



**BIRMINGHAM TRIANGLE DISTRICT
CORRIDOR IMPROVEMENT AUTHORITY**
Tuesday, January 20, 2009
Birmingham Municipal Building
151 Martin, Birmingham, MI
Room #205
7:30 a.m.

MEETING AGENDA

1. Call to Order by Mayor Sherman
2. Roll Call by City Clerk
3. Oath of Office
4. Organization of the Board
 - a. Election of Chair
 - b. Election of Vice-Chair
 - c. Set regular meeting schedule
5. [Adoption of bylaws of the Birmingham Triangle District Corridor Improvement Authority and forwarding bylaws for City Commission approval. \(Currier/McGow\)](#)
6. Corridor Improvement Authority Overview (**McGow**)
 - a. [Michigan Public Act 280 of 2005](#)
 - b. [Michigan Municipal League "One Pager Plus" on Corridor Improvement Authorities](#)
7. Review of area encompassed in Corridor Improvement Authority
 - a. [Presentation of Triangle District Master Plan \(Ecker\)](#)
 - b. Review of the purpose of the Corridor Improvement Authority (**City Staff**)
8. [Motion to approve, in concept, the proposal submitted by the LSL Planning/Carl Walker Team and to recommend to the City Commission the hiring of the LSL Planning/Carl Walker Team for the purposes of preparing a Development and Tax Increment Financing Plan and further, to direct City staff to prepare the necessary documents for the City Commission to take such action at an upcoming meeting. \(Wuerth\)](#)
9. Adjourn

BIRMINGHAM TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

Resolution # 11-363-08

The authority shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, as amended.

The Authority shall be under the supervision and control of the Board. The Board shall consist of the Mayor, or his or her assignee, and six additional members. Members shall be appointed by the Mayor, subject to approval by the City Commission. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area.

Members shall be appointed to serve for a term of four years.

Upon completion of its purposes, the Authority may be dissolved by the City Commission. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

Last Name Home Address	First Name	Home Business Fax E-Mail	Appointed	Term Expires
Cataldo 271 Chesterfield	J.C.	(248) 496-9096 <i>jccataldo@mdcandk.com</i>	12/15/08 has an ownership or business interest in property located in the development area	12/15/2011
Fuller 111 S. Old Woodward	Edward	(248) 642-0024 <i>ted@fullercentral park.com</i>	12/15/08 has an ownership or business interest in property located in the development area	12/15/2011
Hays 954 Chestnut	Curtis	(248) 840-3610 <i>chays77@gmail.com</i>	12/15/08 DISTRICT RESIDENT (a resident of the development area or of an area within 1/2 mile of any part of the development area)	12/15/2010

Last Name	First Name	Home Business Fax	E-Mail	Appointed	Term Expires
Saroki 323 Baldwin	Victor	(248) 644-9898		12/15/08 has an ownership or business interest in property located in the development area	12/15/2012
			<i>vsaroki@victorsaroki.com</i>		
Sherman 1252 Stanley	Stuart	(248) 645-1142		Mayor	11/01/2009
			<i>stuart.sherman@sbcglobal.net</i>		
Stutz 3914 Wabeek Lake Drive	Jonah	(248) 833-1310		12/15/08 has an ownership or business interest in property located in the development area	12/15/2012
			<i>jstutz@pomfin.com</i>		
Ziegelman 968 Stratford Lane	Robert	(248) 760-5650 (248) 644-0600		12/15/08	12/15/2009
			<i>rzeigelman@tzarch.com</i>		

MEMORANDUM

Date: January 15, 2009
To: Birmingham Triangle District Corridor Improvement Authority
From: Christian Wuerth, Management Analyst
Subject: Adoption of Bylaws

It is necessary that the Birmingham Triangle District Corridor Improvement Authority adopt a set of bylaws to govern the organization and operations of the Authority. It is recommended that the Authority adopt the attached bylaws, as drafted by the City Attorney and Mr. McGow. The bylaws would then be forwarded to the City Commission for final approval.

Suggested Motion:

To adopt the proposed bylaws of the Birmingham Triangle District Corridor Improvement Authority and to forward the proposed bylaws to the City Commission for consideration at an upcoming meeting.

BYLAWS
CITY OF BIRMINGHAM
CORRIDOR IMPROVEMENT AUTHORITY

ARTICLE I
BOARD OF DIRECTORS

Section 1. The business and property of the City of Birmingham Corridor Improvement Authority (the “Authority”) shall be managed and directed by the board of directors, consisting of all of the members of which who shall serve terms as provided in the resolution creating the Authority.

