AGENDA

REGUAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY FEBRUARY 23, 2022

The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. Oakland County is currently classified as a substantial transmission area. The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.

- A. Roll Call
- B. Review and Approval of the Minutes of the Regular Meeting of February 9, 2022
- C. Chairpersons' Comments
- **D.** Review of the Agenda
- E. Unfinished Business
- F. Rezoning Applications
- G. Community Impact Studies
 - 1. 770 S. Adams Request for a new 4-6 story mixed use building
 - 2. 294 E. Brown St. Request for new 4-story mixed-use building
- H. Special Land Use Permits
- I. Site Plan & Design Reviews
 - 1. 770 S. Adams Request for a new 4-6 story mixed use building
 - 2. 294 E. Brown St. Request for new 4-story mixed-use building
 - 3. 525 E. Brown Birmingham Roast Request for changes to outdoor dining patio (Postponed from September 9, 2021)
- J. Study Session
- **K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - 3. Administrative Approval Correspondence
 - 4. Draft Agenda March 9, 2022
 - 5. Action List 2022
 - 6. Other Business
- L. Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- M. Adjournment

Link to Access Virtual Meeting: https://zoom.us/j/111656967

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

NOTICE: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce St. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un dia antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

^{*}Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

City Of Birmingham Regular Meeting Of The Planning Board Wednesday, February 9, 2022

City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 9, 2022. Chair Scott Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Stuart Jeffares, Daniel Share, Janelle

Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine,

Nasseem Ramin

Absent: Board Members Robin Boyle, Bert Koseck

Administration:

Nick Dupuis, Planning Director Leah Blizinski, City Planner Brooks Cowan, Senior Planner Jana Ecker, Assistant City Manager Laura Eichenhorn, City Transcriptionist

Master Planning Team:

Matt Lambert

02-25-22

B. Approval Of The Minutes Of The Regular Planning Board Meeting of January 26, 2022

On page two, second-to-last paragraph, Mr. Williams recommended that 'a parking deck' be changed to 'the proposed parking deck'.

Mr. Jeffares concurred.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of January 26, 2022 as amended.

Motion carried, 7-0.

VOICE VOTE

Yeas: Share, Jeffares, Williams, Whipple-Boyce, Ramin, Emerine, Clein

Nays: None

C. Chair's Comments

Chair Clein welcomed everyone to the meeting and reviewed the meeting's procedures.

02-27-22

D. Review Of The Agenda

02-28-22

E. Unfinished Business

None.

02-29-22

F. Rezoning Applications

None.

02-30-22

G. Community Impact Studies

None.

02-31-22

H. Special Land Use Permits

None.

02-32-22

I. Site Plan & Design Reviews

None.

02-33-22

- J. Study Session
 - 1. Outdoor Dining (Comprehensive)

PD Dupuis presented the item.

Board member comments were as follows:

- Article 4, Section 4.44(B)(4) should address whether an outdoor dining patio could extend onto the private property of a neighboring property owner with written permission from the neighboring property owner;
- Article 4, Section 4.44(B)(5)(iii) should be amended to require that all aspects of outdoor dining should be brought in from January 1 to March 31 at night, including railings or

planters. Applicants should be expected to propose temporary outdoor dining delineations for those months rather than permanent ones drilled into the ground. It was noted that unobtrusive planters could possibly be pressed up against the exterior of the building at night instead of being brought in;

- Article 4, Section 4.44(C)(5) should require a five foot clear path with some way of providing the Planning Board and/or the Engineering Department leeway to require a greater width for a clear path if necessary;
- Article 4, Section 4.44(C)(8) should require barriers be a maximum of 42 inches in height with no exception for planting material;
- Article 4, Section 4.44(C)(9) should specify that 'Windbreaks must be constructed of a clear, rigid, and durable material,' adding 'rigid';
- Article 4, Section 4.44(C)(3) and Article 4, Section 4.44(C)(11) could likely be combined;
- These standards should be crosschecked for redundancy with the overlay standards and redundancy should be eliminated wherever possible;
- The enclosure definition should prohibit vertical elements above 60 inches except for exterior building walls, windbreaks, umbrellas, or landscaping; and,
- BO Johnson should be asked how the ordinance could best address the definition of 'permanent fixtures', whether by defining it, allowing the Building Official to judge at their discretion, or some other approach.

In regards to comments that Article 4, Section 4.44(C)(8) should be updated to reflect the changes to be made to Article 4, Section 4.44(B)(5)(iii) regarding immovable barriers between January 1 and March 31, PD Dupuis said he would likely add language stating that the Board could provide flexibility on the immovable barrier requirement between January 1 and March 31.

There was Board consensus that requiring barriers for establishments without alcohol was likely inappropriate.

PD Dupuis noted that the concern is not alcohol service but expansion of outdoor dining beyond its allowed parameters into the public clear path.

Chair Clein asked PD Dupuis to come back with recommendations regarding barriers for establishments that do not serve alcohol. He suggested that the ordinance could specify differential treatment based on the number or location of outdoor dining tables, such as more than one row of tables against a building.

Ms. Whipple-Boyce asked that the Commission be made aware via a memo included with the outdoor dining recommendations that members of the Board are interested in studying the topic of social districts. She noted that social districts would complement the Board's work on outdoor dining. She said she did not want the Board to miss the opportunity to review the topic.

Public Comment

Ann Steglich asked how the ordinances are enforced.

The Chair explained the City has code enforcement in place.

There was Board consensus to discuss the questions posed in the Study Session #8 summary at the next Board discussion of outdoor dining.

Mr. Williams asked for photographic examples of outdoor dining located on both a deck and the sidewalk.

2. 2040 Plan - Chapter 4 (Support Mixed-Use Districts) & Chapter 5 (Advance Sustainability Practices)

Chair Clein and PD Dupuis introduced the item.

Mr. Lambert presented the item.

In reply to Mr. Williams, ACM Ecker noted that all boards and committees provided feedback on the first draft of the master plan.

Chair Clein asked Staff to solicit feedback from other boards and committees on the second draft of the master plan, especially regarding tasks the draft suggests the various boards and committees undertake in the future.

Individual Board member comments were as follows:

- Chapters Four and Five had areas that were too detailed for a master plan;
- Discouraging barriers for outdoor dining may not be appropriate;
- There may be too much flexibility recommended for the Rail District;
- It may be appropriate to include an appendix of potential ways to implement recommendations rather than including those examples in the body of the plan;
- Prioritizing intergovernmental cooperation should be emphasized as part of the sustainability recommendations;
- It might be more appropriate for the City to determine what sustainability goals it would like its developments to meet instead of using LEED certification as a metric since LEED is an imperfect measure of sustainability;
- The canopy recommendations would likely be helpful in mitigating the noise and speeding problems on Woodward but may not be enough to eliminate the issues;
- Enhancing the safety of crossing Woodward may need more attention in the plan;
- Mr. Lambert should stay apprised of the Board's decisions regarding 770 S. Adams because it will impact the plan's recommendations for Worth Plaza;
- The recommendations for Market North and the Rail District are both attractive and likely feasible;
- The sustainability board is a good idea and would likely get new and different residents involved with the City;
- The draft recommends EV charging in the parking decks but also notes that the parking decks cannot afford to lose spaces to dedicated EV charging, which is an inconsistency that should be addressed:
- The focus on increasing pedestrian activity in the downtown is appropriate, and social districts could be recommended as another way of increasing downtown pedestrian activity;

- Parking deck occupancy is currently around 55% and the draft says it is at 90%, so that should be updated;
- Studying shared use streets is a good idea more broadly, though Merrill may not be an appropriate location;
- The draft should tie-in the Library's long-range plan in terms of Library-related recommendations;
- The recommendations regarding Bates Street and parking at the Farmer's Market should be coordinated;
- Bumpouts should be considered in the Bates Street-Farmer's Market area, particularly on the east side, to provide some space for outdoor dining; and,
- A reference to the Low Impact Design Manual put together by SEMCOG and EGLE would likely be appropriate in the draft's Green Stormwater Infrastructure section.

