



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY JULY 13, 2022 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

Per the CDC, Oakland County has a COVID-19 Community level and transmission level of HIGH. The City continues to highly recommend the public wear masks while attending City meetings per CDC guidelines. These precautions are due to COVID-19 transmission levels remaining high in Oakland County that have led to an increase in infections of City employees and board members. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **June 22, 2022**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Unfinished Business/Courtesy Review
- F.** Rezoning Applications
- G.** Community Impact Studies
- H.** Special Land Use Permits
 - 1. **460 N. Old Woodward – Wilders – Request for new bistro and associated exterior renovations.**
- I.** Site Plan & Design Reviews
 - 1. **460 N. Old Woodward – Wilders – Request for new bistro and associated exterior renovations.**
- J.** Study Session
 - 1. **Side Yard A/C Units**
 - 2. **Outdoor Dining**
 - 3. **Window Standards**
- K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - i. **117 Willits – Shift/Sidecar/Slice**
 - 2. Communications
 - 3. Administrative Approval Correspondence
 - 4. Draft Agenda – **July 27, 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

*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:

Link to Access Virtual Meeting: [**https://zoom.us/j/111656967**](https://zoom.us/j/111656967)

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

Meeting ID Code: 111656967

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City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, June 22, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 22, 2022.
Chair Scott Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives MacKinzie Clein, Andrew Fuller

Absent: None

Administration:

Nick Dupuis, Planning Director
Leah Blizinski, City Planner
Rebekah Craft, Baldwin Library Director
Brooks Cowan, Senior Planner
Laura Eichenhorn, City Transcriptionist

B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 8, 2022

On page three, it should be 'a right on Grant' and not 'a left on Grant' per Mr. Williams.

On page five, condition one of the motion, 'apply for' should be replaced by 'obtain' per Mr. Share.

06-129-22

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board meeting of June 8, 2022 as amended.

Motion carried, 7-0

VOICE VOTE

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

Nays: None

C. Chair's Comments

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

D. Review Of The Agenda

E. Courtesy Review

1. 300 W. Merrill – Baldwin Public Library – Request for new addition

PD Dupuis introduced the item.

Steve Schneeman, architect, and BLD Craft presented the project and answered informational questions from the Board.

Mr. Jeffares noted that one street tree seemed to be missing.

Ms. Whipple-Boyce raised the issue of mechanical screening.

It was noted in discussion that if this were a private development, the mechanical units on the roof would need to be screened.

Mr. Koseck said the plan complements the Birkerts addition and allow it to still be viewed without being overpowered.

The Chair said he was pleased the plan embraces the Library's proximity to Shain Park, citing both the outdoor collaboration space and the plaza as ways that is accomplished. He said he would like to see a street tree added where the one is currently missing and mechanical screening added if at all possible. He said the plan in general was well done.

Mr. Jeffares concurred regarding the street tree and mechanical screening. He said the plan would likely help attract students back to the Library as a place to study and learn.

Ms. Whipple-Boyce praised the plan, saying that the plaza's relationship to Shain Park, the interior floor plan, the cafe, and the complementary nature between the 2018 addition and the Birkerts addition were well done. She commended everyone affiliated with the Library who helped see all three phases of the renovation project through.

Public Comment

David Bloom asked Mr. Schneeman to review the horizontal metal bars above the nanowall and the brass band above the entrance for alignment with design aspects of the Birkerts addition. He asked Mr. Schneeman to verify whether the spacing of the nanowall aligned with the spacing of the mullions done in phase two. He recommended that the entrance vestibule have a second set of doors added in the interest of climate control.

Bill Seklar, President and CEO of the Community House, spoke highly of the project, the Library Staff, and BLD Craft. He said it would be beneficial to Community House if the mechanicals on the roof of the Library are screened since gathering spaces on the second floor of the Community House face the Library's mechanicals.

F. Rezoning Applications

1. Watkins/Brown Property (No address, Parcel Identification Number: 1936151027) – Request to rezone property from R8 to R2.

The Chair opened the public hearing at 8:08 p.m.

SP Cowan presented the item and answered informational questions from the Board.

06-130-22

Motion by Mr. Williams

Seconded by Mr. Share to receive and file a letter dated June 14, 2022 from Martin F. McGough M.D. and Colleen McGough and an email dated June 20, 2022 from Gerald Seizert and Maragaret Overton. Both correspondences requested that the Board deny the request for rezoning.

Motion carried, 7-0

VOICE VOTE

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

Nays: None

Rick Rattner, attorney, spoke on behalf of the request.

Public Comment

Brian Gordon, resident of W. Brown, said he believed the applicant was facing a self-created issue and that it was not the responsibility of the City to resolve that for the applicant. He said there were other options for development available to the applicant without the need for rezoning, including joining the parcel to the W. Brown condominium association. He asked the Board to vote no on the rezoning request.

Gerald Seizert, resident of W. Brown, asked the Board to vote no on the rezoning request. He said that some language in the master deed conflicted with the planned developments. He noted that he and other nearby residents have offered to compensate the developer to turn the area into a greenspace instead.

Guy Simons, resident of Watkins, said that the wall did not comply with the zoning ordinance's requirements for the side setback of a corner lot. He noted the developer was encouraged at past Board meetings to work with the neighbors. Mr. Simons said those engagements were unproductive. If the Board approves the lot split, Mr. Simons asked that strict conditions regarding safety be attached, including issues of traffic and parking.

Anita Regalato, resident of Watkins, concurred with Messrs. Seizert and Simons.

Mr. Seizert and Ms. Regalato also commented that the wall on the property was tall enough to dangerously obscure drivers' views of pedestrians.

Seeing no further public comment, the Chair closed the public hearing at 8:50 p.m. and returned the conversation to the Board for deliberation.

Mr. Share clarified the task before the Board, noting that the master deed, comments about perceived integrity of the property owner, or comments about setbacks were not pertinent to the present considerations. Mr. Share continued:

- This piece was likely zoned R8 because when it was first zoned it was done so as a 35,000 sq. ft. parcel that fronted on Southfield and Brown, and not as a series of smaller parcels;
- This property should be zoned R2, not R8. He said it fits the criteria of the zoning and lines up with the housing on Watkins whereas R8 does not;
- While a greenspace may be better from his perspective, that was not presently before the Board;
- This is not a recommendation for the Commission to grant the lot split and also gives no indication as to whether the Board would approve a single family residence on the site if the lot were split;
- The Board almost always attaches conditions to site plans; and,
- He was mindful and sympathetic to the residents' concerns about the wall and the fabric of the neighborhood but saw conformity with the rezoning criteria.

The Chair concurred with Mr. Share's comments about the matter before the Board. He also clarified that only the Commission could decide on a rezoning; the Board just makes a recommendation on the matter. The Commission is also the only body that can add conditions to a rezoning in Birmingham.

The Chair then reiterated that a recommendation on the rezoning was presently before the Board, and not a question of the lot split.

Mr. Williams concurred.

Mr. Williams said:

- The developer expressed plans to build a single family residence on this site from the first time the item was before the Board;
- The neighbors expressed support of that proposal in 2018, and cited a letter from the McGoughs in November 2018 to that effect as an example;
- The neighbors' original stance was not relevant to the question of rezoning but was relevant to the tone of some of the neighbors' comments; and,
- The neighbors' opinions may have changed in part due to their perception of the developer's actions.

Mr. Boyle said:

- Item E from the findings of fact list allows the Board to determine whether the proposed rezoning would be the proper use of the land;
- The developer brought proposals for the whole site, the Board asked to see what would happen to the site at the rear, and the present proposal was not what was proposed;
- Instead, the developer chose to build what now stands, with a piece of property left at the rear;
- This is not unusual, and those undeveloped pieces often become very important for the neighborhood; and,
- He would like to see a way forward that does not necessarily result in a property being built on this lot.

The Chair said:

- Rezoning requests are one of the most difficult tasks that appears before the Board;
- Given the new information provided, the developer would be able to put in two to three more units on the site by right depending on whether one goes by the master deed or the zoning ordinance;
- If the present developer does not add the additional units, whichever developer purchases the parcel from the present developer will;
- This rezoning, consequently, seems like the least detrimental option for the neighborhood; and,
- He therefore would support a rezoning to R2 since he believes that the situation satisfies all five of the criteria for rezoning.

06-131-22

Motion by Mr. Share

Seconded by Mr. Williams based on a review of the rezoning request and supporting documentation submitted by the applicant, a review of the applicable master plan documents and the development trends in the area, to adopt the findings of fact contained in the staff report dated June 17, 2022 and to recommend approval to the City Commission for the rezoning of parcel #19-36- 151-027 from R8 Attached Single Family to R2 Single Family Residential.

Mr. Share noted that he updated the date in the motion to June 17, 2022 from April 22, 2022 to reference the most recent Staff report.

Public Comment

Ken Barrett, resident of Watkins, said residents' perspectives on this proposed rezoning changed based on interactions with the developer. He reiterated that there were offers from residents on W. Brown to compensate the developer for the parcel in order to maintain the greenspace. He asked the developer to work with the neighbors in good faith.

Motion carried, 6-1

ROLL CALL VOTE

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

Nays: Boyle

G. Special Land Use Permits (SLUPs) and Site Plan and Design Reviews

- 1. 460 N. Old Woodward – Wilders – Request for new bistro and associated exterior renovations.**

The Chair recused himself from the item at 9:10 p.m., citing a business relationship with the owner of the property.

Vice-Chair Williams assumed facilitation of the meeting and called a brief recess at 9:10 p.m.

The Board returned from recess at 9:18 p.m.

PD Dupuis presented the item.

06-132-22

Motion by Mr. Share

Seconded by Mr. Koseck to receive and file an email dated June 22, 2022 from the Friends of Brookside addressed to the Planning Board.

Mr. Share noted it would be helpful for the Friends of Brookside to clarify nature of their group.

Motion carried, 6-0

VOICE VOTE

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

Nays: None

Alex Saroki, architect, Victor Saroki, architect, and Samy Eid, owner, spoke on behalf of the item.

In reply to Mr. Boyle, Mr. Alex Saroki explained the applicant team chose to locate the outdoor dining on the sidewalk because they were able to maintain the five foot clear path at the narrowest point and because Mr. Eid prefers sidewalk dining over platforms in the street.

In reply to Mr. Boyle, PD Dupuis noted the applicant was advised that a nearby restaurant was denied an outdoor dining platform by the Commission. He said that may have impacted the applicant's decision to propose outdoor seating on the sidewalk instead.

Mr. Victor Saroki said there was also some concern that an outdoor dining platform could impede the adjacent driveway. He stated that trash pickup would occur in the early morning and that delivery drivers would be able to park in the spaces in front of establishment.

Mr. Koseck raised concerns about the slope of the south deck and the potential need for a rail on the east side of the deck. He said it would be helpful to see a drawing of those conditions. He noted that the location of the proposed outdoor dining could conflict with the language of the proposed outdoor dining ordinance updates in terms of locating dining in the furnishing zone.

Mr. Victor Saroki clarified that the slope of the south deck would only be about six inches.

Mr. Eid confirmed his preference not to have an outdoor dining platform in the street. He said it was also his impression that it would be the City's preference as well.

Ms. Whipple-Boyce said:

- She was not especially concerned about locating the outdoor dining on the sidewalk;
- She was concerned about moving the proposal forward without some of the outdoor dining information, including the lack of elevation and a lack of information about the built-in benches;
- This was the second time recently that the Board had not been provided with finish samples, which is a requirement at final site plan. In fairness to other applicants that do provide material boards, all applicants should be expected to provide them; and,
- It would be helpful to have a diagram of the nearby restaurants' approved outdoor dining layouts.

The Vice-Chair concurred with Ms. Whipple-Boyce that the Board should not deviate from its requirements for applicant teams.

Mr. Eid said there was an issue with sourcing and lead time for some of the products.

Mr. Victor Saroki said the applicant team could have the material boards, a drawing of both the currently proposed outdoor dining and a potential outdoor dining platform in the street, and the neighboring restaurants' outdoor dining locations by the next meeting.

06-133-22

Motion by Mr. Boyle

Seconded by Mr. Koseck to amend the rules of procedure to allow for a study session and a special land use permit and site plan and design review for the meeting of July 13, 2022.

Motion carried, 6-0

VOICE VOTE

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

Nays: None

06-134-22

Motion by Mr. Boyle

Seconded by Mr. Koseck to postpone consideration of the special land use permit and final site plan and design review for 460 N. Old Woodward to July 13, 2022.

Motion carried, 6-0

ROLL CALL VOTE

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

Nays: None

H. Site Plan & Design Reviews

- 1. 35106 Woodward – Whole Dental Wellness – Request for addition to rear of existing commercial building.**

The Chair rejoined the meeting at 10:03 p.m.

CP Blizinski presented the item.

Iden Kalabat, engineer, spoke on behalf of the project.

In reply to Ms. Whipple-Boyce, Mr. Kalabat noted that one feature shown as a wall was actually a glass sliding door. He said the demolition work was overlaid on the proposed work in error.

Ms. Whipple-Boyce noted that the elevations did not match the floor plan either.

Mr. Kalabat explained there would be two windows on the front, with the left window being lower and the right window being higher so it does not look directly at patients. He explained the rear elevation would be a solid block wall, the side elevation would be the existing block wall with a door, ramp, and railing, and the proposed addition to the left of that.

After further discussion, it was noted that the applicant would need to add windows on the north elevation.

The Chair observed that the Engineering and Building Departments were recommending a relocation of the ADA entrance, that windows needed to be added, and that the interior floor plan did not align with the ordinance requirements. He recommended that the Board postpone this item until an updated floor plan and elevations are provided.

Mr. Kalabat noted that the intent is to move the ADA entrance to the front of the building, an ADA compliant parking space would be provided, and windows will be added where required.

The Chair asked Mr. Kalabat to work with Staff to resolve the outstanding issues before the next review.

06-135-22

Motion by Mr. Williams

Seconded by Mr. Share to postpone consideration of the site plan and design review for 35106 Woodward to July 27, 2022.

Motion carried, 7-0

VOICE VOTE

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

Nays: None

I. Study Session

J. Miscellaneous Business and Communications

1. Pre-Application Discussions

2. Communications

i. Michigan Age-Friendly Action Plan 2021-2023

3. Administrative Approval Correspondence

i. 100 Townsend – Townsend Hotel

Ms. Whipple-Boyce raised concerns about the safety of the proposed umbrellas.

Mr. Koseck raised concerns about the size and location of the proposed umbrellas' bases.

The Board asked whether the Building Department could review items such as umbrellas for potential safety issues.

The Board concluded that they would not be able to administratively approve this request. If The Townsend proposed umbrellas that were located entirely within the platform, the Board said the Planning Department could proceed with administrative approval.

ii. 183 N Old Woodward – Paris Baguette

The Board concluded Paris Baguette needed to apply for a site plan approval with a full submittal for its outdoor dining.

The Chair specified that dimensions must be provided for the review.

4. Draft Agenda

5. Action List - 2022

6. Other Business

K. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

L. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:37 p.m.

Nick Dupuis
Planning Director



Laura Eichenhorn

City Transcriptionist



MEMORANDUM

Planning Division

DATE: July 13, 2022

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 460 N. Old Woodward – Wilders — Special Land Use Permit (SLUP), Final Site Plan & Design Review **(UPDATES IN BOLD BLUE TEXT)**

The applicant has submitted a Special Land Use Permit, Final Site Plan and Design Review application for a new bistro in the first floor tenant space of a new building planned in Downtown Birmingham. The subject site is located on the east side of N. Old Woodward, south of Ravine and across from Booth Park. On December 21, 2021, the Planning Board moved to approve a Final Site Plan and Design Review application for a new 3-story mixed-use building with minor conditions that have since been resolved. The proposed bistro is located in the first floor of the new 3-story building.

On November 8, 2021, the City Commission moved to direct Wilders Supper Club (now “Wilders”) to the Planning Board for the process of Special Land Use Permit, Final Site Plan and Design Review. Wilders is the first and only application to have submitted an application from the 2021 bistro screening period.

Wilders’ initial screening application described an inspiration “drawn from the bustling French bistros that define the urban streetscape and energy of modern Paris.” The menu will be composed of fresh seafood options and prime chops. The hours of operation are proposed as follows:

Tuesday – Sunday Dinner Service: 5:00 PM – 11: 00 PM
Saturday & Sunday Brunch Service: 11:00 AM – 2:00 PM

The Birmingham Code of Ordinances states that a contract for transfer and a Special Land Use Permit are required for all licenses approved under Chapter 10 – Alcoholic Liquors. The licensee must comply with all provisions of the contract and Special Land Use Permit, and any amendments thereto as a condition of granting of a requested transfer. Accordingly, the applicant must obtain

a recommendation from the Planning Board on the Special Land Use and Final Site Plan/Design Review application, which is then reviewed for final consideration by the City Commission.

On June 22, 2022, the Planning Board moved to postpone consideration of the Special Land Use Permit, Final Site Plan and Design Review application citing concerns with the outdoor dining deck. The Planning Board requested a revised patio design that utilizes a portion of the street, as well as clarity on the proposed materials and fixtures of the platform. Please see the updates in the relevant sections below.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing site is a vacant two-story commercial building that has been approved to be replaced by a 3-story mixed-use building.
- 1.2 Existing Zoning – B2 (General Business) & D2 (Downtown Overlay)
- 1.3 Summary of Adjacent Land Use and Zoning – The following chart summarizes the existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Commercial/ Office	Commercial/ Office	Single-Family Residential	Public Property
Existing Zoning District	B2 (General Business)	B2 (General Business)	R2 (Single-Family Residential)	PP (Public Property)
Overlay Zoning District	D2	D2	N/A	N/A

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 of no more than 65 people.

Article 3, section 3.04(C)(10) of the Zoning Ordinance permits bistros in the Downtown 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;
- 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.
- i. Enclosures facilitating year round dining outdoors are not permitted.
- j. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
- k. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.

Wilders is proposing 58 seats in the restaurant and 7 bar stools for a total of 65 seats. In addition, Wilders is proposing an outdoor dining patio with 24 seats. In terms of the standards in Section 3.04(C)(10), Wilders appears to meet each standard and does not require any variances or special conditions.

A full review of the design of the outdoor dining facility is provided in the Design Review section below.

3.0 Setback and Height Requirements

Please see the attached zoning compliance summary sheet for details on setback and height requirements. There are no bulk, area, height or placement issues with the proposed plan.

4.0 Screening and Landscaping

- 4.1 Dumpster Screening – The dumpster condition on site was previously approved during the December 16, 2021 review for the overall building and is not proposed to change as a part of the SLUP application submitted.

- 4.2 Parking Lot Screening – The 4 off-street parking spaces and associated screening on site were previously approved during the December 16, 2021 review for the overall building and is not proposed to change as a part of the SLUP application submitted.
- 4.3 Mechanical Equipment Screening – The mechanical equipment and associated screening was previously approved during the December 16, 2021 review for the overall building and is not proposed to change as a part of the SLUP application submitted.
- 4.4 Landscaping – There are no landscaping features proposed as a part of the application submitted.
- 4.5 Streetscape – There are no new streetscape items proposed as a part of this Special Land Use Permit Amendment and Final Site Plan/Design Review application.

5.0 Parking, Loading and Circulation

- 5.1 Parking – The subject site is located within the Parking Assessment District. Therefore, no additional off-street parking facility is required or proposed.
- 5.2 Loading – No off-street loading space is required for the less than 5,000 sq. ft. commercial use.
- 5.3 Vehicular Circulation and Access – Vehicular circulation and access is not proposed to change from the December 16, 2021 review for the overall building.
- 5.4 Pedestrian Circulation and Access – Pedestrian circulation and access is not proposed to change from the December 16, 2021 review for the overall building.

6.0 Lighting

There are no new light fixtures proposed as a part of the application submitted. All lighting for the building was previously approved during the December 16, 2021 review for the overall building. The lighting in the area of the entrance for the retail space, which is now proposed to be Wilders, consisted of LED downlights beneath the canopies.

7.0 Departmental Reports

- 7.1 Engineering Division – Engineering comments will be provided during the SLUP, Final Site Plan and Design Review hearing on July 13, 2022.

- 7.2 Department of Public Services – Department of Public Services comments will be provided during the SLUP, Final Site Plan and Design Review hearing on July 13, 2022.
- 7.3 Fire Department – Fire Department comments will be provided during the SLUP, Final Site Plan and Design Review hearing on July 13, 2022.
- 7.4 Police Department – Police Department comments will be provided during the SLUP, Final Site Plan and Design Review hearing on July 13, 2022.
- 7.5 Building Division – Building Division comments will be provided during the SLUP, Final Site Plan and Design Review hearing on July 13, 2022.

8.0 Design Review

Due to the recently approved overall building design in December 2021, the applicant is not proposing any changes to the building façade as a part of the application submitted. The approved façade of the first floor storefront consists of brick, glass, and a steel and glass canopy.

In addition, the applicant does not appear to be proposing any signage at this time. Article 2, Section 2.02(A)(2) states that the City Commission shall hear and deny, approve, or approve with conditions, those signs for special land uses, after receiving the recommendation of the Planning Board. **The Planning Board may wish to require the applicant to submit a sign plan as a part of the application submitted to be reviewed by City Staff and the City Commission.**

The applicant has provided the details of a modest sign proposed on the wall adjacent to the main entrance of the restaurant. The sign measures just over 1 sq. ft. and is constructed of metal. Although the proposed sign is well within the permitted maximum combined sign area of 36 sq. ft., the proposed sign location is not within the Sign Band as required by the Sign Ordinance. Thus, the applicant must submit revised sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals.

Outdoor Dining

Outdoor dining patios must comply with the criteria outlined in Article 4, Section 4.44 – Outdoor Dining Standards. Outdoor dining patios are permitted immediately adjacent to the principal use, 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.
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 10:00 p.m., whichever is earlier.
4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.
5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
6. 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.
7. 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. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.
 - d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
 - e. An elevated, ADA compliant, enclosed platform may be erected on the street in front of an eating establishment to create an outdoor dining area from April 1 through November 15 only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - f. No such facility shall erect or install permanent fixtures in the public right-of-way.
8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.

The applicant is proposing a 18-seat, roughly 270 sq. ft. outdoor dining platform located in the furnishing zone of the sidewalk located in front of the proposed bistro. The platform is split into two parts to accommodate an existing street tree, as well as the existing slope in the area. The platform is proposed to be enclosed with a metal railing with hanging planter boxes, and the platform will be enclosed with an aluminum surround. The applicant has also submitted details on potential table and chair options for the patio, which consist of an 'Option 1' and an 'Option 2'. The table options appear to be constructed of metal/high quality materials, and the chairs appear to be a wicker material, but it is unclear at this time. Thus, **the applicant must submit revised plans with the final table and chair selected for the patio, and must submit detailed specifications for both.**

Furthermore, the applicant has proposed a waste receptacle within the patio, but has not indicated whether or not the patio will contain other design or service elements such as umbrellas, service stations or the like. **The applicant must clarify and confirm the design of the patio to ensure that all outdoor dining elements have been considered as a part of this review.**

Finally, the applicant is required to provide a minimum 5 ft. clear walking path along the sidewalk adjacent to their outdoor dining patio. The applicant has provided dimensions on the site plans indicate that a clear path of 5 ft. 3 in. is provided along the sidewalk adjacent to the patio.

Based on the conversation at the Planning Board on June 22, 2022, the applicant has now submitted a revised patio design that is completely within the N. Old Woodward right-of-way and utilizes one public on-street parking space. The new platform contains 24 seats instead of 18 seats, which remains well under the maximum permitted of 65.

The proposed platform is trapezoidal in shape, and is constructed of trex decking that is flush with the curb. The applicant has also provided detailed information on all of the fixtures and furnishings proposed, which include aluminum railings, a service station, waste receptacle, fabric umbrellas, planter boxes, composite tables and wicker chairs. The tables and chairs appear to be constructed of high-quality materials as required.

The applicant has also submitted elevation drawings demonstrating the platforms design in the context of the elevation, and has also demonstrated the sidewalk patio approved at EM Bistro to the north on their site plans.

Finally, the applicant has submitted alternate designs for the platform as requested by the Planning Board to demonstrate two different approaches:

one completely on the sidewalk, and one that does not utilize any on-street parking. The alternate plans are found at the end of the review package for Wilders so that they do not get confused with the formally proposed plans.

9.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	☒	☐	☐
Detailed and Scaled Site Plan	☒	☐	☐
Certified Land Survey	☒	☐	☐
Interior Floor Plans	☒	☐	☐
Landscape Plan	☒	☐	☐
Photometric Plan	☒	☐	☐
Colored Elevations	☒	☐	☐
Material Specification Sheets	☒	☐	☐
Material Samples	☐	☐	☒
Site & Aerial Photographs	☒	☐	☐

10.0 Approval Criteria

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 nor 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.

In addition, Article 7, Section 7.26 requires applications for a Special Land Use Permit to meet the following criteria:

- (1) The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.
- (2) The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
- (3) The use is consistent with the public health, safety and welfare of the city.
- (4) The use is in compliance with all other requirements of this Zoning Ordinance.
- (5) The use will not be injurious to the surrounding neighborhood.
- (6) The use is in compliance with state and federal statutes.

11.0 Recommendation

Based on a review of the site plan submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** of the Special Land Use and Final Site Plan/Design Review application for 460 N. Old Woodward – Wilders – subject to the following conditions:

1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance; and
2. The applicant must comply with the requests of all City Departments.

12.0 Sample Motion Language (*Final Site Plan & Design Review*)

Motion to recommend for **APPROVAL** the Final Site Plan & Design Review for 460 N. Old Woodward – Wilders – subject to the following conditions:

1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance; and
2. The applicant must comply with the requests of all City Departments.

OR

Motion to **POSTPONE** the Final Site Plan & Design Review for 460 N. Old Woodward – Wilders – pending receipt of the following:

1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance; and
2. The applicant must comply with the requests of all City Departments.

OR

Motion to recommend for **DENIAL** to the City Commission the Final Site Plan & Design Review for 460 N. Old Woodward – Wilders – for the following reasons:

1. _____
2. _____
3. _____

13.0 Sample Motion Language (*Special Land Use Permit*)

Motion to recommend for **APPROVAL** to the City Commission the Special Land Use Permit for 460 N. Old Woodward – Wilders – subject to the conditions of Final Site Plan & Design Review approval.

OR

Motion to **POSTPONE** the Special Land Use Permit 460 N. Old Woodward – Wilders – pending receipt of the following:

1. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance; and
2. The applicant must comply with the requests of all City Departments.

OR

Motion to recommend for **DENIAL** to the City Commission the Special Land Use Permit for 460 N. Old Woodward – Wilders – for the following reasons:

1. _____
2. _____
3. _____

A
B
C
D
E
F
G
H

RAVINE RD.

EUCLID AVE.

N. OLD WOODWARD AVE.

EXISTING
RESIDENCE
ZONED R2
180 RAVINE RD.

EXISTING
RESIDENCE
ZONED R2
181 EUCLID AVE.

EXISTING 2-STORY BUILDING
ZONED D-2
470 N. OLD WOODWARD

PROPOSED
3-STORY BUILDING
ZONED D-2
460 N. OLD WOODWARD

EXISTING
2-STORY BUILDING
ZONED D-2
450 N. OLD WOODWARD

EXISTING
3-STORY BUILDING
ZONED D-2
430 N. OLD WOODWARD

EXISTING EVERGREEN TREES

EXISTING TRANSFORMER PAD

EXISTING SCREEN WALL

REAR SETBACK (ALIGNED WITH EXISTING 470 N. OLD WOODWARD)

EXISTING RETAINING WALL

EXISTING TRASH ENCLOSURE

EXISTING REFRIGERATION UNIT

NEW 6 FT MASONRY
TRASH ENCLOSURE

12 FT HIGH POLE
MOUNTED LED LIGHT
FIXTURE WITH CUT OFF

NEW 6 FT MASONRY SCREEN
WALL WITH LIMESTONE CAP

NEW CONCRETE RETAINING WALL WITH
MASONRY VENEER

EXISTING SLOPED CONCRETE RETAINING

EXISTING EVERGREEN SHRUBS

EXISTING PARKING
(8 SPACES)

EXISTING ASPHALT PAVING

EXISTING WHITE PARKING
STRIPING, TYPICAL

BUILDING CANTILEVER
(ABOVE)
RECESSED CAN LIGHT IN
STRUCTURE (ABOVE), TYPICAL

ACCESS DRIVE

EXISTING ASPHALT
PAVING

NEW
ASPHALT
PAVING

STEEL AND GLASS
CANOPY ABOVE

17'-0"
NEW CONCRETE WALK-
SCORING TO MATCH EXISTING
NEW EXPOSED AGGREGATE
CONCRETE WALK PER CITY
STANDARDS

STREET TREE,
LITTLE LEAF LINDEN (TILIA CORDATA)
STRAIGHT TRUNK, 3 TO 3-1/2" CALIPER
LOWER BRANCH MINIMUM CLEARANCE

EXISTING H.C.
PARKING SPACE
WITH SIGN

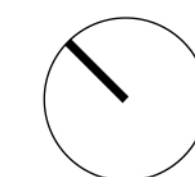
EXISTING H.C.
ACCESS AISLE

EXISTING PARKING

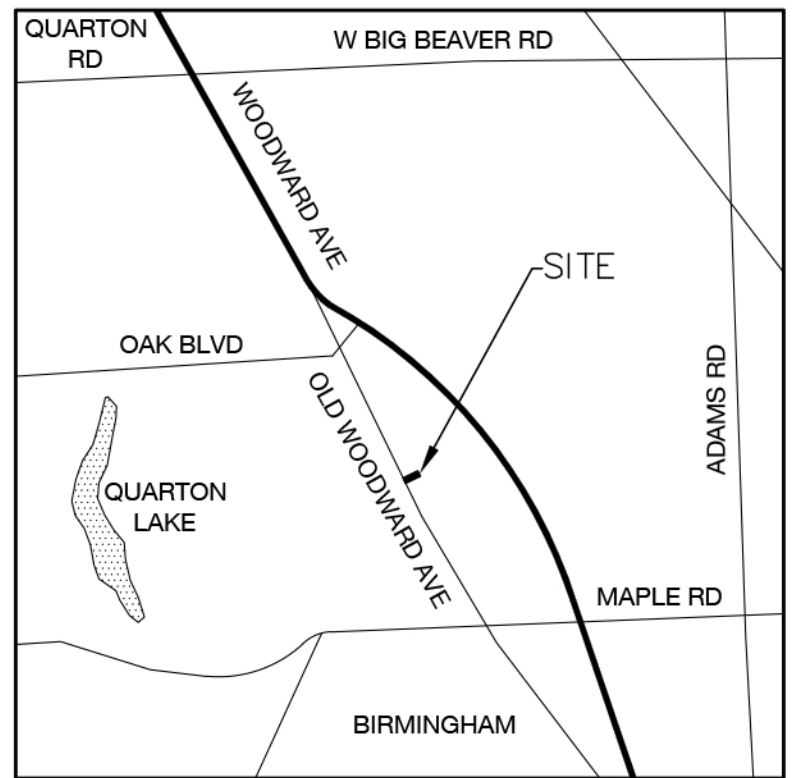
NEW PARKING

EXISTING PARKING

H5
A010
Architectural Site Plan
SCALE: 1" = 10'-0"



0 10' 20' 40'



Location Map
Not to Scale

SAROKI
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F. 248.258.5515

SarokiArchitecture.com

Project:
Wilder's
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

Date:	Issued For:
05-10-2021	PRELIM. SITE PLAN REVIEW
10-27-2021	FINAL SITE PLAN REVIEW
03-15-2022	SPECIAL LAND USE PERMIT

Sheet No.:

A010

ARCHITECTURAL SITE PLAN

1 2 3 4 5 6 7 8 9 10

A
B
C
D
E
F
G
H



N. OLD WOODWARD AVE.

EUCLID AVE.

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Project:
460 Parkview
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

Date: 05-10-2021 **Issued For:** PRELIM. SITE PLAN REVIEW

Sheet No.:

A011

Aerial Photograph -
Existing Site

H5
A011
Aerial Photograph - Existing Site
SCALE: 1" = 10'-0"



0 10' 20' 40'

1 2 3 4 5 6 7 8 9 10

A

B

C

D

E

F

G

H



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Project:
460 Parkview
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

Date: 05-10-2021 **Issued For:** PRELIM. SITE PLAN REVIEW

Sheet No.:
A012
Photographs - Existing Site

H5
A012
Photographs - Existing Site
SCALE: 1" = 10'-0"

A

B

C

D

E

F

G

H



H5
A01.3
Photographs - Existing Site
SCALE: 1" = 10'-0"

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430 N. OLD WOODWARD
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SarokiArchitecture.com

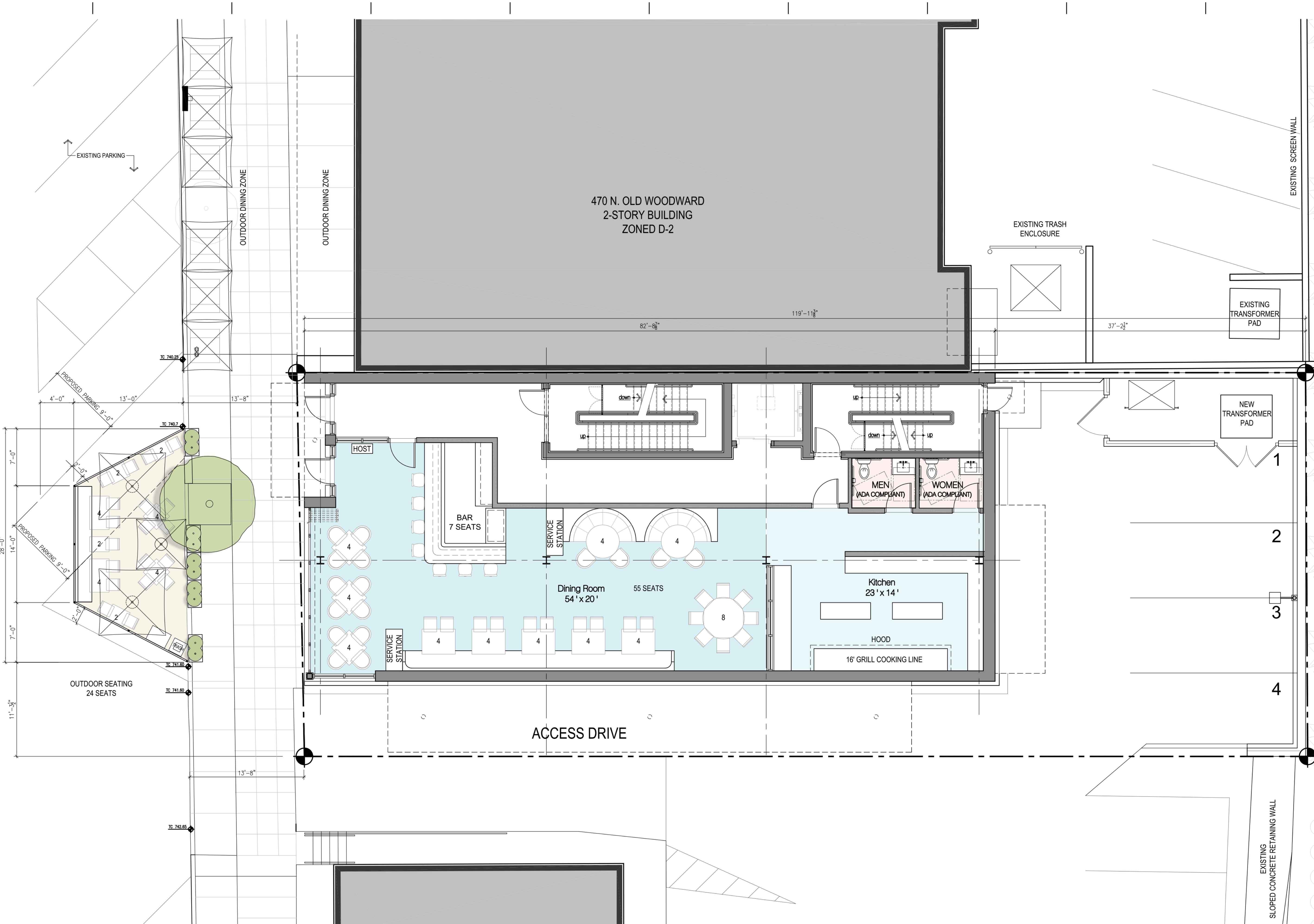
Project:
460 Parkview
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

Date: 05-10-2021
Issued For: PRELIM. SITE PLAN REVIEW

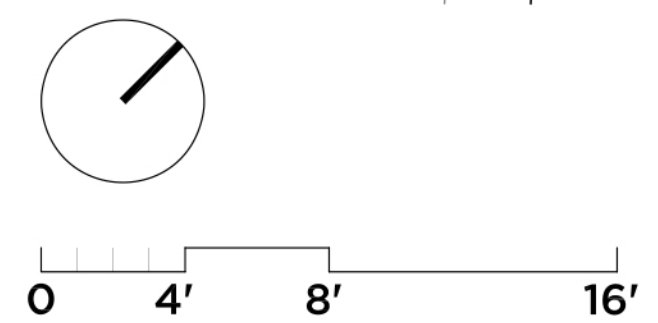
Sheet No.:
A013
Photographs - Existing Site

N. OLD WOODWARD AVE.

A
B
C
D
E
F
G
H



H5
A110
First Level Floor Plan
SCALE: 3/16" = 1'-0"



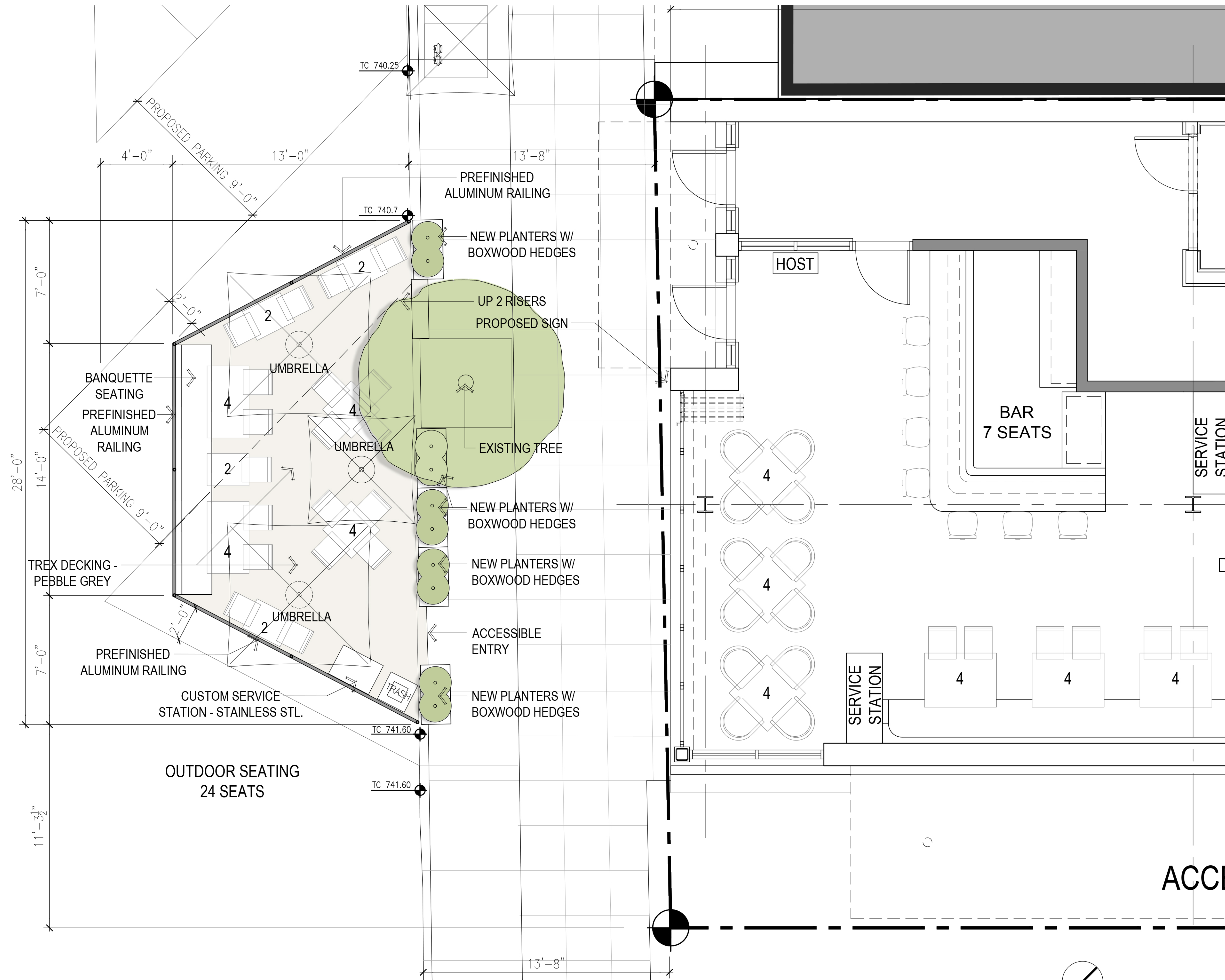
SAROKI
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430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
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SarokiArchitecture.com