Section 2. The fiscal year of the Authority shall begin on July 1 of each year and end on the next succeeding June 30. The board annually at its first regular meeting in July shall elect a chairman and vice-chairman. The officers so elected shall be for a term of one (1) year or any part thereof as may be determined, and until a successor is designated. No term of office created under this section shall extend beyond the term of the member designated.

Section 3. The board may employ and fix the compensation of a Director, subject to the approval of the City Commission. The Director shall not be a member of the board. The board may employ a secretary and treasurer who need not be members of the board and may fix the compensation of the secretary and treasurer. The Director, secretary and treasurer shall serve at the pleasure of the board for no definite term of office. The board may retain legal counsel to advise the board in the proper performance of its duties. The legal counsel shall represent the Authority in actions brought by or against the Authority.

Section 4. The board may exercise all powers provided by Act 280, Public Acts of Michigan, 2005, as amended, or otherwise by law including those bestowed by the resolution establishing the Authority.

Section 5. The board shall have the power to engage and employ such manual, clerical, technical, financial and professional assistants as in its judgment may be necessary and is incidental to carry out the purposes of the Authority.

Section 6. The board may adopt an official seal.

Section 7. The board shall cause an annual audit of its business to be made and the result thereof shall be submitted to the City Commission.

ARTICLE II

MEETINGS

Section 1. Meetings of the board shall be held in accordance with the provisions of the Michigan Open Meetings Act, being Act 267 of the Public Acts of Michigan, 1976, as amended, and shall be held in the City of Birmingham, Michigan.

Section 2. Regular meetings of the board shall be held at _____ o'clock, p.m. on _____.

Section 3. Special meetings shall be held whenever called by direction of the chairman, Director, or any two (2) members of the board on eighteen (18) hours' written notice of the time and place of meeting. A waiver of notice in writing signed by a member entitled to such notice, whether before or after the time of the meeting, shall be deemed the equivalent to the giving of such notice.

Section 4. A majority of the members of the board in office shall constitute a quorum for the transaction of business. A majority vote of the members of the board constituting a quorum shall be necessary for the transaction of any and all business or the passage of any resolution.

Section 5. At meetings of the board, business shall be transacted in such order as from time to time the board may determine.

ARTICLE III

OFFICIALS

Section 1. The chairman shall preside at meetings of the board and shall do and perform such other duties as may be from time to time assigned by the board. The vice chairman shall perform the duties of the chairman in the chairman's absence and such other duties as shall from time to time be assigned by the board.

Section 2. (1) If a Director is appointed, then the Director shall be the chief executive officer of the Authority. Before entering upon the duties of his office, the Director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the penal sum determined in the resolution establishing the Authority payable to the Authority for use and benefit of the Authority, approved by the board, and filed with the City Clerk. The premium on the bond shall be deemed an operating expense of the Authority, payable from funds available to the Authority for expenses of operation.

Subject to the approval of the board, the Director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the Authority in the manner authorized by law. The Director shall attend the meetings of the board, and shall render to the board and to the City Commission a regular report covering the activities and financial condition of the Authority. If the Director is absent or disabled, the board may designate a qualified person as Acting Director to perform the duties of the office. Before entering upon the duties of the office, the Acting Director shall take and subscribe to the oath, and furnish bond, as required of the Director. The Director shall furnish the board with information or reports governing the operation of the Authority as the board may require from time to time.

(2) The Director annually shall prepare and submit for the approval of the board a budget for the operation of the Authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Before the budget may be adopted by the board, it shall be approved by the governing body of the municipality. Funds of the municipality shall not be included in the budget of the Authority except those funds authorized by law and by the City Commission.

Section 3. The secretary shall maintain custody of the official seal and of records, books, documents, or other papers of the Authority not required to be maintained by the treasurer. The secretary shall attend meetings of the board and keep a record of its proceedings, and shall perform such other duties delegated by the board.

Section 4. The treasurer shall keep the financial records of the Authority and, together with the Director, shall approve all vouchers for the expenditure of funds of the Authority. The treasurer shall perform such other duties as may be delegated by the board and shall furnish bond in an amount as prescribed by the board.

Section 5. All checks shall be signed by the treasurer and countersigned by either the chairman or the secretary, except as otherwise provided by the board.

ARTICLE IV BYLAWS

Section 1. The board shall have power to make, alter or amend the bylaws in whole or in part, to be effective upon approval of the City Commission. Written copies of the proposed changes shall be delivered to the board prior to submission for approval at the next preceding regular or special meeting of the board.