Regarding the South Woodward Gateway, Mr. Williams said more feedback should be solicited from the residents that would be impacted to the east and west.

Ms. Whipple-Boyce said she loved the recommendations for the South Woodward Gateway but was concerned that they were not achievable.

Mr. Jeffares liked the recommendations for the South Woodward Gateway and said he did not believe them to be farfetched. He concurred with Mr. Williams that the development in that area would likely be piecemeal, and stated that this is a good project to include as something to stretch towards in the plan.

Messrs. Jeffares and Emerine spoke in favor of the recommendations to improve the Rouge River natural area. Mr. Jeffares emphasized the importance of creating an accessible pathway so all can enjoy the Rouge River.

Mr. Emerine noted that the City was in the process of updating its stormwater standards to align with the State's and County's updated standards. He said that those standards would apply to all developments except but single family residential. He said he was not sure if that information tied in to the plan but that he thought it relevant to provide.

Chair Clein thanked Mr. Jeffares for his recommendation that the plan include projects to stretch towards. He said he was respectfully frustrated with some Board members' comments that would seek to remove some of the more ambitious parts of the draft. He questioned the point of having done a master plan in that scenario.

The Chair continued by noting that the Board, City, and Master Planning Team have actively pursued public feedback regarding the plan for two years. He emphatically stated that this process has solicited more public feedback than any other master plan he had been involved in. He said he wanted to challenge the Board to push forward on getting final public input and on finishing the plan. He warned the Board about getting caught up in 'analysis paralysis'.

Public Comment

Birmingham Planning Board Proceedings February 9, 2022

Ms. Steglish said she wanted to see diversity of residents and housing stock prioritized in the plan.

Chair Clein noted that the draft addresses those issues in other chapters.

David Bloom raised concerns about the City having sufficient parking to accommodate its current and potential growth.

Mr. Jeffares commended Mr. Lambert. He recommended that items that were not accomplished from the 2016 Plan be considered for inclusion in the 2040 Plan.

Chair Clein thanked Mr. Lambert.

02-34-22

K. Miscellaneous Business and Communications

Mr. Williams asked PD Dupuis to clarify when the next joint Planning Board-City Commission meeting will be.

1. Pre-Application Discussions

i. Sweet Green

PD Dupuis presented the item.

The Board granted permission for administrative approval.

Chair Clein noted that if other establishments near Sweet Green want to add outdoor dining in the future, attention must be paid to the layout of the outdoor dining so as not to negatively impact those with visual or other impairments.

ii. Cannelle Patisserie

SP Cowan and owner Matt Knio presented the item.

SP Cowan noted that the Building and Engineering Departments' previous concerns with the outdoor dining design were resolved.

It was noted that if queuing issues result from the walkup window the proprietor could find ways to address the issue.

The Board granted permission for administrative approval.

2. Communications

i. City Attorney Memo – Roberts Rules

Chair Clein said he appreciated the the City Attorney's guidance.

3. Administrative Approval Correspondence

4. Draft Agenda

Mr. Williams recommended changes to the agenda's order and directed Staff to ensure that the Board and the public are provided the traffic updates for 770 S. Adams before the meeting.

5. Other Business

i. Action List – 2022

Chair Clein asked that 'Handicap Accessible Ramps' be changed to 'Barrier Free Ramps'.

The Board asked that it be clarified whether window treatments are in the same part of the ordinance as window glazing. If not, it was recommended that the Board's previous window glazing recommendations be re-sent to the Commission for approval, with a statement that the Board could review window treatments subsequently if still desired.

PD Dupuis said he would ask the City Attorney about the potential consequences of failing to designate an area for medical marijuana businesses.

Chair Clein recommended that items addressed by the draft master plan be removed from the list. He noted that once the 2040 Plan is adopted there will additional action items for the Board.

Ms. Whipple-Boyce said she felt the front setback item was a priority, and reiterated her interest in social districts being potentially added to the action list. She suggested that items could be ordered with some attention to seasonal relevance, like finishing building-related items as early in the building season as possible.

There was Board consensus that resolving window glazing as soon as possible would be appropriate.

PD Dupuis said he would make the requisite changes and return it for the Board's review on February 23, 2022.

02-35-22

L. Planning Division Action Items

- a. Staff Report on Previous Requests
- b. Additional Items from tonight's meeting

02-36-22

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:01 p.m.

Nick Dupuis Planning Director

Laura Eichenhorn City Transcriptionist



MEMORANDUM

Planning Division

DATE: February 23, 2022

TO: Planning Board

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 525 E. Brown – Birmingham Roast – Design Review

Zoning: B4 (Business-Residential) & D4 (Downtown Overlay)

Existing Use: Food & Drink Establishment

Introduction

The subject site is located on the north side of Brown St. east of S. Old Woodward. The applicant has submitted a Design Review application for the addition of a freestanding awning over an existing outdoor dining area for an existing food and drink establishment, Birmingham Roast.

The applicant was previously approved in February 2021 for a freestanding awning pursuant to the Temporary Covid-19 Outdoor Dining Standards adopted by the City Commission on May 11th, 2020 and extended on March 8th, 2020. The applicant has submitted this Design Review application seeking permanent approval of the awning.

On July 28th, 2021, the Planning Board postponed consideration of the Design Review application citing a need for more dimensions as well as other necessary information regarding the patio.

On August 25th, 2021, the Planning Board again postponed the application requesting a few more clarifications including whether or not the awning would need to be brought in each night during extended outdoor dining, the effect that the required sprinklers may have, and whether or not the Planning Board could approve the proposal on a temporary basis.

On September 9th, 2021, the Planning Board postponed the application to early 2022 based on the applicants indication that approval was being sought for the 2022 outdoor dining season as opposed to the 2021 season they had previously been seeking.

The applicant has not made any changes to the proposed design of the freestanding awning at this time.

Proposal

The applicant is proposing to install a new freestanding awning to offer relief from the elements over an existing 6 table, 24 chair outdoor dining patio on public property. Please see the following table for details on the proposed materials:

Material	Location	Color
Herculite Vinyl Fabric	Awning Cover	Black
Aluminum	Awning Support Structure	Black

As the awning is not attached to the building, the awning structure would be considered a temporary encroachment into the public right of way, and will be subject to the requirements of Article 4, Section 4.74 (D)(4)(d)(ii) which states that:

"Temporary encroachments that are seasonal in nature such as vestibules or storm enclosures may be approved by the Planning Board, Design Review Board and/or Historic District Commission through the site plan and design review process provided that an unobstructed 5' public pedestrian path is provided at all times and that the temporary encroachments are is subject to a rental fee rate as indicated by the Birmingham Schedule for Fees, Charges, Bonds and Insurance."

As indicated by the site plans, the new structure is contained within the existing outdoor ding area, which provides a 5 ft. clear path around the outdoor dining patio. Thus, the applicant must either maintain or enter into a new rental agreement with the City for the use of the public property.

Signage

The applicant has submitted specifications for a small sign on the valence of the freestanding awning that reads "Birmingham Roast" in white vinyl lettering. Awning signs are permitted at no more than 0.33 square feet for each linear foot of awning length of the awning upon which the sign will be placed. The proposed awning measures 31 ft. in length, which permits the applicant 10.2 sq. ft. of signage. The sign as proposed measures 4.2 sq. ft. and meets the sign area requirements of the Sign Ordinance. Additionally, the awning valence area may not be more than 9 in. in height. The plans submitted show the valence structure at 9 in., meeting the requirements of the Sign Ordinance.

Lighting

There are no new light fixtures proposed as a part of the Design Review application submitted.

Planning and Zoning

Because the existing building footprint it proposed to remain, there are no bulk, placement or height requirements that must be addressed as a part of this review.