Project:
Wilder's
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

Date: 03-15-2022 Issued For: SPECIAL LAND USE PERMIT

Sheet No.:
A110
FIRST LEVEL FLOOR PLAN

N. OLD WOODWARD AVE.



H5
A111
Enlarged
Outdoor Dining Plan
SCALE: 3/8" = 1'-0"

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430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
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Project:
Wilder's
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

Date: 08-15-2022 **Issued For:** SPECIAL LAND USE PERMIT

Sheet No.:

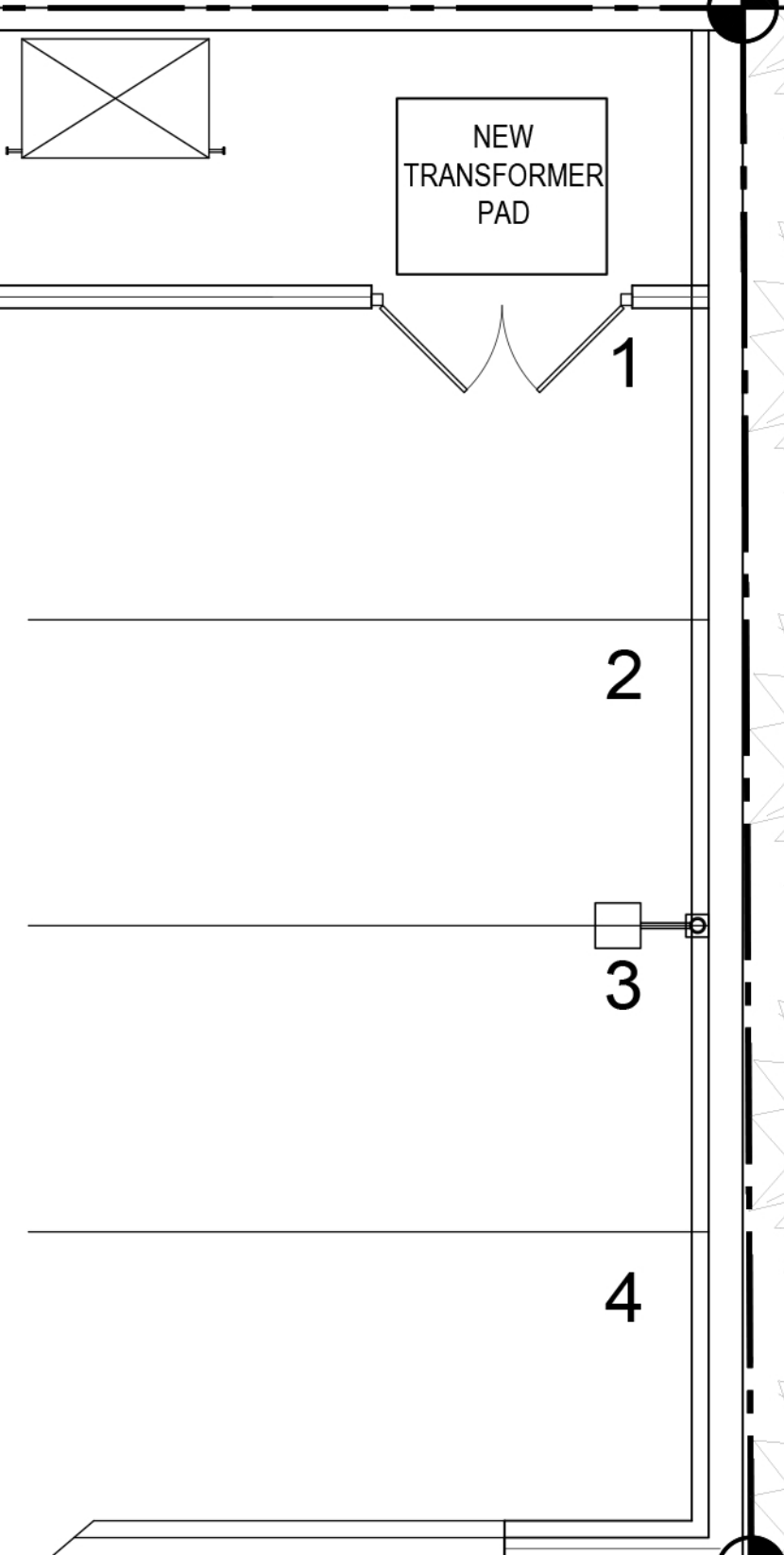
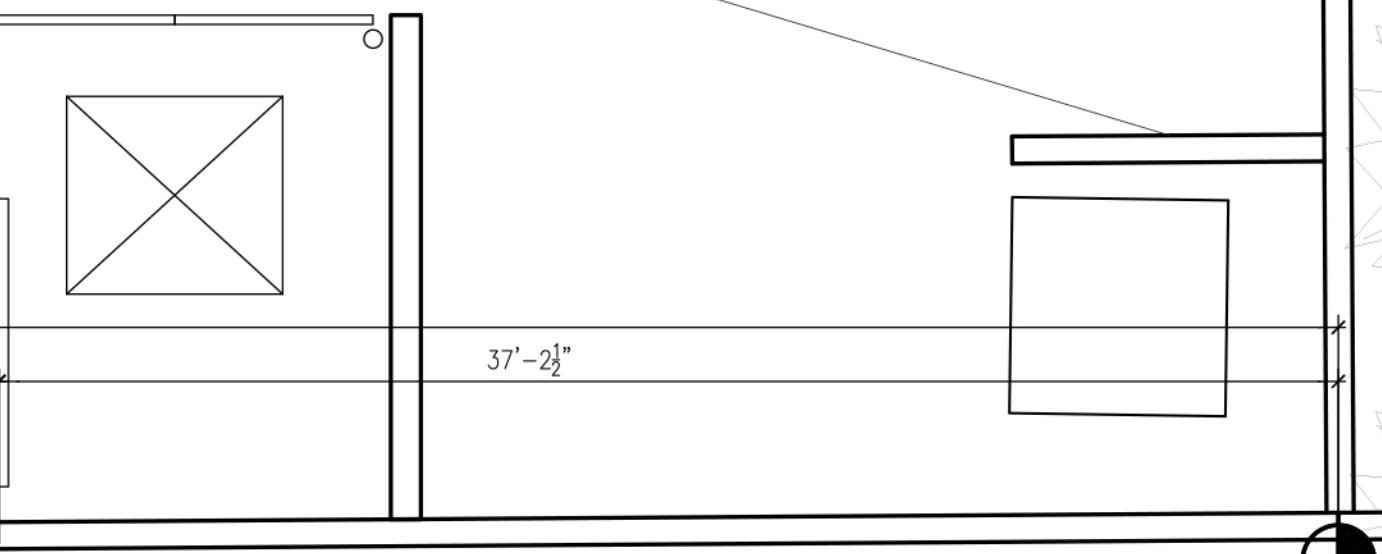
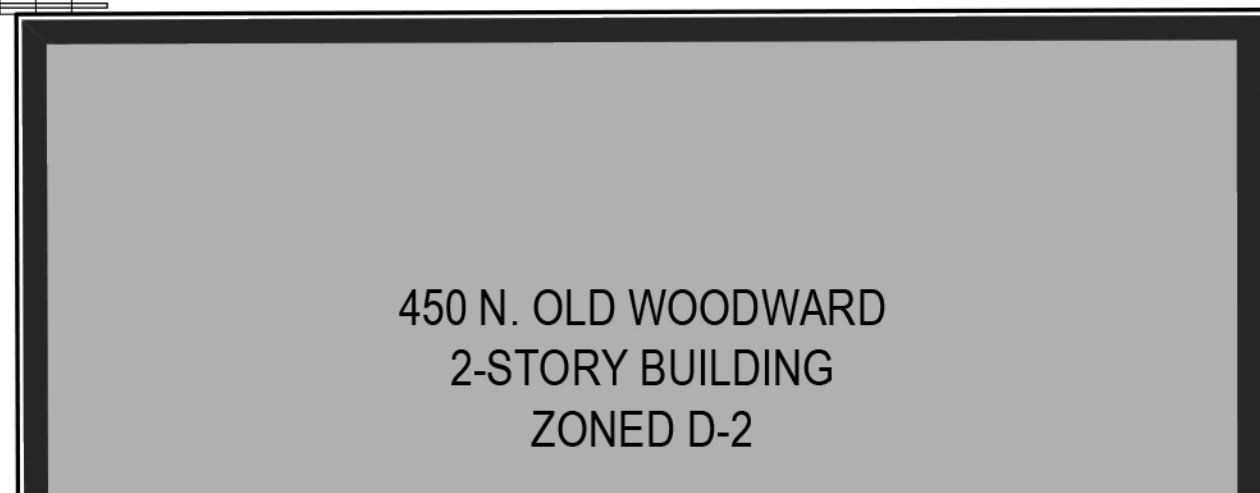
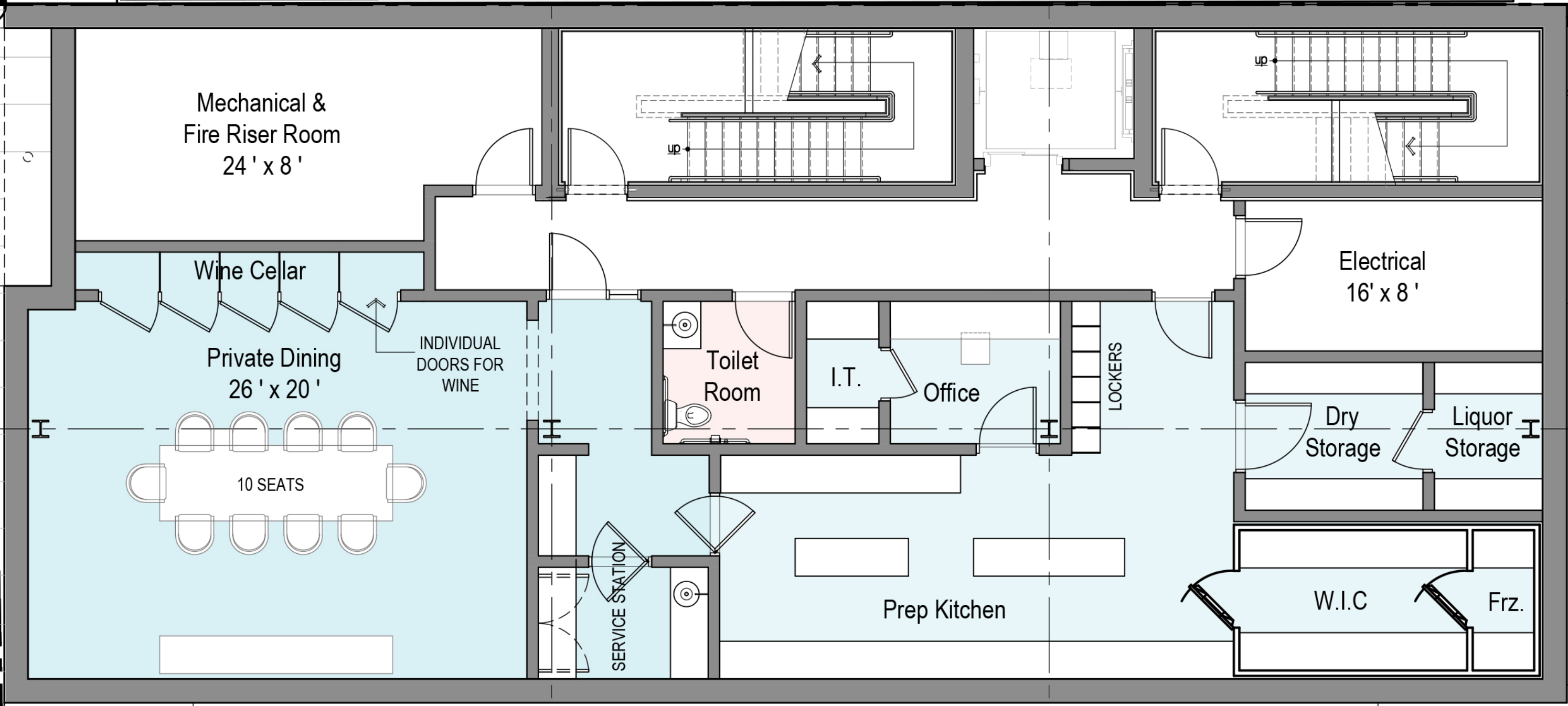
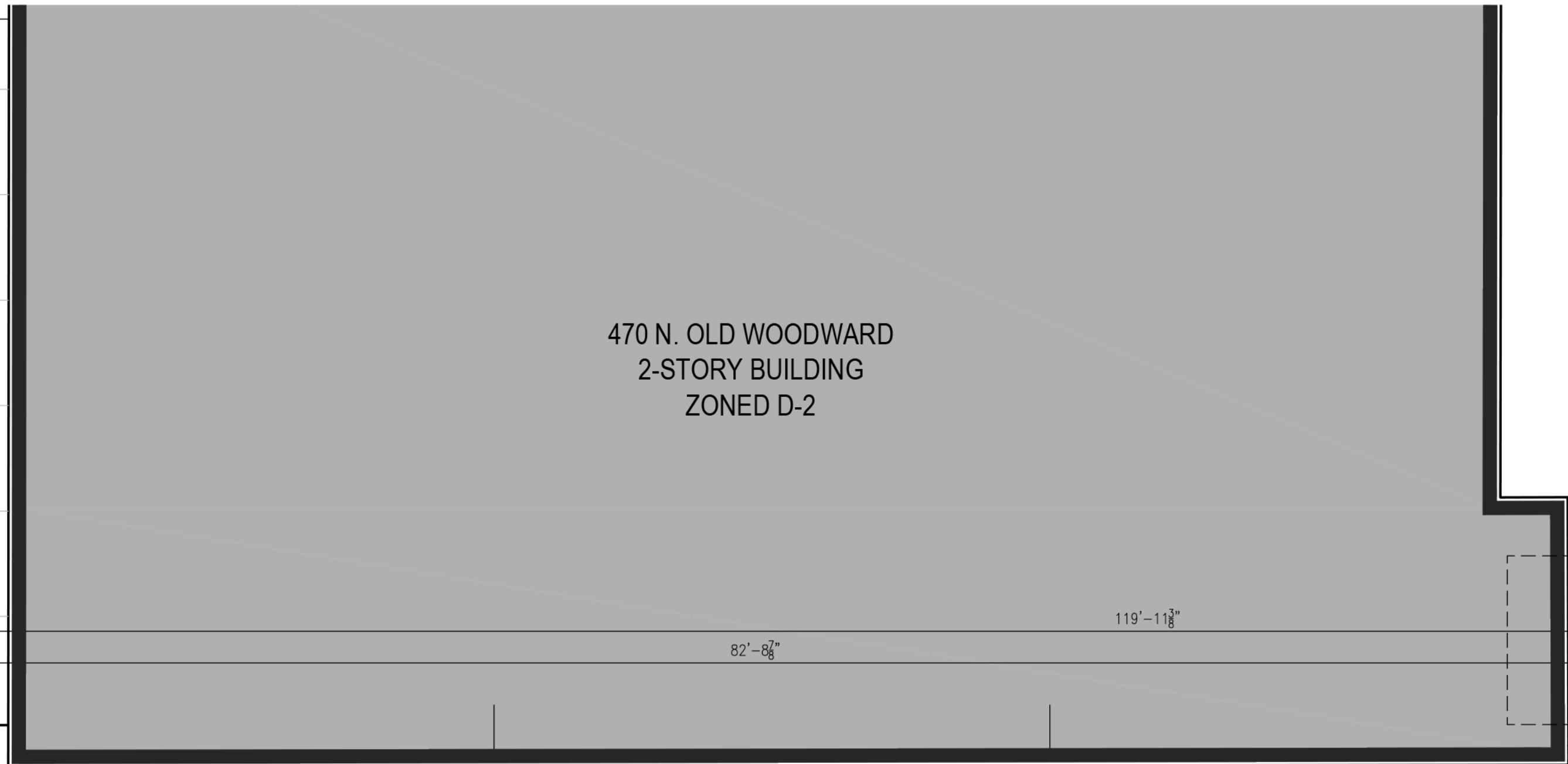
A111

ENLARGED
OUTDOOR DINING PLAN

N. OLD WOODWARD AVE.

A
B
C
D
E
F
G
H

1 2 3 4 5 6 7 8 9 10



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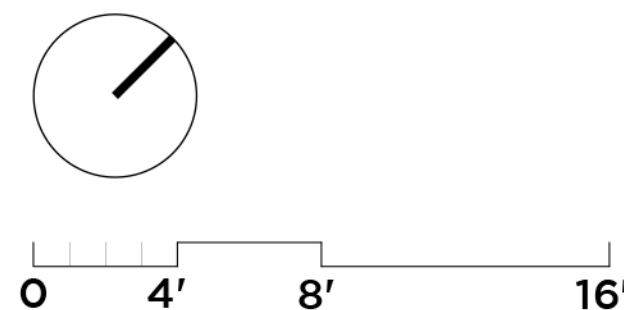
Project:
Wilder's
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

Date: 08-15-2022 **Issued For:** SPECIAL LAND USE PERMIT

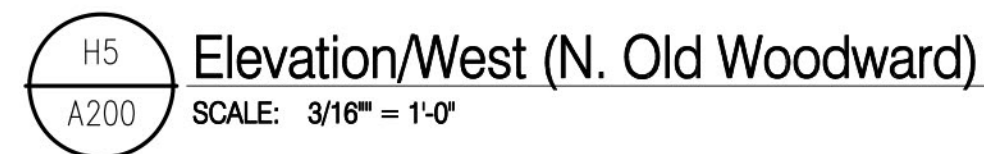
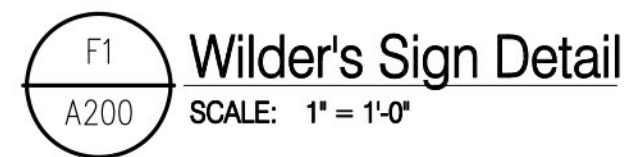
Sheet No.:

A100
LOWER LEVEL FLOOR PLAN

H5
A100
Lower Level Floor Plan
SCALE: 3/16" = 1'-0"



H



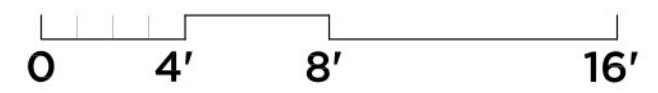
EXTERIOR ELEVATIONS
WEST

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

A
B
C
D
E
F
G
H



H5
A201
Elevation/South
SCALE: 3/16" = 1'-0"



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Project:
Wilder's
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

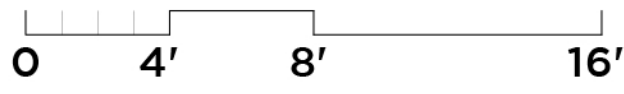
Date:	Issued For:
05-10-2021	PRELIM. SITE PLAN REVIEW
10-27-2021	FINAL SITE PLAN REVIEW
03-15-2022	SPECIAL LAND USE PERMIT

Sheet No.:
A201
EXTERIOR ELEVATIONS
SOUTH

A
B
C
D
E
F
G
H



H5
A202
Elevation/East
SCALE: 3/16" = 1'-0"

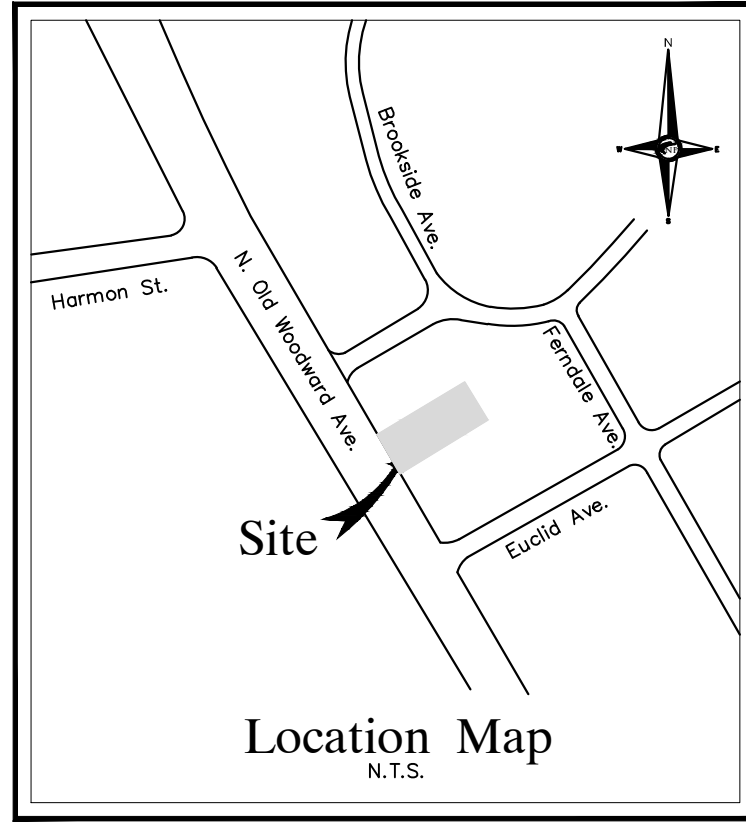
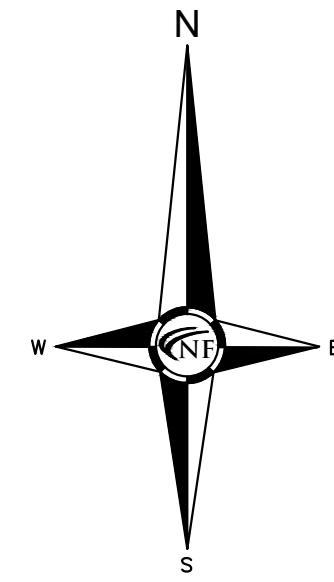
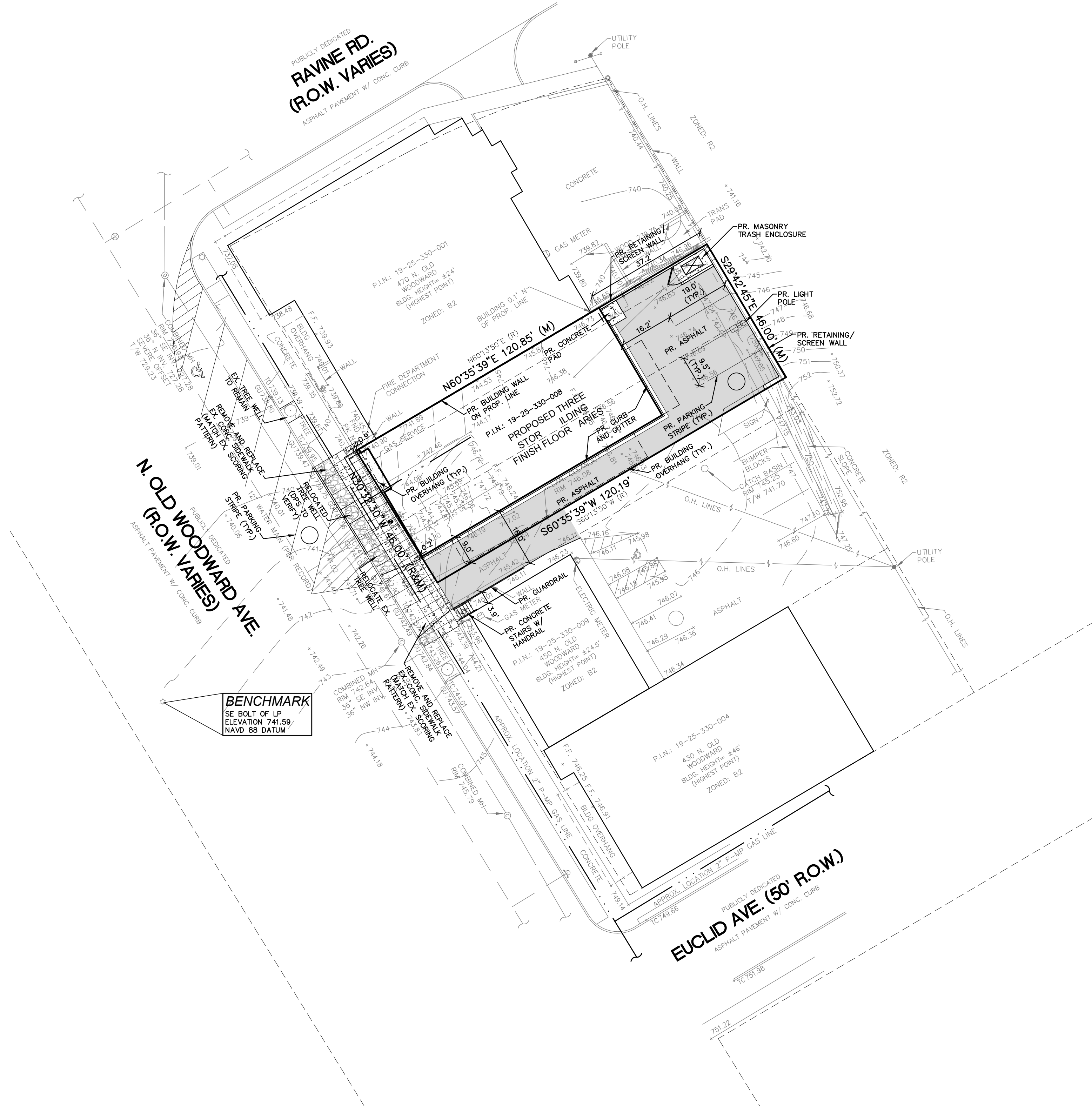


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Project:
Wilder's
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

Date:	Issued For:
05-10-2021	PRELIM. SITE PLAN REVIEW
10-27-2021	FINAL SITE PLAN REVIEW
03-15-2022	SPECIAL LAND USE PERMIT

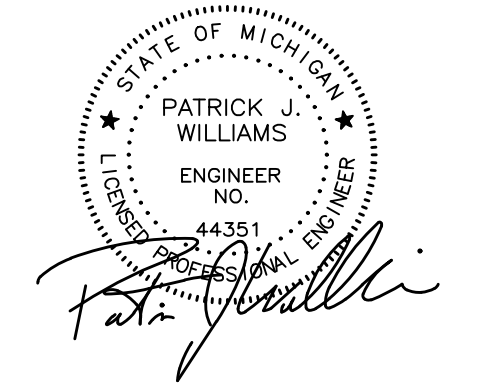
Sheet No.:
A202
EXTERIOR ELEVATIONS
EAST



NF
ENGINEERS
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SEAL



PROJECT
460 N. Old Woodward
Birmingham, MI

CLIENT
Saroki Architecture
430 N. Old Woodward
Birmingham, MI 48009

Contact: Victor Saroki
Ph: (248) 258-5707

PROJECT LOCATION
Part of Section 25
T. 2 North, R. 10 East
City of Birmingham,
Oakland County, Michigan

SHEET
Dimensional Site Plan

SITE DATA

ZONING: B2 (GENERAL BUSINESS)
SITE AREA: 5,543 S.F. OR 0.13 ACRES
BUILDING AREA:
1ST FLOOR: 1,806 S.F. RETAIL
2ND FLOOR: 2,960 S.F. OFFICE
3RD FLOOR: 2,485 S.F. RESIDENTIAL
MAX. BUILDING HEIGHT: 3 STORIES / 40'
SETBACKS:
FRONT (WEST): 0' REQUIRED, 0.2' PROVIDED
SIDE (NORTH): 0' REQUIRED, 0.0' PROVIDED
SIDE (SOUTH): 0' REQUIRED, 9.0' PROVIDED
REAR (EAST): 20' REQUIRED, 37.2' PROVIDED

PA ING LEGEND

	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT PAVEMENT

LEGEND

	MANHOLE		EXISTING SANITARY SEWER
	HYDRANT		GATE VALVE
	MANHOLE CATCH BASIN		EXISTING WATERMAIN
	UTILITY POLE		EXISTING STORM SEWER
	GUY POLE		EX. R. Y. CATCH BASIN
	GUY WIRE		EXISTING BURIED CABLES
	OVERHEAD LINES		LIGHT POLE
	SIGN		EXISTING GAS MAIN
	C.O. MANHOLE		PR. SANITARY SEWER
	HYDRANT		GATE VALVE
	INLET		C.B. MANHOLE
	PR. WATER MAIN		PR. STORM SEWER
	PR. R. Y. CATCH BASIN		PROPOSED LIGHT POLE

DATE ISSUED/REVISED
04-30-2021 PRELIMINARY SITE PLAN REVIEW
03-14-2022 REVISED PER CITY

DRAWN BY:
A. Eizember

DESIGNED BY:
A. Eizember

APPROVED BY:
P. Williams

DATE:
April 30, 2021

SCALE: 1" = 20'



NFE JOB NO. K519 SHEET NO. SP-2

Detention Calculations (10) Year Storm Event

Contributing Area:	0.112	Acres
Allowable Outflow, Qa :	1.000	CFS / Acre
Runoff Coefficient, C :	0.950	Imperviousness
Maximum Allowable Outflow, Qo :	1.053	CFS / Acre * Imperv.
Ts Storage Time (10 Yr):	53.958	Minutes
Vs Storage Time (10 Yr):	4,903.532	CF / Acre * Imperv.
Vt Total Volume (10 Yr):	521.736	Cubic Feet
Volume Required :	522	Cubic Feet
Required Formulae:		
Qo = Qa / (Area x C)	Vs = (10,500 x T)/(T + 25) - (40 x Qo x T)	
T = .25 + (6,562.5 / Qo) ^{0.5}	Vt = Vs x A x C	

PIPE STORAGE CALCULATIONS

Pipe Dia (inches)	X-sec area (sq. ft.)	Length (LF)	Volume Provided (Cubic Feet)
30	4.91	84	412.5

Volume Provided (Cu. Ft.) 413

STRUCTURE STORAGE CALCULATIONS

Structure Dia (inches)	Structure (quantity)	X-sec area (sq. ft.)	Depth (feet)	Volume (cu. ft.)
60	1	19.64	10.25	201.3

Volume (Cu. Ft.) 201

TOTAL STORAGE PROVIDED = 614 Cu. Ft.

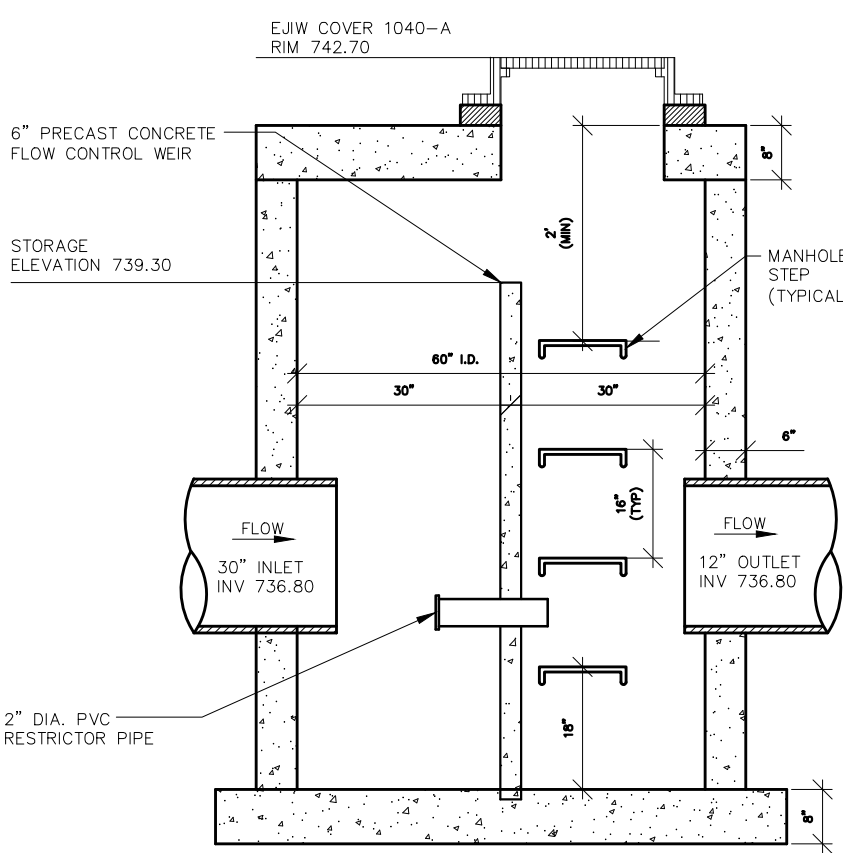
RESTRICTOR CALCULATIONS

Contributing Acreage, A:	0.11	Acres
Allowable Outflow / Acre, Qa:	1.00	CFS / Acre
Storage Elevation:	739.30	Feet
Outlet Elevation:	736.80	Feet
Depth of Storage, h:	2.50	Feet
Maximum Allowable Outflow, Qo:	0.11	CFS
Required Restrictor Size:	0.01	Square Feet
Design Restrictor Diameter:	1.62	Inch Diameter
Restrictor Required by Design:	2	Inch Diameter

Formula: $Q = (0.62 \times A \times ((2gh)^{0.5}))$

STORM STR CT RE SCHED LE

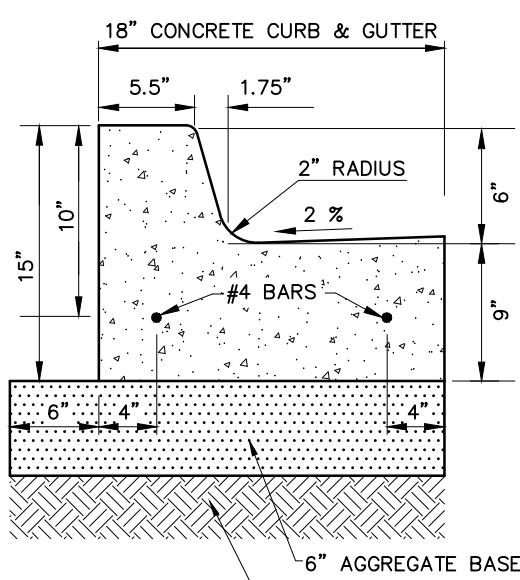
- EX. COMBINED MANHOLE
EX. 36" SE INV. 731.69
EX. 36" NW INV. 730.39
PR. 12" NE INV. 736.22
- 5" DIA. OVERFLOW MH
(PER DETAIL)
RIM 742.70
36" NE INV. 736.80
12" SW INV. 736.80
- 5" DIA. CATCH BASIN
W/2" SUMP
RIM 745.90
8" NW INV. 742.40
36" SW INV. 737.64



SECTION A A

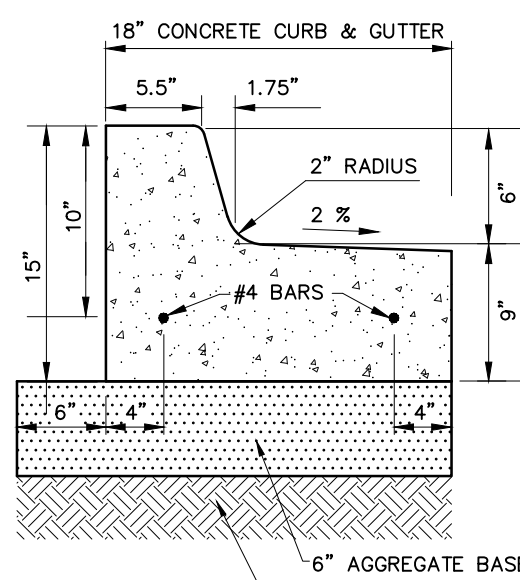
DIAMETER OF FLOW MANHOLE DETAIL

N.T.S.



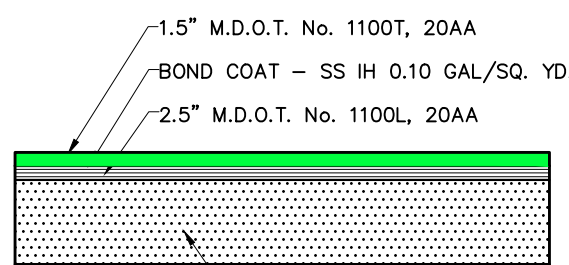
CONCRETE CURB & GUTTER DETAIL A

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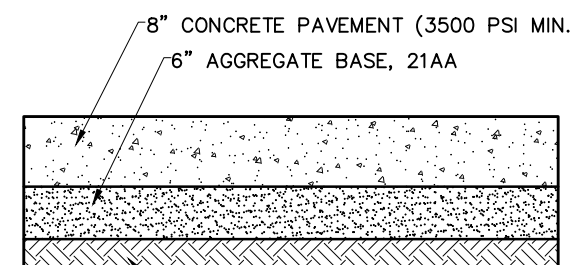


CONCRETE CURB & GUTTER DETAIL

N.T.S.