Section 2. These bylaws shall become effective upon approval of the City Commission of the City of Birmingham. Until such approval the bylaws shall be temporary bylaws for the Authority.

Adopted _____, 2009

Secretary

Approved by the City Commission of the
City of Birmingham on _____, 2009

City Clerk

DELIB:3050871.1\008626-00027

CORRIDOR IMPROVEMENT AUTHORITY ACT
Act 280 of 2005

AN ACT to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

The People of the State of Michigan enact:

125.2871 Short title.

Sec. 1. This act shall be known and may be cited as the "corridor improvement authority act".

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2872 Definitions; A to M.

Sec. 2. As used in this act:

(a) "Advance" means a transfer of funds made by a municipality to an authority or to another person on behalf of the authority in anticipation of repayment by the authority. Evidence of the intent to repay an advance may include, but is not limited to, an executed agreement to repay, provisions contained in a tax increment financing plan approved prior to the advance, or a resolution of the authority or the municipality.

(b) "Assessed value" means the taxable value as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(c) "Authority" means a corridor improvement authority created under this act.

(d) "Board" means the governing body of an authority.

(e) "Business district" means an area of a municipality zoned and used principally for business.

(f) "Captured assessed value" means the amount in any 1 year by which the current assessed value of the development area, including the assessed value of property for which specific local taxes are paid in lieu of property taxes as determined in section 3(d), exceeds the initial assessed value. The state tax commission shall prescribe the method for calculating captured assessed value.

(g) "Chief executive officer" means the mayor of a city, the president of a village, or the supervisor of a township.

(h) "Development area" means that area described in section 5 to which a development plan is applicable.

(i) "Development plan" means that information and those requirements for a development area set forth in section 21.

(j) "Development program" means the implementation of the development plan.

(k) "Fiscal year" means the fiscal year of the authority.

(l) "Governing body" or "governing body of a municipality" means the elected body of a municipality having legislative powers.

(m) "Initial assessed value" means the assessed value, as equalized, of all the taxable property within the boundaries of the development area at the time the resolution establishing the tax increment financing plan is approved, as shown by the most recent assessment roll of the municipality for which equalization has been completed at the time the resolution is adopted. Property exempt from taxation at the time of the determination of the initial assessed value shall be included as zero. For the purpose of determining initial assessed value, property for which a specific local tax is paid in lieu of a property tax shall not be considered to be property that is exempt from taxation. The initial assessed value of property for which a specific local tax was paid in lieu of a property tax shall be determined as provided in section 3(d).

(n) "Land use plan" means a plan prepared under former 1921 PA 207, former 1943 PA 184, or a site plan under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702.

(o) "Municipality" means 1 of the following:

(i) A city.

(ii) A village.

(iii) A township.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2008, Act 44, Imd. Eff. Mar. 27, 2008.

125.2873 Definitions.

Sec. 3. As used in this act:

(a) "Operations" means office maintenance, including salaries and expenses of employees, office supplies, consultation fees, design costs, and other expenses incurred in the daily management of the authority and planning of its activities.

(b) "Parcel" means an identifiable unit of land that is treated as separate for valuation or zoning purposes.

(c) "Public facility" means a street, plaza, pedestrian mall, and any improvements to a street, plaza, or pedestrian mall including street furniture and beautification, sidewalk, trail, lighting, traffic flow modification, park, parking facility, recreational facility, right-of-way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, or building, including access routes, that are either designed and dedicated to use by the public generally or used by a public agency, or that are located in a qualified development area and are for the benefit of or for the protection of the health, welfare, or safety of the public generally, whether or not used by 1 or more business entities, provided that any road, street, or bridge shall be continuously open to public access and that other property shall be located in public easements or rights-of-way and designed to accommodate foreseeable development of public facilities in adjoining areas. Public facility includes an improvement to a facility used by the public or a public facility as those terms are defined in section 1 of 1966 PA 1, MCL 125.1351, if the improvement complies with the barrier-free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(d) "Qualified development area" means a development area that meets all of the following:

(i) Is located within a city with a population of 700,000 or more.

(ii) Contains at least 30 contiguous acres.

(iii) Was owned by this state on December 31, 2003 and was conveyed to a private owner before June 30, 2004.

(iv) Is zoned to allow for mixed use that includes commercial use and that may include residential use.

(v) Otherwise complies with the requirements of section 5(a), (d), (e), and (g).

(vi) Construction within the qualified development area begins on or before the date 2 years after the effective date of the amendatory act that added this subdivision.

(vii) Is located in a distressed area.