Departmental Reports

- 1. <u>Engineering Division</u> The Engineering Division has no concerns at this time.
- 2. <u>Department of Public Services</u> The Department of Public Services has no concerns at this time.
- 3. Fire Department Please see the attached Fire Department comments (**no changes**).
- 4. <u>Police Department</u> The Police Department has no concerns at this time.
- 5. <u>Building Division</u> The Building Division has indicated that their comments reflect those of the Fire Department, and has no additional concerns at this time.

Design Standards

Article 7, Section 7.09 states that the Design Review Board shall review all documents submitted pursuant to this section and shall determine the following:

- 1. All of the materials required by this section have been submitted for review.
- 2. All provisions of this Zoning Ordinance have been complied with.
- 3. The appearance, color, texture and materials being used will preserve property values in the immediate neighborhood and will not adversely affect any property values.
- 4. The appearance of the building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate neighborhood.
- 5. The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.
- 6. The appearance of the building exterior will tend to minimize or prevent discordant and unsightly properties in the City.
- 7. The total design, including but not limited to colors and materials of all walls, screens, towers, openings, windows, lighting and signs, as well as treatment to be utilized in concealing any exposed mechanical and electrical equipment, is compatible with the intent of the urban design plan or such future modifications of that plan as may be approved by the City Commission.

Recommendation

Accordingly, the Planning Division recommends that the Planning Board **APPROVE** the Design Review application for 525 E. Brown – Birmingham Roast – with the following conditions:

- 1. The applicant must either maintain or enter into a new rental agreement with the City for the use of the public property; and
- 2. The applicant must comply with the requests of all City Departments.

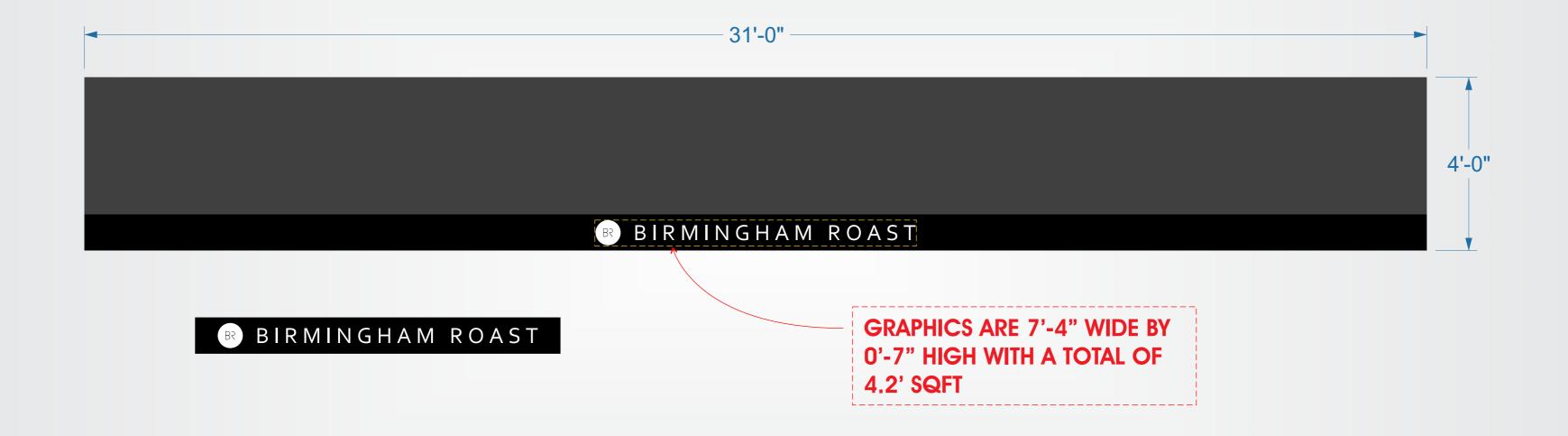
Sample Motion Language

Motion to **APPROVE** the Design Review application for 525 E. Brown – Birmingham Roast – with the following conditions:

- 1. The applicant must either maintain or enter into a new rental agreement with the City for the use of the public property; and
- 2. The applicant must comply with the requests of all City Departments.

OR
Motion to POSTPONE the Design Review application for 525 E. Brown – Birmingham Roast - pending receipt of the following:
1
2
3
OR
Motion to DENY the Design Review application for 525 E. Brown – Birmingham Roast – for the following reasons:
1
1
2







DESIGN CRITERIA:
THE AWNING SUPPORTS
ARE DESIGNED FOR 115 MPH,
3 SEC. GUST ULTIMATE WIND SPEED
WIND UPLIFT @ 22 PSF & 30 PSF
GROUND SNOW LOADS FOR
EXPOSURE B, RISK CATEGORY II
AS PER 2019 - MBC AND ASCE 7-10

ALL MOUNTING HARDWARE SHALL
BE NON-CORROSIVE
ALL WELDING SHOULD BE

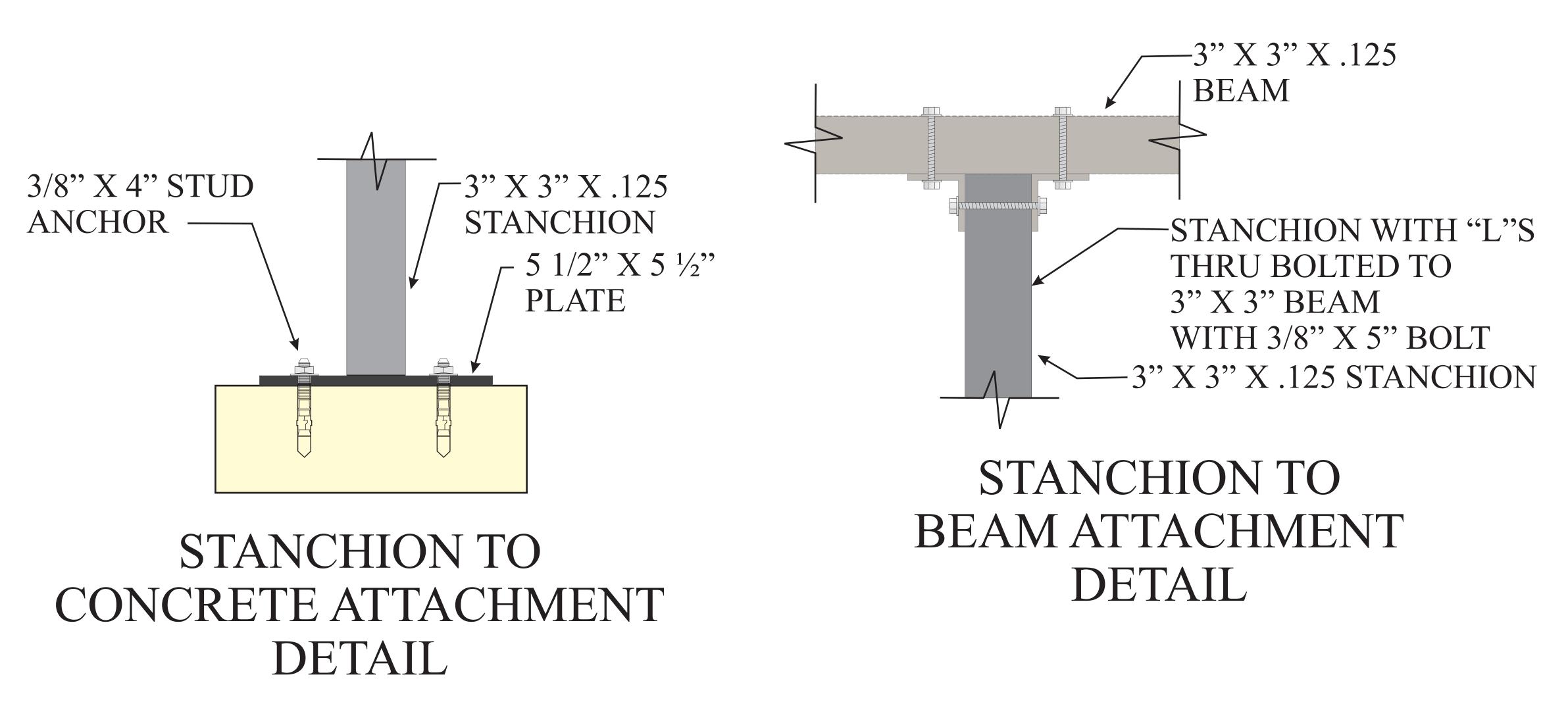
ALL ALUMINUM SECTIONS SHALL BE 6063-T6 ALLOY