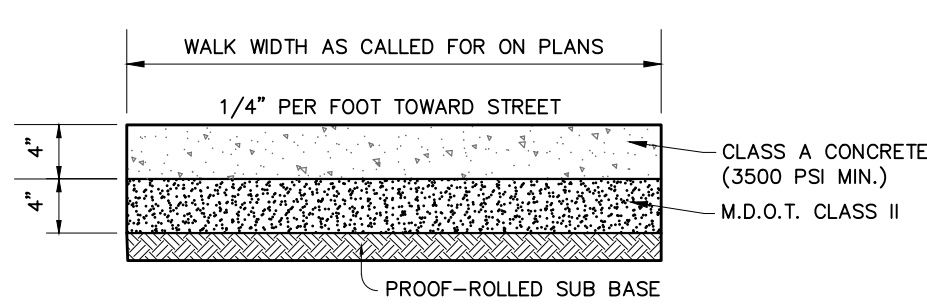


ASPHALT PAVEMENT SECTION
(DRIVE AND PARKING)



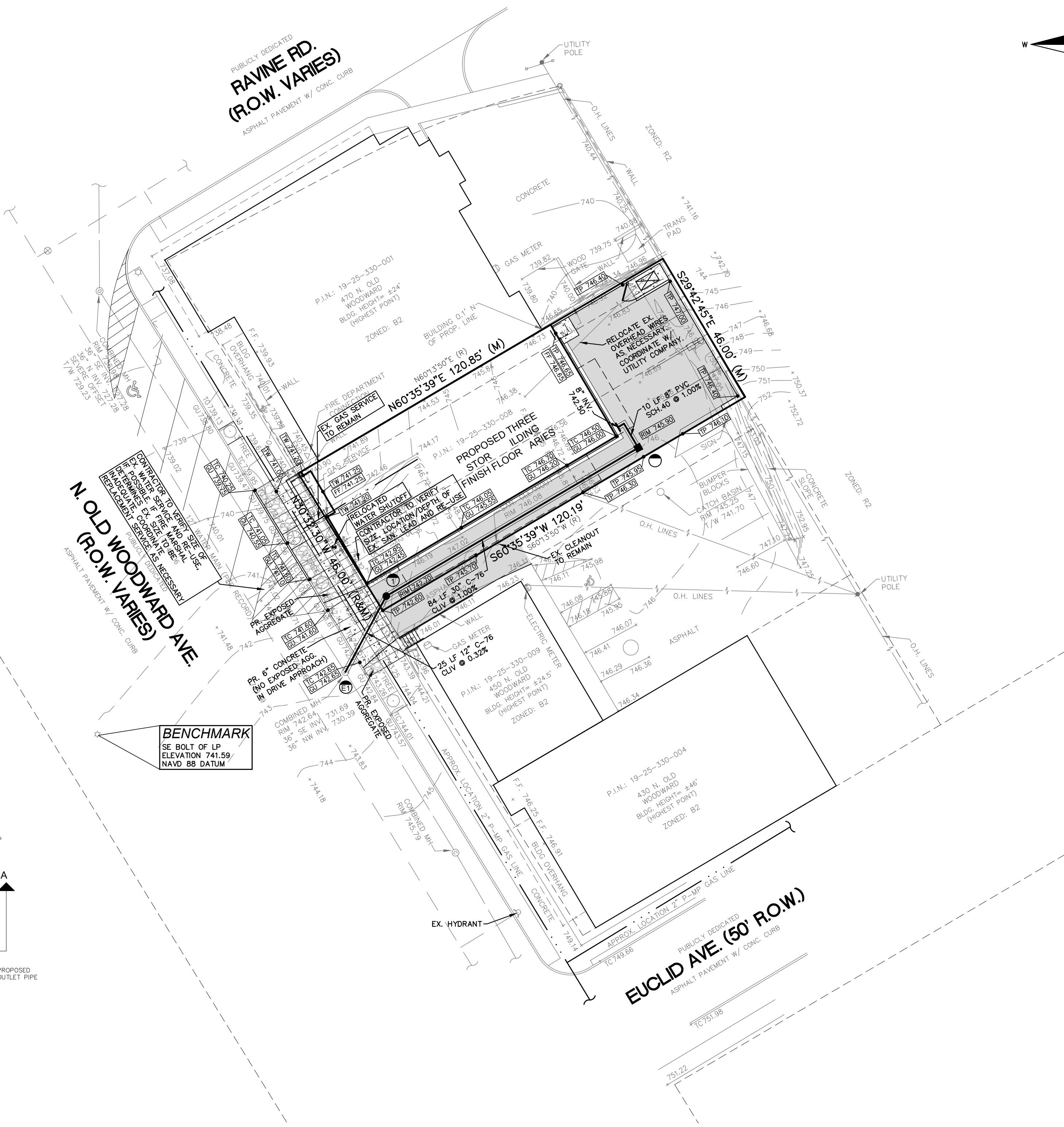
CONCRETE PAVEMENT SECTION

N.T.S.



CONCRETE SIDEWALK SECTION

N.T.S.



GENERAL PAVING NOTES

PAVEMENT SHALL BE OF THE TYPE, THICKNESS AND CROSS SECTION AS INDICATED ON THE PLANS AND AS FOLLOWS:

CONCRETE: PORTLAND CEMENT TYPE IA (AIR-ENTRAINED) WITH A MINIMUM CEMENT CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES.

ASPHALT: BASE COURSE - MDT BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE - MDT BITUMINOUS MIXTURE NO. 1100T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85-100, BOND COAT - MDT SS-1H EMULSION AT 0.10 GALLON PER SQUARE YARD; MAXIMUM 2 INCH LIFT.

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB-BASE SHALL BE PROOF-ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY.

ALL CONCRETE PAVEMENT, DRIVEWAYS, CURB & GUTTER, ETC., SHALL BE SPRAY CURED WITH WHITE MEMBRANE CURING COMPOUND IMMEDIATELY FOLLOWING FINISHING OPERATION.

ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT POURED RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION SS-S164.

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION.

ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS OTHERWISE NOTED.

ALL SIDEWALK RAMP, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY.

FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL INSPECTION.

EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS.

EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII.

SIDEWALK RAMP, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS INDICATED ON THE PLANS.

ALL PAVEMENT AREAS SHALL BE PROOF-ROLLED UNDER THE SUPERVISION OF A GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING MATERIALS.

FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.

PAVING LEGEND

	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT PAVEMENT

LEGEND

MANHOLE	EXISTING SANITARY SEWER
HYDRANT	SAN. CLEAN OUT
MANHOLE CATCH BASIN	EXISTING WATERMAIN
UTILITY POLE	EXISTING STORM SEWER
GUY POLE	EX. R. Y. CATCH BASIN
GUY WIRE	EXISTING BURIED CABLES
OVERHEAD LINES	LIGHT POLE
SIGN	EXISTING GAS MAIN
C.O. MANHOLE	PR. SANITARY SEWER
HYDRANT	PR. WATER MAIN
GATE VALVE	PR. STORM SEWER
C.B. MANHOLE	PR. R. Y. CATCH BASIN
INLET	PROPOSED LIGHT POLE



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

SEAL



PROJECT
460 N. Old Woodward
Birmingham, MI

CLIENT

Saroki Architecture
430 N. Old Woodward
Birmingham, MI 48009

Contact: Victor Saroki
Ph: (248) 258-5707

PROJECT LOCATION

Part of Section 25
T. 2 North, R. 10 East
City of Birmingham,
Oakland County, Michigan

SHEET

Engineering Site Plan



Know what's below
Call before you dig.

DATE ISSUED/REVISED
04-30-2021 PRELIMINARY SITE PLAN REVIEW
03-14-2022 REVISED PER CITY

DRAWN BY:

A. Eizember

DESIGNED BY:

A. Eizember

APPROVED BY:

P. Williams

DATE:

April 30, 2021

SCALE: 1" = 20'

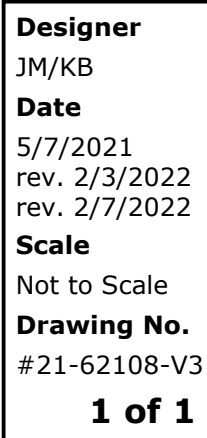
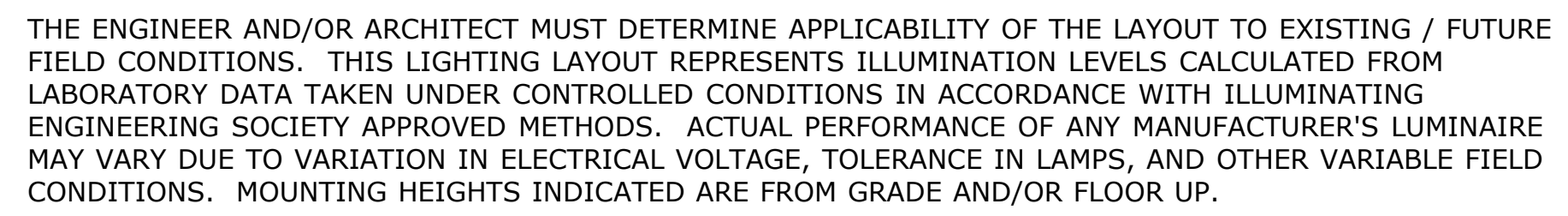
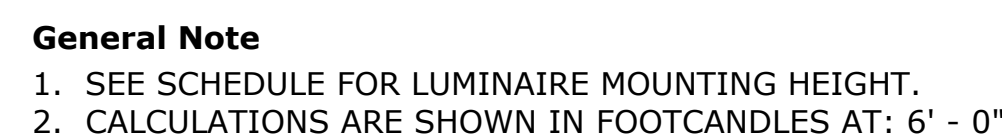
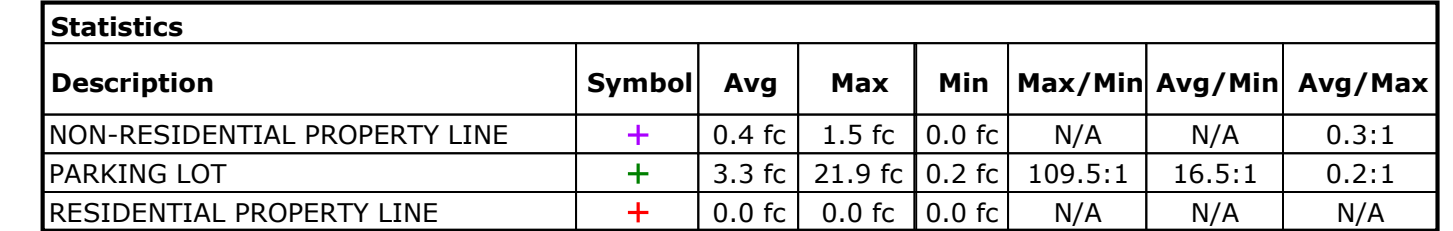
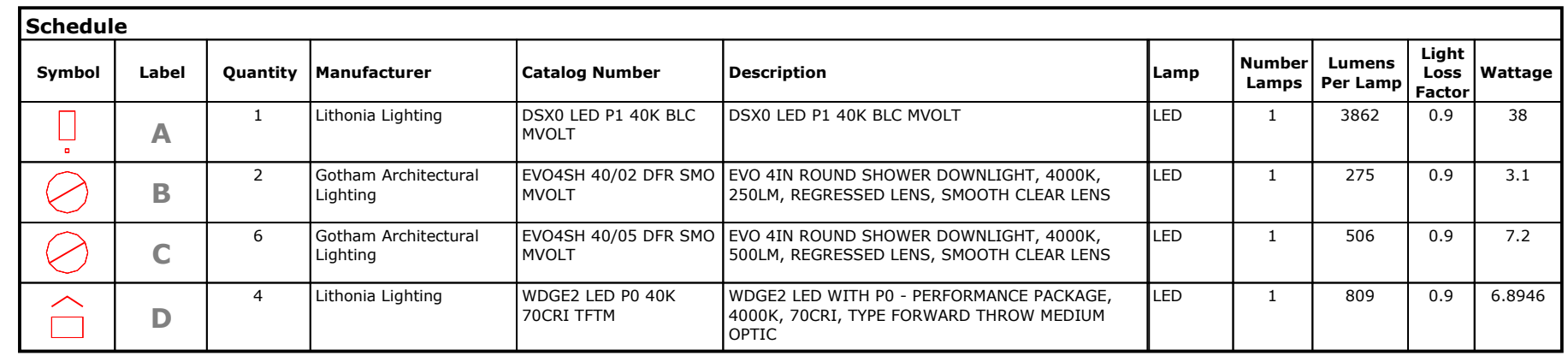
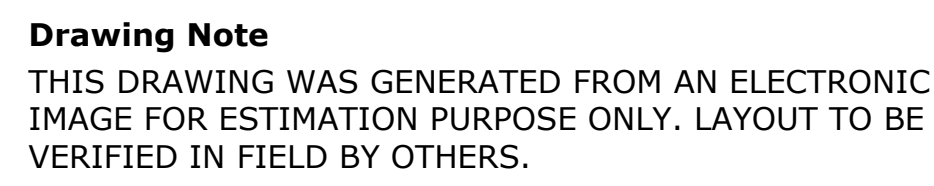
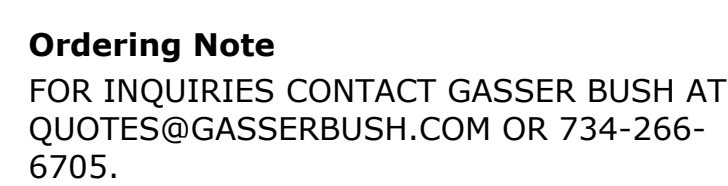
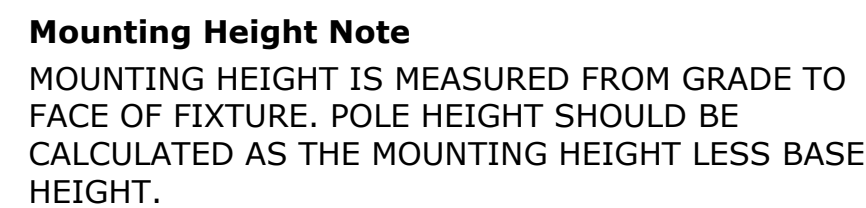
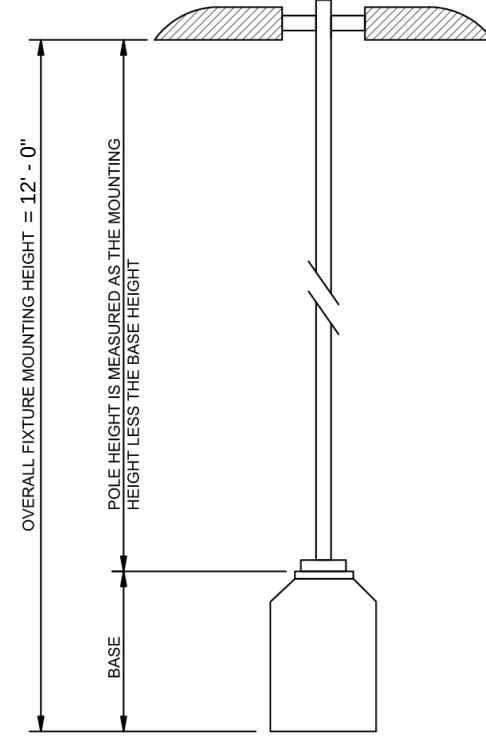
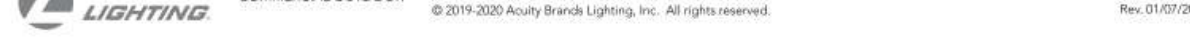
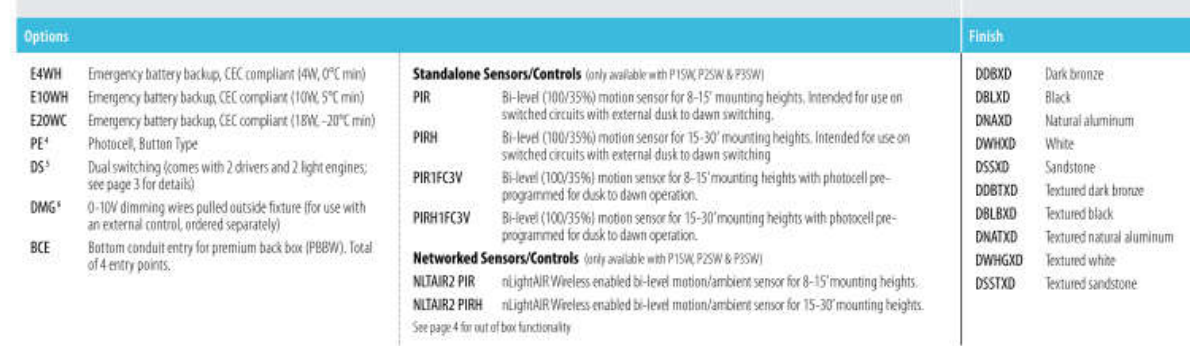
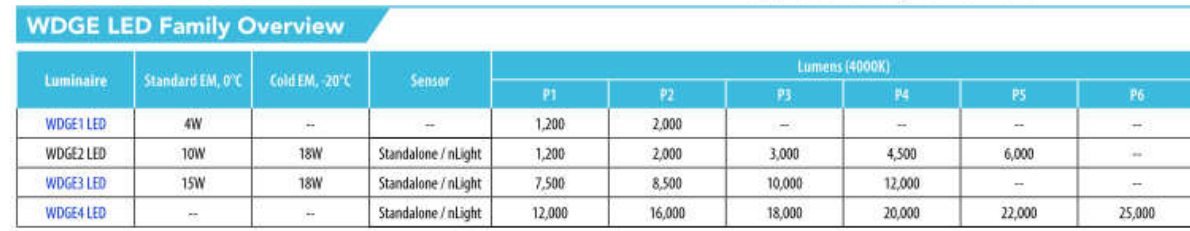
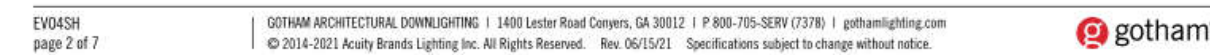
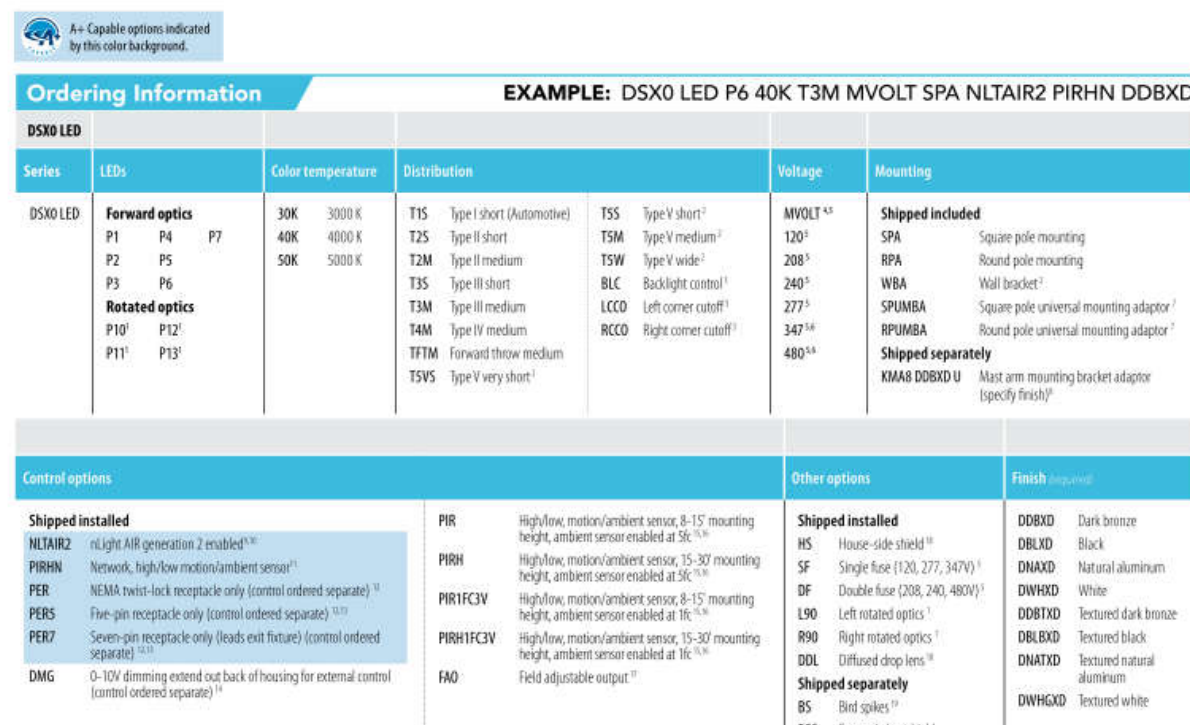
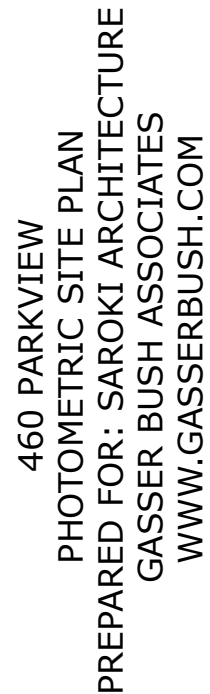
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NFE JOB NO.

K519

SHEET NO.

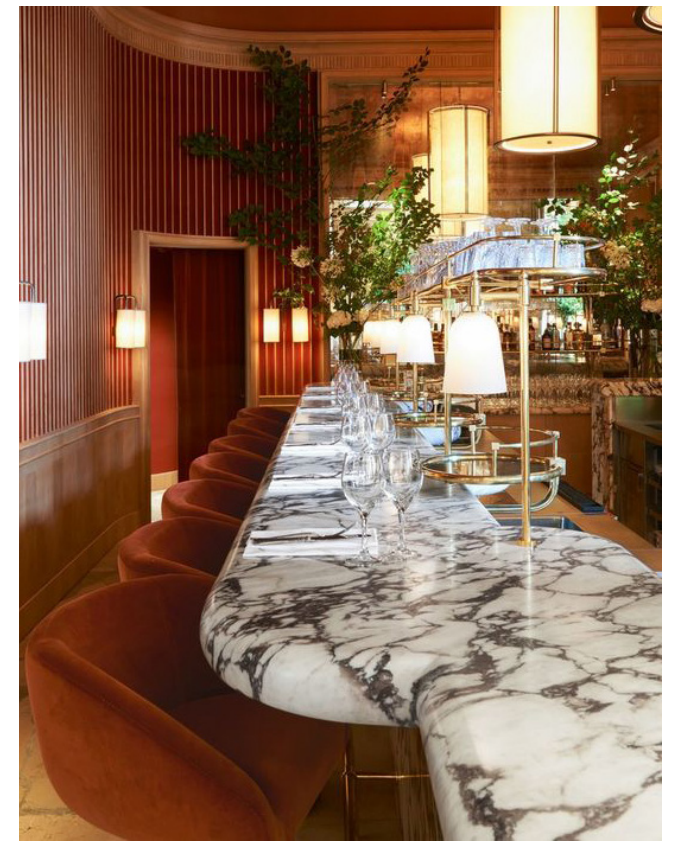
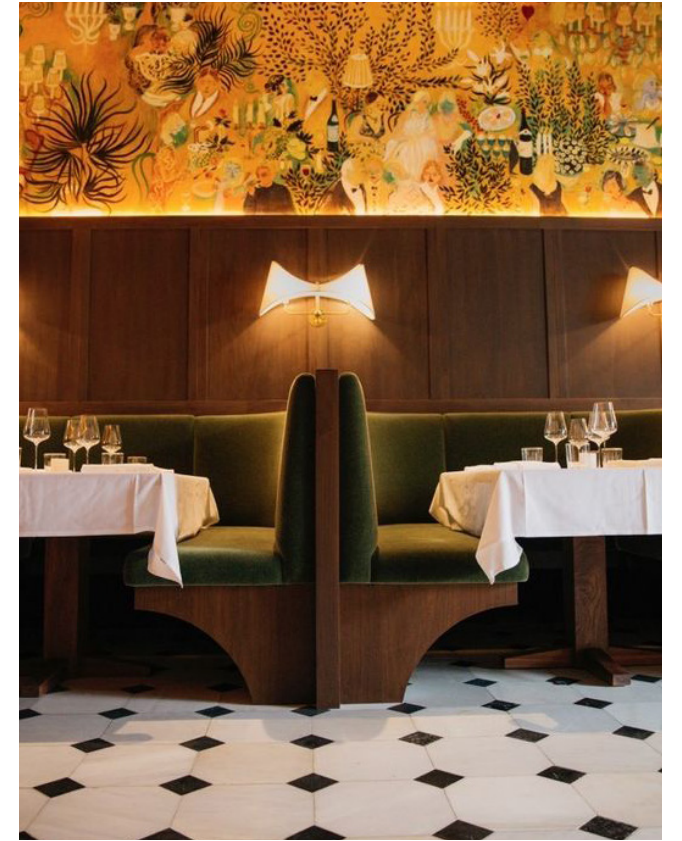
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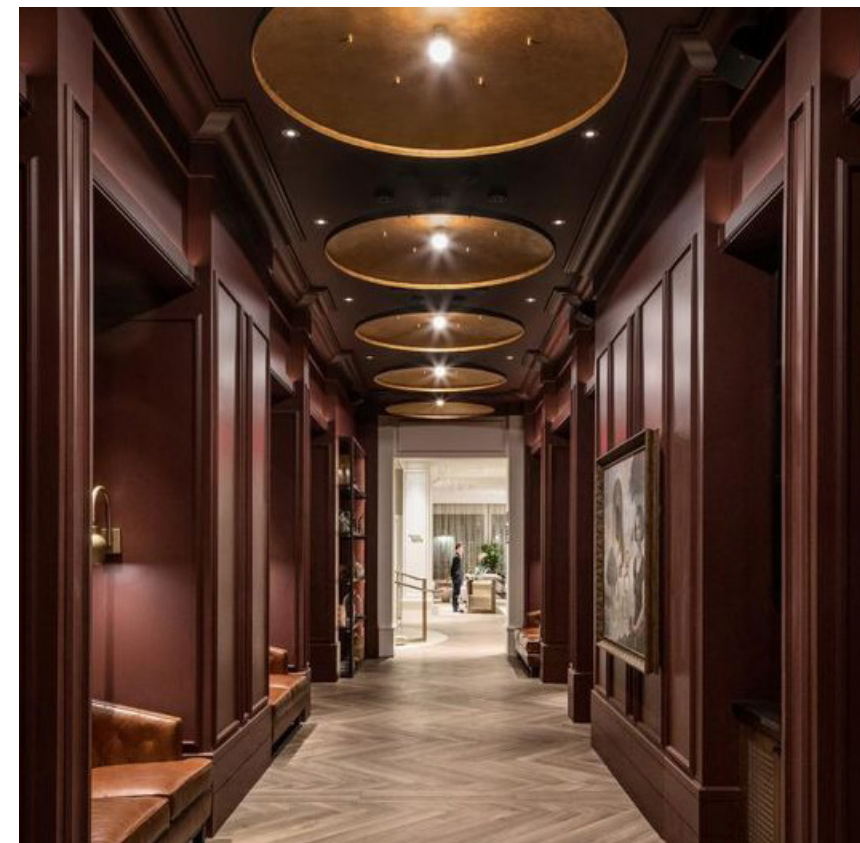


Wilder's

CONCEPTUAL DESIGN PACKAGE | MARCH 15, 2022







MARBLE BAR TOP



WALNUT WOOD TONES



SAFFRON VELVET



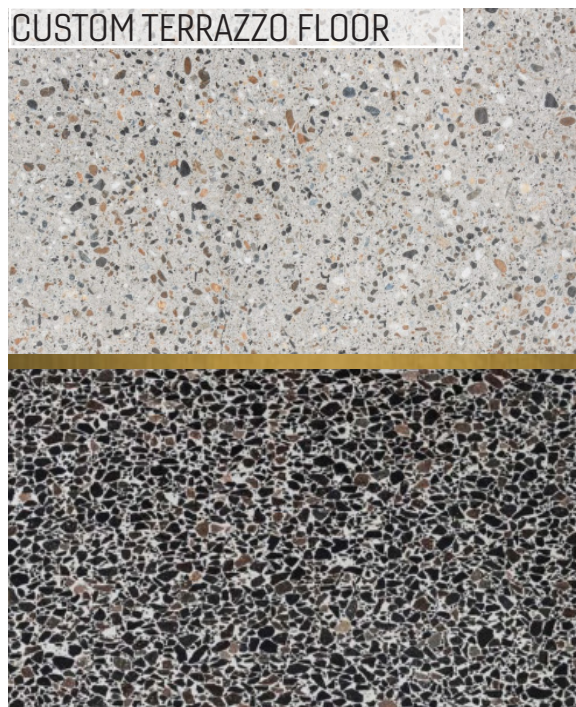
ANTIQUE MIRROR



PAINTERLY MURAL WALLCOVERING



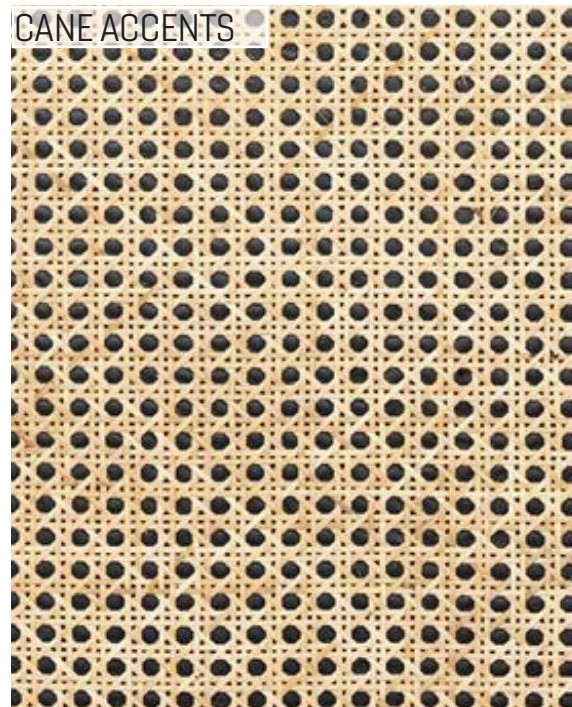
CUSTOM TERRAZZO FLOOR



MOSS VELVET



CANE ACCENTS

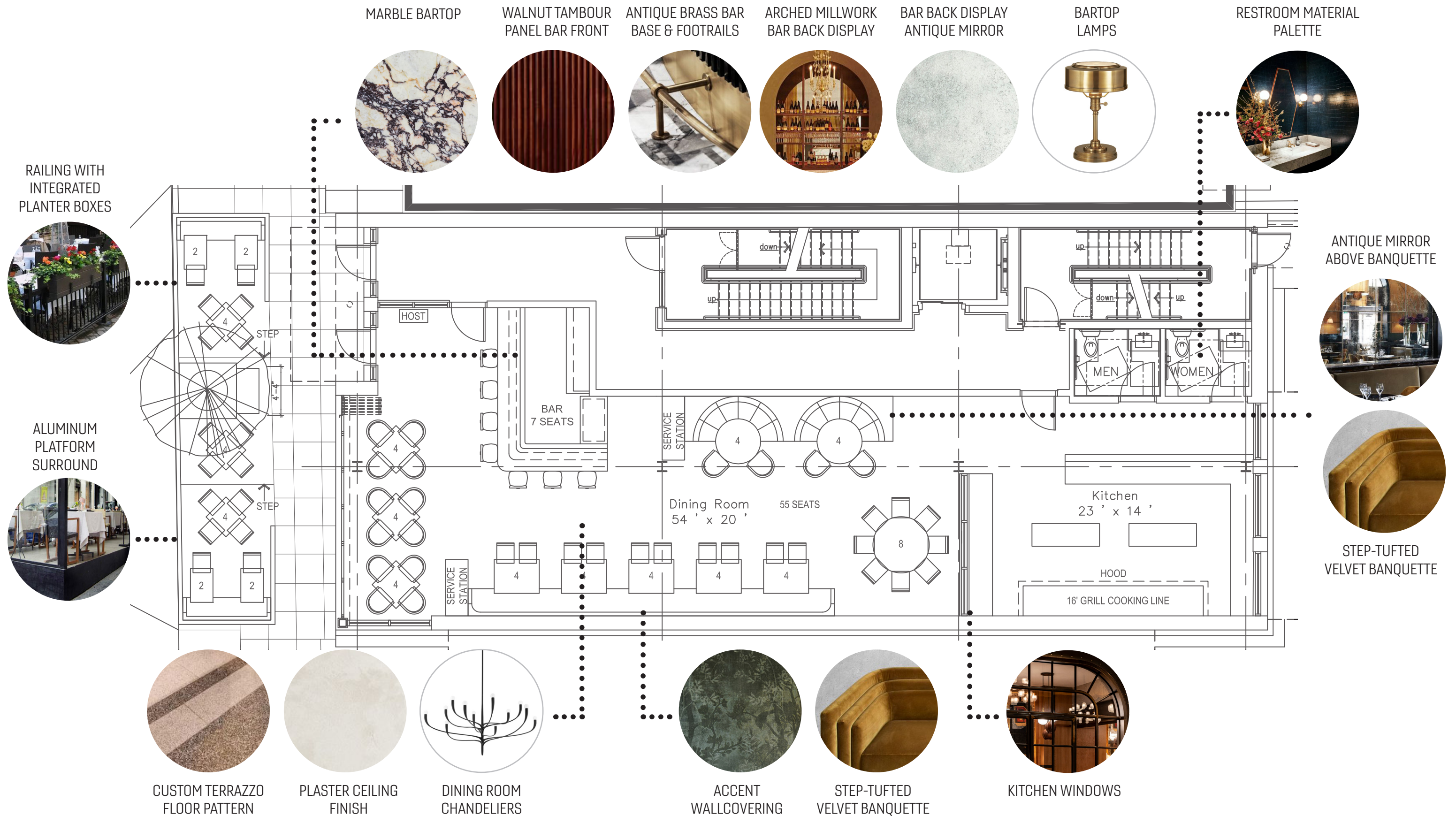


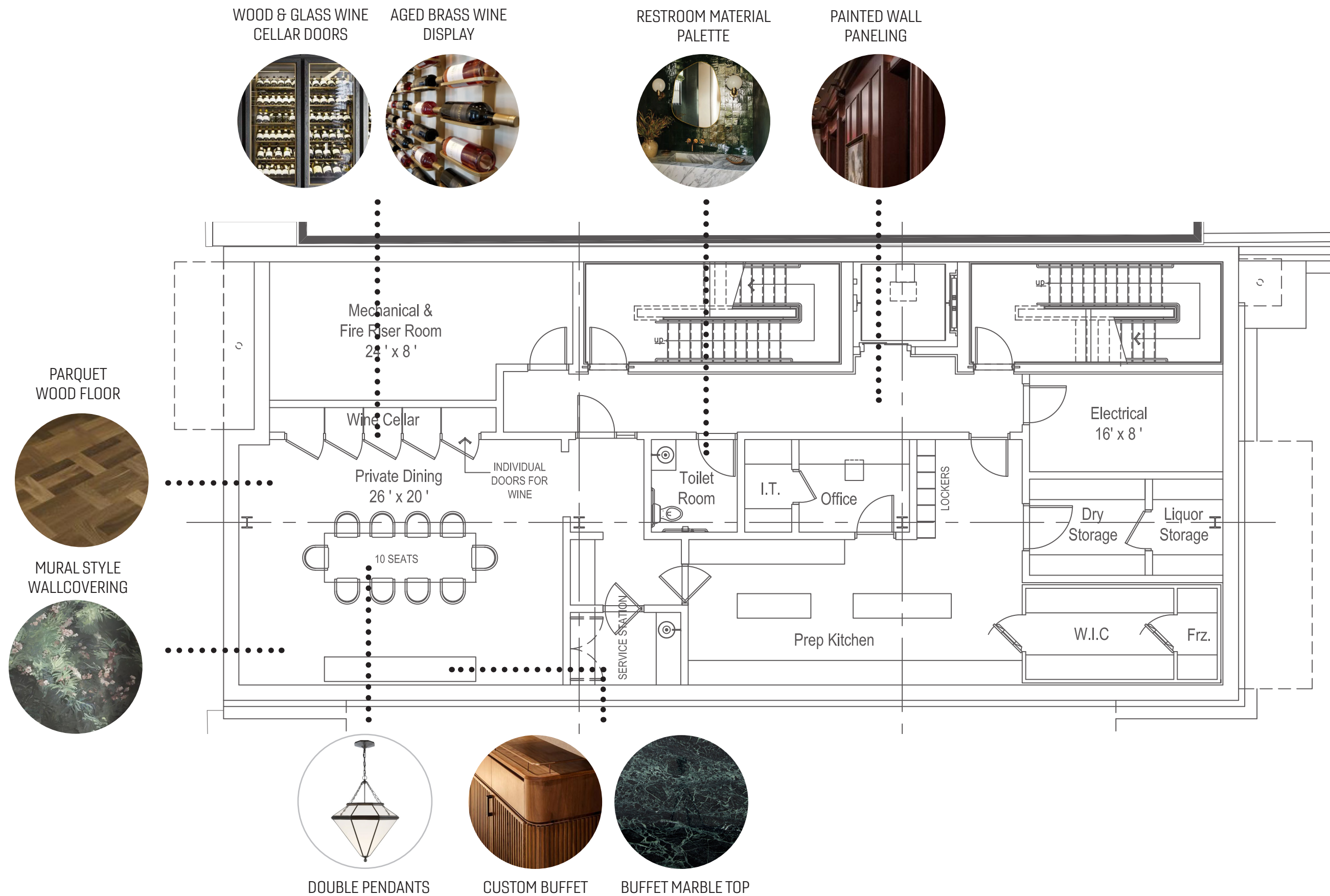
AGED BRASS



PARQUET WOOD FLOOR







BARSTOOL - OPTION 1



DINING ARM CHAIR - OPTION 1



ARMLESS DINING CHAIR CHAIR
(LINEAR BANQUETTE) - OPTION 1



DINING CHAIR (PRIVATE DINING ROOM)
OPTION 1



BANQUETTE TUFTING - OPTION 1



BARSTOOL - OPTION 2



DINING ARM CHAIR - OPTION 2



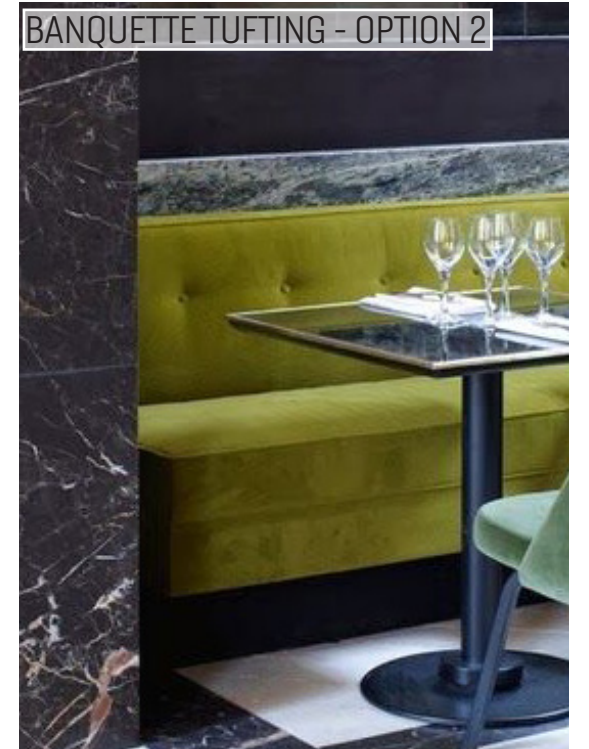
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(LINEAR BANQUETTE) - OPTION 2