(e) "Specific local tax" means a tax levied under 1974 PA 198, MCL 207.551 to 207.572, the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668, the technology park development act, 1984 PA 385, MCL 207.701 to 207.718, or 1953 PA 189, MCL 211.181 to 211.182. The initial assessed value or current assessed value of property subject to a specific local tax shall be the quotient of the specific local tax paid divided by the ad valorem millage rate. The state tax commission shall prescribe the method for calculating the initial assessed value and current assessed value of property for which a specific local tax was paid in lieu of a property tax.

(f) "State fiscal year" means the annual period commencing October 1 of each year.

(g) "Tax increment revenues" means the amount of ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions upon the captured assessed value of real and personal property in the development area. Except as otherwise provided in section 29, tax increment revenues do not include any of the following:

(i) Taxes under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(ii) Taxes levied by local or intermediate school districts.

(iii) Ad valorem property taxes attributable either to a portion of the captured assessed value shared with taxing jurisdictions within the jurisdictional area of the authority or to a portion of value of property that may be excluded from captured assessed value or specific local taxes attributable to the ad valorem property taxes.

(iv) Ad valorem property taxes excluded by the tax increment financing plan of the authority from the determination of the amount of tax increment revenues to be transmitted to the authority or specific local taxes attributable to the ad valorem property taxes.

(v) Ad valorem property taxes exempted from capture under section 18(5) or specific local taxes attributable to the ad valorem property taxes.

(vi) Ad valorem property taxes specifically levied for the payment of principal and interest of obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit or specific taxes attributable to those ad valorem property taxes.

(h) "Distressed area" means a local governmental unit that meets all of the following:

(i) Has a population of 700,000 or more.

(ii) Shows a negative population change from 1970 to the date of the most recent federal decennial census.

(iii) Shows an overall increase in the state equalized value of real and personal property of less than the statewide average increase since 1972.

(iv) Has a poverty rate, as defined by the most recent federal decennial census, greater than the statewide average.

(v) Has had an unemployment rate higher than the statewide average.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2007, Act 44, Imd. Eff. July 17, 2007.

125.2874 Authority; establishment; public body corporate; powers.

Sec. 4. (1) Except as otherwise provided in this subsection, a municipality may establish multiple authorities. A parcel of property shall not be included in more than 1 authority created under this act.

(2) An authority is a public body corporate which may sue and be sued in any court of this state. An authority possesses all the powers necessary to carry out its purpose. The enumeration of a power in this act shall not be construed as a limitation upon the general powers of an authority.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2875 Development area; establishment in municipality; exception; criteria; compliance.

Sec. 5. A development area shall only be established in a municipality and, except for a development area located in a qualified development area, shall comply with all of the following criteria:

(a) Is adjacent to or is within 500 feet of a road classified as an arterial or collector according to the federal highway administration manual "Highway Functional Classification - Concepts, Criteria and Procedures".

(b) Contains at least 10 contiguous parcels or at least 5 contiguous acres.

(c) More than 1/2 of the existing ground floor square footage in the development area is classified as commercial real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(d) Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire development area, for the immediately preceding 30 years.

(e) Is presently served by municipal water or sewer.

(f) Is zoned to allow for mixed use that includes high-density residential use.

(g) The municipality agrees to all of the following:

(i) To expedite the local permitting and inspection process in the development area.

(ii) To modify its master plan to provide for walkable nonmotorized interconnections, including sidewalks and streetscapes throughout the development area.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2007, Act 44, Imd. Eff. July 17, 2007;—Am. 2008, Act 44, Imd. Eff. Mar. 27, 2008.

125.2876 Creation of authority; resolution by governing body; notice of public hearing; adoption of resolution designating boundaries; alteration or amendment; interlocal agreement.

Sec. 6. (1) If the governing body of a municipality determines that it is necessary for the best interests of the public to redevelop its commercial corridors and to promote economic growth, the governing body may, by resolution, declare its intention to create and provide for the operation of an authority.

(2) In the resolution of intent, the governing body shall state that the proposed development area meets the criteria in section 5, set a date for a public hearing on the adoption of a proposed resolution creating the authority, and designate the boundaries of the development area. Notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 or more than 40 days before the date of the hearing. Not less than 20 days before the hearing, the governing body proposing to create the authority shall also mail notice of the hearing to the property taxpayers of record in the proposed development area, to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved, and to the state tax commission. Failure of a property taxpayer to receive the notice does not invalidate these proceedings. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed development area not less than 20 days before the hearing. The notice shall state the date, time, and place of the hearing and shall describe the boundaries of the proposed development area. A citizen, taxpayer, or property owner of the municipality or an official from a taxing jurisdiction with millage that would be subject to capture has the right to be heard in regard to the establishment of the authority and the boundaries of the proposed development area. The governing body of the municipality shall not incorporate land into the development area not included in the description contained in the notice of public hearing, but it may eliminate described lands from the development area in the final determination of the boundaries.