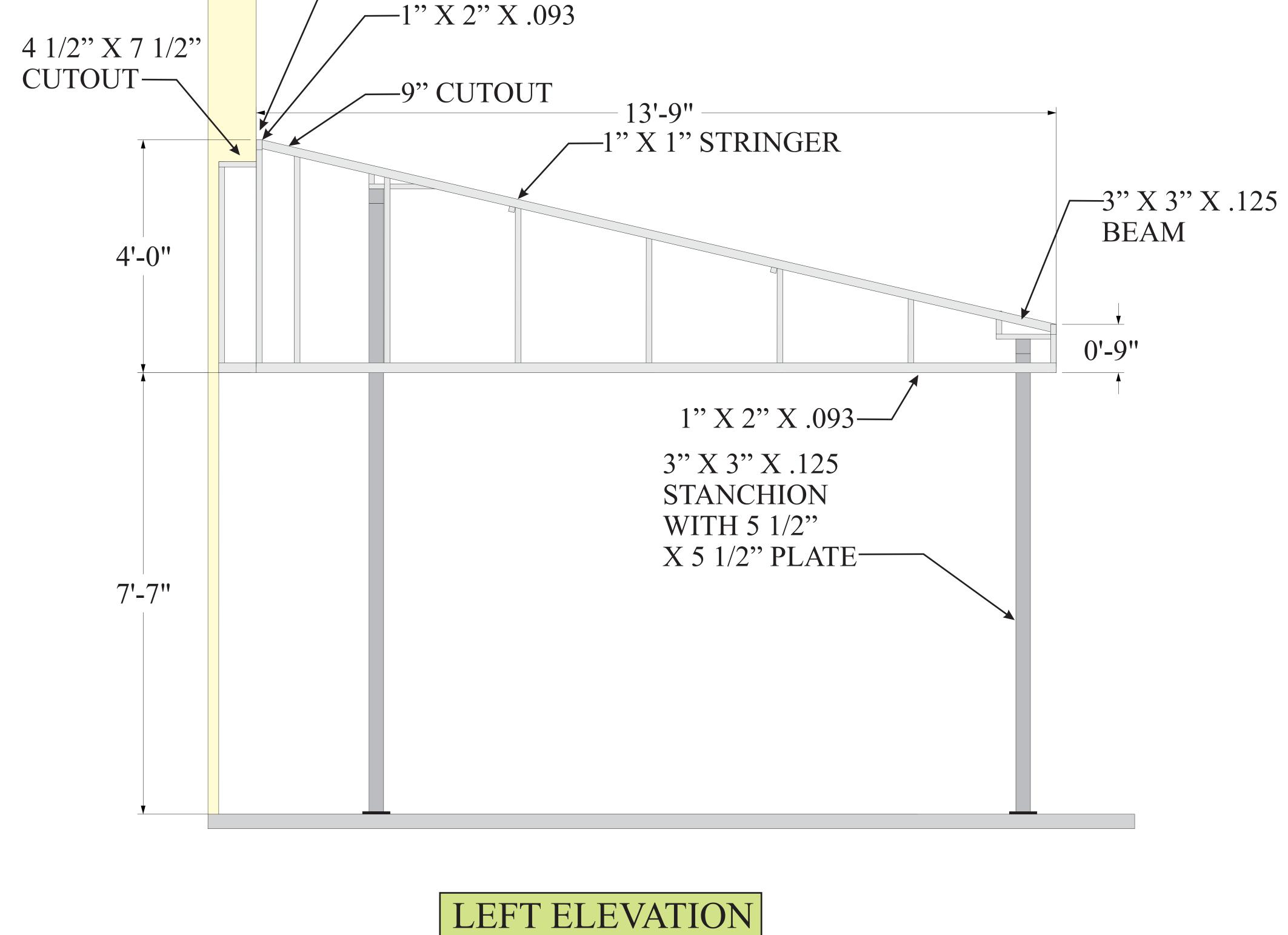
USING E70 ELECTRODES

AS PER AWS D 1.1 & D 1.2

A PROTECTIVE BARRIER SHALL BE PROVIDED BETWEEN ALL STEEL AND ALUMINUM TO PREVENT CORROSION

THIS PROJECT SHALL ADHERE TO THE FOLLOWING CODES:
2015 MICHIGAN BUILDING CODE
2015 INTERNATIONAL FIRE PREVENTION CODE
2009 ANSI ACCESSIBILITY CODE





