

RUSH STREET MARTINI LOUNGE

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2008 APR -3 PM 2:39

April 1, 2008

City of Ann Arbor
Members of the City Counsel
100 Fifth Street
Ann Arbor, Michigan 48104

Dear City Counsel Members,

I am writing to suggest the City review the Birmingham Michigan ordinance permitting outdoor restaurant seating in parking spaces adjacent to restaurants. Although most restaurants have ample and adequate outdoor seating available on adjacent sidewalks, there are other restaurant establishments that have limited sidewalk space available and could benefit from seating in adjacent parking spaces. It is apparent more outdoor seating brings a festive atmosphere to the City and that brings more shoppers and diners, which in turn strengthens the shopping districts.

Documents and drawings used by Connor O'Neal's restaurant in Birmingham are enclosed. A discussion with Jill Robinson, Birmingham City Planner elucidated the benefits and dispelled the presumed negatives of this type of seating. I am confident provisions for removal when street use is needed for other purposes, public safety, traffic and parking matters can be addressed by limiting use only to Main Street.

The use of Main Street for community events has been a boom to everyone in the greater Ann Arbor area. The "car show" filled Main Street with customers and the reward to the struggling retailers was palatable. It is this type of leadership that Washtenaw County looks for from Ann Arbor. Birmingham was concerned about loss of parking, congestion and other matters that could be affected by use of parking spaces by restaurants. Yet Birmingham found the change to be a direct and tangible benefit to its PSD and that benefits everyone in the community.

Change is a difficult proposition for most people; however community leaders are elected to embrace change. I believe a positive view of Birmingham's vision is worth consideration. We know the details to implement have been developed by Birmingham and can be easily modified and adopted to suit Ann Arbor. We also know the magnitude of the results in Birmingham to be munificent. It appears the only reason not to change is the fear of change itself. I hope you will give serious consideration to this innovative way of attracting people to Main Street and to keep it the center of commerce in South Eastern Michigan.

Sincerely,



Michael A. Hanna
Managing Member

Enclosures

Outdoor Dining Standards (OD)

4.42 OD-01 Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:

01 02 P B2 M B2c B3 B4 MX

The following outdoor dining standards apply:

- A. Outdoor Dining: Outdoor dining is 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 4.42(A)3 below, whichever is earlier.
 3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
 4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
 5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
 6. For outdoor dining located in the public right-of-way:
 - a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
 - b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
 - c. An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - d. No such facility shall erect or install permanent fixtures in the public right-of-way.
 - e. Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a 30 day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

DICK O' DOW'S IRISH PUB

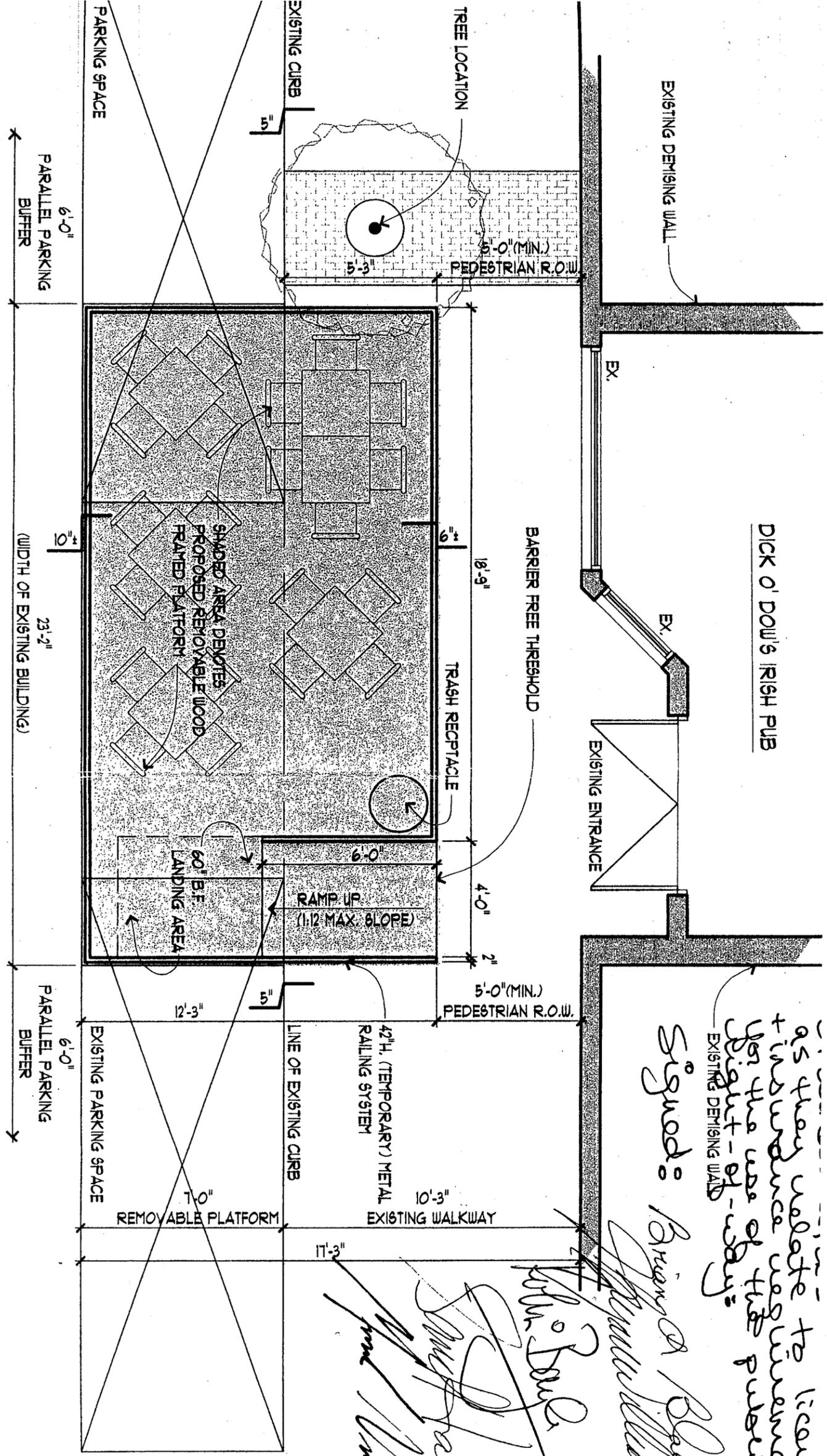
as they relate to licensing + insurance requirements for the use of the public right-of-way.
EXISTING DEMISING WALL