(3) Not less than 60 days after the public hearing, if the governing body of the municipality intends to

proceed with the establishment of the authority it shall adopt, by majority vote of its members, a resolution establishing the authority and designating the boundaries of the development area within which the authority shall exercise its powers. The adoption of the resolution is subject to any applicable statutory or charter provisions in respect to the approval or disapproval by the chief executive or other officer of the municipality and the adoption of a resolution over his or her veto. This resolution shall be filed with the secretary of state promptly after its adoption and shall be published at least once in a newspaper of general circulation in the municipality.

(4) The governing body of the municipality may alter or amend the boundaries of the development area to include or exclude lands from the development area in the same manner as adopting the resolution creating the authority.

(5) A municipality that has created an authority may enter into an agreement with an adjoining municipality that has created an authority to jointly operate and administer those authorities under an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512. The interlocal agreement shall include, but is not limited to, a plan to coordinate and expedite local inspections and permit approvals, a plan to address contradictory zoning requirements, and a date certain to implement all provisions of these plans. If a municipality enters into an interlocal agreement under this subsection, the municipality shall provide a copy of that interlocal agreement to the state tax commission within 60 days of entering into the interlocal agreement.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2008, Act 44, Imd. Eff. Mar. 27, 2008.

125.2877 Annexation or consolidation; effect.

Sec. 7. If a development area is part of an area annexed to or consolidated with another municipality, the authority managing that development area shall become an authority of the annexing or consolidated municipality. Obligations of that authority incurred under a development or tax increment plan, agreements related to a development or tax increment plan, and bonds issued under this act shall remain in effect following the annexation or consolidation.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2878 Authority under supervision and control of board; membership; appointment; terms; vacancy; expenses; chairperson; oath; proceedings and rules subject to open meetings act; removal of board member; financial records; writings subject to freedom of information act; members as members of business improvement district.

Sec. 8. (1) Except as provided in subsection (7), an authority shall be under the supervision and control of a board consisting of the chief executive officer of the municipality or his or her assignee and not less than 5 or more than 9 members as determined by the governing body of the municipality. Members shall be appointed by the chief executive officer of the municipality, subject to approval by the governing body of the municipality. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the development area. At least 1 of the members shall be a resident of the development area or of an area within 1/2 mile of any part of the development area. Of the members first appointed, an equal number of the members, as near as is practicable, shall be appointed for 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's successor is appointed. After the initial appointment, each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson of the board shall be elected by the board.

(2) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

(3) The proceedings and rules of the board are subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the board.

(4) After having been given notice and an opportunity to be heard, a member of the board may be removed for cause by the governing body.

(5) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

(6) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) If the boundaries of the development area are the same as those of a business improvement district

established under 1961 PA 120, MCL 125.981 to 125.990m, the governing body of the municipality may provide that the members of the board of the authority shall be the members of the board of the business improvement district and 1 person shall be a resident of the development area or of an area within 1/2 mile of any part of the development area.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2879 Director, treasurer, secretary, legal counsel, other personnel; compensation; duties.

Sec. 9. (1) The board may employ and fix the compensation of a director, subject to the approval of the governing body of the municipality. The director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before beginning his or her duties, the director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the sum determined in the resolution establishing the authority payable to the authority for use and benefit of the authority, approved by the board, and filed with the municipal clerk. The premium on the bond shall be considered an operating expense of the authority, payable from funds available to the authority for expenses of operation. The director shall be the chief executive officer of the authority. Subject to the approval of the board, the director shall supervise and be responsible for the preparation of plans and the performance of the functions of the authority in the manner authorized by this act. The director shall attend the meetings of the board and shall provide to the board and to the governing body of the municipality a regular report covering the activities and financial condition of the authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before beginning his or her duties, the acting director shall take and subscribe to the oath, and furnish bond, as required of the director. The director shall furnish the board with information or reports governing the operation of the authority as the board requires.

(2) The board may employ and fix the compensation of a treasurer, who shall keep the financial records of the authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the authority. The treasurer shall perform all duties delegated to him or her by the board and shall furnish bond in an amount prescribed by the board.