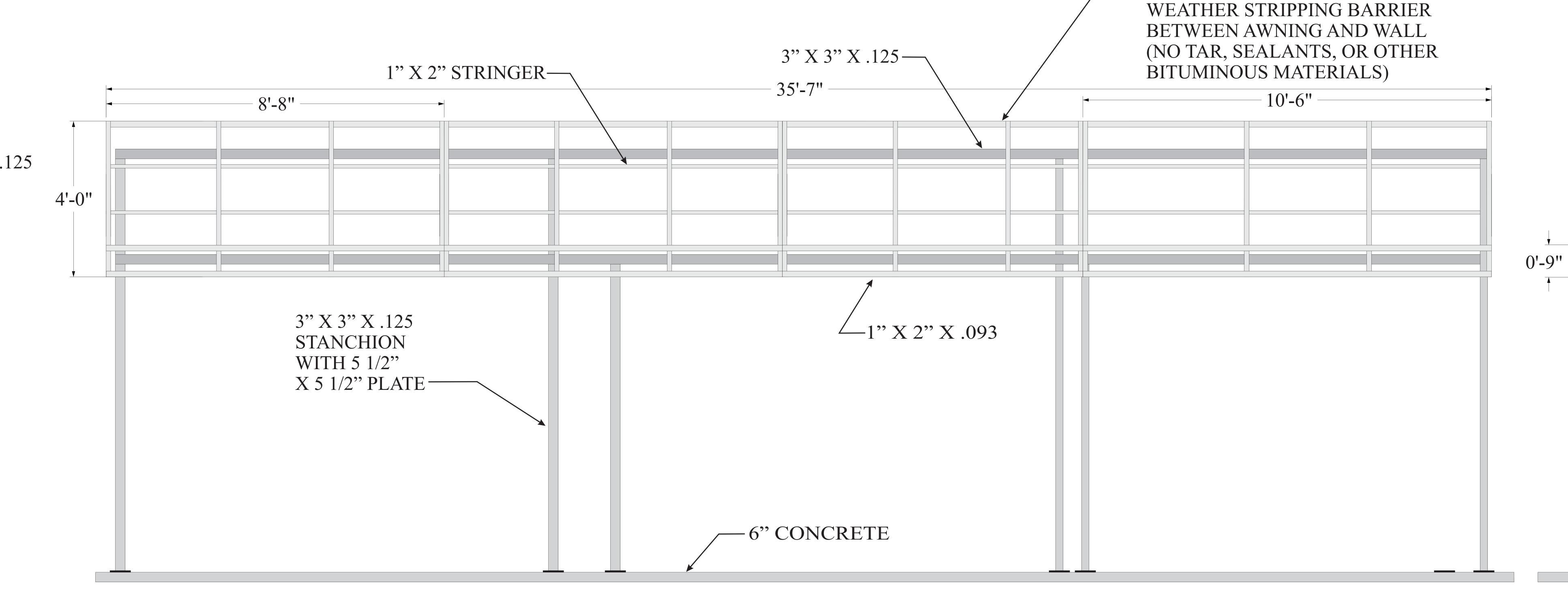
AWNING AGAINST WALL WITH

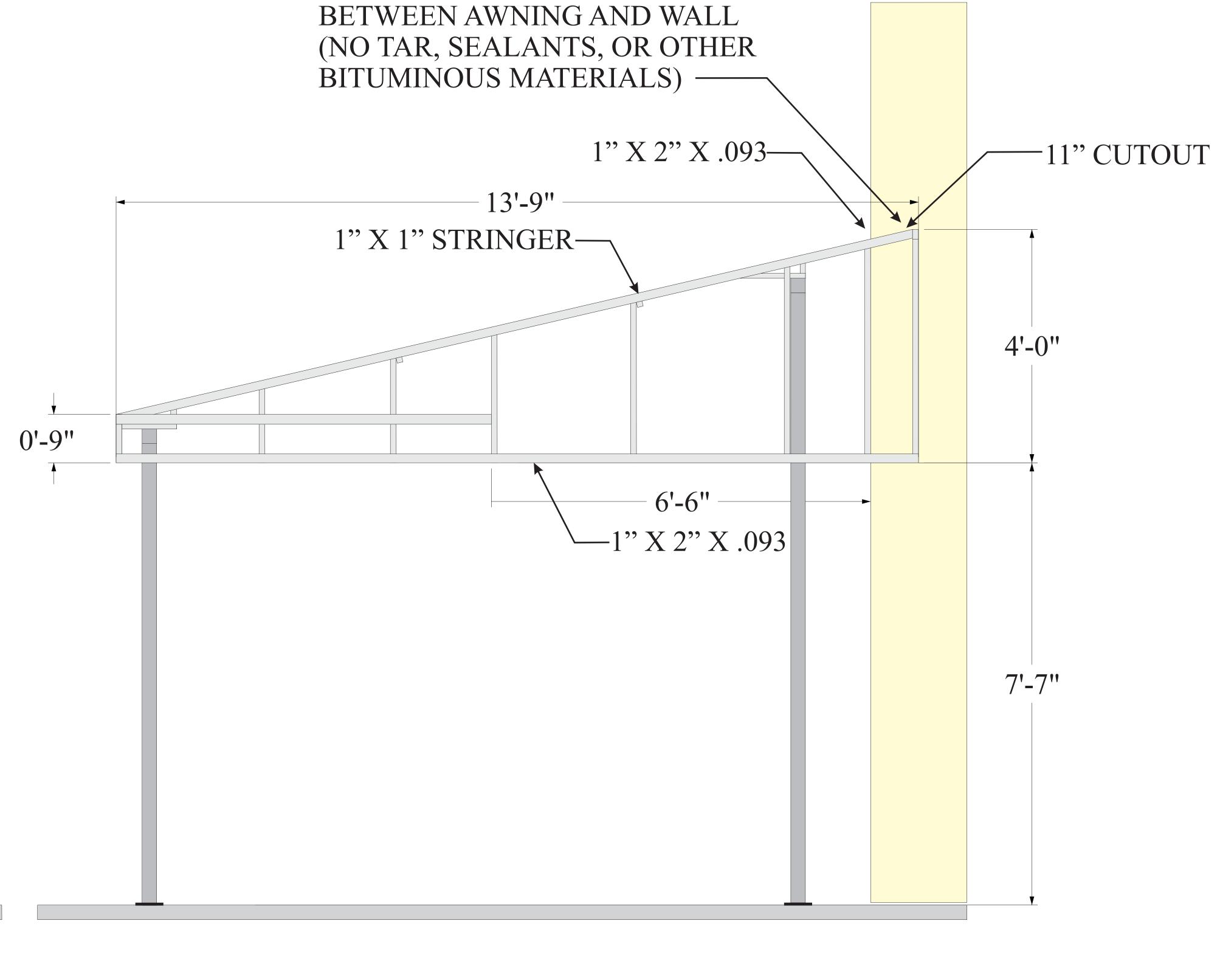
BITUMINOUS MATERIALS)