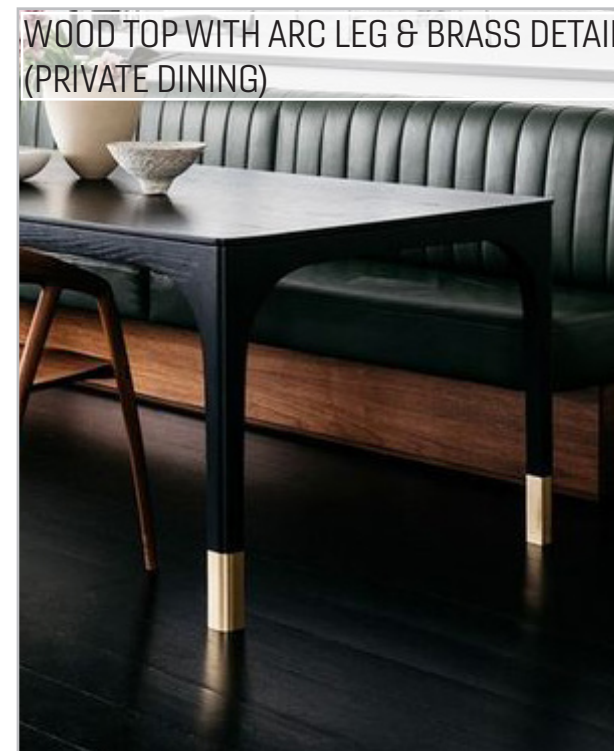
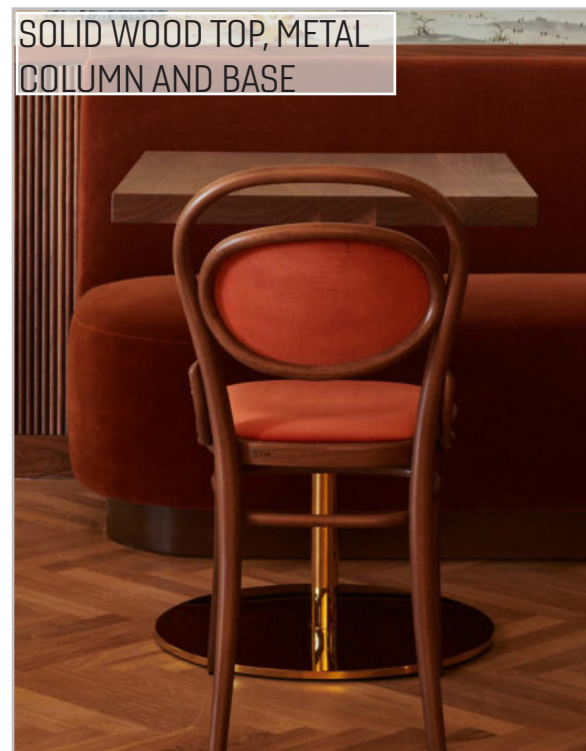
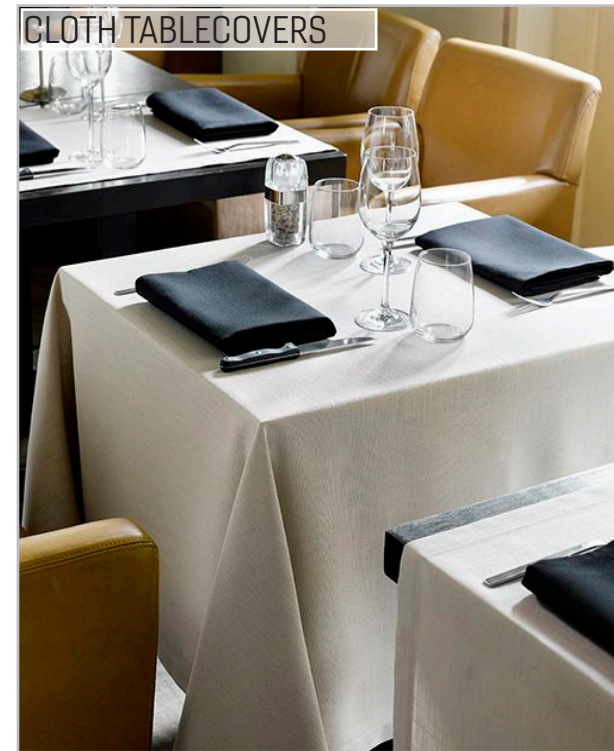


DINING CHAIR (PRIVATE DINING ROOM)
OPTION 2



BANQUETTE TUFTING - OPTION 2

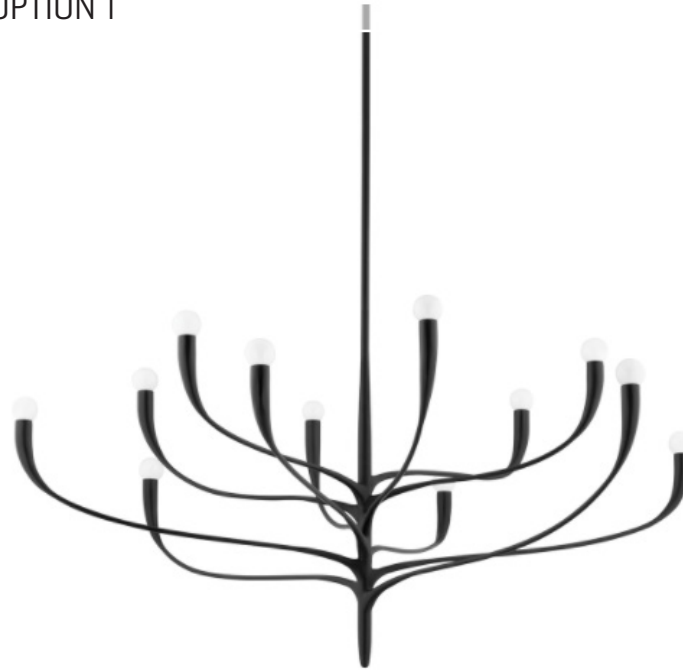




BARTOP LAMP
OPTION 1



MAIN DINING ROOM CHANDELIER
OPTION 1



PRIVATE DINING PENDANTS
OPTION 1



BARTOP LAMP
OPTION 2



MAIN DINING ROOM CHANDELIER
OPTION 2



PRIVATE DINING PENDANTS
OPTION 2





UMBRELLA
TUUCI UMBRELLA
BAY MASTER M1 CLASSIC



FABRIC
SUNBRELLA
STORM



TABLETOP
WILSONART
THINSCAPE PERFORMANCE
STERLING CALCUTTA



TABLE BASE
GAR
FSB SERIES



BANQUETTE SEATING
TROPITONE



FABRIC
SUNBRELLA
HERITAGE LEAF



DINING CHAIR
JANUS ET CIE
PANINI CHAIR



PLANTERS
RH TERRAZ RECTANGULAR PLANTER
DARK GREY



DECKING
TREX SELECT
PEBBLE GREY



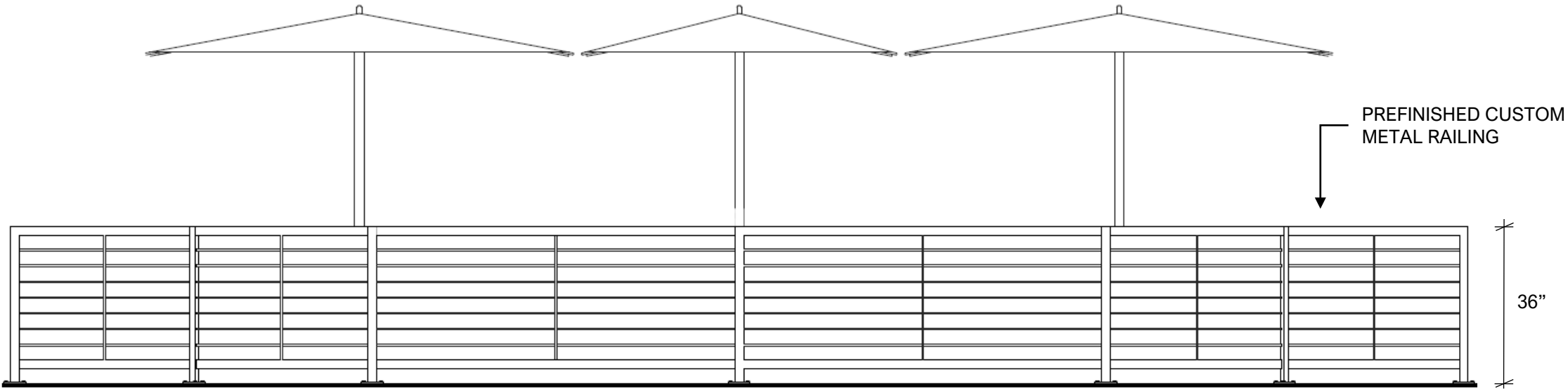
SERVICE STATION
CUSTOM FABRICATED
POWDER COATED STAINLESS STEEL



TRASH RECEPTACLE
LANDSCAPE FORMS
SELECT
STAINLESS STEEL



PERIMETER RAILING
CUSTOM FABRICATED
POWDER COATED ALUMINUM
MATTE BLACK





MID-PRICED, HIGH-PERFORMANCE DECKING & FASCIA

Trex Select® decking and Trex® Fascia are wood thermoplastic composite lumber (WTCL) boards with an integrated shell that covers the boards on the top surface and sides. The integrated shell consists of a proprietary surface formulation that produces a natural, wood-like grain pattern finish. An alternative to naturally durable hardwood lumber, Select Decking and Fascia are ICC-ES ESR-1109-certified to be a minimum of 95.4% recycled content of wood fiber and polyethylene by weight.



DECKING

FASCIA



1" Grooved edge



1" Square edge



2" Square edge



8" or 12" Widths

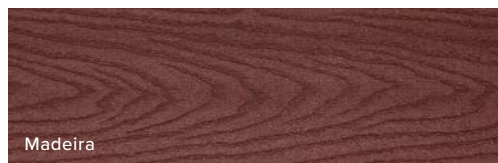
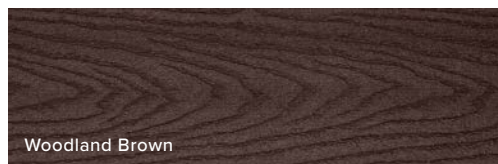
FEATURES	DECKING BOARDS		FASCIA BOARDS	
	1" x 6"	2" x 6"	8"	12"
Actual Dimensions - Standard	.82" x 5.5"	1.3" x 5.5"	.56" x 7.25"	.56" x 11.375"
Actual Dimensions - Metric	20 mm x 140 mm	33 mm x 140 mm	14 mm x 184 mm	14 mm x 288 mm
Available Lengths - Standard	12', 16', 20'	12', 16', 20'	12'	12'
Available Lengths - Metric	365 cm, 487 cm, 609 cm	365 cm, 487 cm, 609 cm	365 cm	365 cm
Grooved Edge	X			
Square Edge	X	X	X	X
Weight per Lineal Foot	2.2 lbs	3.4 lbs	2.0 lbs	3.3 lbs

PHYSICAL & MECHANICAL PROPERTIES

TEST	TEST METHOD	VALUE
Flame Spread	ASTM E 84	70
Thermal Expansion	ASTM D 1037	1.9×10^{-5} in/in/°F
Moisture Absorption	ASTM D 1037	< 1.2%
Screw Head Pull-Through	ASTM D1761	161 lbf/screw*
Fungus Resistance	ASTM D1413	Rating – no decay
Termite Resistance	AWPAE1-72	Rating = 9.7

*Fastener used in testing: #8 x 2.5" HEADCOTE Stainless Steel Screw

COLORS



FASTENERS



Trex Hideaway® Hidden Fastening System

Self-gapping, glass-filled nylon fastener with 304 grade stainless steel, sharp point screw for wood framing



Other Approved Fasteners

Color-matched composite deck screw
or matching composite plug

Color-coordinated fascia screw

Uncoated stainless steel fascia screw

For a full list of approved fasteners, download our Installation Guide at [trex.com/literature](https://www.trex.com/literature)



JANUS et Cie®



PANINI SIDE CHAIR

DESIGNED BY JANICE FELDMAN
THE PANINI COLLECTION

FRAME LIST PRICE STARTING AT: \$1,165

Product Number 736-66-061-02-12

FRAME: ALUMINUM WITH JANUSCOAT. SEAT & BACK:
HANDWOVEN JANUSFIBER®.

W	20"	51 CM
D	20.5"	52 CM
H	31.5"	80 CM
SH	17.75"	45 CM
WEIGHT	9 LBS	4.1 KG

FINISH SHOWN: CARAMEL / LIMESTONE

STOCKED FINISHES



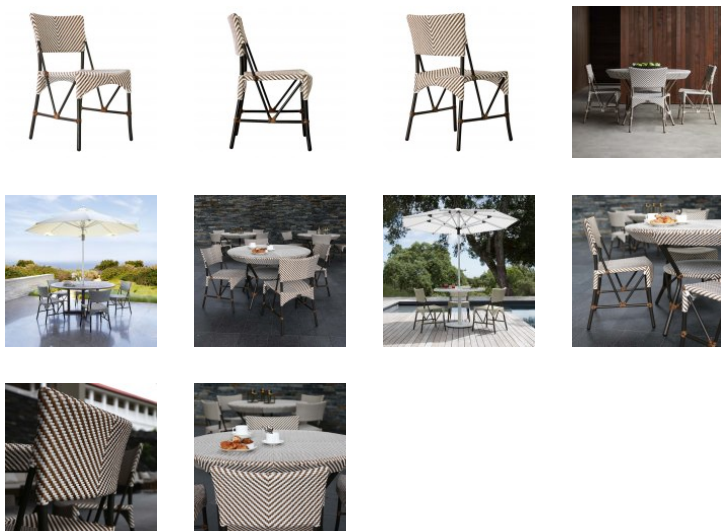
NON-STOCKED FINISHES



ENVIRONMENTS



HIGHLIGHTS





Sterling Calcutta

Tabletops > Indoor/outdoor > Thinscape

Details

- Standard with luster finish (*A semi-gloss sheen with a smooth surface*)
- Thinscape is a composite material constructed with layers of papers and resin
- 1/2" thick Thinscape Table Top standard with a 13"x13"x3/4" MDO plywood substrate secured with an elastic semi structural two-part hybrid adhesive
- Color may fade if exposed to direct sunlight
- Standard with eased edge, additional edges available by request
- Â Contains Veining (pattern varies from sheet to sheet)
- *NOTE: Additional fee will apply when using a non GAR base*
- *Crating Fees Apply*

Specification

Thickness	.5"
Tabletop Size	24"dia, 24"x24", 24"x30", 24"x36", 24"x42", 24"x48", 24"x60", 24"x66", 24"x72", 30"dia, 30"x30", 30"x36", 30"x42", 30"x48", 30"x60",



30"x72", 36"dia, 36"x36".

36"x48", 42"dia, 48" dia

Type	Thinscape Top
------	---------------

FSB Series

Bases > Standard Bases

Upholstery: Black

Details

- Material: Steel | Colors available in Black or Silver
- Appropriate for Indoor and Outdoor applications
- *Please refer to price list for tariff charge*

Specification

Spread Size	18"x9"
Spider Size	7.625"
Column Size	3"
Upholstery	Black Silver
Type	Standard



Cabana Club Cushion Square Corner Module (17" Seat Height)



Product Info

**Cabana Club Cushion Square Corner Module
(17" Seat Height)**
Product No.: 591610SC

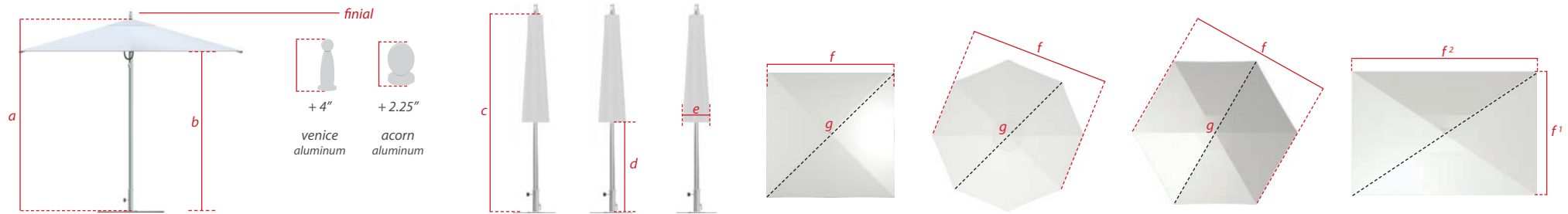
Specifications

Height (in.)	24.75
Upright Height (in.)	28.5
Width (in.)	34
Depth (in.)	34
Seat Height (in.)	17
Product Weight (lbs.)	42.5

Product Notes

Protected by Design Patent D602705 and D613957.

On modular pieces, striped and patterned fabrics are not recommended for cushions because they may not align.



applies to						mast height (open position)	canopy clearance	mast height (closed position)	table clearance	closed parasol width	flat to flat (Open Umbrella)	point to point	canopy area coverage
classic	sizes [ft/m]	premium		essential		a (in/cm)	b (in/cm)	c (in/cm)	d (in/cm)	e (in/cm)	f (in/cm)	g (in/cm)	ft²
		ocean master	plantation	bay master	vineyard								
square 	5.5' / 1.65m	✓	✓	✓	✓	93 / 237	78 / 198	93 / 237	47 / 119	10 / 26	65 / 166	91 / 232	28.75
	6.5' / 2.0m	✓	✓	✓	✓	93 / 237	76 / 193	93 / 237	34 / 86	15 / 38	80 / 204	113 / 288	44.5
	7.5' / 2.25m	✓	✓	✓	✓	97 / 247	79 / 200	97 / 247	35 / 89	13 / 33	88 / 224	125 / 318	54.25
	8.5' / 2.6m (4 ribs)	n/a	n/a	✓	✓	97 / 247	74 / 188	97 / 247	28 / 71	11 / 28	96 / 244	135 / 343	72
	8.5' / 2.6m (8 ribs)	✓	✓	n/a	n/a	97 / 247	74 / 188	97 / 247	25 / 58	13 / 33	102 / 260	143 / 363	72
octagon 	6.0' / 1.8m	✓	✓	n/a	n/a	91 / 232	78 / 198	91 / 232	52 / 132	11 / 28	68 / 173	73 / 186	26
	7.5' / 2.25m	✓	✓	✓	✓	93 / 237	78 / 198	93 / 237	46 / 117	15 / 38	85 / 216	92 / 234	40.75
	9.0' / 2.75m	✓	✓	✓	✓	93 / 237	74 / 188	93 / 237	35 / 89	13 / 33	105 / 267	114 / 290	62.75
	10.5' / 3.2m	✓	✓	✓	✓	97 / 247	80 / 203	97 / 247	32 / 81	14 / 36	116 / 295	125 / 318	76.75
	11.5' / 3.6m	✓	✓	n/a	n/a	97 / 247	75 / 190	97 / 247	27 / 68	11 / 28	125 / 318	135 / 343	89.5
hexagon 	7.0' / 2.15m	✓	✓	✓	✓	93 / 237	78 / 198	93 / 237	46 / 117	13 / 33	80 / 204	93 / 236	37.5
	8.5' / 2.6m	✓	✓	✓	✓	93 / 237	75 / 190.5	93 / 237	35 / 88	13 / 33	99 / 251.5	114 / 290	57.5
	10.0' / 3.0m	✓	✓	✓	✓	97 / 247	80 / 203	97 / 247	32 / 81	14 / 36	108 / 275	125 / 318	70.5
	11.0' / 3.4m	✓	✓	n/a	n/a	97 / 247	75 / 190	97 / 247	27 / 68	14 / 36	117 / 298	135 / 343	82.25
rectangle 	5.0' x 8.0' / 1.5m x 2.45m	✓	✓	n/a	n/a	97 / 247	80 / 203	97 / 247	38 / 96	12 / 31	f¹ X f² 57x98 / 145x249	113 / 288	38.75
	6.0' x 9.0' / 1.8m x 2.75m	✓	✓	✓	✓	97 / 247	72 / 183	97 / 247	29 / 74	12 / 31	f¹ X f² 75x112 / 191x285	134 / 340	58.25

Select

Product Data Sheet

landscapeforms®



Extremely versatile, Select is a modular system of steel recycling units created by industrial designer Brian Kane. Engineered and built for outdoor use the well-proportioned elements are entirely at ease indoors as well. Heavy steel construction and 25-gallon capacity make them stronger, more resilient and more capacious than the competition. Hidden hinges and handles, flanged doors, and cast aluminum trim rings lend an unusually refined appearance.

Receptacle

- Select units are fabricated with sheet steel bodies and cast iron bases.
- Units may be specified as single, double or triple.
- Receptacle top is solid to keep contents dry.
- Body and doors may be specified as all solid, all perforated or a combination of solid and perforated.
- Multi-use, slot or 5" diameter opening available on all units.
- Select can be ordered with custom signage and optional locks.
- Trim rings and signage plates are cast aluminum and powdercoated.
- Adjustable glides and a black polyethylene liner ship with each unit.
- Select ships fully assembled.

Finishes

- Metal is finished with Landscape Forms' proprietary Pangard II® polyester powercoat, a hard yet flexible finish that resists rusting, chipping, peeling and fading.
- See standard color chart.
- A wide array of optional colors may be specified for an upcharge.

To Specify

- Specify Select recycling system, choose single, double or triple unit.
- Specify body and doors as all solid, all perforated or combination of solid and perforated.
- When specifying combination, provide solid or perforated choice for the body and for each door.
- Specify opening style(s): multi-use, newspaper slot or 5" diameter hole.
- Specify powdercoat color(s) for body, door, opening trim and signage plates.
- Specify standard or custom signage wording and with or without lock for each door.
- Visit "Select Recycling System" on landscapeforms.com for standard signage wording choices.

Designed by Brian Kane

Select Recycling System is protected by U.S. Patent Nos. D652,599

	Style	Depth	Width	Height	Product Weight
	1	17"	17"	42"	113 lb
	2	17"	34"	42"	194 lb
	3	17"	51"	42"	273 lb
	The strong roto-molded polyethylene 25-gallon liner has a chunky lip that supports the liner handle and prevents tearing.				
	A durable custom engineered stainless steel hinge supports the flanged steel door and swings it outward in a wide arc. Tested for years of opening/ closing as well as downward pressure when opened.				
	An optional cam lock is positioned at the top front of the unit between the badge and the rim of the opening.				
	Leveling glides are readily accessible and adjustable with a screwdriver; no need to lift or reach under the unit.				

Visit our landscapeforms.com for more information. Specifications are subject to change without notice. Landscape Forms supports the Landscape Architecture Foundation at the Second Century level.
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TERRAZ SQUARE PLANTER

Starting at
\$1495 Regular
\$1121 Member

Designed by Mitch Brean, our planter's simple Cubist form evokes a functional, architectural aesthetic. Crafted of weatherproof fiberstone, the etched linework lends subtle visual rhythm to the crisp geometry.

[VIEW IN-STOCK OPTIONS](#)

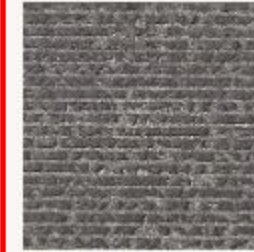
Finish Options



Sand



Chenza



Dark Grey

DETAILS

- Crafted of fiberstone, a proprietary blend of fiberglass, resin and crushed stone
- Durable fiberstone has the look of stone but is significantly lighter in weight than stone, concrete or GFRC
- Suitable for indoor or outdoor use
- Equipped with hole for drainage
- The use of an interior container or liner is recommended to minimize contact with moisture. Consult a nursery for recommendations on a suitable liner and potting medium.
- The use of risers is recommended to promote proper drainage and air flow
- Spot clean with a wet cloth
- In areas with prolonged freezing temperatures, cover or store inside during winter months

DIMENSIONS

Size A: 20" sq., 20"H
Drainage Hole: 1" diam.

Size B: 24" sq., 24"H
Drainage Hole: 1" diam.

Size C: 28" sq., 28"H
Drainage Hole: 1" diam.

Size D: 39½"W x 19¼"D x 19¼"H
Drainage Hole: 1" diam.

Size E: 20" sq., 32"H
Drainage Hole: 1" diam.



Special Land Use Permit Application – Bistro Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: SAMY EID
Address: 588 S. OLD WOODWARD AVE
BIRMINGHAM, MI 48009
Phone Number: (248) 644-3122
Fax Number: N/A
Email address: SAMYEID@ME.COM

2. Property Owner

Name: 460 PARKVIEW, LLC
Address: 220 PARK STREET, SUITE 102
BIRMINGHAM, MI 48009
Phone Number: 248-258-5707
Fax Number: N/A
Email address: RBOJI@BOJIGROUP.COM

3. Applicant's Attorney/Contact Person

Name: J. PATRICK HOWE
Address: 280 N. OLD WOODWARD AVE, SUITE 12
BIRMINGHAM, MI 48009
Phone Number: (248) 385-3112
Fax Number: N/A
Email address: JPHOWE@JPHOWE.COM

4. Project Designer/Developer

Name: VICTOR SAROKI, FAIA
Address: 430 N OLD WOODWARD AVE, FLOOR 3
BIRMINGHAM, MI 48009
Phone Number: 248-258-5707
Fax Number: N/A
Email address: VSAROKI@SAROKIARCHITECTURE.COM

5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
 - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject sites property lines;
 - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
 - iii. A Certified Land Survey;
 - iv. Interior floor plans;
 - v. A Landscape Plan;
 - vi. A Photometric Plan;
 - vii. Colored elevation drawings for each building elevation;
- II. 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 the applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information

Address/Location of the property: 460 NORTH OLD WOODWARD AVE
BIRMINGHAM, MI 48009
Name of development: WILDER'S
Sidwell #: 19-25-330-001
Current Use: OFFICE
Proposed Use: BISTRO
Area of Site in Acres: 0.127 ACRES
Current zoning: B-2 (GENERAL BUSINESS) / D-2 OVERLAY DISTRICT
Is the property located in the floodplain? NO
Name of Historic District Site is Located in: N/A
Date of Historic District Commission Approval: N/A

Date of Application for Preliminary Site Plan: 5/12/2021
Date of Preliminary Site Plan Approval: 7/21/2021
Date of Application for Final Site Plan: 10/27/2021
Date of Final Site Plan Approval: 12/16/2021
Date of Application for Revised Final Site Plan: N/A
Date of Revised Final Site Plan Approval: N/A
Date of Design Review Board Approval: N/A
Is there a current SLUP in effect for this site? NO
Date of Application for SLUP: 3/15/2022
Date of SLUP Approval: TBD
Date of Last SLUP Amendment: N/A

7. Details of the Proposed Development (attach separate sheet if necessary)

WILDER'S WILL SET ITSELF APART AS AN INTIMATE AND ELEVATED BIRMINGHAM SUPPER CLUB — A PRIME EXAMPLE OF WHAT THE BISTRO LICENSE WAS DESIGNED FOR IN THE HANDS OF SEASONED RESTAURANT OPERATORS. THE RESTAURANT DRAWS ITS INSPIRATION FROM THE BUSTLING FRENCH BISTROS THAT DEFINE THE URBAN STREETScape AND ENERGY OF MODERN PARIS, THROUGH AN AMERICAN LENS OF A BYGONE AND HUSHED DINING ERA. WILDER'S WILL OCCUPY THE ENTIRE 2,009 SF RETAIL SPACE ON THE GROUND FLOOR AND 1,781 SF OF THE LOWER LEVEL OF 460 N OLD WOODWARD AVE. WILDER'S WILL BE A TRUE FAMILY-RUN, MULTI-GENERATIONAL OPERATION THAT TAKES A DIFFERENT APPROACH TO DINING THAN MANY OTHER BIRMINGHAM RESTAURANTS. OUR FOCUS WILL BE A SIMPLE AND STRAIGHTFORWARD AMERICAN BISTRO MENU THAT'S PERFECTLY EXECUTED, IN AN ENVIRONMENT DESIGNED FOR FRIENDS AND FAMILIES TO GATHER, ROMANCES TO BLOSSOM, AND MEMORIES TO BE MADE.

8. Buildings and Structures

Number of Buildings on Site: 1
Height of Buildings & # of Stories: 47.25' / 3 STORIES W/ 3RD FLOOR RESIDENTIAL

Use of Buildings: RETAIL, OFFICE, RESIDENTIAL
Height of Rooftop Mechanical Equipment: 8'-11"

9. Floor Use and Area (in Square Feet)

Structures:

Restaurant Space: 3,790 GSF
Office Space: 3,594 GSF
Retail Space: 2,009 GSF

Number of Residential Units: 2
Rental or Condominium? RENTAL
Total Floor Area: 13,461 GSF

10. Proposed Bistro Operation

Number of Indoor Seats: 65 SEATS
Number of Outdoor Seats: 24 SEATS
Entertainment Proposed: NO
Previous LCC Complaints? NO
Number of Tables along Street Façade: 3 TABLES (12 SEATS)
Type of Cuisine: AMERICAN BISTRO

Bar Area? YES
Number of Seats at Bar: 7 SEATS
Full Service Kitchen? YES
Percentage of Glazing Proposed: _____
Years of Experience in Birmingham: OVER 40 YEARS
Years of Experience Outside Birmingham: N/A

11. Required and Proposed Setbacks

Required Front Setback: 0 FEET / 10 FT ON 3RD FLOOR BONUS
Required Rear Setback: EQUAL TO ADJACENT PRE-EXISTING BUILDING (35 FT)
Required Total Side Setback: 0 FEET

Proposed Front Setback: 0 FEET / 10 FT ON 3RD FLOOR BONUS
Proposed Rear Setback: 35 FT
Proposed Total Side Setback: 9 FEET

12. Outdoor Dining Facility

Location (sidewalk right-of-way or on-street parking space): ON-STREET PARKING SPACE
Hours of Operation: Tuesday – Sunday Dinner Service: 5:00 PM – 11:00 PM / Saturday & Sunday Brunch Service: 10:00 AM – 2:00 PM
Width of unobstructed sidewalk between door and café? (5 ft. required): 13 FEET 8 INCHES
Platform Proposed: YES
Trash Receptacles: 1

Number of Tables/Chairs: 8 TABLES / 24 CHAIRS
Material of Tables/Chairs: VARIABLES SEE DESIGN PACKAGE
Tables Umbrellas Height & Material: 8 FEET / HIGH PERFORMANCE FABRIC
Number and Location of Parking Spaces Utilized: ONE SPACE
Screenwall Material: N/A
Enclosure Material: POWDER COATED ALUMINUM RAILING

13. Required and Proposed Parking

Required number of parking spaces: 0
Location of parking on site: NORTH BEHIND THE PROPOSED BUILDING
Screenwall material: MASONRY WITH LIMESTONE CAP

Shared Parking Agreement? NO
Location of parking off site: STREET (N OLD WOODWARD AVE)
Height of screenwall: 6 FEET

14. Landscaping

Location of landscape areas: NEW STREET TREE ALONG NORTH OLD WOODWARD AVENUE. TREES AND PLANTINGS ON ROOFTOP TERRACE.

Proposed landscape material: NEW STREET TREE IS LITTLE LEAF LINDEN (TILIA CORDATA) STRAIGHT TRUNK, 3 TO 2.5" CALIPER, LOWER BRANCH MINIMUM CLEARANCE.

15. Streetscape

Sidewalk width: 13 FEET
Number of benches: 0
Number of planters: 0
Number of existing street trees: 1
Number of proposed street trees: 1
Streetscape plan submitted? YES

Description of benches or planters: N/A

Species of existing trees: 3" TREE

Species of proposed trees: LITTLE LEAF LINDEN
(TILIA CORDATA) STRAIGHT TRUNK, 3" TO 2.5" CALIPER

16. Loading

Required number of loading spaces: 0
Typical angle of loading spaces: N/A
Screenwall material: N/A
Location of loading spaces on site: N/A

Proposed number of loading spaces: 0

Typical size of loading spaces: N/A

Height of screenwall: N/A

Typical time loading spaces are used: N/A

17. Exterior Waste Receptacles

Required number of waste receptacles: 1
Location of waste receptacles: NORTH BEHIND BUILDING
Screenwall material: MASONRY / GATE TO BE METAL WITH PAINTED WOOD BOARDS

Proposed number of waste receptacles: 1

Size of waste receptacles: 2 CUBIC YARD DUMPSTER

Height of screenwall: 6 FEET

18. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: 0
Size of transformers (L•W•H): N/A
Number of utility easements: N/A
Screenwall material: N/A

Location of all utilities & easements: N/A

Height of screenwall: N/A

Ground Mounted Mechanical Equipment:

Number of ground mounted units: 0
Size of ground mounted units (L•W•H): N/A
Screenwall material: N/A

Location of all ground mounted units: N/A

Height of screenwall: N/A

Rooftop Mechanical Equipment:

Number of rooftop units: 14
Type of rooftop units: (3) EXHUAUST FANS, (1) MAKE-UP AIR UNIT,
(10) AIR CONDITIONER CONDENSING UNITS
Screenwall material: MASONRY
Location of screenwall: ROOFTOP OUTDOOR MECHANICAL ENCLOSURE

Location of all rooftop units: ROOFTOP OUTDOOR MECHANICAL ENCLOSURE

Size of rooftop units (L•W•H): SEE MECHICAL SPEC SHEETS

Percentage of rooftop covered by mechanical units: APPROX. 20%

Height of screenwall: 8' - 11"

Distance from rooftop units to all screenwalls: SEE A140 ROOF PLAN

19. Accessory Buildings

Number of accessory buildings: N/A
Location of accessory buildings: N/A

Size of accessory buildings: N/A

Height of accessory buildings: N/A

20. Building Lighting

Number of light standards on building: SEE PHOTOMETRIC PLAN
Size of light fixtures (L•W•H): SEE PHOTOMETRIC PLAN
Maximum wattage per fixture: SEE PHOTOMETRIC PLAN
Light level at each property line: SEE PHOTOMETRIC PLAN

Type of light standards on building: SEE PHOTOMETRIC PLAN

Height from grade: SEE PHOTOMETRIC PLAN

Proposed wattage per fixture: SEE PHOTOMETRIC PLAN

21. Site Lighting

Number of light fixtures: SEE PHOTOMETRIC PLAN
Size of light fixtures (L•W•H): SEE PHOTOMETRIC PLAN
Maximum wattage per fixture: SEE PHOTOMETRIC PLAN
Light level at each property line: SEE PHOTOMETRIC PLAN

Type of light fixtures: SEE PHOTOMETRIC PLAN

Height from grade: SEE PHOTOMETRIC PLAN

Proposed wattage per fixture: SEE PHOTOMETRIC PLAN

Holiday tree lighting receptacles: SEE PHOTOMETRIC PLAN

22. Adjacent Properties

Number of properties within 200 ft.: 5

Property #1

Number of buildings on site: 1
Zoning district: B-2 / D-2
Use type: RETAIL & OFFICE
Square footage of principal building: 12,030 SF
Square footage of accessory buildings: N/A
Number of parking spaces: 4

Property #2

Number of buildings on site: 1
Zoning district: B-2 / D-2
Use type: OFFICE
Square footage of principal building: 2,944 SF
Square footage of accessory buildings: N/A
Number of parking spaces: 8

Property #3

Number of buildings on site: 1
Zoning district: B-2/ D-2
Use type: RESTAURANT AND OFFICE
Square footage of principal building: 9,317 SF
Square footage of accessory buildings: N/A
Number of parking spaces: 4

Property #4

Number of buildings on site: 1
Zoning district: R-2
Use type: SINGLE FAMILY RESIDENTIAL
Square footage of principal building: 4,744 SF
Square footage of accessory buildings: N/A
Number of parking spaces: N/A

Property #5

Number of buildings on site: 1
Zoning district: R-2
Use type: SINGLE FAMILY RESIDENTIAL
Square footage of principal building: 3,488 SF
Square footage of accessory buildings: N/A
Number of parking spaces: N/A

Property #6

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: 430 NORTH OLD WOODWARD AVE
3-STORY MIXED-USE BUILDING WITH OFFICE & RETAIL

North, south, east or west of property? SOUTH

Property Description: 450 NORTH OLD WOODWARD AVE
2-STORY OFFICE BUILDING

North, south, east or west of property? SOUTH

Property Description: 470 NORTH OLD WOODWARD AVE
2-STORY MIXED-USE BUILDING

North, south, east or west of property? NORTH

Property Description: 180 RAVINE RD
SINGLE FAMILY RESIDENTIAL

North, south, east or west of property? EAST

Property Description: 181 EUCLID AVE
SINGLE FAMILY RESIDENTIAL

North, south, east or west of property? EAST

Property Description: _____

North, south, east or west of property? _____

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 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: Rm Boji Date: 3/15/2022

Print Name: RON BOJI / 460 PARKVIEW, LLC

Signature of Applicant: Samy Eid Date: 3/15/2022

Print Name: SAMY EID

Signature of Architect: [Signature] Date: 3/15/2022

Print Name: VICTOR SAROKI

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____

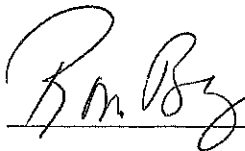


CONSENT OF PROPERTY OWNER

I, 460 PARKVIEW, LLC, OF THE STATE OF Michigan AND
(Name of Property Owner)
COUNTY OF Oakland STATE THE FOLLOWING:

1. That I am the owner of real estate located at 460 N OLD WOODWARD AVE, BIRMINGHAM, MI 48009;
(Address of Affected Property)
2. That I have read and examined the Application for Special Land Use Permit - Bistro made to the City of
Birmingham by: SAMY EID;
(Name of Applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the City of
Birmingham.

Name of Owner (Printed): RON BOJI / 460 PARKVIEW, LLC

Signature of Owner:  Date: 3/15/2022



SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: SAMY EID Case #: _____ Date: 3/15/2022
Address: 460 N OLD WOODWARD AVE Project: WILDER'S

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan for Special Land Use Permit

A full Site Plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☒ 1. Name and address of applicant and proof of ownership;
- ☒ 2. Name of Development (if applicable);
- ☒ 3. Address of site and legal description of the real estate;
- ☒ 4. Name and address of the land surveyor;
- ☒ 5. Legend and notes, including a graphic scale, north point, and date;
- ☒ 6. A separate location map;
- ☒ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- ☒ 8. Aerial photographs of the subject site and surrounding properties;
- ☒ 9. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
- ☒ 10. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
11. Interior floor plans;
- ☒ 12. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission ("HDC");
- ☒ 13. Existing and proposed layout of streets, open space and other basic elements of the plan;

- ☒ 14. Existing and proposed utilities and easements and their purpose;
- ☒ 15. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserve-able trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- ☒ 16. General description, location, and types of structures on site;
- ☒ 17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;
- ☒ 18. Details of existing or proposed lighting, signage and other pertinent development features;
- ☒ 19. Elevation drawings showing proposed design;
- ☒ 20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
- ☒ 21. Location of all exterior lighting fixtures;
- ☒ 22. A Photometric Plan depicting proposed illuminance levels at all property lines;
- ☒ 23. A Landscape Plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- ☒ 24. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☒ 25. Color elevation drawings showing the proposed design for each façade of the building;
- ☒ 26. List of all materials to be used for the building, marked on the elevation drawings;
- ☒ 27. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- ☒ 28. Details of existing or proposed lighting, signage and other pertinent development features;
- ☒ 29. A list of any requested design changes;
- ☒ 30. Itemized list and specification sheets of all materials, light fixtures, and mechanical equipment to be used, including exact size specifications, color, style, and the name of the manufacturer;
- ☒ 31. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and
- ☒ 32. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

CONTRACT FOR TRANSFER OF A LIQUOR LICENSE
(BISTRO)

This Contract is entered into this ____ day of _____ (month), ____ (year), by and between _____, whose address is _____, (Licensee) and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48012 (City).

R E C I T A L S:

WHEREAS, Licensee wishes to transfer the location of its liquor license from _____ to _____, Birmingham, Michigan (Property); and

WHEREAS, local legislative approval is required by the **CITY OF BIRMINGHAM** for the transfer of a _____ liquor license pursuant to MCLA §436.1501 of the Michigan Liquor Control Code of 1998; and

WHEREAS, Licensee desires to enter into this Contract as an inducement to the **CITY OF BIRMINGHAM** to approve the request of the aforementioned transfer of the liquor license; and,

WHEREAS, the **CITY OF BIRMINGHAM** is relying upon this Contract in giving its approval to the transfer of the on-premises licenses as described herein.

NOW, THEREFORE, the parties agree as follows:

1. Licensee shall be permitted to transfer the location of its liquor license from _____ to the Property. Any transfer of the aforementioned license from the Property to any other location in the CITY OF BIRMINGHAM shall require the approval of the Birmingham City Commission in accordance with Section 10-83. In addition, any expansion of the building location at the Property shall also require the approval of the Birmingham City Commission.

2. Licensee does hereby agree that it shall establish a bistro, as defined in Birmingham City Code Chapter 126, Zoning, Article 9, section 9.02, at the Property.

3. Licensee further acknowledges that it must secure a Special Land Use Permit for a bistro as required by the Birmingham City Code. It is further agreed that it shall comply with all provisions of the Special Land Use Permit or any amendments thereto, as a condition of this contract. Licensee further acknowledges and agrees that a violation of any provision of the Special Land Use Permit or the Michigan Liquor Control Code is a violation of the terms of the contract entitling the City to exercise any or all of the remedies provided herein.

4. Licensee further agrees that it shall not apply or seek from the Michigan Liquor Control Commission any permit endorsements to its liquor license whether available in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without the prior approval of the Birmingham City Commission.

5. Licensee further agrees that it shall not seek any change in its license status/class whether such changes are available now in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without prior approval of the Birmingham City Commission.

