
3. Detailed signage drawings with dimensions to show the amount of proposed signage, as well as a section view to show the mounting details and projection information, as well as material and lighting specifications.

Also, staff getting the necessary information about the impact of this being a membership type organization and how it affects Planning and City Code.

No one from the public wished to speak about the motion at 8:54 p.m.

Motion carried, 6-0.

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

Planning Board Minutes
March 25, 2015

SPECIAL LAND USE PERMIT ("SLUP")
FINAL SITE PLAN REVIEW
250 N. Old Woodward Ave.
Emagine Palladium Theatre, and Ironwood Grill (postponed from March 11, 2015)
Application to allow a movie theatre, restaurant and bar serving alcoholic liquors in a portion of the former Palladium Theatre space

Ms. Ecker recalled that on March 11, 2015 the applicant appeared before the Planning Board. The Planning Board postponed the matter and requested additional information on the proposed membership theatre concept, an updated and ordinance compliant sign package with all required details, and design and material details on the proposed exterior changes on the fourth floor of the south elevation where open air dining is proposed. At this time the applicant has provided a detailed elevation of the fourth floor of the south elevation where open air dining is proposed. The applicant has removed all previously proposed spandrel glass and replaced it with metal panels, which are permitted.

Design Review
The applicant is proposing several design changes to the existing building. The changes proposed are to the design of the marquis itself, signage changes, and the removal of decorative metal elements and fixed windows at the new fourth floor. The applicant is proposing to remove the art deco metal design element from the top of the marquis as well as the changeable channel letter boards that were previously used to list movies being shown in the former Palladium Theatre. In addition, 40 ft. of the fourth floor fixed curtain wall windows are proposed to be replaced with a retractable Nanawall folding window system to provide an open air dining experience in the portion of the Ironwood Grill overlooking Hamilton St. above the existing marquis.

Ms. Ecker advised that an updated sign package has been received. However, Article 3 of the Zoning Ordinance provides that only one sign is permitted per entry for each business whose primary square footage is on the first story. ***As the primary square footage for both the Emagine Theatre and the Ironwood Grill is on the fourth story, the applicant will be required to obtain a variance from the Board of Zoning Appeals for all exterior entry signage.*** Further, the Planning Board must determine if a sign band is architecturally feasible above the theatre entry doors between the first and second floors. As the marquis is located in the area generally reserved for a sign band, the Planning Board may wish to approve it as an alternative design for the placement of signage.

In response to the chairman, Ms. Ecker advised there is currently nothing in the ordinance that prohibits a membership based theatre.

Mr. Paul Glantz, CEO of Emagine Entertainment, Inc., talked about their plans. They have now resolved to take a slightly different tact with respect to their membership concept. The approach now will be that customers can purchase a seat license that will allow preferential booking rights on Friday, Saturday, Sunday and certain holidays. Other than that, the venue

will be open to the public. They do not intend to impose a two-drink maximum restriction. Also, they plan to use low light surveillance cameras to monitor behavior.

Mr. Jason Gekiere, Tower Construction, Construction Manager for the project, explained that a small glass petition that sticks up provides an added level of protection within the curtain wall system. Mr. Michael Southen with Signature Associates, Consultant to Emagine Theatre, described the detail on the partition.

With respect to limiting the number of drinks that can be served to patrons, Mr. DeWeese thought the City could write the agreement to say if they start having problems the SLUP would come back up for review. Mr. Williams stated he is in favor of the project. A little elitism will ease the traffic flow in that neighborhood. Mr. Koseck encouraged the petitioner to take another look at the sign. He thought it could be better. Mr. DeWeese had the concern that the City Attorney should look at the membership concept before it goes to the City Commission.

At 8 p.m. no one from the audience wished to discuss this matter.

Motion by Mr. DeWeese
Seconded by Mr. Williams that the Planning Board recommends approval of the applicant's request for a Final Site Plan and a SLUP approval to permit Emagine Palladium Theatre and Ironwood Grill to operate at 250 N. Old Woodward Ave. with the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and
6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

No comments were heard from members of the public at 8:03 p.m.

Motion carried, 6-0.

ROLLCALL VOTE
Yeas: DeWeese, Williams, Clein, Jeffares, Koseck, Share
Nays: None
Abstain: Whipple-Boyce
Absent: Boyle, Lazar

City Commission Minutes
May 18, 2015

05-110-15

PUBLIC HEARING TO CONSIDER SPECIAL LAND USE PERMIT AMENDMENT FOR 250 NORTH OLD WOODWARD

Mayor Sherman opened the Public Hearing to approve the Final Site Plan and Special Land Use Permit (SLUP) Amendment – 250 N. Old Woodward – Emagine Palladium Theatre and Ironwood Grill restaurant at 7:34 PM.

Planning Director Ecker explained that all liquor license establishments are subject to a SLUP review. The three licenses at this address are being transferred from the former owner to the Jonah family, then to the new operators of each of the new establishments using those licenses. This is to transfer one of the licenses to the Jonah family, then to Emaine Palladium and Ironwood Grill. She explained the layout of the Emagine theater and the Ironwood Grill.

In response to a question from Mayor Pro Tem Hoff, Ms. Ecker explained that there is nothing in the zoning ordinance that restricts the hours of operation to 2:00 AM. The applicant wanted to confirm that there would be no issue if they run past 2:00 AM in the case of special features or premiers.

Mr. Paul Glantz, Emagine Entertainment, explained that there will be no advertising of the film outside of the building. He explained that most users use the internet or phone to look up show times. He explained the preferred seating model and noted that this will be a family environment.

In response to a question from Mayor Sherman regarding the dance permit endorsement, Mr. Glantz explained that the facility has a banquet room. It would be a rare circumstance that there would be dancing.

The Commission received a communication in support of the project from Victor Doherty, 1573 South Eton.

The Mayor closed the Public Hearing at 8:12 PM.

MOTION: Motion by Rinschler, seconded by Nickita:
To approve the Final Site Plan and Special Land Use Permit Amendment at 250 N. Old Woodward to allow the operation of the Emagine Palladium Theatre and Ironwood Grill restaurant, operating under one Class C Liquor License to be held by CH Birmingham, LLC:

WHEREAS, CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium have together filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate two food and drink establishments under common ownership, both serving alcoholic liquors, as required in Article 6, section 6.02(5) of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of N. Old Woodward along Hamilton Row;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits food and drink establishments serving alcoholic liquors 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 March 25, 2015 reviewed the application for Final Site Plan and Special Land Use Permit and recommended approval with the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and
6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on March 25, 2015;

WHEREAS, The Birmingham City Commission has reviewed CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium's 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 the CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium application for a Special Land Use Permit authorizing the operation of two food and drink establishments, under common ownership, serving alcoholic liquors with a Class C liquor license with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. Old Woodward 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. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
2. Meet all City Department requests, subject to administrative approval;
3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band;
6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area;
7. CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium shall abide by all provisions of the Birmingham City Code;
8. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
9. CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium shall provide for the removal of disposable materials resulting from the operations 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; and
10. CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium shall enter into a contract with the City outlining the details of the operation of the proposed restaurants.

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, CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium 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 CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium are recommended for operation of a theatre and restaurant, under common ownership, serving alcoholic liquors, with a Class C Liquor License with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

VOTE:	Yeas,	7
	Nays,	None
	Absent,	None