WEATHER STRIPPING BARRIER

BETWEEN AWNING AND WALL

(NO TAR, SEALANTS, OR OTHER



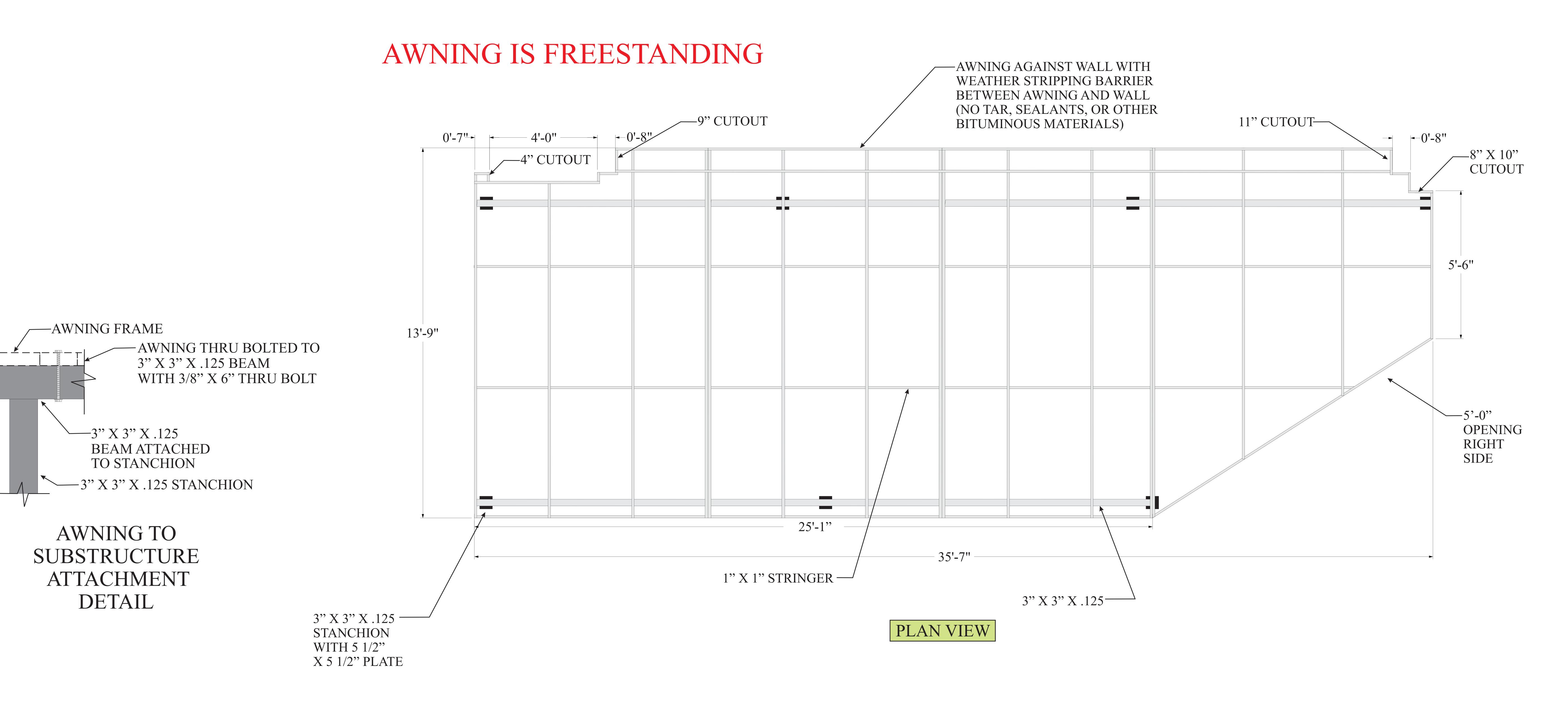


AWNING AGAINST WALL WITH

WEATHER STRIPPING BARRIER

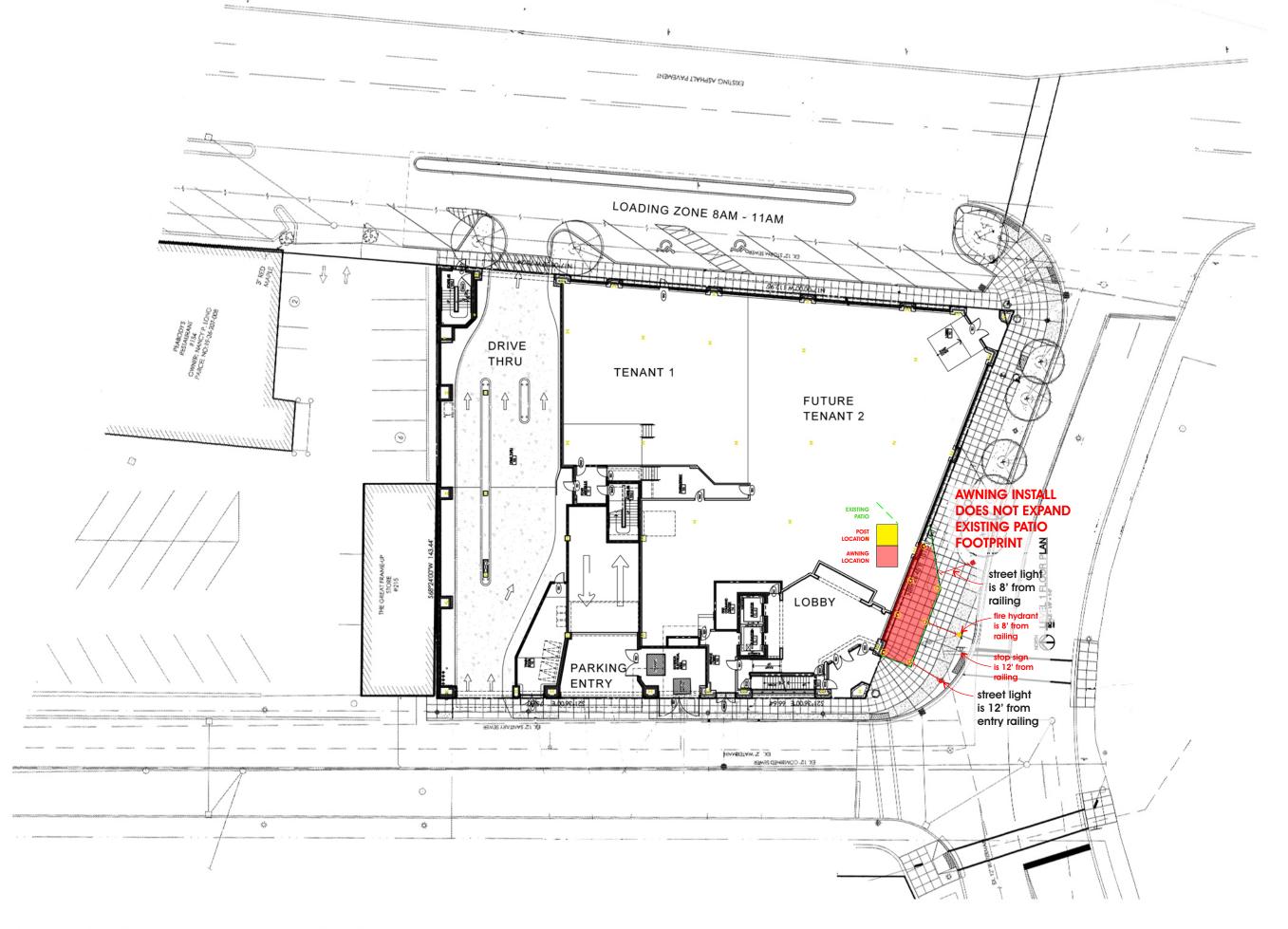
RIGHT ELEVATION

—AWNING AGAINST WALL WITH





NOTES:
ALL FRAMING ALUMINUM
1" X 1" X .093 UNLESS NOTED
FRAMES & SUBSTRUCTURE: BLACK
FABRIC: NATURA BLACK NT7745





Design Review Application Planning Division

Form will not be processed until it is completely filled out

1.	Applicant Name: Birmingham Roast Address: 525 E. Brown St Birmingham, MI 48004 Phone Number: 248-530-4314 Email address: Info@ birmingham roast.com	2.	Property Owner Name: Address: 32820 wbs.lward Avenue, suite 20 Royal Oak, MI 48073 Phone Number: 248-549-3600 Email address: hve. 350 samona wiss. Com
3.	Project Contact Person Name: Jesse Dhillon Address: 2633 Insighted Dr. Order MI 48313 Phone Number: 248-342-5876 Email address: jdhillon@ ljheircuts.com	4.	Project Designer/Developer Name: Marygrove Awnings Address: 12700 Merriman Rd. Livonia, MI 48150 Phone Number: 734-338-7258 Email address: Flanker@marygrove.com
5.	Required Attachments I. Two (2) paper copies and one (1) digital copy of all project plans including: i. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair; ii. Colored elevation drawings for each building elevation; iii. A Landscape Plan (if applicable); iv. A Photometric Plan (if applicable); Specification sheets for all proposed materials, light fixtures and mechanical equipment;		 III. Samples of all proposed materials; IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures; V. Current aerial photographs of the site and surrounding properties; VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner; VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.
 7. 	Project Information Address/Location of the property:	oara	Is the property located in a floodplain?

8.	Required and Proposed Parking Required number of parking spaces: Proposed number of parking spaces: Location of parking on site: Location of parking off site: Shared parking agreement? Size of surface parking lot:	Number of underground parking levels: Typical size of parking spaces: Typical width of maneuvering lanes: Number of handicap spaces: Screenwall material: Height of screenwall:
9.	Location of landscape areas: Sidewalk railing,	Proposed landscape material:
		NIA
10.	Streetscape Sidewalk width: Number of benches: Number of planters:	Number of existing street trees: Number of proposed street trees: Number of waste receptacles:
11.	Loading Required number of loading spaces: Proposed number of loading spaces: Location of loading spaces on site:	Typical size of loading spaces:Screenwall material:Height of screenwall:
	Exterior Waste Receptacles Required number of waste receptacles: Proposed number of waste receptacles: Location of waste receptacles:	Size of waste receptacles:Screenwall material:Height of screenwall:
13.	Mechanical Equipment	
	Utilities and Transformers: Number of ground mounted transformers: Location of all utilities & easements:	Size of transformers (L•W•H): Screenwall material: Height of screenwall:
	Ground Mounted Mechanical Equipment: Number of ground mounted units: Location of all ground mounted units:	Size of ground mounted units (L•W•H): Screenwall material: Height of screenwall:
	Rooftop Mechanical Equipment: Number of rooftop units: Type of rooftop units: Location of all rooftop units: Size of rooftop units (L•W•H):	Location of screenwall: Screenwall material: Height of screenwall: Distance from rooftop units to all screenwalls:
	Building & Site Lighting Number of light fixtures on building: Light level at each property line: Type of light fixtures on building: Location of light fixtures on building:	Number of light fixtures on site: Type of light fixtures on site: Height from grade: Location of light fixtures on site:

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with the same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

By providing your e-mail to the City, you agree to receive news notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner:	1000		Date: 7/18/22-1
Print name: A SANTE	NJ I		
Signature of Applicant:	17-/h		Date: 7/8/21
Print Name: Jesse	Dhillen		
Signature of Architect:			Date:
Print Name:			
	Office Use Only		
Application #:	Date Received:	Fee:	
Date of Approval:	Date of Denial:	Accepted By: _	