6. Licensee agrees that it shall adhere to all Federal, State and Local laws currently in effect or as subsequently amended or enacted.

7. Licensee agrees that its failure to follow any of the provisions herein shall be grounds for the Michigan Liquor Control Commission to suspend, revoke or not renew its liquor license and/or for the Birmingham City Commission to revoke the Special Land Use Permit, either of which would prohibit Licensee from operating the bistro. Licensee agrees that in addition to the City of Birmingham's right to seek suspension, revocation or non-renewal of its liquor license and/or revocation of the special land use permit, the City retains any and all rights to enforce this Contract that may be available to it in law or in equity. Licensee further agrees that it shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the suspension, revocation or non-renewal of its liquor license and revocation of the Special Land Use Permit, as well as enforcing such other rights as may be available at law and/or in equity.

8. To the fullest extent permitted by law, Licensee and any entity or person for whom Licensee is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury, death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of a bistro at the Property.

9. In the event Licensee fails to reimburse the City the costs and/or attorney fees as required herein, or any part thereof, then said amount could be transferred to the tax roll in accordance with Section 1-14 of the Birmingham City Code.

10. Any disputes arising under this Contract, not within the jurisdiction of the Michigan Liquor Control Commission, shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. The Licensee shall notify the City of any dispute it has arising out of this Contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in Oakland County Circuit Court. The City shall make its election in writing within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one arbitrator and the two thus appointed appointing a third. In the event the City fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court.

11. This Contract shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan.

12. If any provision of this contract is declared invalid, illegal or unenforceable, such provision shall be severed from this contract and all other provisions shall remain in full force and effect.

13. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements herein contained are hereby declared binding on the CITY OF BIRMINGHAM and Licensee. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both of the parties hereto. Neither party shall assign any of the rights under this contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

IN WITNESS WHEREOF, the parties hereby have executed this Contract as of the date set forth above.

By: _____

Its: _____

Date: _____

CITY OF BIRMINGHAM

By: _____
_____, Mayor

Date: _____

By: _____
_____, Clerk

Date: _____



Notice Signs - Rental Application Community Development

1. Applicant

Name: SAMY EID
Address: 588 S. OLD WOODWARD AVE
BIRMINGHAM, MI 48009
Phone Number: (248) 644-3122
Fax Number: N/A
Email address: SAMYEID@ME.COM

Property Owner

Name: 460 PARKVIEW, LLC
Address: 220 PARK STREET, SUITE 102
BIRMINGHAM, MI 48009
Phone Number: 248-258-5707
Fax Number: N/A
Email address: RBOJI@BOJIGROUP.COM

2. Project Information

Address/Location of Property: 460 NORTH OLD WOODWARD AVE
Name of Development: WILDER'S
Area in Acres: 0.127 ACRES

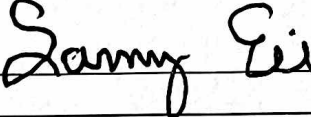
Name of Historic District site is in, if any: N/A
Current Use: OFFICE
Current Zoning: B-2 (GENERAL BUSINESS) / D-2 OVERLAY DISTRICT

3. Date of Board Review

Board of Building Trades Appeals: N/A
City Commission: 12/16/2021
Historic District Commission: N/A
Planning Board: TBD

Board of Zoning Appeals: N/A
Design Review Board: N/A
Housing Board of Appeals: N/A

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant:  Date: 3/15/2022

Office Use Only

Application #:	Date Received:	Fee:
Date of Approval:	Date of Denial:	Reviewed by:



FEE SCHEDULE

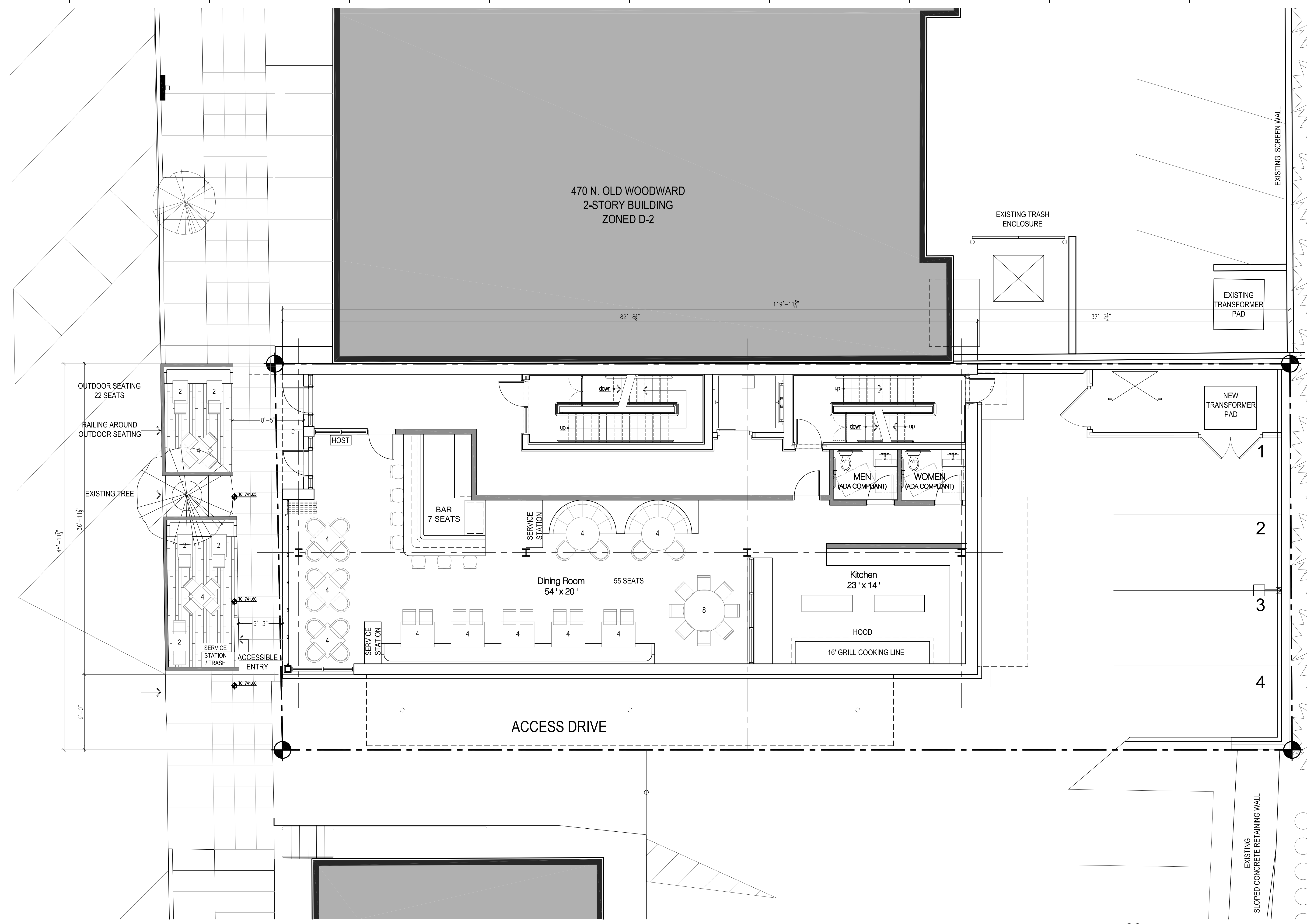
Application	Fees
Administrative Approval	\$100
Administrative Sign Approval	\$100
Board of Zoning Appeals* - Single Family Residential - All Other Zoning Districts	\$310 \$510
Community Impact Study Review*	\$2,050
Design Review*	\$350
Division/Combination of Platted Lots	\$200
Historic District Review* - Single Family Residential - All Other Zoning Districts	No Charge \$350
Public Notice Sign - Notice Sign Rental - Returnable Sign Bond	\$50 \$100 ➔ \$150 total
Preliminary/Final Site Plan Review - R4 – R8 Zoning District - Nonresidential Districts	\$850, plus \$50 per dwelling unit \$1,050, plus \$50 per acre or portion of acre
Special Land Use Permit* - Plus Site Plan Review - Plus Design Review - Plus Publish of Legal Notice - Plus Sign Rental and Deposit	\$800 \$1,050 \$350 \$450 \$150 ➔ \$2,800 total
Special Land Use Permit Annual Renewal	\$200
Temporary Use Permit	\$100
Zoning Compliance Letter	\$50

***The fees for Board of Zoning Appeals, Community Impact Study Review, Design Review, Site Plan Review, Historic District Review and Special Land Use Permits shall be double the listed amounts in the event the work is commenced prior to the filing of an application for review by the City of Birmingham.**

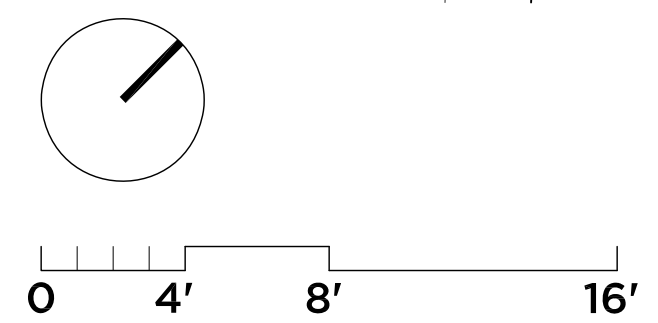
A
B
C
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F
G
H

N. OLD WOODWARD AVE.

1 2 3 4 5 6 7 8 9 10



H5
A110
First Level Floor Plan
SCALE: 3/16" = 1'-0"



SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
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SarokiArchitecture.com

Project:
Wilder's
460 N. Old Woodward Avenue
Birmingham, Michigan 48009

Date: 03-15-2022 Issued For:
SPECIAL LAND USE PERMIT

Sheet No.:
A110
FIRST LEVEL FLOOR PLAN

A
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B
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C
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D
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H



FIRST LEVEL FLOOR PLAN

A circular clock face is shown with a hand pointing to 1:50. Below the clock is a number line with markings at 0, 4', 8', and 16'.



MEMORANDUM

Planning Division

DATE: July 13, 2022

TO: Planning Board Members

FROM: Leah Blizinski, City Planner

APPROVED BY: Nicholas Dupuis, Planning Director

SUBJECT: Accessory Structures - Air Conditioning Units

Air conditioning is an important cooling and adaptation strategy for citizens. The most efficient air conditioner operation is achieved through the shortest lines between the furnace and the outdoor condenser unit. Installing air conditioners on the outside wall directly adjacent to the furnace provides for the shortest lines and maximum operational efficiency. Birmingham, like many of its neighboring communities has a number of principal structures built before its modern Zoning Ordinance was adopted. As such, there are a number of homes in the city with nonconforming side-yard condenser units to this day.

The City of Birmingham does not explicitly disallow condensers in side yards, but has established a precedence of regulating ac condenser units as Accessory Structures. Article 4.03 (A) states that "No accessory buildings or structures shall be erected in the required front open space or side open space, except as may otherwise be provided in this section." Therefore, in practice, air conditioner condensers are allowed only in the rear yard and those seeking to install or replace a condenser in the side yard must seek a variance from the BZA —as many do.

For someone seeking to replace an air conditioner that is located in their side yard, it is a lengthier process than someone who is replacing an air conditioner in the rear yard. They must either apply and wait for a determination from the BZA or move the lines and construct a new pad (or both if denied), which may mean additional contractors, time and cost.

Article 1 of the Zoning Ordinance, section 1.06 states "The interpretation and application of the provisions in this Zoning Ordinance are the minimum requirements necessary to promote public health, morals, safety, comfort, convenience, or general welfare." Therefore, it is necessary to consider whether a gap exists in the current ordinances as far as protecting the health, safety and welfare of residents and whether zoning practices that hinder the quick replacement of air conditioning in hot summer months may be considered detrimental to health, safety and welfare.

At the request of the City Attorney, Planning Division staff has looked at ways to ensure all residents have access to a swift process for maintaining and replacing air conditioning units on single-family homes, including reviewing ordinances of surrounding communities.

As technology improvements have drastically reduced the amount of noise produced by a running condenser some cities are revising their position on side-yard condensers. Birmingham can look to nearby neighbors, Ferndale, Berkley and Plymouth as examples of communities who have done just that in recent years.

Thanks to improvements in compressor technology and a fan-blade shape, modern models generate only about 1/20th of the noise generated by many older units. According to Energy.gov, "the most efficient air conditioners use 30% to 50% less energy to produce the same amount of cooling as air conditioners made in the mid-1970s. Even if your air conditioner is only 10 years old you may save 20% to 40% of your cooling energy costs by replacing it with a newer, more efficient model...Improper unit location, lack of insulation, and improper duct installation can greatly diminish efficiency." A properly working air conditioner should run for 15 minutes at a time on warm days, no more than a couple of times within an hour.

Additionally, the Energy Star and EnergyGuide labelling programs assist consumers in choosing high efficiency models. From the energy.gov website: "Central air conditioners are rated according to their season energy efficiency ratio (SEER). SEER indicates the relative amount of energy needed to provide a specific cooling output. Many newer systems have SEER ratings as high as 26. This rating system was updated in 2015 and the lowest SEER rated unit manufacturers are now allowed to sell is 13. For comparison, older units average between 8 and 9.

City of Ferndale

Ferndale updated their Zoning Ordinance in June of 2018 to allow certain features to project into required yard setbacks. This update included the following section related to placement of air conditioners:

"Equipment used for central air conditioning, heating or water filtration purposes and installed outside of single-family or two-family dwellings and their attached structures shall be located in the rear yard. The community development department may allow units to be located within the side yard in those instances where such location does not adversely impact an abutting dwelling, conditioned upon screening of the equipment with appropriate landscaping to reasonably conceal the equipment from view."

Ferndale Building staff confirmed that in practice, this means that when a permit to install air conditioning is applied for, the desired location of the unit is collected on the form. Staff then considers several factors in determining the appropriate location for the unit and is able to administratively approve side-yard ac installation when they determine it does not adversely impact an abutting dwelling. Factors they consider when making this determination are:

- 1) All applicable building codes.
- 2) A 5ft. setback from the lot line.
- 3) House foundation (and difficulty of cutting through slab)

- 4) Placement of furnace and length of lines needed to reach the rear yard; a drastic increase in the length of lines to reach the rear yard vs. side yard decreases efficiency of the unit.
- 5) New construction vs. existing; They will absolutely allow replacement of an existing side-yard ac on an existing house (and waive the 5ft setback under 'continuing the nonconformity,' if necessary, to allow replacement).
- 6) Required to screen all side-yard placed ac units from the street and the abutting property at least 4 inches above the unit itself.

Staff felt the ordinance was extremely successful and stated they have not had any issues since its adoption in 2018. It was especially successful at eliminating the requirement for applicants seeking to replace an existing nonconforming side-yard ac units to have to seek a variance from the Board of Zoning appeals. The Board of Zoning Appeals, while sympathetic to applicants, felt that they were not able to grant these variances under the specific criteria they are allowed to consider. Under the administrative process, staff can consider criteria the BZA cannot such as; cost, efficiency and timeliness of replacement. They have not had to send a side-yard ac application to the BZA since adopting the current ordinance.

City of Berkley

In 2017, the ZBA heard a number of appeals related to generators in which they determined they would consider and regulate them as accessory structures. Though the zoning ordinance defined several types of Accessory Structure, neither air conditioning units or generators was included in the definitions. During the discussion, air conditioners were brought into the mix; because air conditioning units had not been defined as accessory structures, they were previously allowed to be placed in the side yard as long as the adjacent property owner signed off on a form.

The City of Berkley adopted a new ordinance to define and regulate exterior appliances in February of 2021. This new ordinance provides definitions for several types of appliance including 'Air Conditioning Unit.' It also includes the following related to location of Residential Air Conditioning Units;

"Air Conditioning Units may be permitted in the side yard under the following conditions:

- a. The unit must be at least 18 inches from side property line;
- b. The unit must be at least 12 feet from adjacent dwelling;
- c. The unit must be screened on at least three (3) sides by opaque fencing or landscaping, measuring at least four (4) feet in height from grade.
 1. The principal structure may be considered one side of screening.
 2. Screening must be provided from street view and facing the closest adjacent property.
 3. Chain link fencing is not permissible as a screening material for exterior appliances."

They also include a section to provide guidance for Non-Conforming Exterior Appliances:

"Non-conforming exterior appliances include appliances that were lawfully installed but are no longer in compliance with the provisions of this chapter. Non-conforming exterior appliances may be continued, maintained and replaced provided there is no increase or enlargement of the area occupied or devoted to such use. If the structure that is served by a non-conforming exterior appliance is damaged or partially destroyed by less than 50 percent of its market value, the exterior

appliance may be restored and its previous use continued. If the structure that is served by a non-conforming exterior appliance is damaged or partially destroyed by 50 percent or more than 50 percent of its market value, then any restoration or new construction must comply with all current building and zoning codes.”

City of Plymouth

Plymouth updated their ordinance in July of 2016. Previously they did not allow air conditioners to be installed in the side yard. Plymouth defines Accessory Use or Accessory and includes air conditioning units in the definition. Plymouth includes a table in their Zoning ordinance that specifies how much projection into each setback is permitted for each particular type of structure or feature. Air conditioning condensers are permitted to encroach 4ft into the side yard setback as well as the rear. As in Berkley and Ferndale, screening of the unit is required.

Study Session #1 Summary

On April 13th, 2022, the Planning Board discussed amending the Zoning Ordinance to consider allowing Air Conditioning Units within the side yard setback under certain conditions. The Planning Board discussed the variety of heating and cooling systems available and whether they were appropriate to be located within side yard setbacks in single-family residential neighborhoods. The planning board expressed a desire to provide relief for homeowners to replace Air Conditioning Units already located within side yard setbacks.

Study Session #2 Summary

On June 8th, 2022, the Planning Board discussed proposed ordinance language that was modified to reflect the Planning Board discussion from April 13th, 2022. The language was revised to limit the ordinance update to address only the specific urgent need to allow homeowners to replace air conditioning units in non-conforming locations. The ordinance update will allow these residents equal access to swiftly mitigate high temperatures should an air conditioning unit require replacement during the hot Summer months. Planning board members requested to add to condition #1, the word location, to ensure that nonconforming units were limited to a similar size and location. Planning Board members also requested removal of condition #2 altogether as they felt it could imply that other accessory structures are not subject to all applicable codes and permits. They felt that having this a condition under only one of the structures was not the right place for it, since all structures are subject to applicable codes and ordinances.

Study Session #3

The proposed ordinance language below was modified to reflect the Planning Board discussion from June 8th, 2022. The language was revised for clarity and conciseness based on the Planning Board members’ comments.

Sample Motion Language

Motion to set a public hearing date of August 10, 2022 to consider amendments to Article 4, Section 4.03, of the Zoning Ordinance to add language to permit air conditioning units in the side yard under certain conditions.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.03, ACCESSORY STRUCTURE STANDARDS, TO ADD LANGUAGE TO PERMIT AIR CONDITIONING UNITS IN THE SIDE YARD UNDER CERTAIN CONDITIONS.

Article 4, Section 4.03 – Accessory Structure Standards

This Accessory Structure Standards section applies to the following districts:

R1 R1A R2 R3 R4 R5 R6 R7 R8 TZ1

The following accessory structure standards apply:

- A. Front and Side Open Space Limitations: No accessory buildings or structures shall be erected in the required front open space or side open space, except as may otherwise be provided in this section.
- B. Rear Open Space Limitations: Accessory buildings or structures may occupy a portion of the rear open space. They shall be at least 3 feet from any lot line, except as otherwise provided in this Article. If a lot has frontage on 2 streets so that the rear lot line abuts the street, accessory buildings or structures shall be set back from the rear lot line the same distance required in each two-page layout in Article 2, as a front setback for lots fronting on the street. An accessory building is not permitted closer to a principal building on an adjoining lot than the sum of the minimum required side setbacks as determined in Section 4.74(C).
- C. Corner Lots: On corner lots where a rear open space abuts a front or side open space, accessory buildings or structures on a corner lot shall have a minimum setback of 5 feet from the rear lot line.
- D. Setback from Principal Building: An accessory building or a swimming pool shall not be closer than 10 feet to the principal building located on the same lot.
- E. Satellite Antennas: Satellite antennas are permitted only in the rear open space. They are prohibited on the roof of any principal building or accessory building. They are limited to a maximum of 15 feet in height above grade and a minimum of 3 feet from the rear and side lot lines.
- F. Basketball Apparatus: A basketball apparatus may be placed within the required front open space and side open space of a single-family residential lot and only in conformance with the following conditions:
 - 1. No more than 1 basketball backboard, either garage or pole-mounted, may be located in the required front or side open space.
 - 2. A single basketball backboard may be mounted directly on the garage.
 - 3. A single, pole-mounted backboard may be located only within the one-third of the required front open space or side open space nearest the dwelling and contiguous to the driveway.

- G. Maximum Building Height: The maximum eave height on all accessory structures shall not exceed 12 feet. The maximum building heights for accessory structures are as follows:
1. Gable, hip, gambrel, barrel or shed roofs:
 - a. R1A, R1: 15.5 feet to midpoint
 - b. R2: 15 feet to midpoint
 - c. R3: 14.5 feet to midpoint
 - d. The roof line on gambrel and barrel roofs may not project more than 2 feet past an imaginary plane drawn from the eave to the highest point on the roof. The highest point on an accessory structure with a shed roof must face the interior of the lot on which it is located.
 2. Flat roofs:
 - a. R1A, R1: 12 feet
 - b. R2: 12 feet
 - c. R3: 12 feet
 3. Mansard roofs:
 - a. R1A, R1: 15.5 feet to deck line
 - b. R2: 15 feet to deck line
 - c. R3 14.5 feet to deck line
- H. Area: The maximum area of the first floor of any accessory structure or accessory structures in combination shall not exceed 10% of the lot area or 600 square feet in R1 and R1A, 550 square feet in R2, or 500 square feet in R3, whichever is less. Outdoor living area is prohibited above the first story on any accessory structure.
- I. Proportionality Between Accessory Structures and Principal Structures: The height of an accessory structure must be lower than the height of the principal structure on the same lot. The total area of habitable space in an accessory structure must not exceed 75% of the total area of habitable space in the principal structure on the same lot.
- J. Dormers: Dormers on accessory structures are limited to 50% or less of the width of the roof per elevation or a 10 foot interior dimension, whichever is greater. Dormers may not exceed the height of the roofline from which they are projecting. Dormers are not permitted on accessory structures with gambrel, barrel, flat or mansard roofs.
- K. Windows: On elevations adjacent to abutting property lines, a maximum of 8 square feet of glazing area is permitted per elevation on the second level of an accessory structure if located less than 6 feet above the floor of the second level of the accessory structure. Unlimited glazing is permitted if located at least 6 feet above the floor of the second level of the accessory structure.
- L. Exterior Staircases: Above grade exterior staircases are prohibited on accessory structures.
- M. **Air Conditioning Units: All new and existing air conditioning units shall not count against lot coverage calculations. Non-conforming air conditioning units located within required side yard setbacks may be continued, maintained and replaced provided:**
1. **The area occupied or devoted to such use is of similar size and location;**
 2. **The nonconforming unit(s) must be screened from street view and the abutting property by privacy fence, landscaping or landscape fence.**

ORDAINED this _____ day of _____, 2022 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



Nicholas Dupuis <ndupuis@bhamgov.org>

Side Yard AC Unit Study

Patrick Hillberg <patrick_hillberg@hotmail.com>

Fri, Jun 24, 2022 at 4:53 PM

To: Nicholas Dupuis <ndupuis@bhamgov.org>, Bruce Johnson <Bjohnson@bhamgov.org>

To the Planning Board

Re: Side Yard AC Unit Study Session on 8-June

My name is Patrick Hillberg, I reside at 1853 Fairview, and I initiated this concern with the Building Officer and the City Attorney after my AC replacements were denied in the summer of 2021. My appeal to the BZA was approved in October.

I am responding to a comment by Ms. Boyce in this meeting: Shortly after 1:36:00 in the Vimeo video, she states: *"I don't think that this is a health & safety issue... because no one is being denied replacement of their failed unit, they are being denied - to put it where they want it... it could be replaced immediately - as soon as they could get it scheduled by a contractor... and that is just a matter of the tube that runs the coolant being replaced... I don't think that we as a City are causing anyone a health or safety issue."*

At 1:39 Ms. Boyce states: *"this is not a health & safety issue; those units could be replaced easily and very quickly if they put them in the right spot"*.

But the continued need for conditioned air is clearly a health and safety issue, as noted by recent events:

1. During the shelter-in-place period, early in the COVID-19 pandemic, while many businesses were forced to pause operations HVAC contractors were considered essential workers. The implication is that HVAC is considered essential for health & safety by the State Health Department.
2. And for good reason - from 25-Jun to 1-July-2021, 595 people died in Vancouver, CA, during their "heat dome", in a region where only 40% have air conditioning. That City is now considering portable AC units as a "medical device" for future heat waves. On 29-June alone, 231 people died in high heat.
<https://www.cbc.ca/news/canada/british-columbia/bc-heat-dome-sudden-deaths-revised-2021-1.6232758>.

Thus, it is conceivable that high heat could occur in Birmingham in the midst of a stay-at-home order, and the lack of conditioned air is a risk to health and safety. The City puts residents at risk with a months-long delay.

Pictures of my property can be found in the Packet for the 12-October BZA meeting. The backyard was extensively landscaped with a brick patio and a small pond (on an R2 lot) prior to my purchase in 2006, and there are water and gas lines on either side of both. The 1998-permitted AC units on my property could not be moved without substantial time and expense.

But, Section 6.02 provides rights to residents to *"continue a nonconforming building or use... if maintained in good condition"*. As neither the words "Use" nor "Maintained" is defined in the ordinance, their Interpretation falls back on Section 1.06, which requires they be interpreted within the *"minimum requirements necessary to promote health... [and] safety"*. Thus, continuing the side yard location for (in particular) AC Units is protected by both Sections 6.02 and 1.06.

Section 6.02 provides important rights, giving homeowners the sense of permanence necessary to make improvements on their homes; having applied for and received a permit, the homeowner needs assurances that the city won't come back later and "change its mind".

Which leads to a curiosity about the study sessions: When the Building Office rejected my permit request, they referred to Section 4.03 (side yard constraints) but not to 6.02. And the memorandum from the City Planner to the PB refers to 1.06 and 4.03, but also fails to mention this section.

The Planning Board is not discussing it, yet it directly answers Ms. Boyce's comments with the following: "properly permitted, non-conforming units are conveyed special rights in the Ordinance," Why is 6.02 not being discussed?

...

I am in favor of the new language – I think permitted, nonconforming, AC units provide a life-or-death need, and deserve special mention in 4.03(M). That said, this seems to be a right already encompassed by 6.02. But my real goal is for the AC contractors to have clarity when replacing units in older homes. In fact, the people most at risk tend to be older, and live in older homes.

Thank you

Patrick Hillberg

Patrick_hillberg@hotmail.com



MEMORANDUM

Planning Division

DATE: July 13, 2022

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Outdoor Dining Ordinance – Study Session #10

On December 7, 2020, the City Commission discussed amending the Zoning Ordinance to consider allowing the enclosure of outdoor dining areas during the winter months. The City Commission asked the Planning Board to consider this issue, and any regulations they may recommend should outdoor dining enclosures be permitted.

On June 21st, 2021, the City Commission and Planning Board met at a joint meeting to further discuss outdoor dining, and to get a clear direction as to what elements of outdoor dining should be addressed. In general, the City Commission and Planning Board discussed several topics spanning from enclosures to private vs. public space, but ultimately asked the Planning Board to take a comprehensive look at the entire outdoor dining ordinance.

On June 23rd, 2021, the Planning Board discussed outdoor dining in further detail based on the joint meeting two days prior. The Planning Board settled on a list of goals that they would like to focus on in the ordinance review process, which includes the following:

- Incentivize outdoor off-season dining;
- Review the placement of decks and enclosures;
- Ensure that additional outdoor off-season dining does not become an extension of the indoor space;
- Solicit feedback from restaurateurs of all types in the City;
- Seek possible ideas from local, national and international examples;
- Review the current ordinance for issues;
- Review tickets that were given out to temporary outdoor dining operations;
- Review photos of the variety of temporary outdoor dining structures that were used around the City;

- Explore options for maintaining permanent aspects of outdoor dining structures even if the parts of the structures come down in different seasons;
- Discuss potential differences in policy for outdoor dining on public versus private property;
- Solicit feedback from Public Services and the BSD;
- Review agreements from temporary outdoor dining to see if any of the temporary policies might be worth integrating;
- Consider aspects like sidewalk widths and snow clearing in writing the policy;
- Maintain the current seating allowances for differently-sized establishments and maintain the differences for establishments holding different kinds of licenses for alcoholic beverage service; and,
- Recommend a permanent solution so that restaurateurs do not have to continue to adapt to changing policies.

Study Session #1 Summary

On July 14th, 2021, the Planning Board reviewed a high-level report on outdoor dining to guide future discussion. The topics included observations as to what constitutes “good” outdoor dining with national and local examples, as well as a local ordinance review for outdoor dining. The Planning Board discussed next steps and emphasized the need to (1) hear from different City Departments (code issues, retail neighbor conflicts, streetscape), (2) review available codes and ordinances from other areas of the country (enclosures, public vs. private, year-round), and (3) analyze information from national downtown associations or other related organizations (trends, social districts, success stories).

Study Session #2 Summary

On August 11th, 2021, the Planning Board reviewed another high-level report in which the Planning Division presented various departmental comments on outdoor dining, a national outdoor dining ordinance review, conversations with local cities, and a study of national organization input and trends. The Planning Division also provided some public feedback from Engage Birmingham, which surveyed the public for their opinion of the COVID-19 temporary outdoor dining expansions, which were overwhelmingly positive. Moving forward, the Planning Board expressed interest in getting into more detail on seasonal/year round dining and its effect on street activation, public versus public space, the potential for regulating different restaurants/licenses differently, and defining and establishing a purpose of outdoor dining in the City.

Study Session #3 Summary

On September 9th, the Planning Board discussed the report which contained comments from the Advisory Parking Committee, common issues with outdoor dining patios, information on the temporary COVID-19 patios, and also discussed the purpose of outdoor dining. In addition, the Planning Board was able to review an example of how the outdoor dining ordinance could look based on comments up to that point. Ultimately, the conversation started to get more granular with specific ordinance-related ideas ranging from an official stance on enclosures to material

guidelines to patio placement. There were several other requests for information including a review of Michigan Liquor Control Commission guidelines for outdoor dining, a review of the concept of windbreak versus wall, and the possibility of regulating outdoor dining by zones.

Study Session #4 Summary

On September 23rd, the Planning Board discussed the MLCC rules for outdoor dining patios, the concept of a windbreak and whether or not they should be permitted, and also explored the different zoning districts in which outdoor dining is permitted. These topics led to more conversation about how overhead weather protection will interact with said overhead coverings, and what typed of overhead protection the Planning Board should permit. The Planning Board expressed an interest in taking a deeper dive into overhead weather protection and reviewing different options.

Study Session #5 Summary

On October 27th, 2021, the Planning Board focused much their conversation on overhead weather protection and which types may be considered within the new ordinance language, and what different issues might arise with the different styles. In addition, the Birmingham Fire Chief Paul Wells gave a brief overview of the fire code as it relates to overhead weather protection, and offered some guidance to the Planning Board regarding fire suppression and other aspects of outdoor dining. In addition to overhead weather protection, the Planning Board provided some clear direction on the subjects of windbreaks, year-round dining, and the role of outdoor dining decks.

Study Session #6 Summary

On December 8th, 2021, the Planning Board reviewed comments regarding outdoor dining from the Birmingham Shopping District (BSD). In addition to the BSD comments, the Planning Board also reviewed some updated comments from the Fire Department based on their additional research into the Fire Code. To round out the meeting, the Planning Board outlined several items that they feel need further discussion/decision moving forward:

- Whether establishments with liquor licenses and establishments without liquor licenses should be handled differently;
- Whether there should be on-season and off-season dates for outdoor dining, and what should happen to furniture and other equipment on public property if there are different 'seasons';
- Whether establishments should be permitted outdoor dining on both a sidewalk and a deck if requested, and if not, what the City wants to incentivize instead;
- What types of coverings and equipment should be allowed, and how specific the standards should be in terms of material, location, and other considerations;
- Whether outdoor dining should be permitted to extend beyond the storefront of an establishment, and if so, what the limitations should be;
- Whether outdoor dining decks should be limited to a certain number per block; and,

- Whether outdoor dining in public space and outdoor dining in private space should be regulated differently.

Study Session #7 Summary

On January 12, 2022, the Planning Board discussed the several questions posed in the previous study session and come to a conclusion on most of them. In general, the Planning Board decided on a short extension to the regular outdoor dining season, treating all outdoor dining establishments alike, enhanced material and appearance standards, and allowing expansion of patios with neighbor consent. During this study session, the Planning Board also reviewed seating data for the different outdoor dining establishments, and was provided a map of all outdoor dining in the City, which is heavily concentrated downtown. Ultimately, the Planning Board asked Staff to take their comments and work them into a new revised set of ordinance amendments to review on February 9, 2022.

Study Session #8 Summary

On February 9, 2022, the Planning Board worked on fine-tuning a set of ordinance amendments to try to finalize a few of their discussion points, and make sure the intent of the original direction of the City Commission was met. The Planning Board made several revision requests that were aimed at clarifying different aspects of the proposed ordinance, but especially relating to the barriers and enclosure regulations. In addition, the Planning Board made some requests to review various site plans from approved outdoor dining patios in the City to help guide the final discussions on the placement of patios, and other design limitations.

Study Session #9 Summary

On March 9, 2022, the Planning Board took another long look at the proposed ordinance language and offered several minor changes to the text in attempts to offer further clarity and consistency throughout the ordinance. In addition, the Planning Board discussed the remaining issues that were in need of direction. In short, the Planning Board decided that they did not wish to restrict outdoor dining patios to one contiguous patio, but did express interest in restricting platform dining to the street with no impingement on the furniture zone. Additionally, the majority of the Planning Board did not feel as though fixed awnings were appropriate over outdoor dining platforms, and sought additional language to restrict overhead weather protection to umbrellas on platforms. Finally, the Planning Board did not feel as though the numbers of platforms per block should be restricted.

Public Hearing #1 Summary

On March 9, 2022, the Planning Board moved to set a public hearing date of April 13, 2022 for a final review and recommendation to be forwarded to the City Commission. Due to a noticing issue, the Planning Board reset the public hearing to May 11, 2022. At the public hearing, the Planning Division provided finalized ordinance language based on Planning Board comments, but also re-circulated the language to each department, as well as the City Attorney to ensure that the language addressed their concerns, and would provide consistent and enforceable regulation.

Ultimately, a motion to recommend approval to the City Commission failed 3-4. The driving factors behind the failed vote were concerns over the impact of the amended ordinance language on existing establishments, and some lingering design questions

Study Session #10

On June 20, 2022, based on the results of the public hearing, the Planning Division added outdoor dining to the scheduled joint meeting agenda to (a) give the City Commission a progress report and (b) discuss some of the outstanding issues remaining. The questions posed by the Planning Board/Planning Division were as follows:

1. Does the Commission wish to engage in any additional public input on the outdoor dining ordinance?
2. Does the Commission wish to consider a cap on the number of outdoor dining platforms permitted in the public rights-of-way by block, by area, or overall?
3. Should the Planning Board require additional documents and plans regarding the integration of valet operations and outdoor dining?

The City Commission and Planning Board jointly agreed to provide some notice using the City's constant contact service, which has resulted in several comments that are attached for your review. In addition, it was agreed upon that if a valet is involved with the outdoor dining facility, that site plans demonstrating the integration of valet and outdoor dining should be required. Finally, it did not appear as though there was an appetite to cap the number of outdoor dining platforms at this time in any fashion.

In addition to the questions posed, a broad discussion was undertaken regarding the overall effect of the new ordinance on existing outdoor dining establishments and the various contracts/agreements that are signed which require an operator to comply with the ordinances in effect at the time, and as subsequently amended. The Planning Division worked with the City Attorney to provide an avenue for the Planning Board and City Commission to insert some level of non-conformity language or a sunset which enables existing establishments to keep their outdoor dining facilities as designed, either until the establishment makes a change that requires them to comply, or to comply by a date in the future as decided upon by the Planning Board and City Commission.

Finally, to help guide the study session, the Planning Division updated the outdoor dining data sheet to provide more information on the City's current stock of outdoor dining facilities. Information has been provided on the locations of each facility, as well as some of the sticking points such as the furnishing zone and overhead weather protection.

Sample Motion Language:

(This space intentionally left blank)

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO SUPPORT PUBLIC HEALTH, ACTIVATE PUBLIC SPACE, FOSTER ECONOMIC DEVELOPMENT, SAFEGUARD THE USE OF PUBLIC PROPERTY, AND PROVIDE FLEXIBILITY FOR CURRENT TRENDS AND FUTURE DEMANDS FOR OUTDOOR DINING.

Article 4, Section 4.44 – Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:



The following outdoor dining standards apply:

A. ~~Outdoor Dining:~~ Outdoor dining is permitted immediately next to the [principal use](#), 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.~~
- ~~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 10:00 p.m., whichever is earlier.~~
- ~~4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License.~~
- ~~5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.~~
- ~~6. 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.~~
- ~~7. 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. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.~~
- ~~d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.~~
- ~~e. An elevated, ADA compliant platform may be erected on the street in front of an eating establishment to create an outdoor dining area only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
- ~~f. No such facility shall erect or install permanent fixtures in the public right-of-way.~~

~~8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.~~

The following outdoor dining standards apply:

- A. Purpose and Intent: The purpose of this section is to provide harmonious outdoor dining design in order to support public health, activate public space, foster economic development, safeguard the use of public property, and provide flexibility for current trends and future demands for outdoor dining.
- B. Outdoor Dining – General: Outdoor dining is permitted immediately adjacent to the principal use, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, and the conditions below. For the purposes of this section, outdoor dining facility shall mean patios and/or platforms.
 - 1. All outdoor activity including cleaning, maintenance and closing procedures must cease at the close of business or as noted in subsection 2.

2. When an outdoor dining facility is immediately adjacent to any single-family or multiple-family zoned residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
 3. Reviews of outdoor dining facilities shall include, but are not limited to, the following elements: tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, awnings, canopies, lighting, host/hostess stands, and entertainment.
 4. Outdoor dining facilities may be permitted to extend in front of neighboring properties or tenant spaces with the written permission of the property owners(s) affected and with Planning Board approval. Written permission must be renewed annually and submitted with the Outdoor Dining Permit application(s) for each outdoor dining facility affected.
 5. Outdoor dining facilities may be permitted on public property only with a valid Outdoor Dining License, provided that the following conditions are met:
 - i. Approval of an Outdoor Dining License shall be contingent upon compliance with all city codes, including any conditions required by the City or the Planning Board in conjunction with Site Plan approval.
 - ii. Operators of outdoor dining facilities shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with the regulations of the Department of Public Services.
 - iii. All outdoor dining facility elements such as railings, planters, tables, chairs, heaters, umbrellas, and the like must be stored indoors each night between January 1 and March 31 to allow for complete snow and ice removal.
 - iv. Outdoor dining patios located in an alley or passage that contains vehicular traffic are only permitted April 1 through December 31.
 - v. An ADA compliant platform may be erected in the on-street parking space(s) immediately in front of an eating establishment to create an outdoor dining facility from April 1 through December 31, subject to an additional review by the Advisory Parking Committee.
 6. All outdoor facilities shall be designed to meet the requirements of this section, as well as all applicable building and fire codes.
- C. Outdoor Dining – Design: All outdoor dining facilities are subject to the following design standards:
1. All tables and chairs provided in the outdoor dining facility shall be constructed primarily of metal, wood, or a material of comparable quality as determined and approved by the Planning Board.