(3) The board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the board and keep a record of its proceedings and shall perform other duties delegated by the board.

(4) The board may retain legal counsel to advise the board in the proper performance of its duties. The legal counsel shall represent the authority in actions brought by or against the authority.

(5) The board may employ other personnel considered necessary by the board.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2008, Act 44, Imd. Eff. Mar. 27, 2008.

125.2880 Retirement and insurance programs.

Sec. 10. The employees of an authority shall be eligible to participate in municipal retirement and insurance programs of the municipality as if they were civil service employees except that the employees of an authority are not civil service employees.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2881 Board; powers.

Sec. 11. (1) The board may do any of the following:

(a) Prepare an analysis of economic changes taking place in the development area.

(b) Study and analyze the impact of metropolitan growth upon the development area.

(c) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the development area.

(d) Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(e) Develop long-range plans, in cooperation with the agency that is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the development area and to promote the economic growth of the development area, and take steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

(f) Implement any plan of development in the development area necessary to achieve the purposes of this

act in accordance with the powers of the authority granted by this act.

(g) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(h) On terms and conditions and in a manner and for consideration the authority considers proper or for no consideration, acquire by purchase or otherwise, or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in the property, that the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options.

(i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to those buildings, within the development area for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

(j) Fix, charge, and collect fees, rents, and charges for the use of any facility, building, or property under its control or any part of the facility, building, or property, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.

(k) Lease, in whole or in part, any facility, building, or property under its control.

(l) Accept grants and donations of property, labor, or other things of value from a public or private source.

(m) Acquire and construct public facilities.

(n) Conduct market research and public relations campaigns, develop, coordinate, and conduct retail and institutional promotions, and sponsor special events and related activities.

(o) Contract for broadband service and wireless technology service in a development area.

(2) Notwithstanding any other provision of this act, in a qualified development area the board may, in addition to the powers enumerated in subsection (1), do 1 or more of the following:

(a) Perform any necessary or desirable site improvements to the land, including, but not limited to, installation of temporary or permanent utilities, temporary or permanent roads and driveways, silt fences, perimeter construction fences, curbs and gutters, sidewalks, pavement markings, water systems, gas distribution lines, concrete, including, but not limited to, building pads, storm drainage systems, sanitary sewer systems, parking lot paving and light fixtures, electrical service, communications systems, including broadband and high-speed internet, site signage, and excavation, backfill, grading of site, landscaping and irrigation, within the development area for the use, in whole or in part, of any public or private person or business entity, or a combination of these.

(b) Incur expenses and expend funds to pay or reimburse a public or private person for costs associated with any of the improvements described in subdivision (a).

(c) Make and enter into financing arrangements with a public or private person for the purposes of implementing the board's powers described in this section, including, but not limited to, lease purchase agreements, land contracts, installment sales agreements, sale leaseback agreements, and loan agreements.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2007, Act 44, Imd. Eff. July 17, 2007.

125.2882 Authority as instrument of political subdivision.

Sec. 12. The authority is an instrumentality of a political subdivision for purposes of 1972 PA 227, MCL 213.321 to 213.332.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2883 Acquisition of private property; transfer to authority; use.

Sec. 13. A municipality may acquire private property under 1911 PA 149, MCL 213.21 to 213.25, for the purpose of transfer to the authority, and may transfer the property to the authority for use in an approved development, on terms and conditions it considers appropriate, and the taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2884 Financing sources; disposition.

Sec. 14. (1) The activities of the authority shall be financed from 1 or more of the following sources:

(a) Donations to the authority for the performance of its functions.

(b) Money borrowed and to be repaid as authorized by sections 16 and 17.

(c) Revenues from any property, building, or facility owned, leased, licensed, or operated by the authority or under its control, subject to the limitations imposed upon the authority by trusts or other agreements.

(d) Proceeds of a tax increment financing plan established under sections 18 to 20.

(e) Proceeds from a special assessment district created as provided by law.

(f) Money obtained from other sources approved by the governing body of the municipality or otherwise authorized by law for use by the authority or the municipality to finance a development program.

(2) Money received by the authority and not covered under subsection (1) shall immediately be deposited to the credit of the authority, subject to disbursement under this act. Except as provided in this act, the municipality shall not obligate itself, and shall not be obligated, to pay any sums from public funds, other than money received by the municipality under this section, for or on account of the activities of the authority.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2885 Special assessment; levy; borrowing money and issuing bonds.

Sec. 15. (1) An authority with the approval of the governing body may levy a special assessment as provided by law.