Notice Sign Rental Application

Community Development

1.	Name: Birminghum 12sast Address: 525 E. Brown St. Birminghum, MI 48009	2.	Property Owner Name: Harry Weiss Address: 3 2820 Wandurd Avenue, Suite 200 Rapid Oak, MI 48073
	Phone Number: 248-530-4314 Fax Number: 414		Phone Number: 748-544-2607 Fax Number:
	Email address: Into & birmingham roast con		Email address: hulsted Samuneweiss, com
3.	Project Information		
	Address/Location of Property: 675 E. Brown St.		Name of Historic District, if any:
	Name of Development: Balmost Billing		Current Use: Outdox Dining
	Area in Acres: 1 Acres		Current Use: Order Dining Current Zoning: Order dung
4.	Date of Board/Commission Review		
	City Commission:		Board of Zoning Appeals:
	Planning Board: Historic District Commission:		Board of Building Trades Appeals:
	Historic District Commission:		Housing Board of Appeals:
	Design Review Board:		Other:
imi No	nmission, and to ensure that the Notice Sign(s) remains p dersigned further agrees to pay a rental fee and security depo mediately following the date of the hearing at which the proj- tice Sign(s) are returned undamaged to the Community Devo mage to the Notice Sign(s) will result in forfeiture of the secur	osit fo ect wa elopm	r the Notice Sign(s), and to remove all such signs on the day is reviewed. The security deposit will be refunded when the ent Department, Failure to return the Notice Sign(s) and/or
Sig	gnature of Applicant:		Date: 7/8/21
	Office	Use	Only
Ap	plication#: Date Received:		Fee:
Da			

X HERCULITE®

Powered by Innovation + Proven by Performance

Herculite Natura®

TYPICAL PROPERTIES REPORT

		TEST METHOD	TYPICAL TEST RESULTS	ST RESULTS
PHYSICAL PROPERTIES English	Metric		English	Metric
Weight, oz. per sq. yd.	g/m ²	ASTM D3776 Method C	18 oz. +/- 10%	610 g +/- 10%
Adhesion. (lbs./2 in.) N/	N/50 mm	ASTM D751 (Free Peel)	Cannot Separate	parate
Breaking Strength (lbs./in.) N/	N/25 mm	ASTM D5034	W 250 F 185	W 1112 F 823
Tear Strength (lbs.)	Z	ASTM D2261/1	W 80 F 55	W 356 F 245
Hydrostatic Burst (PSI)	kPa	ASTM D751	370	2551
Waterproof			Yes	S
Flame Resistance		ASTM 6413	Pass Meets Calif. State Fire Marshal	ss ce Fire Marshal

Width: 60 inches

Roll Size: 50 Yards

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09-132-21

E. Unfinished Business

1. 525 E. Brown (Birmingham Roast), Request for Design Review for changes to existing outdoor dining area (postponed from July 28, 2021).

CP Dupuis reviewed the item. He noted that the applicant was now seeking approval for the 2022 outdoor dining season, and was no longer seeking to install the outdoor dining area during the 2021 outdoor dining season.

The applicant was not present.

Mr. Jeffares opined that the City's requirements for this proposal seemed more onerous than the requirements for other outdoor dining setups in the City.

In light of the applicant's intent to delay installation until 2022, Mr. Share recommended postponing this review until after the Board concludes its study of the City's outdoor dining standards.

Mr. Koseck concurred with Mr. Share.

Motion by Mr. Williams

Seconded by Mr. Share to postpone consideration of the design review for 525 E. Brown (Birmingham Roast) to February 23, 2022.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Whipple-Boyce, Share, Ramin, Koseck, Jeffares, Clein

Nays: None

Chair Clein noted that the concerns from the Building Official and Fire Marshal were code, and not ordinance, related. He stated that the City's ordinance needs to take code implications into account. He asked CP Dupuis to reach out again to the Fire Marshal and Building Official for clarification regarding the definitions and code implications.

09-133-21

F. Final Site Plan & Design Review

1. 34745 Woodward Avenue – Jax Kar Wash, Request for Final Site Plan & Design Review for circulation and layout changes to the existing car wash site.

ACM Ecker presented the item.

08-121-21

E. Unfinished Business

1. 525 E. Brown (Birmingham Roast), Request for Design Review for changes to existing outdoor dining area (postponed from July 28, 2021).

CP Dupuis presented the item.

Jesse Dhillon, owner, was present on behalf of the request. He said he would be seeking an extended outdoor dining permit if approved.

After discussion the Board requested that staff seek clarification from the Fire Marshall regarding whether a sprinkler system would still be required without sides on the structure.

There were some concerns expressed about the size of the proposed structure and the feasibility of taking the structure down every night during the extended dining season with the sprinkler system.

A number of board members said they would be more supportive of approving these plans for a year to see how the outdoor dining standards conversation unfolds.

Mr. Williams noted that it was unlikely that the Board could offer approval for only one year in this case since it was not a SLUP.

Mr. Jeffares said the City should improve its timing regarding receipt of information so that a simple informational question does not end up postponing a project as was the case here. Mr. Jeffares noted that when the same structure was in place during the Covid-19 temporary outdoor dining standards it provided desirable activation of the streetscape.

The Board also asked staff to add fire suppression to the topics to be discussed as part of the outdoor dining standards review.

Motion by Mr. Williams

Seconded by Mr. Share to postpone the design review for 525 E. Brown (Birmingham Roast), Request for Design Review for changes to existing outdoor dining area to September 9, 2021.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Williams, Share, Boyle, Koseck, Jeffares, Clein, Whipple-Boyce

Nays: None

Chair Clein apologized to Mr. Dhillon for the delay. He asked staff to add when outdoor dining is a SLUP and when it is not, and the implications of that difference, to the topics to study as part of the outdoor dining standards discussion.

Mr. Williams said the Board should also study how year-round dining should interact with SLUPs, and whether changes should be made to that aspect of the ordinance.

08-122-21

F. Courtesy Review

1. Old Woodward Reconstruction Project, Phase 3 (Brown to Landon)

CP Cowan introduced the item.

Haley Wolf of MKSK presented the item.

Ms. Wolf confirmed there would be bicycle racks installed at the bus stops.

Mr. Jeffares said the planned changes for the intersections would likely make it easier for drivers coming off Haines, Hazel, and Bowers to merge onto S. Old Woodward.

Mr. Williams, Mr. Boyle, Mr. Emerine and Chair Clein all recommended that the City consider implementing the more northern aspects of this plan while waiting on the more southern parts. They all noted that the master plan has a proposal for the southernmost part of S. Old Woodward that would require tearing up the current plans, if implemented, in a few years.

Mr. Williams specified he would not consider implementing any of the project south of Bowers at this time; Chair Clein said he would not recommend doing south of Haynes.

Ms. Wolf noted that many retailers in the area offer private parking for customers, and also noted that the team working on this was in ongoing conversations with the local businesses.

Ms. Whipple-Boyce said she liked the proposed changes, and noted that the currently low occupancy rates south of George would likely change if the RH development proceeds.

Mr. Boyle and Chair Clein said some attention should be given to mitigating the speed of drivers coming up S. Old Woodward heading north.

Chair Clein said he liked the plans overall.

Mr. Koseck said the plans would beautify the area and expressed some concern about the impact of the proposed loss of parking on nearby retailers.

Mr. Emerine agreed with Mr. Boyle and Ms. Whipple-Boyce. He also said that while parking is important, pedestrian safety is paramount, opining that the proposed crossings and bump-outs would be a needed improvement.

CCE Surhigh said the City was studying whether to include electric vehicle charging stations along this stretch of S. Old Woodward.

Birmingham Planning Board Proceedings July 28, 2021

Mr. Williams suggested the City could notice neighbors when building permits are granted. He said that while it would require a departmental change, it might be worth considering.

David Lubin and Kim Raznik were present on behalf of the project.

The Chair asked the applicant team to commit to better communication with the neighbors. He said the applicant team would be given the contact information for the nearby neighborhood association, church and school to notify them when construction begins.