Signed: *Barbara A. Blevins*
Barbara A. Blevins

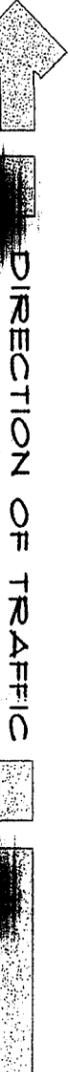
John J. Blevins
John J. Blevins

John J. Blevins
DICK O' DOW'S
BIRMINGHAM

John J. Blevins
John J. Blevins



MAPLE ROAD



PROPOSED OUTDO

FABRICATED METAL GUARD RAIL (50 LBS/L.F. LOAD BRG.)

5'-0" (MIN.)

PEDESTRIAN R.O.V.

3'-6"

1/4 X 6 COMPOSITE 'NON-SLIP' DECKING W/ CONCEALED CLIP FASTENERS

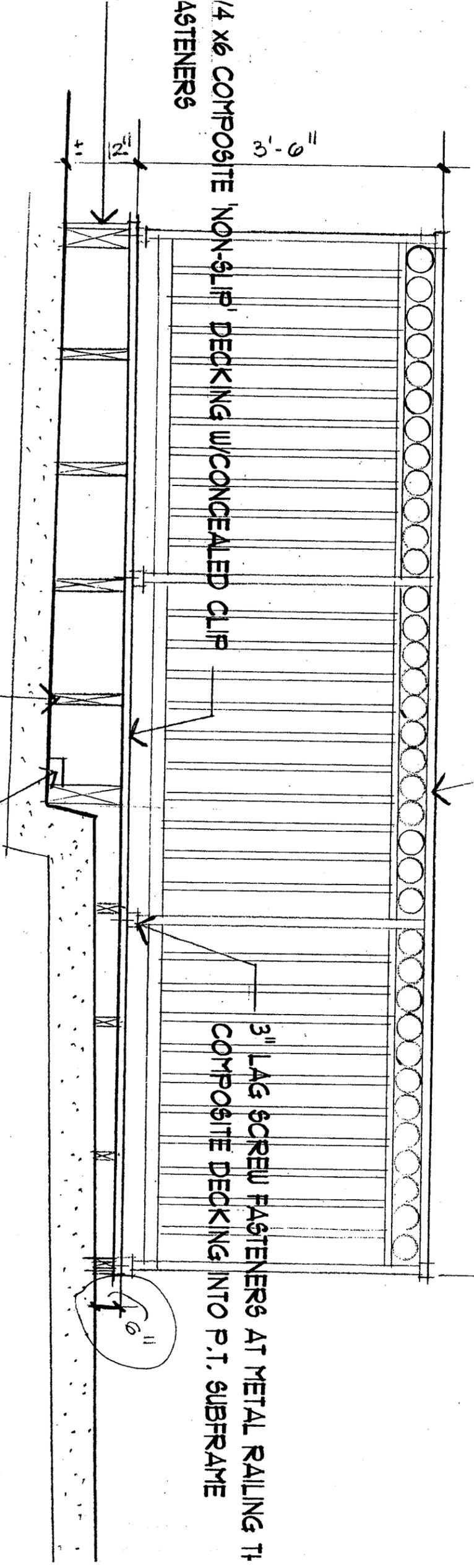
3" LAG SCREW FASTENERS AT METAL RAILING TO COMPOSITE DECKING INTO P.T. SUBFRAME

6"

1. 4X PERIMETER SUBFRAME W/ 1/2" DIA. X 4" L FLUSH MOUNT BRIDGE BOLTS (min 2 per connection)

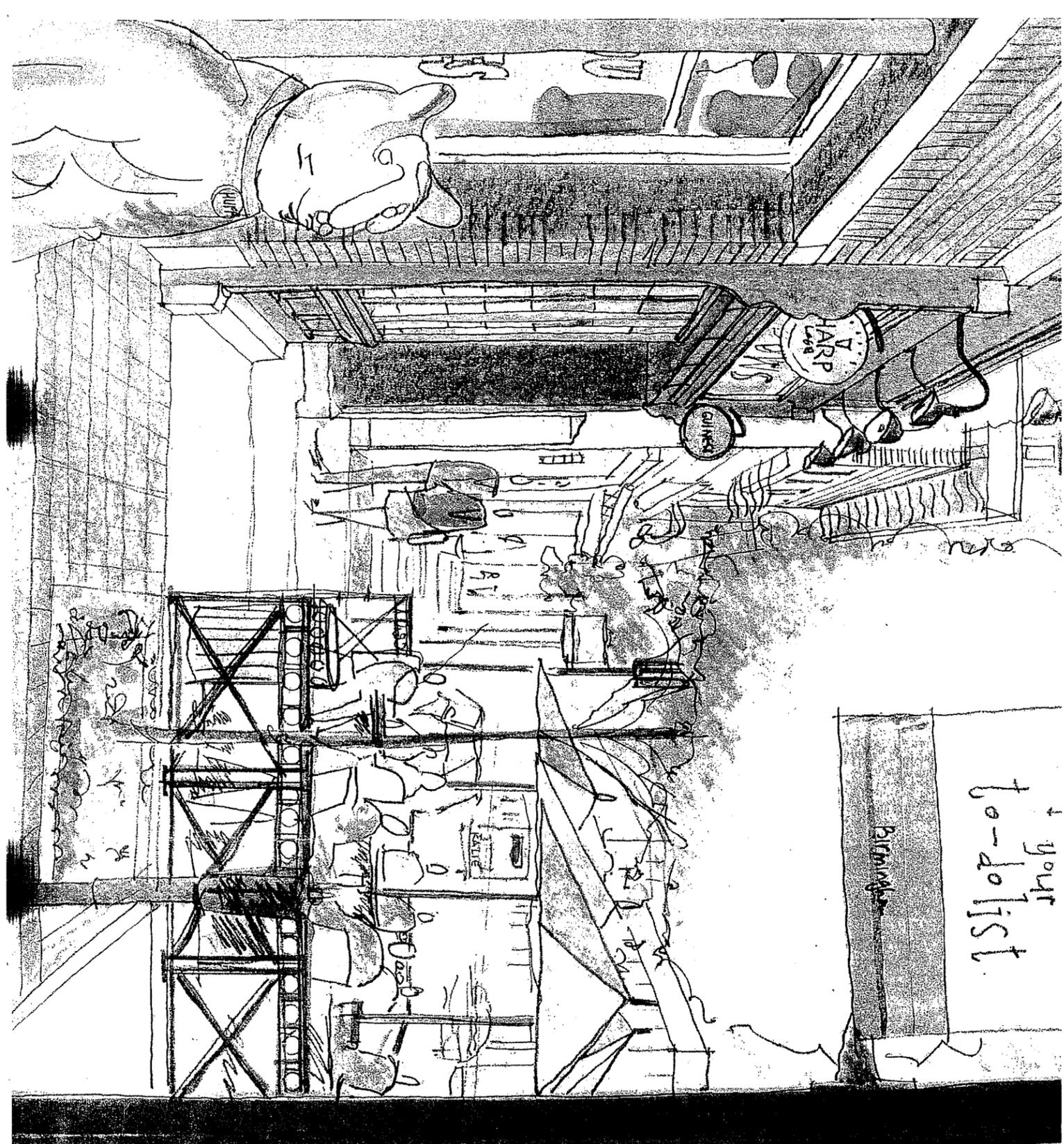
PROVIDE OPENING IN P.T. WOOD SLEEPER FOR WATER DRAINAGE-TYPICAL AT EACH MEMBER PERPENDICULAR TO CURB