(2) The municipality may at the request of the authority borrow money and issue its notes under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, in anticipation of collection of the ad valorem tax authorized in this section.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2886 Revenue bonds.

Sec. 16. The authority may, with approval of the local governing body, borrow money and issue its negotiable revenue bonds under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. Revenue bonds issued by the authority are not a debt of the municipality unless the municipality by majority vote of the members of its governing body pledges its full faith and credit to support the authority's revenue bonds. Revenue bonds issued by the authority are never a debt of the state.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2887 Acquisition or construction of property; financing; bonds or notes.

Sec. 17. (1) The authority may with approval of the local governing body borrow money and issue its revenue bonds or notes to finance all or part of the costs of acquiring or constructing or causing to be constructed property in connection with either of the following:

(a) The implementation of a development plan in the development area.

(b) The refund, or refund in advance, of bonds or notes issued under this section.

(2) Any of the following may be financed by the issuance of revenue bonds or notes:

(a) The cost of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing property in connection with the implementation of a development plan in the development area, and, for the implementation of the development plan in a qualified development area, the cost of reimbursing a public or private person for any of those costs.

(b) Any engineering, architectural, legal, accounting, or financial expenses.

(c) The costs necessary or incidental to the borrowing of money.

(d) Interest on the bonds or notes during the period of construction.

(e) A reserve for payment of principal and interest on the bonds or notes.

(f) A reserve for operation and maintenance until sufficient revenues have developed.

(3) The authority may secure the bonds and notes by mortgage, assignment, or pledge of the property and any money, revenues, or income received in connection with the property.

(4) A pledge made by the authority is valid and binding from the time the pledge is made. The money or property pledged by the authority immediately is subject to the lien of the pledge without a physical delivery, filing, or further act. The lien of a pledge is valid and binding against parties having claims of any kind in tort, contract, or otherwise, against the authority, whether or not the parties have notice of the lien. Neither the resolution, the trust agreement, nor any other instrument by which a pledge is created must be filed or recorded to be enforceable.

(5) Bonds or notes issued under this section are exempt from all taxation in this state except inheritance and transfer taxes, and the interest on the bonds or notes is exempt from all taxation in this state, notwithstanding that the interest may be subject to federal income tax.

(6) The municipality is not liable on bonds or notes of the authority issued under this section, and the bonds or notes are not a debt of the municipality. The bonds or notes shall contain on their face a statement to that effect.

(7) The bonds and notes of the authority may be invested in by all public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by all public officers and the agencies and political subdivisions of this state for any purpose for which the deposit of bonds is authorized.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2007, Act 44, Imd. Eff. July 17, 2007.

125.2888 Tax increment financing plan.

Sec. 18. (1) If the authority determines that it is necessary for the achievement of the purposes of this act, the authority shall prepare and submit a tax increment financing plan to the governing body of the municipality. The plan shall include a development plan as provided in section 21, a detailed explanation of the tax increment procedure, the maximum amount of bonded indebtedness to be incurred, and the duration of the program, and shall be in compliance with section 19. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the authority shall be clearly stated in the tax increment financing plan. The authority or municipality may exclude from captured assessed value growth in property value resulting solely from inflation. The plan shall set forth the method for excluding growth in property value resulting solely from inflation.

(2) Approval of the tax increment financing plan shall comply with the notice, hearing, and disclosure provisions of section 22. If the development plan is part of the tax increment financing plan, only 1 hearing and approval procedure is required for the 2 plans together.

(3) Before the public hearing on the tax increment financing plan, the governing body shall provide a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to meet with the governing body. The authority shall fully inform the taxing jurisdictions of the fiscal and economic implications of the proposed development area. The taxing jurisdictions may present their recommendations at the public hearing on the tax increment financing plan. The authority may enter into agreements with the taxing jurisdictions and the governing body of the municipality in which the development area is located to share a portion of the captured assessed value of the development area.

(4) A tax increment financing plan may be modified if the modification is approved by the governing body upon notice and after public hearings and agreements as are required for approval of the original plan.

(5) Except for a development area located in a qualified development area, not more than 60 days after the public hearing on the tax increment financing plan, the governing body in a taxing jurisdiction levying ad valorem property taxes that would otherwise be subject to capture may exempt its taxes from capture by adopting a resolution to that effect and filing a copy with the clerk of the municipality proposing to create the authority. The resolution shall take effect when filed with the clerk and remains effective until a copy of a resolution rescinding that resolution is filed with that clerk.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2007, Act 44, Imd. Eff. July 17, 2007;—Am. 2008, Act 44, Imd. Eff. Mar. 27, 2008.