Motion by Mr. Williams

Seconded by Mr. Jeffares to approve the Final Site Plan and Design Review for 2425 E. Fourteen Mile Road (Clover Hill Cemetery) with the following condition: 1. The applicant must submit specifications sheets on the proposed rooftop unit to determine if additional screening will be necessary.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Jeffares, Clein, Ramin, Whipple-Boyce, Boyle, Koseck

Nays: None

07-104-21

G. Design Review

1. **525 E. Brown (Birmingham Roast),** Request for Design Review for changes to existing outdoor dining area.

CP Dupuis presented the item. He noted that the proposal would be located on public property. He stated that he was emailed revised design plans showing the awning structure with no sides after the agenda packet was sent out.

Jesse Dhillon, owner, was present on behalf of the project.

PD Ecker told Mr. Williams that the proposal would not go to the Commission since there would be no alcohol service and thus no SLUP required. The owner would enter into a license agreement with the City via the Clerk's Office through the outdoor dining licensing process.

Mr. Koseck and Chair Clein noted the plans were missing dimensions as well as other necessary information, and said consequently the Board did not presently have enough information to complete the requested review.

Mr. Boyle reiterated his previous comment that this review should be postponed until the Board has a better sense of its likely outdoor dining standards recommendations.

Mr. Koseck agreed with Mr. Boyle.

Mr. Jeffares noted the Board had the unusual opportunity to see this structure since it was up during the temporary outdoor dining allowances that occurred because of Covid-19. He said that these plans were simple enough that they could be moved forward without conflict with the future outdoor dining standard discussions. He also disagreed with Engineering's comments, saying the structure would be unlikely to be in a driver's vision in the intersection.

Chair Clein said that while he needed to see more complete plans, he did not think this and other applicants should be asked to wait on outdoor dining reviews until the Board has made its updated outdoor dining ordinance recommendations.

Mr. Dhillon stated that any future plans would be submitted with sufficient information.

Motion by Mr. Williams

Seconded by Mr. Boyle to postpone consideration of 525 E. Brown (Birmingham Roast) to August 25, 2021.

Ms. Whipple-Boyce echoed Mr. Boyle's comments. She said the Board would be unlikely to know its outdoor dining ordinance recommendations by the proposed postponement date. She noted that the applicant could avail itself of umbrellas and other shade options in the interim, and expressed concern that approving one project would invite others prior to the Board being sure of the standards it would be applying.

Chair Clein said that while he agreed with Ms. Whipple-Boyce and Mr. Boyle in theory, the City has a current ordinance and cannot require applicants to wait a number of months until the ordinances are updated.

Mr. Williams concurred with Chair Clein, noting that the applicants applying now would be operating under the existing ordinance.

Mr. Jeffares reiterated his contention that this proposal was relatively straightforward and reviewing and approving it would not conflict with the ongoing outdoor dining standard discussions. He said the only two questions this proposal might raise would be how long the structure could stay up and whether it could in some way be heated.

Motion carried, 5-2.

ROLL CALL VOTE

Yeas: Williams, Boyle, Koseck, Clein, Ramin

Nays: Jeffares, Whipple-Boyce

07-105-21

H. Preliminary Site Plan Review

AGENDA

REGUAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY MARCH 9, 2022

The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. Oakland County is currently classified as a substantial transmission area. The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.

- A. Roll Call
- B. Review and Approval of the Minutes of the Regular Meeting of February 23, 2022
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Unfinished Business
- F. Rezoning Applications
- G. Community Impact Studies
- H. Special Land Use Permits
 - 100 Townsend Townsend Hotel/Rugby Grille Request for new outdoor dining platform
- I. Site Plan & Design Reviews
 - 1. 100 Townsend Townsend Hotel/Rugby Grille Request for new outdoor dining platform
 - 2. 159 N. Eton Request for building and site improvements
- J. Study Session
 - 1. Outdoor Dining Standards
 - 2. Window Standards Clarity Requirements
 - 3. Open Space Standards Handicap Accessible Ramps
 - 4. Accessory Structure Standards Side Yard A/C
- **K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - 3. Administrative Approval Correspondence
 - 4. Draft Agenda March 23, 2022
 - 5. Action List 2022
 - 6. Other Business
- L. Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- M. Adjournment

Link to Access Virtual Meeting: https://zoom.us/j/111656967

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

NOTICE: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce St. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un dia antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

^{*}Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

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WEDNESDAY MARCH 23, 2022

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- A. Roll Call
- B. Review and Approval of the Minutes of the Regular Meeting of March 9, 2022
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Unfinished Business
- F. Rezoning Applications
- G. Community Impact Studies
- H. Special Land Use Permits
 - 1. 220 Merrill 220 Restaurant SLUP request for new outdoor dining platform
 - 185 N. Old Woodward Mad Hatter SLUP request for a rebranding of existing bistro, including interior and exterior changes, and new outdoor dining.
 - 2225 E. 14 Mile Our Shepherd SLUP request for parking lot/circulation improvements and minor exterior façade changes.
- I. Site Plan & Design Reviews
 - 220 Merrill 220 Restaurant Final Site Plan and Design Review request for new outdoor dining platform
 - 2. <u>185 N. Old Woodward Mad Hatter</u> Final Site Plan and Design Review request for a rebranding of existing bistro, including interior and exterior changes and new outdoor dining.
 - 2225 E. 14 Mile Our Shepherd Final Site Plan and Design Review request for parking lot/circulation improvements and minor exterior façade changes.
 - 4. <u>36877 Woodward Gasow</u> Preliminary Site Plan request for a new 2-story building and associated site improvements
 - 5. 191 N. Chester OneStream Design Review request for new dumpster enclosure
- J. Study Session
- **K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - 3. Administrative Approval Correspondence
 - 4. Draft Agenda April 13, 2022
 - 5. Action List 2022
 - 6. Other Business

- L. Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
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Planning Board Action List - 2022

Tonic	General Goals	City Commission	Quarter	Status	
Topic	General Goals	Directive?	Quarter	In Progress	Complete
2040 Master Plan	Adopt a new comprehensive master plan.	×	Ongoing	\boxtimes	
Outdoor Dining	Study the Outdoor Dining Ordinance re: enclosures, expansions, etc.	\boxtimes	1 st (January-March)	\boxtimes	
Window Standards (Glazing)	Update window standards to help support building renovation and the Energy Code requirements.		1 st (January-March)	\boxtimes	
Barrier-Free Ramps	Reduce unintentional restrictions on handicap ramps in the front setbacks		2 nd (April-June)		
Side Yard A/C	Update the ordinance to address issues with side yard a/c units		2 nd (April-June)		
Front Setback Rules	Consider revisions to the setback ordinances in R1-R3 to address 200 ft. calculations rule		3 rd (July-September)		
Lighting Standards	Remove conflicting regulations regarding photometric plans.		3 rd (July-September)		
Impervious Surface Definition	Clarify definition to promote the infiltration of stormwater		4 th (October-December)		
Health Club/Studio Use	Consider allowing health/fitness type activities in more areas of the City.		4 th (October-December)		

Next Up...

Torio	General Goals	City Commission Quarter	Status		
Topic	General Goals	Directive?	Quarter	In Progress	Complete
Dumpster Enclosures	Expand the materials permitted/not permitted in dumpster enclosures.		-		
Balcony/Terrace Enclosures	Clarify and add regulations for the enclosure of outdoor living space.		-		
Lot Combination Process	Review the process for lot combinations to add clarity to approval standards.				
Mixed Use Requirements	Consider changing the requirements for the stacking of mixed uses		-		
Review Processes for Public Projects	Clarify review process for projects on public property.		-		
SLUP Application Process	Clarify the SLUP process in terms of the order of board/commission review.		-		
Retail Definition	Revisit the retail definition to address any concerns about first floor uses.		-		
Medical Marijuana & CBD	Update the Zoning Ordinance to help regulate Medical Marijuana and CBD through ordinance language.		-		
Sustainability Initiatives	Prepare a sustainability agenda to increase Birmingham's resilience.		-		