2. Outdoor dining facilities shall provide and service refuse containers within the outdoor dining facility and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.
3. Outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.
4. 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 ft.
5. No outdoor dining facility is permitted within the furnishing zone of a streetscape. **Limited exceptions may be made by the Planning Board where streetscape conditions demonstrate significant open areas.** Outdoor dining platforms within the adjacent street or parking space(s) shall be designed to be flush with the curb, and may not extend beyond the curb into the furnishing zone except to accommodate accessibility requirements.
6. No such establishment shall erect or install permanent fixtures in the public right-of-way.
7. Table umbrellas or other overhead weather protection shall not
 - i. Impede sight lines into a retail establishment;
 - ii. Obstruct pedestrian flow within the outdoor dining facility;
 - iii. Obstruct pedestrian or vehicular traffic flow outside the outdoor dining facility or extend beyond the limits of the facility; or
 - iv. Contain signage or advertising.
8. Fixed or freestanding awnings are not permitted within outdoor dining platforms.
9. Barriers defining outdoor dining facilities shall be constructed of a quality and durable material, and shall be maintained and placed in a consistent and organized fashion. Barriers may not exceed 42 inches in height except as permitted in subsection 10.
10. Windbreaks are permitted within outdoor dining facilities and shall be affixed to, or integrally designed within a barrier. The total combined height of a barrier and windbreak shall not exceed 60 inches as measured from grade. Windbreaks must be constructed of a clear, rigid and durable material. Eisenglass and other vinyl-based materials are prohibited.
11. Portable heating elements must be maintained and kept in an orderly fashion and in accordance with all applicable fire codes. Propane or other fuels may not be stored on public property, and are subject to the Storage and Display Standards outlined in Article 4, Section 4.67 of the Zoning Ordinance.
12. All service functions and ancillary elements including, but not limited to, trash receptacles, service stations or host/hostess stands must be located within the approved outdoor dining facility, contained, and kept in a neat and orderly fashion.

Service stations and host/hostess stands may not exceed 4 feet in height. The storage of dirty dishware is prohibited.

D. **Grandfathering of Nonconforming Outdoor Dining Facilities:** Any outdoor dining facility existing at the time of the enactment of this ordinance, or any amendments thereto, that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions, provided the facilities remain in compliance with the approved site plan and maintain a valid Outdoor Dining Permit:

1. If a nonconforming outdoor dining facility is destroyed, it shall be repaired, reconstructed or replaced, in conformity with all the provisions of this ordinance, and the remnants of the former outdoor dining facility shall be removed from the property.
2. At the time that a non-conforming outdoor dining facility is replaced, moved, renovated, or otherwise changed, the facility must be brought into compliance with the requirements of this ordinance. Routine maintenance, including changing chairs and tables, umbrellas, waste receptacles, or other non-integral features is permitted for all existing outdoor dining facilities.

ORDAINED this _____ day of _____, 2022 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.04 (C), SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS.

Article 3, Section 3.04 – Specific Standards (Downtown Overlay District)

C. Building Use: Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...

10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:

- 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. **If the storefront area is not feasible for outdoor dining, alternative outdoor dining facility placement may be considered by the Planning Board;**
- f. **All outdoor dining facilities are subject to the requirements located in Article 4, Section 4.44 of this Ordinance;**
- g. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height; **and**

- h. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro.; and
- ~~i. 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, defined 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.~~
- ~~j. Enclosures facilitating year round dining outdoors are not permitted.~~
- ~~k. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.~~
- ~~l. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.~~

ORDAINED this _____ day of _____, 2022 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.16, SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS, AND TO PERMIT OUTDOOR DINING IN ACTIVE VIAS.

Article 3, Section 3.16 – Specific Standards (Via Activation Overlay District

- A. Permitted and Prohibited Uses: To enhance the amenity and character of vias, **and** to enhance visual interest and encourage surveillance of urban spaces, active uses should be provided at the ground floor level along the majority of the edges of buildings located adjacent to vias. While buildings should accommodate these uses, care must be taken to avoid conflict with pedestrian movement in the via. To specifically encourage the activation of vias, the following uses are permitted within Active, Connecting, and Destination Vias:

1. Retail sales and display;
2. Public plazas and informal gathering spaces;
- 3. Outdoor Dining;**
4. Art display; and
5. Community Gardens.

In addition, the following ~~uses are~~ **use is** also permitted within Connecting and Destination Vias:

- ~~1. Outdoor dining; and~~
2. Special Events.

The following are specifically prohibited in all vias:

1. Automatic food and drink vending machines outdoors;
2. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services;
3. Unscreened trash receptacles; and
4. Unscreened outdoor storage.

B. ...

C. ...

ORDAINED this _____ day of _____, 2022 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR ENCLOSURE, OUTDOOR DINING PATIO, AND PERMANENT FIXTURE.

Article 9, Section 9.02 – Definitions

Enclosure (outdoor dining): A vertical wall, panel, or other material that extends above 60 in. in height which provides extended relief from weather and impedes physical and/or visual access to the outdoor dining space. For the purposes of this definition, enclosure does not include exterior building walls.

Furnishing Zone: The area between the sidewalk and the curb where streetscape amenities such as planter boxes, streetlights, and tree wells are typically located.

~~**Outdoor Café:** An outdoor area accessory to an existing restaurant operation designated for consumption of food prepared within the restaurant and subject to the provisions of this ordinance.~~

Outdoor Dining Patio: A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment and subject to the provisions of this ordinance.

Outdoor Dining Platform: A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment that is located in a parking space and/or street and subject to the provisions of this ordinance.

Permanent Fixture (outdoor dining): Any element within an outdoor dining patio containing a foundation or other rigid attachment that prevents removal or that which requires extensive modifications to the public right-of-way.

ORDAINED this _____ day of _____, 2022 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

OUTDOOR DINING DATA

		Outdoor Dining Seats				Parking Spaces	Overhead Weather Protection				Furnishing Zone?		
		Public Property	Dining Platform	Private Property	TOTAL		Public Parking	Awning	Umbrellas	Both	Neither	Yes	No
BISTRO LL - 920 SEATS (46%)	Whole Foods (Maple Road Taproom)	0	0	33	33	0		X				X	
	Salvatore Scallopini	34	0	0	34	0		X			X		
	Luxe Bar & Grille	48	0	0	48	0		X			X		
	Bella Piatti	6	22	0	28	2	X				X		
	Market North End	0	0	44	44	0	X					X	
	Adachi	0	0	67	67	0		X				X	
	Bistro Joes	0	0	60	60	0	X					X	
	Forest Grill	30	0	0	30	0		X				X	
	Social Kitchen & Bar	56	0	30	86	0	X					X	
	Brooklyn Pizza	41	0	0	41	0	X					X	
	Elies Mediterranean	4	20	0	24	1	X				X		
	Townhouse	52	24	0	76	1		X			X		
	Churchills	12	0	0	12	0		X				X	
	La Strada	0	20	16	36	2			X			X	
	Toast	19	40	0	59	2			X		X		
	Tallulah	0	42	0	42	3		X			X		
	Casa Pernoi*	0	0	64	64	0			X			X	
	Mad Hatter*	4	0	0	4	0	X			X		X	
	EM Bistro	24	0	28	52	0			X		X		
	Bloom	36	0	0	36	0		X			X		
Whistle Stop	28	0	0	28	0		X				X		
Japan Sushi	16	0	0	16	0			X		X			
CLASS C/OTHER LL - 839 SEATS (42%)	Griffin Claw	0	0	62	62	0		X				X	
	Big Rock	0	0	97	97	0	X					X	
	Dick O' Dows	36	24	20	80	1		X				X	
	Townsend Hotel (Rugby Grille)*	16	16	0	32	2		X				X	
	220	0	36	78	114	3			X			X	
	Phoenicia	36	0	0	36	0		X			X		
	Hazels	0	0	22	22	0				X		X	
	Streetside Seafood	8	12	0	20	1	X				X		
	The Morrie	14	32	0	46	4		X				X	
	Birmingham Pub	30	0	0	30	0		X			X		
	Shift/Sidecar/Slice	90	0	0	90	0			X		X		
	Sybil	4	0	8	12	0				X		X	
	Zana	0	0	32	32	0				X		X	
	RH	0	0	128	128	0	X					X	
	Mare Mediterranean	14	24	0	38	2		X			X		
	NON-LL - 260 SEATS (13%)	Be Well	0	0	12	12	0		X				X
		Birmingham Roast	24	0	0	24	0	X					X
Commonwealth		20	32	0	52	2		X			X		
Café Succo		0	0	24	24	0		X				X	
Papa Joes		0	0	18	18	0				X		X	
Canelle Patisserie		0	0	12	12	0		X				X	
7-Greens		8	0	0	8	0				X		X	
Birmingham Sushi Café		12	12	0	24	1		X			X		
Starbucks		24	0	0	24	0		X			X		
Work Company, LLC		6	0	0	6	0				X		X	
Planthropie		4	8	0	12	1		X			X		
Paris Baguette*		0	0	0	0	0		X			X		
Hunter House Hamburgers		18	0	0	18	0		X				X	
Svenska Café		0	0	14	14	0				X		X	
Sweet Green		8	0	0	8	0		X				X	
Beyond Juice		4	0	0	4	0				X		X	
Total		786	364	869	2019	28	11	27	7	8	20	33	
Percentage of Total		39%	18%	43%	-		21%	51%	13%	15%	38%	62%	

53 Total Outdoor Dining Patios

Recently Approved Outdoor Dining

* Application In Progress

PUBLIC COMMENT



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor dining

1 message

Bobbie Tweddle <bobbietweddle@gmail.com>
To: ndupuis@bhamgov.org

Thu, Jun 23, 2022 at 8:18 AM

A large part of the charm of our beautiful city during the summer is the ability to dine outdoors. Please don't remove this from our community.

Bobbie Tweddle
420 Townsend

Sent from my iPhone



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor dining feedback

Stephanie Bagwell <stephaniefbagwell@gmail.com>

Thu, Jun 23, 2022 at 6:08 PM

To: ndupuis@bhamgov.org, "tmarkus@bhamgov.org" <tmarkus@bhamgov.org>, "pboutros@bhamgov.org" <pboutros@bhamgov.org>

Hi there,

I am a concerned homeowner and resident in Birmingham, and am contacting you to let you know that I am displeased about the idea of changing/further limiting the ability to have plentiful areas for outdoor dining in Birmingham. I only choose to eat at restaurants with outdoor dining due to the increased risk of COVID transmission eating indoors, and to restrict awnings and coverings over seating areas would prevent the space from being used on very hot days, as well as when it rains. If the proposed changes to outdoor dining in the city reduces seating capacity, I will have to think seriously about trying to support Birmingham restaurants - it is already much easier to find comfortable outdoor seating in cities like Clawson, Berkley, Ferndale and Royal Oak.

Please do not further limit the ability to have outdoor dining as an option for the restaurants in our city. If anything, I would prefer to see the outdoor dining areas/capacities expanded as they were allowed to be during the height of the pandemic. As a millennial, as well as a business owner myself, I want to support our local Birmingham restaurants while also being able to dine outside.

Thank you for your time and I look forward to hearing the results of the meeting next month.

Stephanie Bagwell, DVM
[1857 W Melton Rd, Birmingham, MI 48009](#)
(248) 982-3544



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor dining

Judy Berger <judyb26@comcast.net>
To: ndupuis@bhamgov.org

Sun, Jun 26, 2022 at 12:44 PM

I vote for even more outdoor eating. Birmingham is a walkable city and has many fabulous restaurants. It's wonderful to enjoy eating outdoors especially during the summer. It helps the restaurants to serve more people and helps with a little less waiting for a table as a patron. Keep and even increase outdoor dining that's my vote!

Judy Berger
722 Colonial Ct, Birmingham



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor Dining Standards

Joe Bongiovanni <jbongi05@gmail.com>
To: ndupuis@bhamgov.org

Fri, Jun 17, 2022 at 9:42 AM

Mr. Nick Dupuis and the Birmingham Planning Board

We are writing again with the Topic of Outdoor Dining at the behest of the following groups that have asked us to participate:

Birmingham Planning Board Members
Birmingham Restaurant Guests
Birmingham Class C Liquor License Holders
and most importantly...Birmingham Residents

For reference please find a previous letter written in December '21 for original thoughts for Planning to consider and use as ideas for successful ordinance construction, that provides guests and residents with the best possible outcome.

Recently it has been learned that decisions related to any ordinance change and the effect on licensed operations may become punitive. Planning Board members realized that the changes to the ordinance would require establishments to meet updated guidance with respect to their operations if their SLUP Contract were to be reopened. Additionally, any SLUP changes previously made would also subject the operation to change to the new ordinance that is being crafted.

As an example, Toast had to have a SLUP Amendment to accommodate their want to 'Not' serve dinner hours. This was granted.
The language on the recommendations for changes to the ordinance would require Toast to NOT use the Awning over their outside platform as a result of this previous SLUP adjustment.

As a note, SLUP agreements between the City and ALL Liquor License holders were changed this year, without announcement, that now going forward, any changes to a restaurant's existing SLUP would trigger an update to the restaurant's compliance to ordinances like the outdoor dining rules...no grandfathering would be permitted for eisenglass, platform rules, and would require the establishment to reach the current rules. The decisions made could have negative consequences, for restaurants and guests alike.

In effort to provide real solutions to various issues raised since this was opened up for a complete re evaluation almost 18 months ago as a result of the COVID temporary structures please find the following :

- As indicated in our letter in December, Off Season (November-March) outdoor dining **REQUIRES** protection from elements. For Guests and Staff alike. Roofs, Heat, Sides...while all considered, have been met with little or no support. When COVID occurred we were provided options to this working, the result was differing levels of construction, safety, and appearance. City Manager and some citizens were clear in their lack of support for these extra outdoor dining options. Conversation within planning was concerned that the expense may be exorbitant to meet the city's requirements (Fire, Handicap, Structure Quality) *but if there is a desire for our walkability and the wants of residents, we should consider changes that require the significant investment required.*

It appears that there is little interest in Planning to suggest this. That being the case an alternative could be expansion of the In Season dates to run March thru December. There's very little use for dining outside in the Months of Jan, Feb. Even December has more limited use, although it seems that we can get some reasonable days before the Holidays.

- Also in our December note, We asked that the Planning Board consider the allowance of retractable awnings for storefronts that would be permitted to cover the sidewalk in a greater entirety. We wish that more fixed structures would be considered, even if it is seasonal, but it became clear in the early meetings that fixed structures were not likely acceptable. We also hope that consideration on changing the rules with respect to heights of awnings above walk to allow for better rain protection. The disruption to a guest's experience with just light rain or a passing shower is unsolvable currently. Umbrellas do not solve the problem.

- Some City Officials have expressed concern about the access to a suitable 5 foot path on sidewalks throughout the city. One suggested that lines be painted on the walkway in the areas that dining exists. Certainly the fair passage and comfort of passersby is a right that we all should feel good about, we would like to remind everyone that part of that walkability (and friendliness of people) are those wonderful interactions that occur between these people as well. There are numerous positive experiences and beautiful vibrancy examples from COVID Summer and we wish to remind of the positive nature of the expansion of outdoor dining. It should be noted that each licensee is under a specific contract with the city and is subject to an extensive renewal process yearly. The city holds control over every licensed operation as a result of the SLUP contract.

PS: As a side note, the policing of scooters , skateboards, e bikes on sidewalks should be a priority for safety sake.

- One area that needs more clear reasoning is the acceptance of outdoor platforms as a means of outdoor dining. Originally, when their application was allowed, the use seemed to be as a result of two possibilities; 1. No other place for outdoor dining to meet the current ordinance (Street Frontage Required) 2. As a means to activate a street (create further vibrancy).

Now in practice, there is no established criteria, and it appears that it becomes the agenda of Planning Board member(s) or City Commissioner(s) on its acceptability or permissibility, and is inconsistent in application.

We believe that Birmingham's master plan has focused successfully on a walkable environment, that we all benefit from its foresight, and commitment to implementation. In the last 20 years the plan has resulted in a vibrant downtown that is the envy of SE Michigan. All of our licensees properties have varied possibilities for activation. Some are adjacent to alleys (Social Districts?) or parks. Some have private property patios, others need the public property to be able to provide outdoor dinning. *Operators will be incentivized to activate based on the property potential and the direction that city wishes development to occur.* Planning has referenced european outdoor dining as an example, but much closer to home, Grand Rapids is an example of a city that embraces Art, Neighborhoods, and provides residents with great options to experience, Social Districts, Unique Dining and Drinking establishments, and rules that support modern thinking and the people that live there.

Let's embrace our success. Craft an ordinance that improves the current situation, provides clarity for appropriateness, and keeps our status as a 'go to' destination for all of our residents and the guests that support us.

----- Forwarded message -----

From: **Joe Bongiovanni** <jbongi05@gmail.com>

Date: Tue, Dec 7, 2021 at 12:32 PM

Subject: Outdoor dining standards

To: Nicholas Dupuis <ndupuis@bhamgov.org>

Mr. Nick Dupuis and the Planning Board

I'm writing today not only as a Business Owner and Resident, but also a Restaurant Bistro Operator. Our family has experience in operating in Birmingham and has prided itself with meeting the needs of guests since 1985.

The topic of outdoor dining has been before the Board and we would like to be recognized with the following feedback:

With respect to off season outdoor dining - our experience dictates that the guest needs complete protection from the elements, and that servers also need reasonable access and

protection. Without these considerations, there is no demand for the seating.

Need to be enclosed, and heated. We believe a situation like what Luxe did with the "lean to" would meet guest expectations, not necessarily the pedestrians.

As for in season outdoor dining, again protection from elements, particularly direct sunlight & light rain. If an operation has 20 guests in an uncovered outdoor dining area, they generally have no way to solve these issues, and guests have been forced to pack things to go and leave.

We ask that the Planning Board consider the allowance of retractable awnings for storefronts that would be permitted to cover the side walk in a greater entirety. Additionally, please consider changing the rules with respect to heights of awnings above walk to allow for better rain protection. (Lower).

Thanks for your effort on this matter. We stand ready to contribute any other practical feedback you may request.

Joe & Kristin Bongiovanni

--

Joe Bongiovanni
[583 N. Old Woodward](#)
[48009](#)
Cell: 248.425.4395
Market: 248.712.4953



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor dining

1 message

Tom Booth <TLBooth999@outlook.com>
To: "ndupuis@bhamgov.org" <ndupuis@bhamgov.org>

Tue, Jul 5, 2022 at 11:40 AM

Hello,

Generally I am in favor of outdoor dining and think it adds something to the ambience and attraction of Birmingham.

I was in Northville last week and they have actually closed parts of the two main streets to accommodate outdoor dining.

It seemed very popular and was nice without vehicular traffic competing for road space.

The present Birmingham ordinance seems to be pretty complete and I don't have any suggested changes.

Best regards,

Tom Booth

430 Aspen Rd.

Birmingham, MI 48009

248-930-0817

TLBOOTH999@gmail.com



Nicholas Dupuis <ndupuis@bhamgov.org>

Dining patios

1 message

Doug Charron <doug.charron@gmail.com>

Fri, Jul 1, 2022 at 1:10 PM

To: ndupuis@bhamgov.org, pboutros@bhamgov.org, tmarkus@bhamgov.org

Cc: BEE! Emily Charron <emilymcharron@gmail.com>

Hi All,

My name is Doug Charron - Birmingham resident. Please do NOT take away our beautiful outdoor dining patios and awnings. They've changed the dining dynamic of our city, made it more approachable and community friendly. Plus, it's nice to sit outside in the summer and is COVID-friendly for families with small kids (like ourselves, my wife is cc'ed).

Sometimes tough times (pandemic) bring unplanned changes (outdoor dining accessibility) that should remain (unlike daylight savings time). Please take this into consideration for your June 29th vote.

Best,

Doug Charron

doug.charron@gmail.com

248-703-9981

[LinkedIn Profile](#)



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor dining

1 message

Martin Darvick <martindarvick1@gmail.com>
To: ndupuis@bhamgov.org

Tue, Jul 5, 2022 at 5:14 PM

As a Birmingham resident, outdoor eating is my principal reason for visiting downtown. We should do everything possible to make it easy for restaurants to have such facilities. It makes for a lively City. Martin Darvick 1150 Westwood Dr.



Nicholas Dupuis <ndupuis@bhamgov.org>

(no subject)

1 message

Dr. David Dietrich <dr.davidrdietrich@gmail.com>
To: ndupuis@bhamgov.org

Thu, Jun 23, 2022 at 5:37 PM

Greetings,

My wife and I have lived in Birmingham for many years and we raised our family in Birmingham. Also my wife and I each work (we practice) in Birmingham and we both feel pretty strongly that outdoor dining and additional seating ought to be allowed and approved in Birmingham. One reason is that it's pleasant and enjoyable. Another reason is that the shadow of Covid is still present and large numbers of adults still do not wish to go into a restaurant and breathe stale air and possibly get Covid. Additionally having more outdoor dining actually makes Birmingham a more appealing city to visit and will bring more people in to Birmingham to dine. Birmingham is a very walkable and beautiful city and it's outdoor dining options ought to be in sync with these other aspects of the charming city that it is.

Sincerely,

Dr. David Dietrich
575 Pilgrim Ave
Birmingham, MI



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor dining

1 message

Donnasweethomes@hotmail.com <Donnasweethomes@hotmail.com>
To: ndupuis@bhamgov.org

Tue, Jul 5, 2022 at 9:15 AM

We have been to European cities many times and just recently AnnArbor downtown have pedestrian only streets. It would be wonderful if a few streets in downtown Birmingham could be pedestrian only a few evenings a week. Maybe Pierce and Townsend? Merrill? Maybe Friday and Saturday evenings? It's lovely and the restaurants could even each put a few tables in the street like they do in European cities. It wouldn't hurt to give it a trial period and see.

Sent from my iPhone



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor Dining

1 message

Ed Gold <edgold@goldfamilylaw.com>

Wed, Jun 29, 2022 at 1:17 PM

To: "tmarkus@bhamgov.org" <tmarkus@bhamgov.org>, "ndupuis@bhamgov.org" <ndupuis@bhamgov.org>, "pboutros@bhamgov.org" <pboutros@bhamgov.org>

I write to urge you to vote against changing any ordinance that will disallow outdoor dining awnings and against reducing the present capacity of outdoor dining in Birmingham.

My wife and I patronize numerous dining establishment in the city of Birmingham. To reduce capacity or remove awnings will substantially decrease our ability to enjoy the city of Birmingham dining and after dining to enjoy shopping. Certainly inclement weather will that make outdoor dining impossible if you remove the awnings. The awnings actually add to the beauty of the city.

Edward D. Gold, Attorney at Law

Divorce | Custody | Support | Business Valuation | Matrimonial & Family Law Matters

(main) [248.530.3600](tel:248.530.3600) | (fax) [248.530.3601](tel:248.530.3601)

edgold@goldfamilylaw.com

40900 Woodward Ave. | Suite 100 | Bloomfield Hills, MI | 48304



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor Dining

1 message

Sue <sjelsholz@comcast.net>
To: ndupuis@bhamgov.org

Tue, Jul 5, 2022 at 9:24 AM

I am in favor of summer outdoor dining. I am opposed to winter outdoor dining as it reduces street parking during inclement weather.



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor Dining

1 message

Zachary Kay <zak@shopfoundobjects.com>

Mon, Jun 20, 2022 at 2:58 PM

To: ndupuis@bhamgov.org, abingham@bhamgov.org

Unfortunately I am unable to attend the meeting this evening but wanted to send my thoughts as a retail business owner in the city for almost ten years now.

On a whole I support the idea of having outdoor dining however I also believe it cannot come at the expense of anyone else trying to operate in the city. It is my understanding that the original intent for outdoor dining (specifically at bistros) was to activate and liven the streets. Dining platforms in parking spots that sit unused for most of the day do nothing to help activate the streets and just take up much needed parking during standard business hours. Some restaurants such as 220 do an excellent job of utilizing their outdoor seating for both lunch and dinner service where it does in fact activate the streets while others leave platforms unused for majority of the day until dinner service begins.

It is no secret that parking is a continual issue for the city of Birmingham. While it is great that we do have large parking structures that typically have available parking majority of our businesses are extremely depended on street parking. The local clientele are the ones that support our businesses the most and they are not willing to park in the parking structure when all they intend on doing is running into one shop for 10 minutes or getting a 30 minute haircut. It's a hassle that also doubles the amount of time their errands take. The loss of street parking space to dining platforms already takes a toll on parking but for the platforms to then sit unused all day when the rest of us could desperately use the street parking is an unfair situation.

My suggestions for the planning board and commission would be to create and enforce a limit on the amount of outdoor seating any one establishment can have. As well as require those that are permitted platforms utilizing parking spaces to be actively using the platforms to activate the streets not only at night.

It is a privilege to be allowed to have outdoor seating in Birmingham but it's starting to feel like many restaurants treat it as something they are not only entitled to but entitled to at a maximum extent.

Best

Zachary Kay

Found Objects
168 S Old Woodward
Birmingham, MI 48009
248.220.4999



Nicholas Dupuis <ndupuis@bhamgov.org>

Birmingham Outdoor Dining Study

1 message

Larry Lyng <larry.lyng@sbcglobal.net>
To: "ndupuis@bhamgov.org" <ndupuis@bhamgov.org>

Fri, Jul 1, 2022 at 5:06 PM

Dear Mr. Dupuis,

I will be out of town the evening of July 13 and will unfortunately have to miss the Study Session. I would therefore like to offer my thoughts and opinions on the matter via email as invited to do so in the most recent 'Latest News' publication.

I am a Birmingham resident. Our home is at 644 Bird Avenue. Having lived in a number of places and traveled extensively both domestically and internationally, I believe that having numerous outdoor dining options significantly enhances Birmingham's status as a highly desirable place to live, dine, visit and shop. I would encourage the City to look for ways to further expand our existing outdoor dining options by providing attractive and easy-to-navigate rules for the restaurant owners to consider.

I would even suggest we go further and convert a few downtown streets into pedestrian-only thoroughfares, at least during the summer months to allow further expansion of the outdoor dining options and to further enhance the walkability of our City. I am thinking in particular about Pierce Street between Maple and Merrill, Merrill Street between Pierce and Old Woodward, and Townsend Street between Pierce and Henrietta.

Thanks for taking the time to read and consider my message.

Best regards,

Larry Lyng

+1 248 346 1533 (Mobile)
larry.lyng@sbcglobal.net



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor dining feedback - I support it!

Artist Sketch22 <artistsketch22@gmail.com>

Thu, Jun 23, 2022 at 6:52 PM

To: ndupuis@bhamgov.org

Dear Mr. Dupuis,

I'm Adam Margulies and I live at [175 N. Adams Road](#) in Birmingham. We spoke a few times last year regarding the possibility of obtaining historical status for my home, built in 1925. Thank you again very much for all of your help.

I just want to give you my feedback regarding outdoor dining in Birmingham, since I saw that you have a study session coming up on July 13 about it. I LOVE OUTDOOR DINING in Birmingham - I think it's a really wonderful feature of our downtown in the summer, as well as the rest of the year. To me, it was perhaps the only good thing that came from the pandemic in the last few years - having so many restaurants offer outdoor dining, with many offering it in the Winter with heated spaces. There are only a handful of cities in S.E. Michigan that have a walkable downtown and offer outdoor dining.

I don't find the parking in Birmingham to be much of a problem; if needed, there are several large parking structures which are usually close enough to any restaurants or bars I might go to. And I'm usually able to find street parking that's relatively close to my destination. I know that close parking is important for people who are unable or unwilling to walk far. For myself, I'm happy to walk a few blocks in downtown Birmingham if necessary, since it's such a beautiful area. And it's always easy to find street parking, if you're willing to walk a block or two (or even just half a block). Therefore, I don't see any drawbacks to having more outdoor dining, even if it costs some parking spaces. I really loved how Bella Piatti restaurant on Townsend Street had a very large outdoor dining area last year - that's one of my favorite restaurants, and eating outside there was a wonderful setting and a real pleasure. To me, it was completely worth the use of the handful of parking spaces that it required.

So please consider my opinion along with everyone else's - I think we should have as much outdoor dining in downtown Birmingham as is reasonably feasible. And I think it would be wonderful if we can have a lot of outdoor dining with heaters, and possibly enclosed dining areas, throughout the Fall, Winter and Spring. Besides the parking concern, I don't know whether some residents might find outdoor dining or enclosed and heated dining areas to be unsightly (they don't bother me). However, we should also consider the benefit of these outdoor, and sometimes heated/enclosed areas, as attractive destinations and amenities for the city, in addition to considering any potential visual and parking impact. For me, the outdoor dining - both Summer and Winter, is a real benefit of living in and visiting Birmingham. Thanks again very much,

Adam Margulies
[175 N. Adams Road](#)
[Birmingham, Michigan 48009](#)
(248) 417-7360



Nicholas Dupuis <ndupuis@bhamgov.org>

RE: Proposed Changes to Patio Deck Requirements in Birmingham

2 messages

Tony Minicilli <tminicilli@eatattoast.com>

Wed, Jul 6, 2022 at 9:58 AM

To: Nicholas Dupuis <ndupuis@bhamgov.org>, "pboutros@bhamgov.org" <pboutros@bhamgov.org>, "tmarkus@bhamgov.org" <tmarkus@bhamgov.org>, "tlonge@bhamgov.org" <tlonge@bhamgov.org>, "cballer@bhamgov.org" <cballer@bhamgov.org>, "ahaig@bhamgov.org" <ahaig@bhamgov.org>, "bhost@bhamgov.org" <bhost@bhamgov.org>, "emclain@bhamgov.org" <emclain@bhamgov.org>, "kschafer@bhamgov.org" <kschafer@bhamgov.org>
Cc: "reganb@gmail.com" <reganb@gmail.com>, Kelly Allen <KAllen@anafirm.com>

Good afternoon – After hearing about the proposed changes (New flush to curb deck requirements and prohibition of deck awnings) to the outdoor street decks in downtown Birmingham and realizing the damage and costs involved if these changes are approved by city council, we at Toast have reached out to the community of Birmingham and our customer base to gather public opinion. The community of restaurants in the downtown area are already aware of how these changes would negatively affect their businesses:

Lower Seating Capacity (New Flush Deck Requirements) We have a large expenditure to run our patio per season. These cost makes us need the current capacity to cover all costs associated with the patio:

- City of Birmingham Yearly Fees: \$10K+
- Increase in monthly rent to landlord: \$1,500 a month (\$7,500 per season)
- Installation and break down of patio 8,000.

Exorbitant costs involved in replacing current approved decks to new requirements. (New flush deck requirements and awning prohibition) Costs would be around \$50,000.

Being unable to seat during threats of inclement weather. (Awning prohibition)

Potential hazards involved with umbrellas vs semi-permanent awnings and increased liability. (Awning prohibition)

Many people in our community have sided with our concerns that these changes to current approved patio decks will affect all of us. We have collected over 700 signatures against these proposed changes. The link to these signatures and reasons is <https://chnq.it/TTGpBWR28C>.

Below are some samples of the reasons people are against these proposed changes:

Reasons for signing

Marci Bloom-Vettese · 5 days ago

If outdoor seating is reduced/eliminated i and my family won't be able to eat in Birmingham. Due to Covid and being immune compromised I am unwilling to eat inside restaurants. By changing your outdoor seating rules you're basically telling me I'm no longer welcome in Birmingham and your view of aesthetics is more important than my health. When I come to eat in Birmingham, I also tend to shop in your stores. Without the ability to eat outside- with an awning for comfort and enough space for tables to be spread apart- I will no longer be coming to eat or shop in Birmingham. This proposal makes no sense to your community on a financial level, and is telling

your restaurant owners and certain patrons they are not valued. Therefore, I urge you to reconsider this proposal and place the needs of people ahead of superficial aesthetics.

Rachael Vettese · 5 days ago

Hello, I come from an immunocompromised family, so we are unable to eat in restaurants. The only way to show a small business our support, is having an outdoor space to comfortably eat. Without shade, our health conditions will not make it possible to eat at a restaurant. If the city forces Toast to remove the awning, we will no longer be coming to Birmingham at all, as Toast was the only reason we came to town. And when we did, we shopped at other local small businesses.

rci Bloom-Vettese
5 days ago

If outdoor seating is reduced/eliminated i and my family won't be able to eat in Birmingham. Due to Covid and being immune compromised I am unwilling to eat inside restaurants. By changing your outdoor seating rules you're basically telling me I'm no longer welcome in Birmingham and your view of aesthetics is more important than my health. When I come to eat in Birmingham, I also tend to shop in your stores. Without the ability to eat outside- with an awning for comfort and enough space for tables to be spread apart- I will no longer be coming to eat or shop in Birmingham. This proposal makes no sense to your community on a financial level, and is telling your restaurant owners and certain patrons they are not valued. Therefore, I urge you to reconsider this proposal and place the needs of people ahead of superficial aesthetics.

I am asking the city council of Birmingham to be pro business and pro community and do not approve these changes to our decks. Please vote against awning prohibition and flush to street decking requirements.

Sincerely

Regan Bloom

Reganb0938@gmail.com

248-506-8981

Birmingham business owner since 2008

Tony Minicilli

tminicilli@eatattoast.com

734-716-4405

Tony Minicilli

Toast Restaurant Group, Operations Manager



23150 Woodward Ave
Ferndale, MI 48220
734.716.4405
<http://eatattoast.com>

Tony Minicilli <tminicilli@eatattoast.com>

Wed, Jul 6, 2022 at 10:03 AM

To: Nicholas Dupuis <ndupuis@bhamgov.org>, "pboutros@bhamgov.org" <pboutros@bhamgov.org>, "tmarkus@bhamgov.org" <tmarkus@bhamgov.org>, "tlonge@bhamgov.org" <tlonge@bhamgov.org>, "cballer@bhamgov.org" <cballer@bhamgov.org>, "ahaig@bhamgov.org" <ahaig@bhamgov.org>, "bhost@bhamgov.org" <bhost@bhamgov.org>, "emclain@bhamgov.org" <emclain@bhamgov.org>, "kschafer@bhamgov.org" <kschafer@bhamgov.org>
Cc: "reganb@gmail.com" <reganb@gmail.com>, Kelly Allen <KAllen@anafirm.com>

Also please see attached signatures collected at the restaurant by local citizens and people who enjoy downtown Birmingham who are against the proposed changes to the patio deck requirements.

From: Tony Minicilli

Sent: Wednesday, July 6, 2022 9:58 AM

To: Nicholas Dupuis <ndupuis@bhamgov.org>; pboutros@bhamgov.org <pboutros@bhamgov.org>; tmarkus@bhamgov.org <tmarkus@bhamgov.org>; tlonge@bhamgov.org <tlonge@bhamgov.org>; cballer@bhamgov.org <cballer@bhamgov.org>; ahaig@bhamgov.org <ahaig@bhamgov.org>; bhost@bhamgov.org <bhost@bhamgov.org>; emclain@bhamgov.org <emclain@bhamgov.org>; kschafer@bhamgov.org <kschafer@bhamgov.org>

Cc: reganb@gmail.com <reganb@gmail.com>; Kelly Allen <KAllen@anafirm.com>

Subject: RE: Proposed Changes to Patio Deck Requirements in Birmingham

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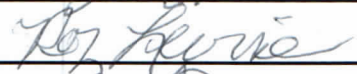
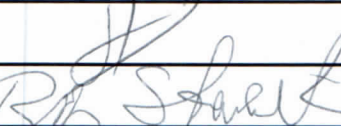
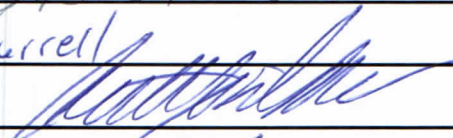
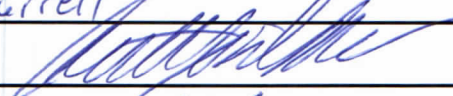
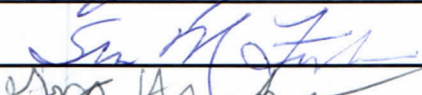
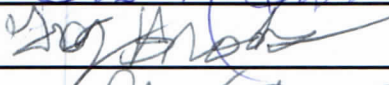
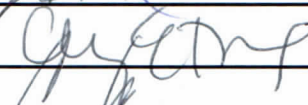
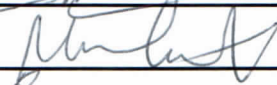
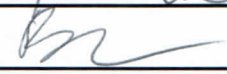
 **Signatures.pdf**
4013K

Dear Toast Customers,

The City of Birmingham is currently in the process of banning awnings and changing layout of Decks. This would reduce our seating in half.

Send comments to Pierre Boutros: pboutros@bhamgov.org

Please help Toast and sign here

Name	Signature	Email
LEON LEVINE		LRL821@MRC.COM
ROZ LEVINE		WANNYROZ@MAC.COM
Amine Dioub		M.S.aminajunaid@gmail.com
Tom Hohn		
Nina Patel		pateld17@msu.edu
John D Mercurio		
Bob Stewart		
Bob Burrell		
Tony Naska		
Susan Fink		
Greg B...		
Chelsey Thaxton		chax0722@gmail.com
Christina Kozub		Christina.Kozub@ig.com
Mona Kashat		MonaKashat1031@gmail.com
Breia Berren		
Bailee Berren		
Reese Oberst		reese.oberst@ycomso.com

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Please help Toast and sign here

Name	Signature	Email
Lauren Carab	Lauren Carab	laurencarabio@gmail.com
PATTY Collier	Patty Collier	
YVONNE CALLOWAY	Yvonne Calhoun	
Teksha Lee	Teksha Lee	
Eral White	Eral White	
STEPHANIE ZESKIND	Stephanie Zeskind	
Lisa Zeskind	Lisa Zeskind	
Sandy Zeskind	Sandy Zeskind	Sandycooks@aol.com
H. JAY ZESKIND	H. Jay Zeskind	GoBlue9800@aol.com
AMY KANARIOS	Amy Kanarios	akanarios@me.com
Bella Dimarzio	Bella Dimarzio	Belladimarzio@gmail.com
Barb Britsema	Barb Britsema	barbritsema@gmail.com
Wye Brittan	Wye Brittan	brittanwye@gmail.com
Ann Davis	Ann Davis	
Charles Davis	Charles Davis	
Biffan Mitchell	Biffan Mitchell	biffanmitchell@me.com
Kim Cruz	Kim Cruz	N/A
Julia Dehue	Julia Dehue	anjia@mail.gvsu.edu

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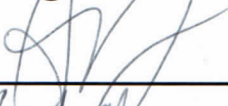
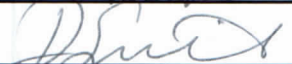
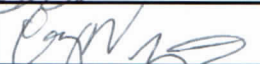
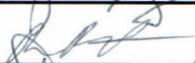
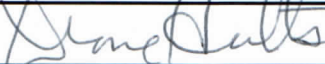
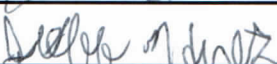
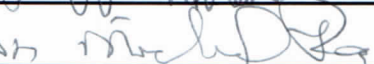
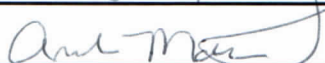
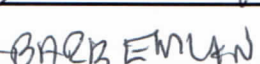
Name	Signature	Email
Ed Marx	Ed Marx	edmarx@me.com
Linda Ross	Linda Ross	lrosscontemporary@comcast.net
Edith Robertson	E. Robertson	
Aaron Ruppert	Aaron Ruppert	aaron.ruppert@icloud.com
Sarah Baker	Sarah Baker	
Sandra Ryan	Sandra Ryan	
Elizabeth Markaj	Elizabeth Markaj	betnamarkaj@yahoo.com
Maria Markaj	Maria Markaj	antomarkaj@yahoo.com
Gjergj Markaj	Gjergj Markaj	gmarkaj54@gmail.com
Lerry chibana	Lerry chibana	Lerrychibana4@gmail.com
Sheena Upshaz	Sheena Upshaz	Sheenaupshaz@yahoo.com
Morgan Fiegli	Morgan Fiegli	
James Lattard	James Lattard	
Julian Lattard	Julian Lattard	
MARK DALY	Mark Daly	
Anais Cailet	Anais Cailet	
SEKON SHONTAK	SEKON SHONTAK	

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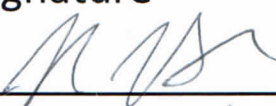
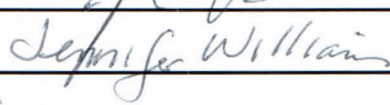
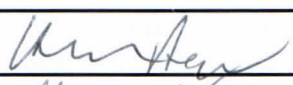
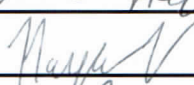
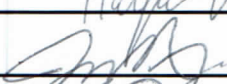
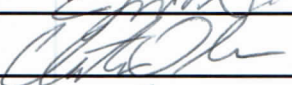
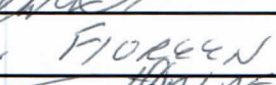
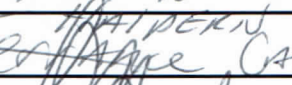
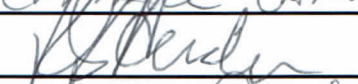
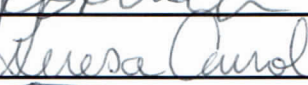
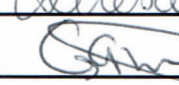
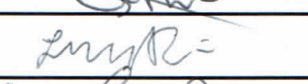
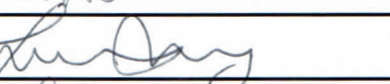
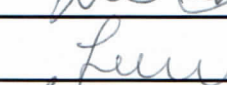
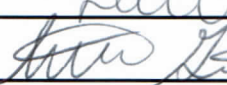
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Dear Toast Customers,

The City of Birmingham is currently in the process of banning awnings and changing layout of Decks. This would reduce our seating in half.