1. 2X SUBFRAME @ 6" O.C. ADAPTED TO PROVIDE LEVEL PLATFORM



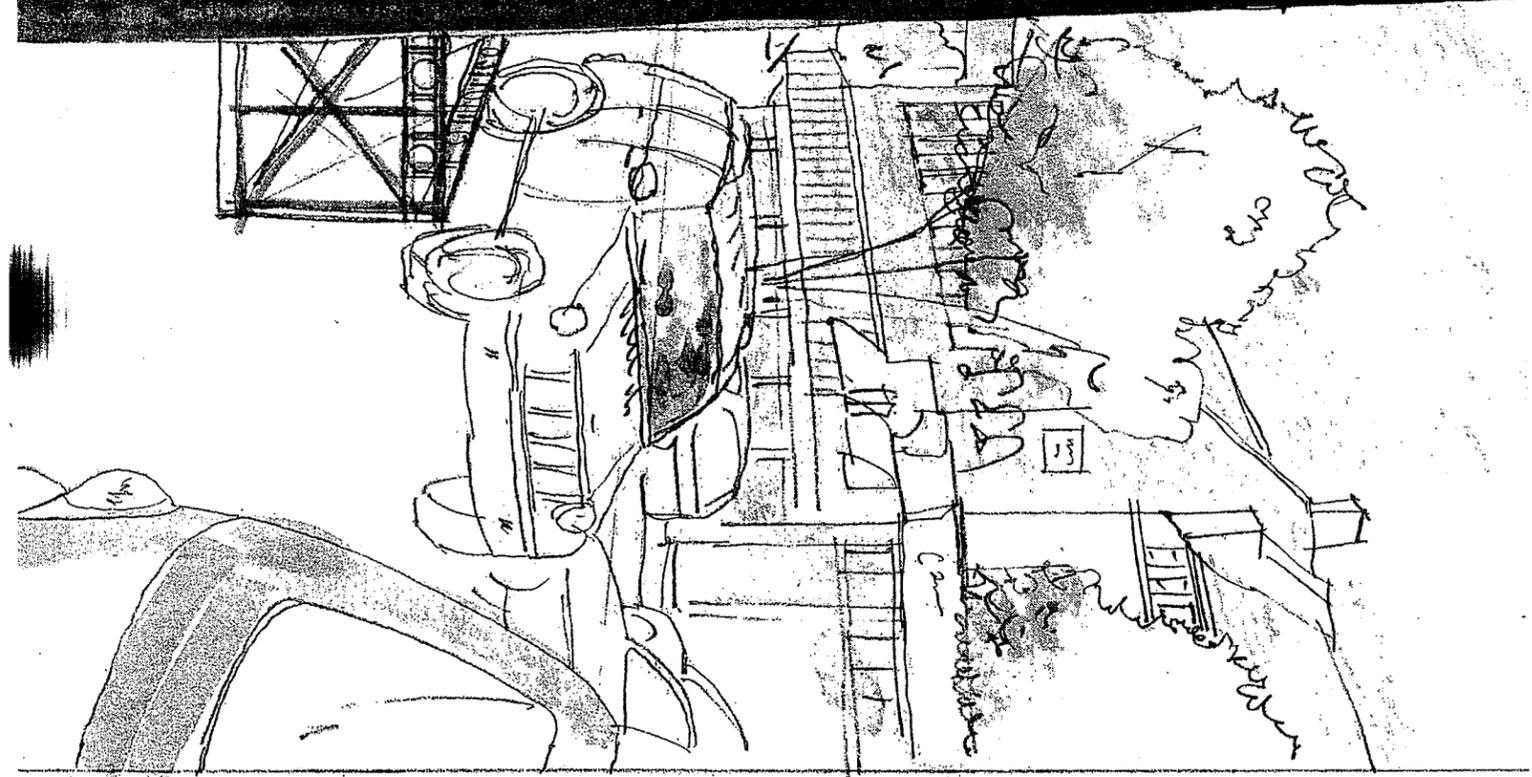
DICK O'DON
MAPLE
BIRMINGHAM

PROPOSED
OUTDOOR
SCALE: 3/8"



+ your
to-do list

Birmingham



BIN SCHULZ & SKOCELAS