Send comments to Pierre Boutros: pboutros@bhamgov.org

Please help Toast and sign here

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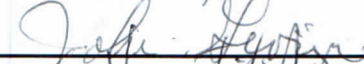
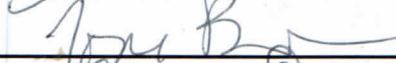
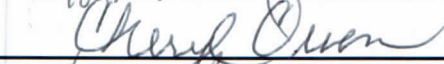
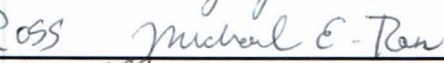
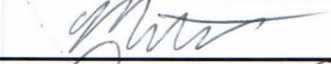
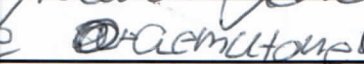
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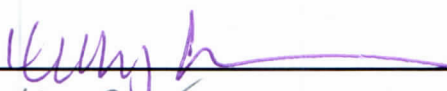
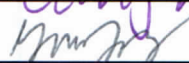
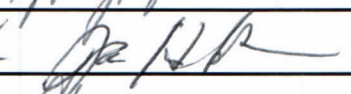
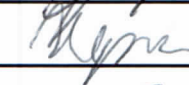
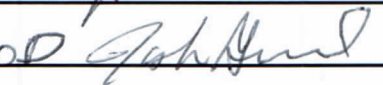
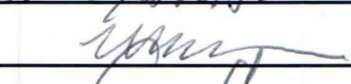
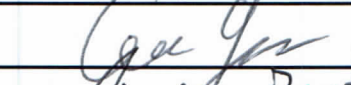
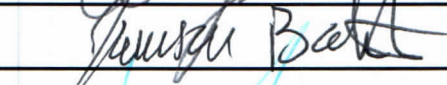
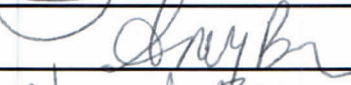
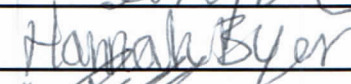
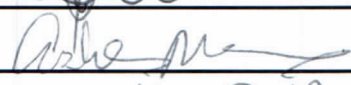
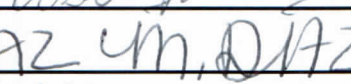
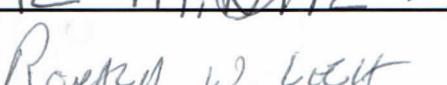
Send comments to Pierre Boutros: pboutros@bhamgov.org

Please help Toast and sign here

Name

Signature

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Phyllis E. Ricketts		RoeLECT@aol.com

40 year Resident !!!



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor Dining In Birmingham

1 message

Karen Norman <knorman@ameritech.net>

Sat, Jul 2, 2022 at 3:03 PM

Reply-To: Karen Norman <knorman@ameritech.net>

To: "ndupuis@bhamgov.org" <ndupuis@bhamgov.org>

Since I will not be able to attend the July 13 meeting to discuss outdoor dining in Birmingham, I would like to share some thoughts/issues with the committee.

There is no doubt outdoor dining is popular and an attraction for diners in Birmingham. Unfortunately, right now it is complete chaos. The limited rules that are now in place are ignored by a number of restaurants.

Tables encroach upon the sidewalk and at times the street. Tables are randomly placed and often so close together that patrons cannot get out of their seats without asking other diners to move. Parking meters are completely blocked. The 5-foot walk space rule seems to be just a suggestion.

Outdoor tables should be placed in a thoughtful design that adds to the streetscape. The city should establish a minimum square footage per table. Dining areas should be surrounded by some form of enclosure that does not allow patrons to move tables and chairs around, i.e. planters or railings. The spaces should have signage that tells patrons the name of the establishment. Restaurants should be responsible for cleaning up at closing so no food waste is left on the sidewalk or street and tables and chairs are properly stored and do not block the right of way. And inspections should be completed by the city on a regular basis.

These 'rules' will go a long way to keeping outdoor dining a pleasant experience for the patron and the restaurant.

Karen Norman
1314 Pilgrim Ave.

Karen Norman
CFP Board Emeritus (TM)

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Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor Dining Study

1 message

Linda Orlans <linda.m.orlans@gmail.com>
To: ndupuis@bhamgov.org

Tue, Jul 5, 2022 at 12:58 PM

Dear Mr Dupuis,

Thank you for the opportunity to participate in the planing and draft ordinance for continued outdoor dining in Birmingham. We are the owners of a condo located at 280 Harmon that abuts a dining establishment that extensively uses the sidewalk in front of and on the side of their establishment, Salvador Scallopini.

We are happy to see the success these outdoor tables have created for our business neighbors. We however are concerned about the noise that is within a few feet of our home, the waiting customers who sometimes sit on our steps and the traffic that often blocks our entry to the garage.

While we are not opposed to outdoor dining and tables on the sidewalk during reasonable hours we would like to suggest there be a reasonable buffer between the tables and residential dwellings like ours. Perhaps they could limit their tables to the business side of their establishment rather than the residential street where we live.

We may be in a unique situation given our proximity to the business district but respectfully ask that we be allowed peace, quite, safety and access to our home.

Thank you again,

Linda

Linda Orlans
She/Her/Hers
Orlans PC
O: 248-502-1550
M: 248-390-6848
E: lorlans@orlans.com

Sheila Hallahan
Executive Assistant
O: 248-502-3135
M: 248-396-3158
E: shallahan@orlans.com



Nicholas Dupuis <ndupuis@bhamgov.org>

Outside Dining

1 message

Thomas Pallas <pallasroma@aol.com>
To: ndupuis@bhamgov.org

Tue, Jul 5, 2022 at 8:36 AM

The Pandemic is done. Get off the public sidewalk property. This is making for public walking accidents.

Sent from my iPad



Nicholas Dupuis <ndupuis@bhamgov.org>

Patios and decks downtown

Chuck Penoza <wcpenoz@comcast.net>

Sat, Jun 25, 2022 at 10:00 AM

To: tmarkus@bhamgov.org, ndupuis@bhamgov.org, pboutros@bhamgov.org

Hi folks- just sharing my \$.02 as a neighbor and frequent downtown guest-

Removing the patios is punishing the innovation and resilience that got many of our local businesses through the past couple years. Your highest obligation to the city is to encourage sustainable business downtown, and in my opinion, with so many empty storefronts, taking starkly anti- business measures like cutting Toast's (and other's) revenue in half is not helping the immediate situation and will build a reputation for meddling and micromanagement that will not help attract the prestigious partners that Birmingham needs. Consider trusting our local entrepreneurs who have shown a lot of grit for quite a while now.

Thanks for listening and for all you do for our city!

Chuck Penoz



Nicholas Dupuis <ndupuis@bhamgov.org>

outdoor dining

1 message

Pat Simon <mrspasimon@gmail.com>
To: ndupuis@bhamgov.org

Wed, Jul 6, 2022 at 11:09 AM

I, along with many others in this town, am concerned about platforms allowed in parking spaces. It seems as though the Commissioners have turned the city over to restaurants and developers. I entreat you, please don't do anything more to ruin the original "product." Pat Simon--827 Larchlea.



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor dining

1 message

Jami Statham <jami.statham@gmail.com>
To: ndupuis@bhamgov.org

Tue, Jul 5, 2022 at 9:57 AM

Thank you for reaching out and requesting feedback.

My husband and I LOVED all the additional outdoor dining available during the summer of 2021. We continue to live in Birmingham for its walkability and walking into town in the summer for dinner on a patio or a quick ice cream is a favorite. We enjoy traveling in Europe and the additional outdoor space felt fun and European to us. We were sad to see it go. The only other comment I have is that I'd love to see the T shape area between Streetside, Toast, and Townhouse become pedestrian only in the summer. Maybe only in the evenings if the businesses on the block complain. It would further encourage our walk ability.

We sincerely hope you'll provide for much more outdoor dining in the new ordinance.

Jami A. Statham
(313) 613-2822



Nicholas Dupuis <ndupuis@bhamgov.org>

Please keep outdoor Dinning

Mike Tweddle <metweddle@gmail.com>

Thu, Jun 23, 2022 at 8:23 AM

To: ndupuis@bhamgov.org

We enjoy sitting outside and it helps the restaurants to have revenue to employ people and pay more taxes .

Mike Tweddle

Sent from my iPhone



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor Venues

1 message

Linda Ulrey <ludoc1@aol.com>
To: ndupuis@bhamgov.org

Tue, Jul 5, 2022 at 8:18 AM

There should be some uniformity to the appearance of the outdoor structure in terms of the hard materials. I visit New York quite a bit where the outdoor structures are an assemblage of mishmash of everything possible they are also used as storage areas for unused tables and chairs which adds to the disfigurement of the community.

certainly restaurants can personalize the outdoor structures with how they create their tables and chairs and coverings and candles but the actual structure should be the same.

They should not interfere with people on the sidewalk and create a clear pathway.
there should be limits to the length of the outdoor structure commensurate with the size of the restaurant. The outdoor space should not exceed the boundaries of the restaurant building by being able to extend it through the cooperation of the next-door non restaurant building.

Linda Ulrey



Nicholas Dupuis <ndupuis@bhamgov.org>

Outdoor Dining

1 message

Bruce Wandyez <bwandyez@sbcglobal.net>
To: ndupuis@bhamgov.org

Thu, Jun 23, 2022 at 4:49 PM

Per the recent e-mail regarding outdoor dining, I would submit the following observation:

At times some of the outdoor dining establishments' tables and chairs become positioned so two-way sidewalk traffic is not possible. I would suggest that some sort of visual markings be required to easily identify "table and chair creep" by owners or patrons accompanied by some periodic enforcement of the rules.

Regards,

Bruce Wandyez

ADDITIONAL RESEARCH

OPERATIONS DETROIT



APRIL 2021

A guide to operating businesses
in a safe manner that protects
the patrons and employees.



TABLE OF CONTENTS

- PG.06** Open Detroit Introduction
- PG.10** Restaurant Operations Guidelines
- PG.12** Business Responsibilities for Street Activations
- PG.14** General Requirements
- PG.16** Temporary Surface Materials
- PG.18** Parklet Guidelines
- PG.20** Serving Alcohol Outdoors
- PG.22** Outdoor Seating Guidelines

COVID OUTDOOR DINING APPROVAL PROCESS



1



Review the design packet and understand the criteria and guidelines



2



Gather/order the needed furnishings



3



Notify the City of your intent to take advantage of outdoor dining using this link:

[Detroitmeansbusiness.org/COVID-19/Outdoor-Dining-Permits](https://detroitmeansbusiness.org/COVID-19/Outdoor-Dining-Permits)

*If you are interested in using the parking spaces in front of your business (as pictured and described in the guidelines) to set up additional tables, please indicate this on the above link, but **DO NOT set up in the street until approved by the Department of Public Works.** Parklets need 3 business days for review.

Are you interested in operating an outdoor dining area?

Follow these steps below



4



Set up!



5



Begin operating within the rules of the guidelines once **approved by the Department of Public Works.**



6



If a City inspector visits and asks for modifications to your setup, make the changes in order to continue operating

OPEN DETROIT INTRODUCTION

In an effort to offer continued support the restaurant businesses in the City of Detroit, guidelines and allowances from 2020 are being carried over to 2021 to ensure the operation of businesses in a safe manner that protects the patrons and employees. **Open Detroit is a program available for all business in the City of Detroit located along City of Detroit jurisdiction roads (businesses located on State of Michigan or Wayne County roads may need additional approvals).**

Using these guidelines and following the protocols will help achieve a safe environment for businesses interested in operating outdoor dining in new ways:

Sidewalks

Private use of sidewalk space has typically required Sidewalk Café permit per City Ordinance. The City of Detroit is temporarily suspending the requirement to apply for a permit and currently allowing businesses to temporarily use sidewalks for additional restaurant seating where appropriate. Adequate width (Minimum of 6 feet) of ADA compliant sidewalk shall be available for pedestrians at all times. Adequate pedestrian pathway must be provided as described on page. 22.

Parklets

Parklets are on-street parking spaces that have been temporarily converted for other uses, such as expanded outdoor dining areas.

Restaurant Recovery Zones

The City has designated a number of Café & Retail Zones where the City will close selected portions of an entire street and require detours for vehicles. These zones will provide the maximum additional space, serve many businesses in a concentrated area, and will be installed 24 hours per day/7 days per week, for the duration of this pilot program. In the interest of public safety, full street closure locations and hours of operation are approved and deployed by the City of Detroit in advance. The City will provide the maintenance of traffic plan to close the roadway for vehicles and deploy necessary detours and signs to direct traffic away from the closure. It is the responsibility of the business to activate these spaces with

temporary materials such as tables and chairs, umbrellas, and visual/physical barrier materials.



OPEN DETROIT INTRODUCTION

Private Parking Lots

Up to 50% of off-site private parking spaces counted for required parking may be converted to outdoor dining or retail space, when the lot is immediately adjacent to the parent property. The converted use must be in conformance with all Detroit requirements for building accessibility, and social distancing requirements that provide at least 6 feet spacing between backs of chairs.

Additionally, no parking for disabled persons may be repurposed for restaurant or retail use. The required landscape and buffer areas for the off-site private parking spaces (Vehicular Use Areas), shall not be used as an expanded converted use for restaurants or retail operations. There shall not be parking, outside seating, or retail activities in these areas.

- **Businesses must have a temporary barrier of 36" or higher delineating the dining area.**
- **The dining area must not impede the flow of traffic in the parking lot.**



RESTAURANT OPERATION GUIDELINES

- All restaurants must comply with the Michigan Governor's Executive Orders to maintain safe dining conditions for patrons and staff.
- All staff shall wear a mask
- It is encouraged that all staff be tested for COVID 19 before returning to work.
- Only sit-down dining will be permitted, no standing or bar seating.
- Only sitting customers and staff are allowed in outdoor café area, no gathering or socializing in standing groups.
- Patrons shall be encouraged to wear a mask until seated at their tables.
- There must be at least 8 feet between tables, with the people at different tables at least 6 feet from each other.

See diagram on page 22.

- If carry-out service is conducted in addition to patio or dine in service, ensure that there is adequate space to allow all types of customers to remain spaced out at least 6'
- Reservations and call ahead seating is encouraged to avoid excessive numbers.
- If walk up seating is allowed by the restaurant, they should have a



plan on how to prevent excessive crowds

- When customers make their reservation, ensure that the customer understands that if anyone in their party is exhibiting any symptoms such as cough, fever, chills, muscle pain, headache, sore throat, or new loss of taste or smell that they are prohibited from dining in and if some appears to exhibit any symptoms then they will be asked to leave.
- A sign posted at the entrance informing patrons that if they are exhibiting any symptoms such as cough, fever, chills, muscle pain, headache, sore throat or new loss of taste or smell, we are requesting that you do not enter the establishment or area.
- An employee must clean and sanitize tables and chairs between each party.
- Patrons must remain in their cars or outside the facility until their reservation time. Set up a system that will make it easy to let people

RESTAURANT OPERATION GUIDELINES

know when a table is ready (cell phone call or text message for example)

- Use verbal or disposable Menus and single service condiments
- No re-use food containers and utensils but bio-degradable single-service items are encouraged.
- Overhead protection is required over outdoor service areas.
- All restaurants must comply with the City of Detroit's Noise Ordinance.



BUSINESS RESPONSIBILITIES FOR STREET ACTIVATIONS

It shall be the responsibility of the business to activate the spaces described in this section with temporary materials such as tables and chairs, umbrellas, and visual/physical barrier materials as needed per site specific conditions. Maintenance (daily up-keep, litter cleanup, etc.) associated with business operations shall also be the responsibility of the business.

Use of Tents or Shade Structures on Sidewalks, On-Street Parking Spaces, or Closed Streets

The following requirements shall apply to use of tents or shade structures within public spaces:

- Tents larger in size than 10x10 will require submittal of manufacturer specifications and internal floor plans
- **Any tent proposed with more than one wall will be considered an internal space and shall comply with [MDHHS](#)'s state orders.**
- Covid-19 rules from the MDHHS for indoor restaurants and bars continue to apply, including requiring patrons to wear masks upon entering, until they reach their table.

- No staking of tents is permitted in public rights-of-way.
- All tent legs must be weighted
- Each leg must have a minimum of 40lbs.
- Weights must be securely attached to canopy roof and canopy leg separately
- Ropes and straps should be high quality
- Bungee or rubber straps are prohibited
- Weights must be on the ground and not dangling
- Weights and lines must not pose a hazard and be clearly visible
- For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as weight is removed.

Do not leave unsecured tents at any time.

- Heaters of any kind shall not be used under tents or umbrellas.
- Smoking is prohibited under tents and shade structures.
- Tents must not have closed walls in place while open to the public, and all sides should be open for airflow.

Items that make acceptable weights:

- 5 gallon bucket full of water, sand, or concrete
- 4" PVC pipe at least 36" long filled with concrete
- Large commercially available tent weights
- Sandbags or salt bags 40lbs or heavier
- Requirements for tents larger than 10-foot by 10-foot:
 - Shall only be placed in private parking lots, parks, or street closures (not to be used on sidewalks)

GENERAL REQUIREMENTS

Outdoor Dining:

- Facility must have a valid State of Michigan food service License
- Food service provided to a temporary serving location does not need an additional license as long as it meets the requirements.
- No heating, cooking or open flames permitted in the outdoor dining area
- Serving only is allowed in the outdoor dining area
- No pets will be allowed in the outdoor dining areas, unless the pet is a Service Animal
- A notarized indemnity agreement must be included in application.

Outdoor café seating and retail operations within sidewalks and public rights of way shall maintain:

- An unobstructed pedestrian path of at least 6 feet; A graphic depicting outdoor seating parameters is attached to this guidebook on page 22.
- Access to public utilities, building entrances, crosswalks, bus stops and transient entrances;
- Pedestrian and traffic safety; and Aesthetic compatibility with the surrounding area.

Sidewalk café Requirements

The width of the sidewalk café or retail space is restricted as follows:

1. a. The width shall not exceed the width of the sidewalk frontage of the subject property. However, the area of the permit may be extended up to

a maximum of fifty (50) feet on one (1) side of the subject location, subject to the provisions of subsection b. of this section.

b. The sidewalk café may extend by a maximum of fifty (50) contiguous feet in the public right-of-way on one (1) side and/or the other side of the private property so long as the property directly abuts the public right-of-way, with the permission of the adjacent business.

2. A clearly marked, unobstructed, and durable pedestrian right-of-way, also known as the “pedestrian path”, that meets required accessibility standards, of no less than six (6) feet shall be maintained for each sidewalk café area and shall adhere to the following standards:
 - a. The minimum distance of said path shall be measured from the portion of the sidewalk café/retail space boundary which is nearest either the curb line or the nearest obstruction.
 - b. In no event may recesses in the sidewalk café/retail space boundary be used to satisfy this unobstructed width requirement
3. **Delineation** of dining space is required with use of fencing, planters, barriers of temporary surface materials below.
4. Dining tables must be set back 2 feet from edge of outdoor dining limit (See diagram on page 22)
5. Chairs against the edge should have their backs to the rest of the sidewalk
6. Transparent sneeze guards could be installed as barrier between dining area and pedestrian path to allow for additional seating against barrier
7. Signs should be installed reminding the general public not to socialize along the dining area

A photograph of an outdoor dining area. In the foreground, there are green bushes. Behind them, several tables and chairs are set up. A large window in the background reflects a multi-story building. The text 'TEMPORARY SURFACE MATERIALS' is overlaid on the right side of the image.

TEMPORARY SURFACE MATERIALS

All outdoor dining spaces **MUST** be delineated. Where alcohol is not being served, temporary surface materials, such as those depicted below, are permitted for application on sidewalks and parking spaces to delineate dining space. **For establishments intending to serve alcohol physical barriers must be installed in accordance with page 20.**



PARKLET GUIDELINES

Businesses interested in expanding their outdoor dining capacity to the curb lane as a Parklet, should indicate the desire to do so on the registration web form: <https://detroitmeansbusiness.org/2020/06/city-relaxing-outdoor-seating-restrictions/>. Parklets will need to follow the general guidelines outlined in this documents, but have additional steps that need to be taken. Once the request is received the Department of Public Works will review the request within 3 business days and respond to business owner indicating permissions and requirements for set up. Additional parklet requirements are as follows:

1. Spaces must be delineated with traffic control devices such as cones, barrels and water filled Jersey barriers as

per the [Michigan Manual on Uniform Traffic Control Devices Part 6](#) requirements. Traffic controls should be installed and maintained by the requester for the protection of the patrons. Adequate artificial lighting and protection from weather could be consider as factor for approval.

2. Spaces must be set up with tables and chairs while the traffic control devices are in place.
3. Any equipment or furniture placed in the parking space cannot be placed closer than 2 feet from the edge of the adjacent travel lane.
4. All Parklets must be made ADA compliant by building a platform to sidewalk level or constructing a ramp down to street level. See diagram on pg 22.



SERVING ALCOHOL OUTDOORS

Restaurants that are interested in serving alcohol outdoors, must have a liquor license that allows for outdoor alcohol sales.

Alcoholic Beverages

Restaurants and food establishments licensed under Michigan laws to serve alcohol outdoors, will be permitted to sell and allow on-premise consumption of alcoholic beverages within expanded dining areas on private property, on immediately adjacent sidewalks, within parklets and within Restaurant Recovery Zones that have been closed to traffic by the City of Detroit. Restaurants serving alcohol outdoors must provide a physical vertical barrier as described below:



Barriers

Outdoor dining cafés serving alcohol must have a barrier (fence or planter). Sidewalk cafes not serving alcohol are not required to provide physical barriers. Barriers may be placed in the approved sidewalk/ street area when the sidewalk cafe is open for business.

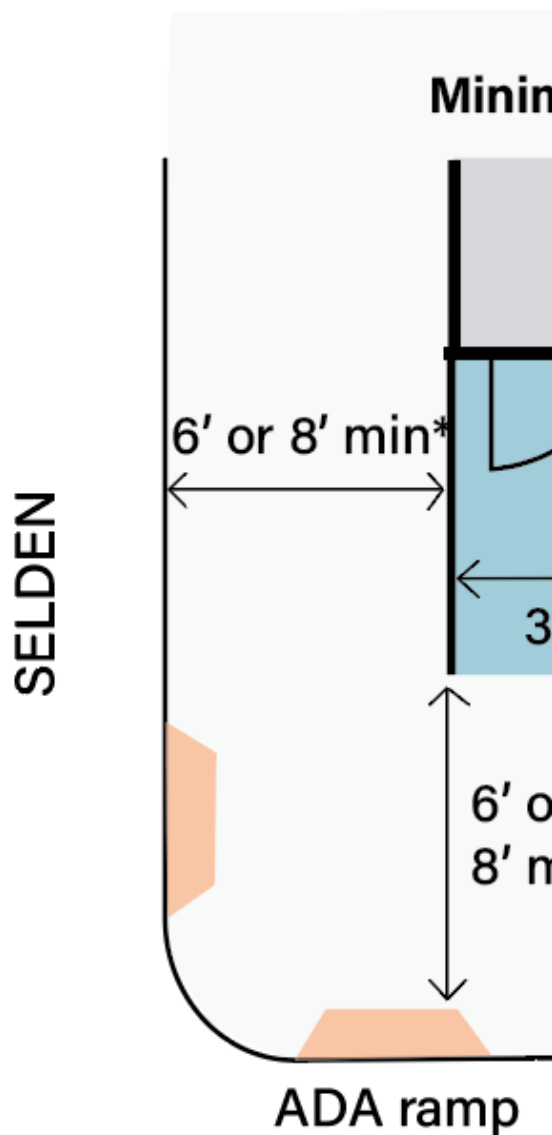
Barriers may not be anchored to the city right-of-way and should be weighted down when needed.

Generally barriers should be 36 inches in height, and must be free-standing, stable, and removable.

OUTDOOR SEATING GUIDELINES

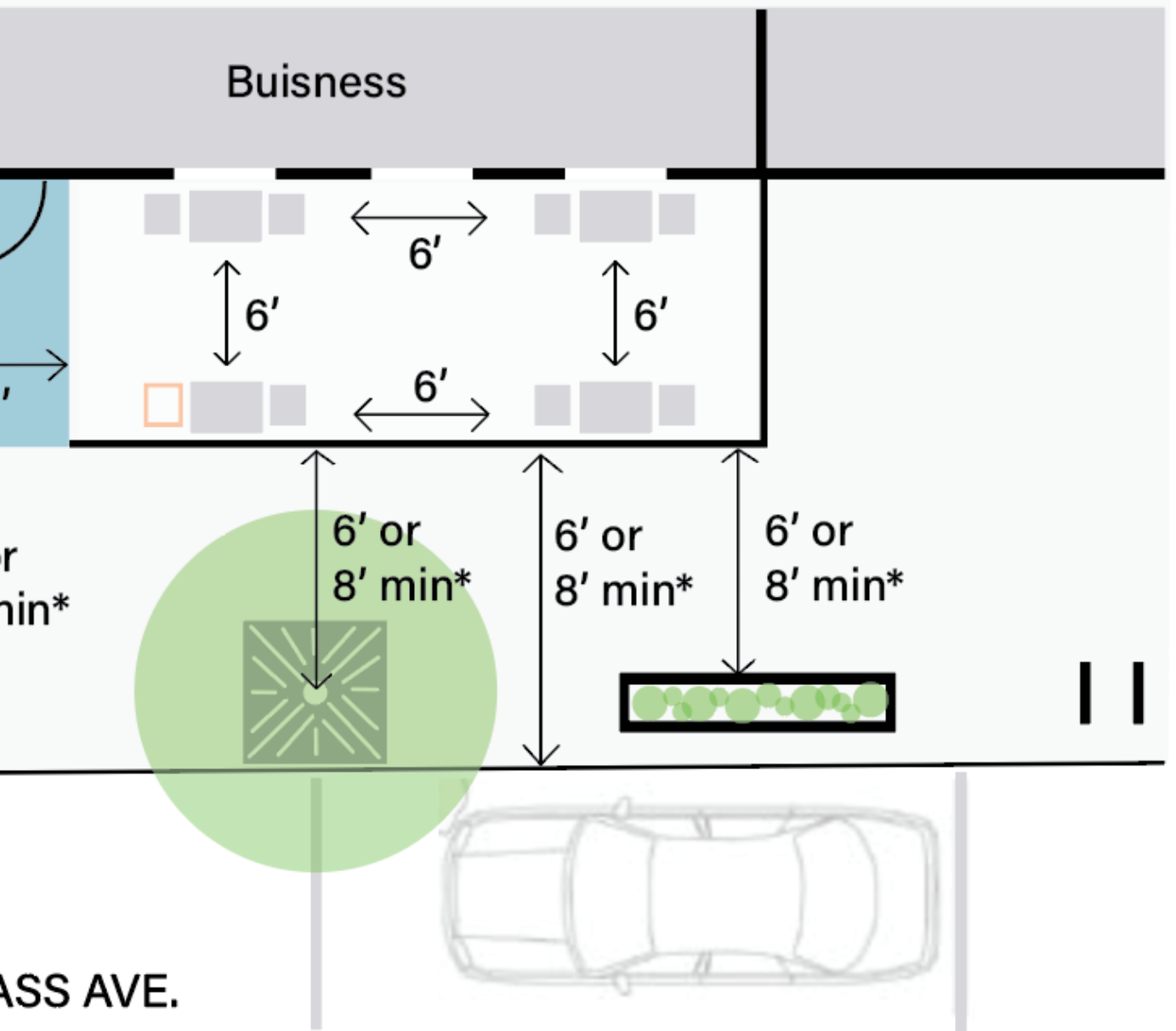
GENERAL NOTES:

- Parklet should not be located within 15 feet of a fire hydrant or in front of a mailbox or bike rack.
- Maintaining at least 6ft of pedestrian walkway is required at all times.
- Transparent sneeze guards could be installed as barrier from sidewalk to allow for additional seating against outdoor cafe barrier.
- Signage should be installed reminding the general public not to congregate along the dining area.



*8' minimum. is required in Do
and when a sidewalk is 16 ft or

Minimum required dimensions of a sidewalk cafe



Downtown Detroit
wider.

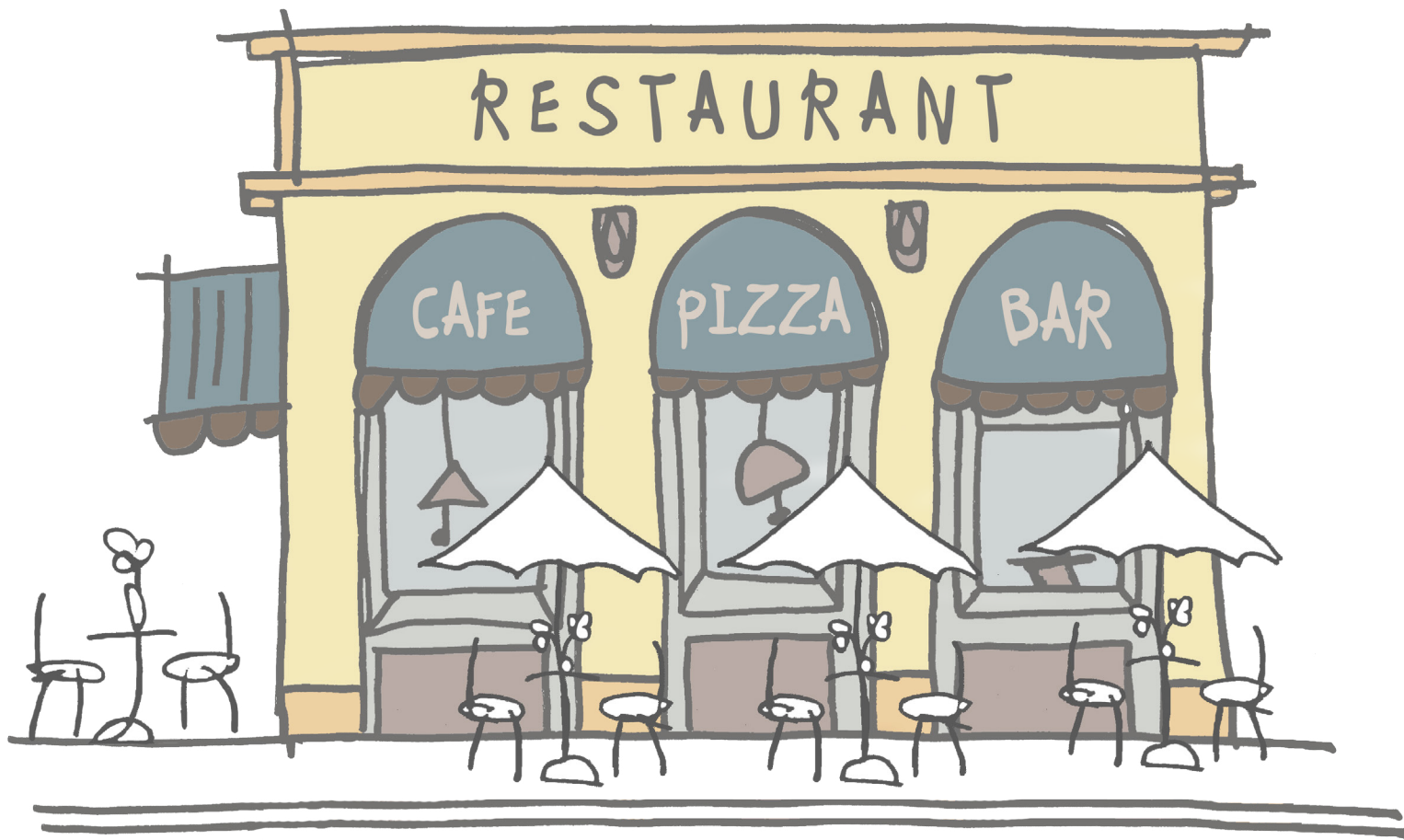
area where servers are allowed. ADA accessible seating

SALT LAKE CITY

OUTDOOR DESIGN GUIDELINES & PARKLET PILOT PROGRAM

OUTDOOR DINING DESIGN GUIDELINES

SUMMER 2013



PURPOSE

The intent of the design guidelines for outdoor dining is to ensure quality outdoor seating area, the appropriate use of the public sidewalk for outdoor dining and safety for pedestrians in Salt Lake City.

APPLICATION MATERIAL

Applicant must submit the following:

Written letter. A brief description that includes the name of the restaurant, a description of proposed outdoor dining space and number of seats.

Site Plan. A plan showing the proposed outdoor dining space, to scale, including the sidewalk clearance requirement, elevations, furniture.

Photos or Drawings. Submit color photos, renderings or graphics showing the set up, type of furniture and materials of barriers.

PROCESS

The demarcation of outdoor dining space must meet these design guidelines and is permitted through an administrative approval process led by the Planning Division, the Transportation Division, the Engineering Division and the Property Management Division.

STEPS FOR APPROVAL

- 1) Schedule a DRT meeting at (801) 535-6629 or at 451 S State St Room 215.
- 2) Contact the Engineering Division for permit application at (801) 535-6396 or at 349 South 200 East, Suite 100.
- 3) Contact the Property Management Division to obtain lease agreement at (801) 535-7133 or at 451 S State St Room 406.

BARRIERS

DESIGN OF BARRIERS

Barriers are meant to demarcate the section provided for tables, chairs and umbrellas, for both temporary and permanent use. Barriers may include but not limited to removable fences, freestanding fences, hedges, planters, trees, removable columns, and other. See figures 1-3 for acceptable barrier styles.



Figure 1. Acceptable metal barrier.

Les Madeleine's at 216 East 500 South.



Figure 2. Wood and metal planters as a barrier.



Figure 3. Freestanding glass & metal fence.

PROHIBITED BARRIERS

No fabric inserts, chain link fencing, chicken wire or cyclone fencing. No fabric or advertising on canvas allowed on barriers. See figure 4 unacceptable barrier style.



Figure 4. No fabric, canvas inserts or chicken wire.

BARRIERS

HEIGHT OF BARRIERS

The height of any barrier may not exceed 36 inches. The bottom of the rope/chain barrier must not exceed 27 inches above the sidewalk surface.



Figure 4. Max height of barriers is 36 inches.

ENCLOSED OUTDOOR DINING

The City reserves the right to review final design for requests that include vertical elements, awnings, canopies and removable side walls covering the outdoor dining space.

PLANTERS

In the case of planters, the planter itself shall not exceed 36 inches; the plant (live or artificial) height shall not exceed 6 feet measured from the ground. See figure 4 & 5.



Figure 5. Max planter and plant height is 6 feet.

BARRIERS

ESTABLISHMENTS THAT SERVE ALCOHOLIC BEVERAGES

The Utah Department of Alcoholic Beverage Control requires that the outdoor dining space be “well defined, properly secured, and delineated by some type of physical structure”. In order to comply with State requirements, outdoor dining area barriers for these establishments shall:

- a. Clearly define the designated area with sturdy barrier such as freestanding sectional fencing, rope or chain.
- b. Have one clear entrance to the outdoor dining area and it must be located directly in front of the egress doors. See figure 6.

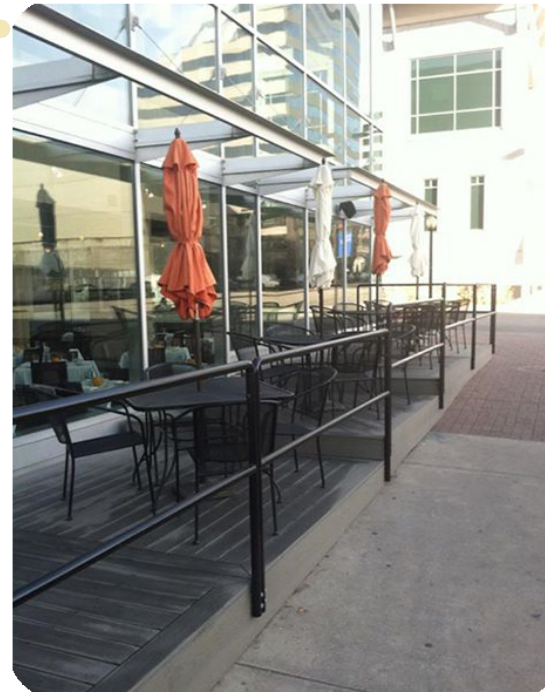
ESTABLISHMENTS THAT DO NOT SERVE ALCOHOLIC BEVERAGES

These establishments are exempt from providing specific demarcation of outdoor dining space.



ZY Food Wine & Cheese at 268 South State St.

Figure 6. Clearly defined outdoor dining entrance.



ZY Food Wine & Cheese at 268 South State St.

SIDEWALK

MINIMUM WIDTH OF SIDEWALK CLEARANCE

Depending on the area of the city where the outdoor dining space is proposed, there are three minimum sidewalk clearances for continuous pedestrian access along the public sidewalk that must be provided. See the following figures for minimum requirements. Measured from the restaurant façade to the start of outdoor dining barrier (See figure 7) or from the edge of the parallel barrier to the curb (See figure 8).

SIGHT DISTANCE TRIANGLE

Outdoor dining space located on corner lots shall not obstruct the sight distance triangle.

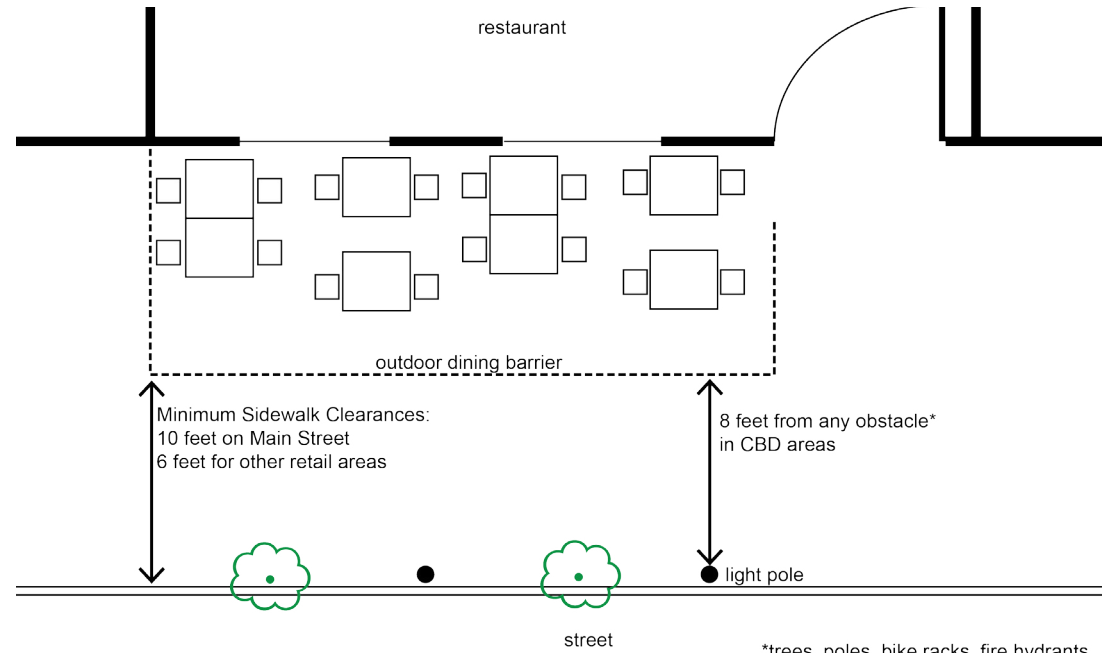


Figure 7. Outdoor Dining adjacent to restaurant.

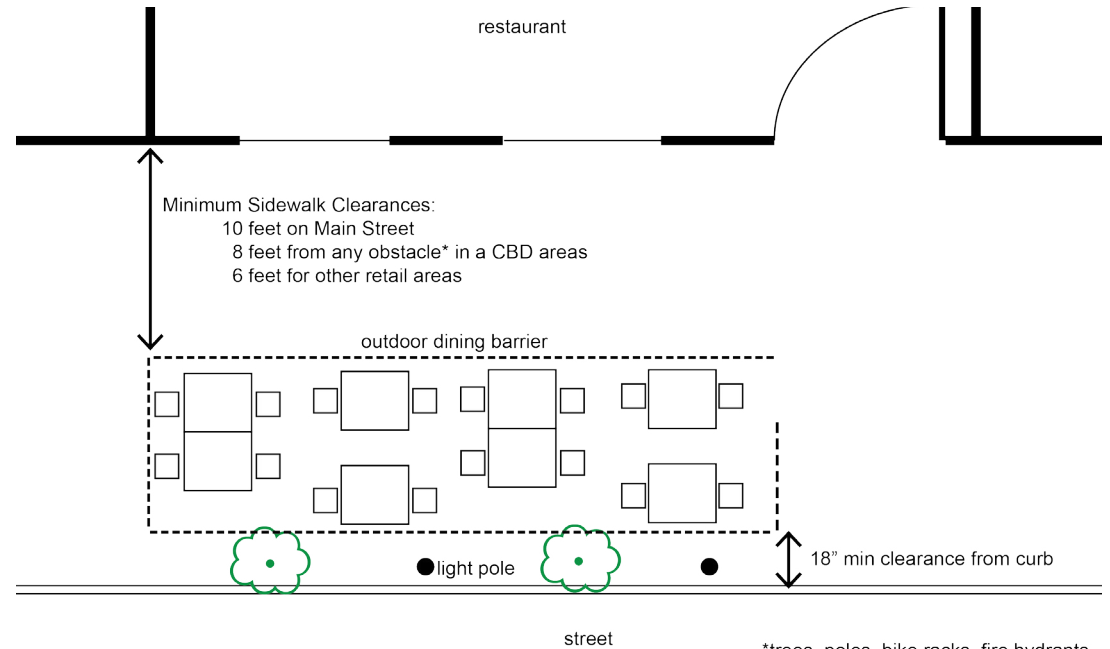


Figure 8. Outdoor Dining adjacent to street.

FURNITURE

UMBRELLAS

Umbrellas must be free of advertisements and contained within the outdoor dining area. Advertisements are allowed only if it is to advertise the name of the restaurant. No fluorescent or strikingly bright or vivid colors. Market style umbrellas, designed specifically for patio or outdoor restaurant use are preferred. Umbrellas are to maintain a minimum height clearance of 8 feet. See figures 9 & 10.



Figure 9. Acceptable logo on umbrella.

Jimmy Johns at 14 East 300 South.



Figure 10. Unacceptable logo on umbrella.

MATERIAL

All furniture material should be preferably of durable materials such as wood or metal. See figure 11.



Les Madeleines at 216 East 500 South.

Figure 11. Furniture must be of durable material, wood or metal.

STORAGE

MAINTENANCE AND STORAGE

Business owner or outdoor dining operator shall maintain the outdoor dining space clean. Outdoor dining furniture or appliances are not allowed to be stored in the public right-of-way.

PARKING

REQUIREMENTS

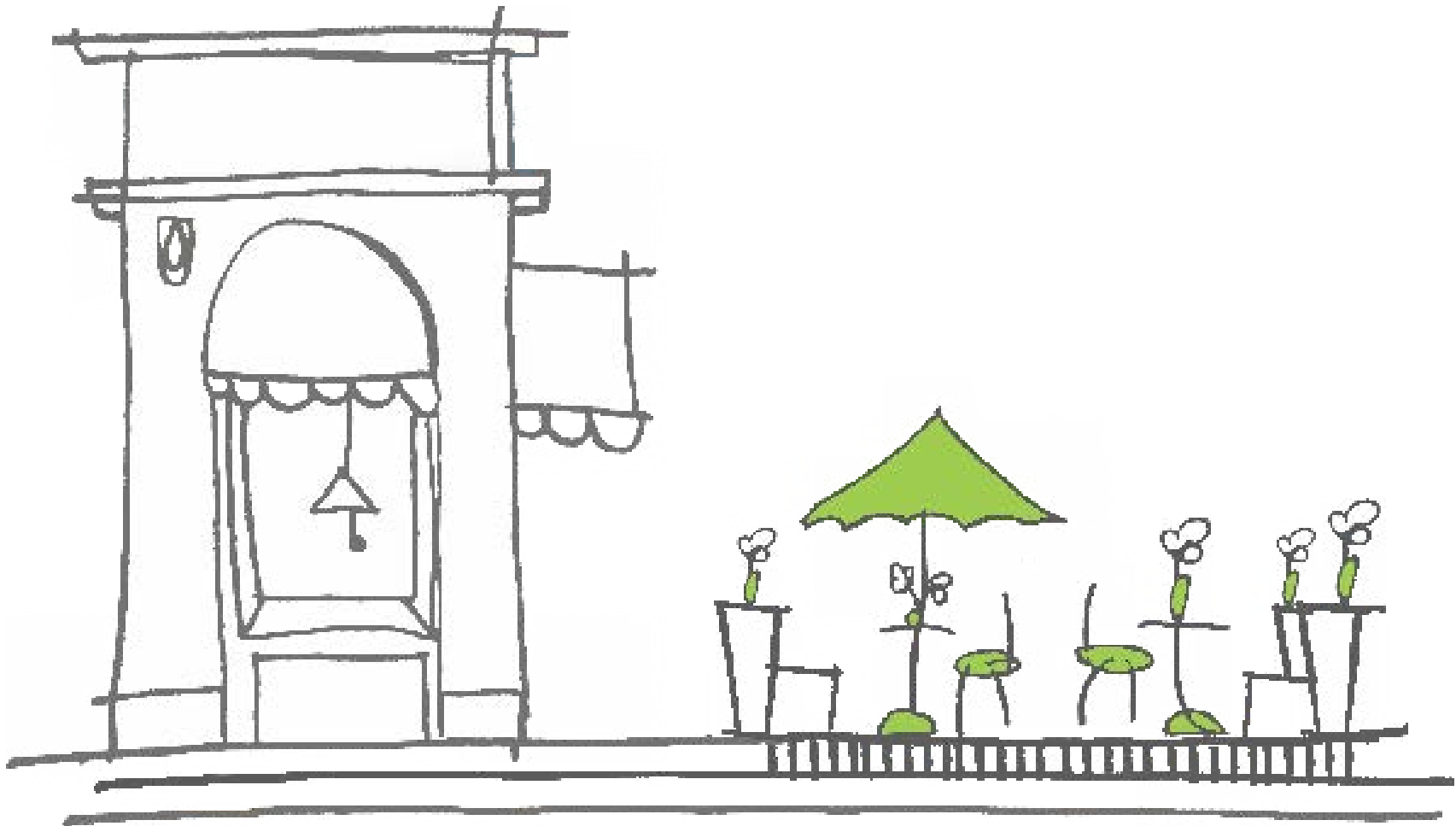
Parking requirements for outdoor dining addition are indicated in Section 21A.40.065F of the Salt Lake City Zoning Ordinance.

SALT LAKE CITY

OUTDOOR DESIGN GUIDELINES & PARKLET PILOT PROGRAM

PARKLET PILOT PROGRAM DESIGN GUIDELINES

SUMMER 2013



PARKLET

A parklet is a small urban park, often created by replacing several under-utilized parking spots with a patio, planters, trees, benches, café tables with chairs, fountain(s), artwork, sculptures and/or bicycle parking. See figure 1.



Figure 1. A parklet in the San Francisco area.

PURPOSE

The purpose of the parklet design guidelines is to create efficient uses of urban space, provide attractive additions to local streetscapes, invite people to sit and stay in public spaces, enhance walkability, and encourage business participation in a vibrant streetscape. Parklets are to be used as public space and are marked as such to promote use.

Because the process for establishing parklets is still preliminary, these guidelines are subject to change at the discretion of the Salt Lake City Community and Economic Development Department. Parklet sponsors are responsible for conducting outreach, designing, funding, and constructing their parklets. They also assume liability for the parklet and ensure the parklet is well-maintained and kept in good repair.

DESIGN

Parklets normally occupy two parking spaces and extend 6 feet into the parking strip for parallel parking and 15 feet for diagonal parking. Parklets must have a visible barrier with the road, wheel-stops at each end, soft stop posts for directing traffic, public seating areas, curb drainage, be flush with the curb, provide vertical elements such as a canopy or umbrellas, and provide access to persons in wheelchairs.

COSTS

Parklet installations normally cost between \$5,000 and \$20,000, depending on size, design and materials. If paid spaces are used, businesses would pay a one-time seasonal fee to bag meters. Other engineering and building permits are required for each parklet location. Parklet hosts are responsible for all construction, maintenance, permitting, and parking-related costs.

EXISTING PROGRAMS

Cities from San Francisco to Philadelphia have adopted similar programs in which they coordinate with businesses to issue permits for these installations. In surveys conducted in San Francisco, residents specifically named parklets as a desirable factor in improving their neighborhoods.

IMPACTS ON REVENUE

The cost of installing and maintaining a parklet has proven to be worthwhile for businesses. The Green Line Café in Philadelphia saw a 20% increase in revenue and the Mojo Café in San Francisco experienced a 30% increase. This is closely tied to increased foot and bicycle traffic. A study by the Great Streets Project showed that the best parklets increased foot traffic by 37% and increased the number of people stopping and sitting down by 30%.

PERMITTING

All parklet sponsors are required to have a permit. Parklet sponsors must obtain a permit from the Salt Lake City Transportation Division following review by the Transportation Division, Planning Division, Engineering Division, Public Utilities, and Property Management before undertaking any on-site installation.

-An initial site plan must be submitted with the application, and final construction documents must be submitted before receiving a permit. Construction documents should show parklet location and context, a detailed site plan, elevations from all sides, sections or cut-through drawings of the design, and construction details for assembly. Renderings and perspectives are optional.

the Engineering Division, Public Utilities, and the Planning Division will review all paperwork. Modifications and clarifications to your documents may be required. A Lease Agreement will then be arranged through Salt Lake City Property Management.

-Following approval of your design, an invoice will be issued for the final permit. The permit fee is a one-time charge to cover the cost to the city of processing your permit application and removal of parking spaces and meters.

-Permit fees depend on the processing and review required for your application, how many parking spaces your parklet will occupy, and whether your parklet is sited on a street with metered parking.

-A pre-installation on-site inspection must be scheduled at least 10 days before installation to authorize beginning construction.

-On-site construction and installation should be completed within 30 days.

-A post-installation on-site inspection must be scheduled within five days of the end of parklet construction, to verify that the parklet was built to the features, dimensions, and materials specified in the construction documents.

-Parklets must be designed for winter removal in order to accommodate snow plowing and winter street maintenance.

NEIGHBORHOOD SUPPORT

Parklet sponsors must demonstrate outreach to establish support for a parklet project through:

- Letters of support. The most effective method of demonstrating support for a parklet is through signed letters of support from property owners fronting the project, adjacent businesses, other businesses on the block, merchants associations, neighborhood organizations, or nearby residents and customers.
- Copies of correspondence. If signed letters of support from stakeholders cannot be obtained, please submit a copy of correspondence demonstrating that they have been notified of the intent to install a parklet. See Figure 2.

GENERAL

Parklets must observe the following general guidelines:

- Parklets must be open to public access, and the design should be open and welcoming to passersby. Public parklets shall include two “Public Parklet” signs which state that all seating must be publicly accessible at all times.
- No Advertising. Logos, advertising, and other branding is prohibited.
- Design for easy removal. Because this pilot program must accommodate winter street maintenance, and because parklets may sit on top of critical infrastructure and utilities, they need to be designed for easy removal.

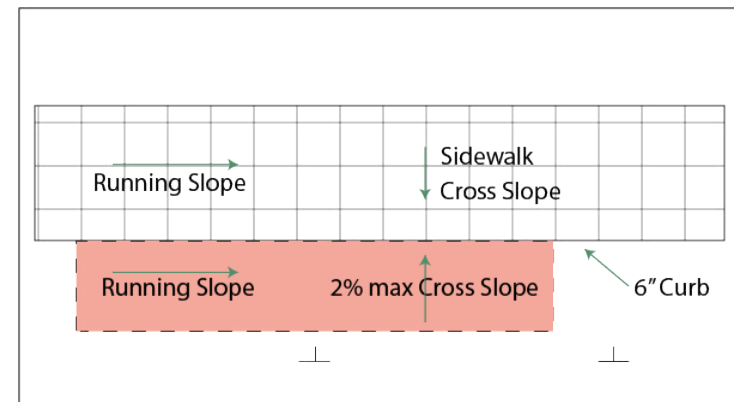
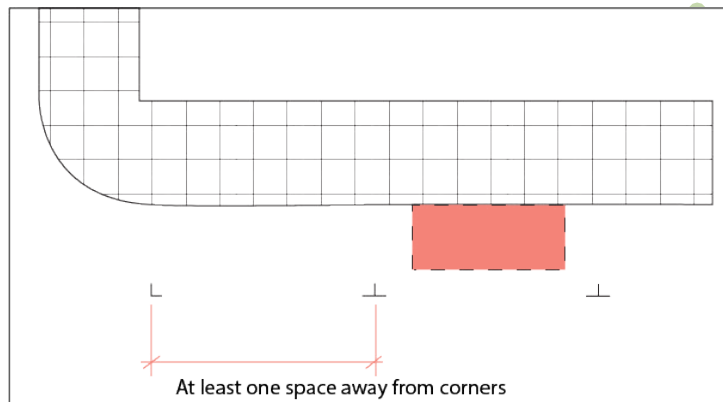
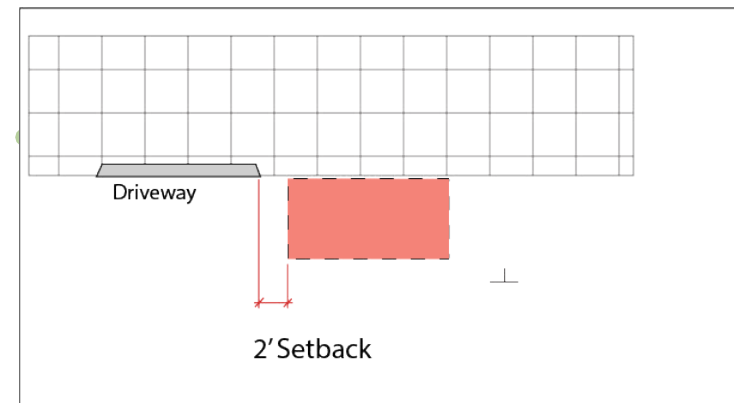
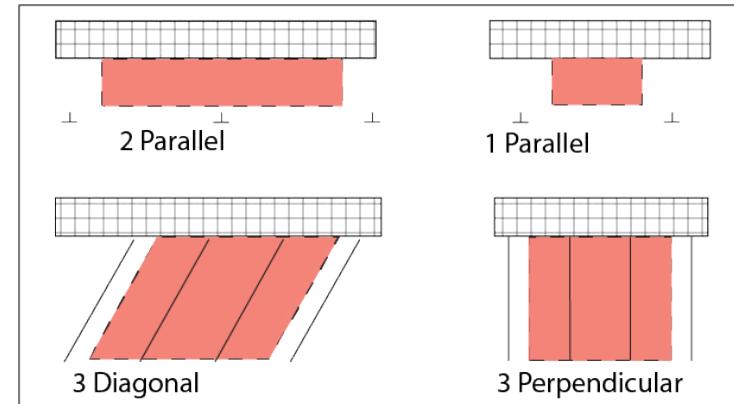


Figure 2. Neighborhood parklet. Image source: Mark Dregger.

FOOTPRINT

The parklet shall:

- Utilize 2 parking spaces (longer or shorter will be considered).
- Not extend beyond the host's lateral property line (this may be amended by request, with written permission of neighboring businesses).
- No more than 10% of parking on any block face may be used.
- Block faces with fewer than 10 stalls will be treated on a case by case basis.
- Not extend more than 6 feet into parallel parking stalls.
- Provide 4 foot setbacks on either side to buffer the parklet from adjacent parking spaces.
- Utilize flooring that is 6 inches high in order to be flush with the curb. This may be modified to match curb height.
- Not be located in front of a fire hydrant, manhole cover or utility access, or within 10-feet on either side of a fire hydrant, in accordance with Salt Lake City Fire Code.



LOCATION

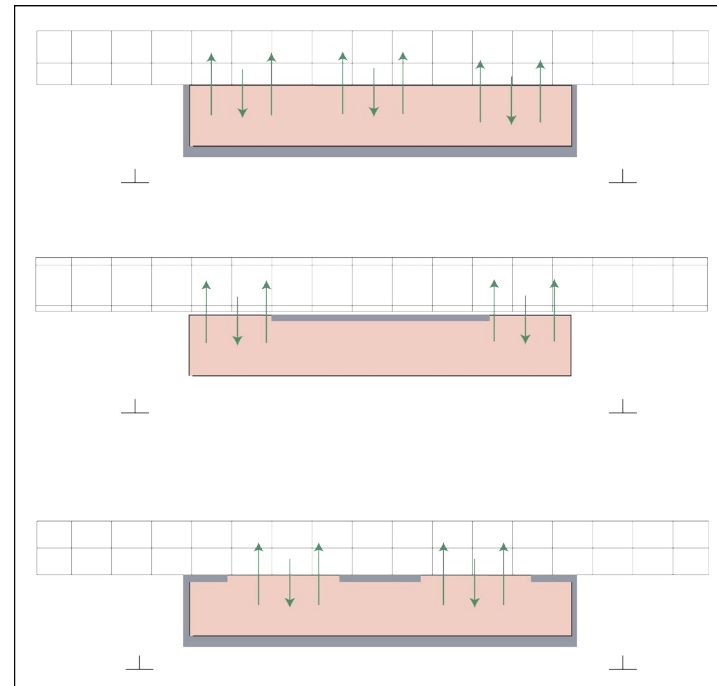
Selection of a parklet location must consider the following criteria:

- **Business:** Must utilize spaces directly in front of the business requesting. The area must not extend beyond the limits of the storefront without the written permission of neighboring businesses.
- **Driveways:** Parklets located next to driveways must be set back two feet from the outside edge of the driveway. If the driveway has been abandoned or no longer provides access to off-street parking space, the driveway may be incorporated into the parklet design.
- **Corners:** Parklets must be located at least one parking space away from an intersection or street corner. A curb extension or some other physical barrier that would protect the parklet in a corner location may allow a corner parklet to be considered on a case-by-case basis.
- **Slope:** Parklets are permitted on streets with a running slope of five percent or less. Parklets on streets with a running slope over five percent pose significant design challenges, leading to a more extensive design and review process, and less likelihood of approval.
- **Impending City projects:** A parklet proposal may be rejected if it conflicts with future programmed streetscape improvements. Parklets installed on streets scheduled for improvements may need to be removed prior to construction of the improvements.
- **Bus zones:** Parklets are not permitted in bus zones, but may be located adjacent to a bus zone.
- **Metered parking:** If your parklet is located in an area with metered parking, you will need to show the locations of the affected parking meters and include their associated parking space numbers and pay associated fees.

ACCESS

The parklet must:

- Provide entrances that are easily accessible from both sidewalk directions, unless specific requirements apply for establishments that serve alcoholic beverages.
- Be publicly accessible and include signage that states “This platform is public space and is not restricted to patrons of any particular business.” To that end, table service is not allowed at any parklet.
- Function as an extension of the sidewalk, with multiple points of entry. See image.



FUNCTIONAL DESIGN

The parklet must:

- Contain vertical elements (planters, umbrellas, canopies, etc.) so as to be visible to passing vehicles and to provide appropriate shading for occupants. These overhead elements should not span over the sidewalk, and must have a minimum clearance of 84 inches above the surface of the parklet.
- Consider the streetside appearance of the parklet.
- Contain green elements such as flowers or shrubs. Native plants, plants that provide habitat, and drought-tolerant plants are encouraged.
- Provide a protective, visibly penetrable barrier around the outside edge of the parklet so as to promote occupant safety and discourage illegal activity. The barrier must be set at least 18 inches back from the street side edge.
- Provide slip resistant surface materials.
- Ensure wheelchair users can access and enjoy the parklet.
- Ensure the parklet, and some seating within the parklet, is accessible to people with disabilities.
- Accommodate seasonal removal for winter street maintenance. See figure 4.

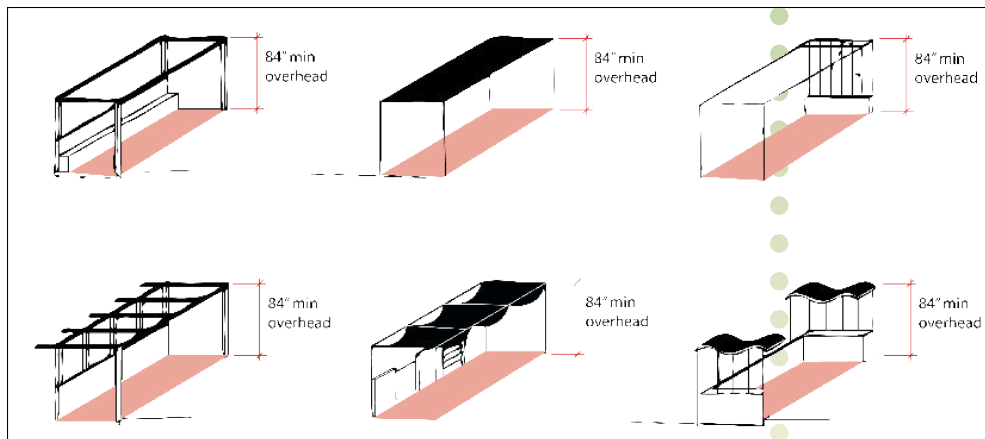


Figure 4. Examples of parklet locations.

SEATING

The parklet must include seating:

- Seating must be easily accessible and include both individual and group seating design.
- The majority of the parklet should be utilized for seating space.
- Seating must show consideration for access by those with disabilities.
- The City encourages permanent seating that is integrated into the parklet structure, so that when moveable furniture is taken in at night, the parklet still feels welcoming.
- Non-permanent seating must be bolted down or taken in after business hours.
- Overall, seating should contribute to an inviting atmosphere that encourages parklet use rather than simply contributing to aesthetic appeal. See figure 5.

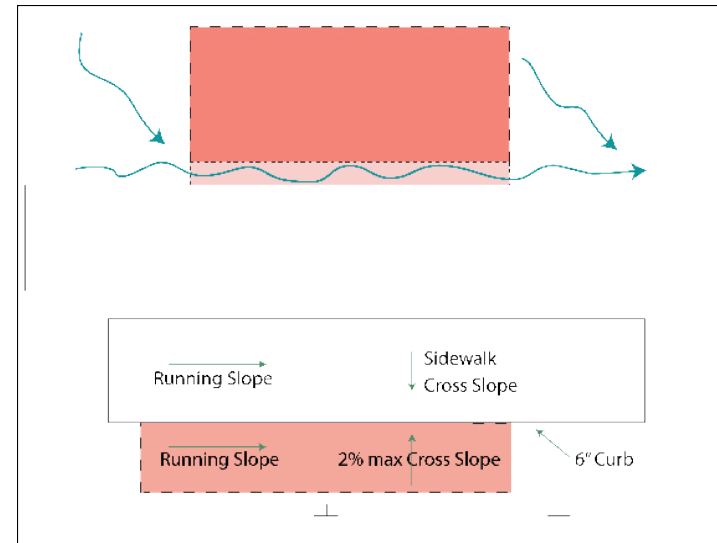


Figure 5. Permanent seating integrated into the parklet design
Image source: San Francisco Parklet Manual, SF Planning

ENGINEERING

The parklet must:

- Maintain an equal grade with the adjoining sidewalk
- Not impede curb or parklet surface drainage. Screen covers are encourage for openings along curbs to prevent blockage from debris. See image.
- Not exceed 2% grade on the cross slope extending into the street. See image.
- Take into consideration street crown and curb height when designing for cross slope and platform height.
- Take into consideration wind and occupancy load.
- Not attach to (i.e. bolt to) the street in any way.
- Include a gap between the curb and the parklet surface not more than 1/2". A connector spanning the gap is encouraged.
- Must be easily assembled and disassembled.
- Provide access underneath the flooring for cleaning.
- Not include concrete poured directly on the road surface. A plastic slip-sheet can be used to prevent concrete from bonding to the roadbed. Concrete floors should not include structural rebar and must weigh less than 200 pounds per square foot.
- Not use loose particles, such as sand or loose stone, for surface materials.



MATERIALS

High quality, durable and aesthetically appealing materials are encouraged.

- Locally sourced materials can reduce transportation costs.
- Recycled and reclaimed materials can reduce construction costs.
- Low emission materials that emit zero or low levels of volatile organic compounds (VOCs) can help improve air quality.
- Materials that are easy to maintain can reduce the difficulty of removing graffiti and the cost of replacing or repairing damaged plants, railings or other elements. Materials with higher up-front costs can reduce long-term maintenance expenses. See figure 6.

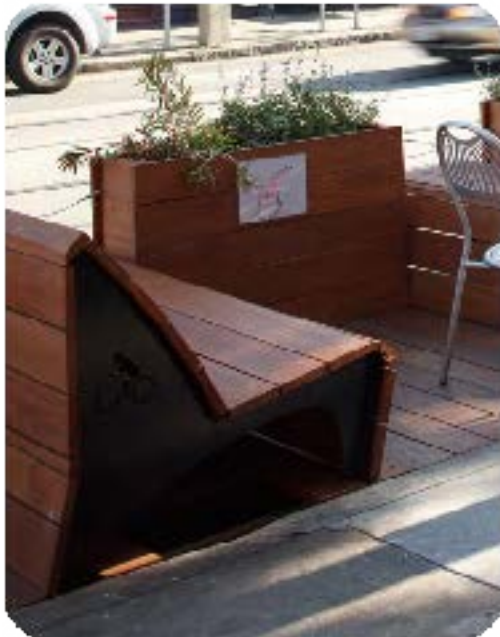


Figure 6. High-quality durable materials
Image source: San Francisco Parklet Manual

SAFETY

The parklet must:

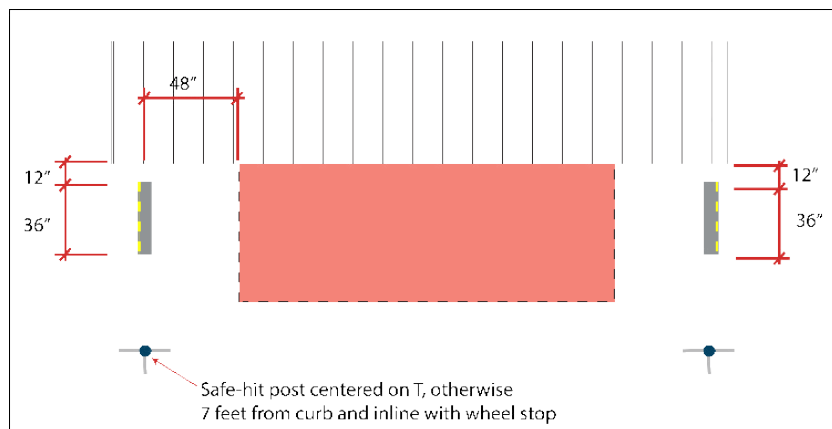
- Include reflective soft-hit posts along streetside borders. See figure 7.
- Provide wheel stops placed 1 foot from the curb on any side adjacent to parking. See figure 8.
- Not be placed in a location where the speed limit exceeds 30 mph.
- Provide lighting, if intended for night use.



Figure 7. Safe-hit posts
Image source: San Francisco Parklet Manual



Figure 8. Wheel stops
Image source: San Francisco Parklet Manual





MEMORANDUM

Planning Division

DATE: July 13, 2022

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Window Standards – Study Session #6

Over the last several years, the City has been studying possible ordinance amendments to relax the city's window standards to promote energy efficiency while also achieving the goals of storefront activation that have helped make Birmingham a vibrant and walkable community. A chronology of prior reviews is provided below:

On November 13, 2019, the Planning Board discussed the potential for ordinance amendments encompassing the Window Standards outlined in Article 3, Section 3.04(E) and Article 4, Section 4.90 of the Zoning Ordinance. The Planning Board directed City Staff to (1) research any possible differences in the Visual Light Transmittance (VLT) figures between different manufacturers and (2), research other cities to determine what VLT figures are used.

On January 8, 2020, the Planning Board discussed the glazing ordinance amendments again, and expressed interest in hearing from more professionals such as a mechanical engineer, a glass vendor or supplier, or a glass contractor or installer. At that time, the Planning Division was unable to find and secure any additional professionals or glass experts to add any new information to the conversation other than the professionals that were already involved up to that point.

On July 22, 2020, the Planning Board reviewed the proposed ordinance language alongside a glass professional from Guardian Glass, who offered expertise and clarity on the proposed amendments and what is available in the glass world, and what the effect is on energy codes. The Planning Board entertained ideas for including low iron glass to the definition and discussing other items such as shelving and merchandise in windows. Ultimately, the Planning Board directed City Staff to make a few minor changes including eliminating the bronze requirement from Section 3.04 (E)(4), and adding low iron glass and no tint to the definition of clear glazing for final consideration before the public hearing.

On April 14, 2021, the Planning Board motioned to set a public hearing on May 12, 2021 to amend the glazing standards, which was rescheduled to June 9th, 2021 due to Eid al-Fitr.

On June 9, 2021, the Planning Board motioned to recommend approval to the City Commission

amendments to Sections 3.04, 4.90 and 9.02 of the Zoning Ordinance to update the clarity requirements for storefront windows.

On July 26, 2021, the City Commission held a public hearing to review the proposed ordinance amendments and ultimately took no action. Rather, the City Commission directed the Planning Board to re-review the proposed language to clarify whether the same or different standards would apply to the ground and upper floors of a building. In addition to the specific direction, there was discussion about window treatments and their effect on clear glazing.

On May 11, 2022, the Planning Division provided amended language to reflect the comments made by the City Commission. In addition, the Planning Division revisited prior ordinance research into other communities for any precedent regarding window treatments. Although research did not turn up any specific ordinance related to window treatments, the Planning Division found the point to be fair and included general language restricting window treatments on an "as needed" basis.

At this time, the Planning Division has amended the proposed ordinance language based on the comments made during the previous study session. Please see the proposed ordinance language below.

Sample Motion Language

Motion to set a public hearing date of August 10, 2022 to consider amendments to Article 3, Section 3.03, Article 4, Section 4.90 and Article 9 of the Zoning Ordinance to revise the window standards.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.04, SPECIFIC STANDARDS, TO ADJUST THE ARCHITECTURAL STANDARDS TO REFLECT NEW CLEAR GLAZING REQUIREMENTS AND TO PROVIDE REGULATIONS FOR WINDOW TREATMENTS.

Article 3, Section 3.04 – Specific Standards

- A. ...
- B. ...
- C. ...
- D. ...
- E. Architectural standards. All buildings shall be subject to the following physical requirements:
 - 1. ...
 - 2. ...
 - 3. ...
 - 4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, ~~bronze~~, or powder-coated.
 - 5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.
 - 6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.
 - 7. Clear glazing is required on the first floor storefront/ground floor facade. ~~Lightly tinted glazing is permitted on upper floors only.~~ Windows shall not be blocked with opaque materials or the back of shelving units or signs. **Window treatments shall be limited and utilized only when necessary to provide relief from harsh sunlight.**
 - 8. ...
 - 9. ...

ORDAINED this _____ day of _____, 2022 to become effective upon publication.

Therese Longe, Mayor

Alexandria Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.09, COMMERCIAL/MIXED USE ARCHITECTURAL REQUIREMENTS, TO ADJUST THE WINDOW AND DOOR STANDARDS TO REFLECT NEW CLEAR GLAZING REQUIREMENTS AND TO PROVIDE REGULATIONS FOR WINDOW TREATMENTS.

Article 3, Section 3.09 – Commercial/Mixed Use Architectural Requirements

Mixed-use buildings that contain non-residential uses on the ground floor and residential in upper floors and all non-residential buildings shall meet the following architectural design requirements. It is not the intent of this section to regulate architectural style of buildings or limit creativity, but to ensure the necessary functional and design elements to create and foster a mixed-use, pedestrian-oriented environment are incorporated into all building designs. Buildings should respect the existing architectural style of the area while evolving a more “bold” approach towards contemporary design.

A. ...

B. Windows and Doors:

1. Storefront/Ground Floor. Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway. Glass areas on storefronts shall be clear glazing on the first floor. ~~Clear glazing or lightly tinted glazing is permitted on upper floors.~~ Mirrored glass is prohibited. **Window treatments shall be limited and utilized only when necessary to provide relief from harsh sunlight.** Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.
2. Entranceway. The front entranceway shall be inset 3 feet from the front building wall.
3. Upper Stories. Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.

C. ...

ORDAINED this _____ day of _____, 2022 to become effective upon publication.

Therese Longe, Mayor

Alexandria Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.90, WINDOW STANDARDS, TO ELIMINATE LIGHTLY TINTED GLAZING AND TO PROVIDE REGULATIONS FOR WINDOW TREATMENTS.

Article 4, Section 4.90 – Window Standards (WN)

- A. Storefront Windows: Ground floor facades shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:
1. No less than 70% of a storefront/ground floor façade between 1 and 8 feet above grade shall be clear glazing. **Mirrored glass is prohibited.**
 2. ~~Only clear glazing is permitted on storefront facades at the first floor. Lightly tinted glazing above the first floor may be permitted. Mirrored glass is prohibited.~~
 2. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
 3. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
 4. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.
 5. **Window treatments shall be limited and utilized only when necessary to provide relief from harsh sunlight.**
- B. Ground floor building elevations: Building elevations on the ground floor that do not face a frontage line but contain a public entrance shall be no less than 30% clear glazing between 1 and 8 feet above grade.
- C. Blank walls of longer than 20 feet on the ground floor façade shall not face a plaza, park, parking area or Public Street.
- D. Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. **Upper story windows facing a frontage line shall be clear glazing.** Windows shall be vertical in proportion. **Mirrored glass is prohibited.**
- E. To allow flexibility in design, these standards may be modified by a majority vote of those appointed and serving on the appropriate reviewing body including the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:

1. The subject property must be in a zoning district that allows mixed uses;
2. The scale, color, design and quality of materials must be consistent with the building and site on which it is located;
3. The proposed development must not adversely affect other uses and buildings in the neighborhood;
4. Glazing above the first story shall not exceed a maximum of 70% of the façade area;
5. Windows shall be vertical in proportion.

ORDAINED this _____ day of _____, 2022 to become effective upon publication.

Therese Longe, Mayor

Alexandria Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO REDFINE CLEAR GLAZING, AND TO ELIMINATE LIGHTLY TINTED GLAZING

Article 9, Section 9.02 – Definitions

Clear Glazing: Glass and other transparent elements of building facades with **no tint**, a minimum visible light transmittance of ~~80%~~ **66% and a reflectivity of 15% or less**.

~~Lightly Tinted Glazing: Glass and other transparent elements of building facades with a minimum visible light transmittance of 70%.~~

ORDAINED this _____ day of _____, 2022 to become effective upon publication.

Therese Longe, Mayor

Alexandria Bingham, City Clerk





AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY JULY 27, 2022 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

Per the CDC, Oakland County has a COVID-19 Community level and transmission level of HIGH. The City continues to highly recommend the public wear masks while attending City meetings per CDC guidelines. These precautions are due to COVID-19 transmission levels remaining high in Oakland County that have led to an increase in infections of City employees and board members. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **July 13, 2022**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Unfinished Business
- F.** Rezoning Applications
- G.** Community Impact Studies
- H.** Special Land Use Permits
- I.** Site Plan & Design Reviews
 - 1. **320 Martin St. – Final Site Plan & Design Review request for new 5-story addition**
- J.** Study Session
- K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - 3. Administrative Approval Correspondence
 - 4. Draft Agenda – **August 10, 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

*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:

Link to Access Virtual Meeting: [**https://zoom.us/j/111656967**](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 día 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).



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY AUGUST 10, 2022 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

Per the CDC, Oakland County has a COVID-19 Community level and transmission level of HIGH. The City continues to highly recommend the public wear masks while attending City meetings per CDC guidelines. These precautions are due to COVID-19 transmission levels remaining high in Oakland County that have led to an increase in infections of City employees and board members. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **July 27, 2022**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Unfinished Business
- F.** Rezoning Applications
- G.** Community Impact Studies
- H.** Special Land Use Permits
- I.** Site Plan & Design Reviews
- J.** Study Session
 - 1. **Side Yard A/C Units**
 - 2. **Outdoor Dining**
 - 3. **Window Standards**
 - 4. **Food Trucks**
- K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - 3. Administrative Approval Correspondence
 - 4. Draft Agenda – **August 24, 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

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Planning Board Action List – 2022 (Approved)

Topic	General Goals	City Commission Directive?	Quarter	Status	
				In Progress	Complete
2040 Master Plan	Adopt a new comprehensive master plan.	☒	Ongoing	☒	☐
Outdoor Dining	Study the Outdoor Dining Ordinance re: enclosures, expansions, etc.	☒	1 st (January-March)	☒	☐
Window Standards (Glazing)	Update window standards to help support building renovation and the Energy Code requirements.	☐	1 st (January-March)	☒	☐
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 storm water.	☐	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...

Topic	General Goals	City Commission Directive?	Quarter	Status	
				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.	☐	-	☐	☐
Lighting Standards	Review lighting standards for residential districts to reduce light pollution and nuisance.	☐	-	☐	☐
Landscaping Standards	Consider amendments to permit synthetic planting materials.	☐	-	☐	☐
Social Districts	Study the state regulations and the City to help draw district boundaries.	☒	-	☐	☐
Food Trucks	Study the application of food trucks in the City in terms of locations, restrictions, etc.	☒	-	☐	☐
Leaf Blowers	Study the potential to restrict leaf blowers in regards to noise/pollution	☒	-	☐	☐

Mixed-Use Requirements for Bonus-Stories in the Triangle District	Define the mixed-use requirements in the Triangle District to receive bonus-stories.	☐	-	☐	☐
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