125.2889 Tax increment revenues; transmission; expenditures; use; annual report.

Sec. 19. (1) The municipal and county treasurers shall transmit tax increment revenues to the authority.

(2) The authority shall expend the tax increment revenues received for the development program only under the terms of the tax increment financing plan. Unused funds shall revert proportionately to the respective taxing bodies. Tax increment revenues shall not be used to circumvent existing property tax limitations. The governing body of the municipality may abolish the tax increment financing plan if it finds that the purposes for which it was established are accomplished. However, the tax increment financing plan shall not be abolished until the principal of, and interest on, bonds issued under section 20 have been paid or funds sufficient to make the payment have been segregated.

(3) Annually the authority shall submit to the governing body of the municipality and the state tax commission a report on the status of the tax increment financing account. The report shall include the following:

- (a) The amount and source of revenue in the account.
- (b) The amount in any bond reserve account.
- (c) The amount and purpose of expenditures from the account.
- (d) The amount of principal and interest on any outstanding bonded indebtedness.
- (e) The initial assessed value of the project area.
- (f) The captured assessed value retained by the authority.
- (g) The tax increment revenues received.
- (h) The increase in the state equalized valuation as a result of the implementation of the tax increment financing plan.

(i) The type and cost of capital improvements made in the development area.

(j) Any additional information the governing body considers necessary.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2890 Financing development program of tax increment financing plan; authorization, issuance, and sale of general obligation bonds; estimate of anticipated tax increment revenues; resolution; security; lien.

Sec. 20. (1) The municipality may by resolution of its governing body authorize, issue, and sell limited general obligation bonds subject to the limitations set forth in this subsection to finance the development program of the tax increment financing plan and shall pledge its full faith and credit for the payment of the bonds. The municipality may pledge as additional security for the bonds any money received by the authority or the municipality under section 14. The bonds are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. Before the municipality may authorize the borrowing, the authority shall submit an estimate of the anticipated tax increment revenues and other revenue available under section 14 to be available for payment of principal and interest on the bonds, to the governing body of the municipality. This estimate shall be approved by the governing body of the municipality by resolution adopted by majority vote of the members of the governing body in the resolution authorizing the bonds. If the governing body of the municipality adopts the resolution authorizing the bonds, the estimate of the anticipated tax increment revenues and other revenue available under section 14 to be available for payment of principal and interest on the bonds shall be conclusive for purposes of this section. The bonds issued under this subsection shall be considered a single series for the purposes of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(2) By resolution of its governing body, the authority may authorize, issue, and sell tax increment bonds subject to the limitations set forth in this subsection to finance the development program of the tax increment financing plan. The tax increment bonds issued by the authority under this subsection shall pledge solely the tax increment revenues of a development area in which the project is located or a development area from which tax increment revenues may be used for this project, or both. In addition or in the alternative, the bonds issued by the authority under this subsection may be secured by any other revenues identified in section 14 as sources of financing for activities of the authority that the authority shall specifically pledge in the resolution. However, the full faith and credit of the municipality shall not be pledged to secure bonds issued under this subsection. The bond issue may include a sum sufficient to pay interest on the tax increment bonds until full development of tax increment revenues from the project and also a sum to provide a reasonable reserve for payment of principal and interest on the bonds. The resolution authorizing the bonds shall create a lien on the tax increment revenues and other revenues pledged by the resolution that shall be a statutory lien and shall be a first lien subject only to liens previously created. The resolution may provide the terms upon which additional bonds may be issued of equal standing and parity of lien as to the tax increment revenues and other revenues pledged under the resolution. Bonds issued under this subsection that pledge revenue received under section 15 for repayment of the bonds are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2008, Act 44, Imd. Eff. Mar. 27, 2008.

125.2891 Development plan; preparation; contents.

Sec. 21. (1) If a board decides to finance a project in a development area by the use of revenue bonds as authorized in section 16 or tax increment financing as authorized in sections 18, 19, and 20, it shall prepare a development plan.

(2) The development plan shall contain all of the following:

(a) The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise.

(b) The location and extent of existing streets and other public facilities within the development area, designating the location, character, and extent of the categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses, and including a legal description of the development area.

(c) A description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion.

(d) The location, extent, character, and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimate of the time required for completion.

(e) A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.

(f) A description of any parts of the development area to be left as open space and the use contemplated for the space.

(g) A description of any portions of the development area that the authority desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms.

(h) A description of desired zoning changes and changes in streets, street levels, intersections, traffic flow modifications, or utilities.

(i) An estimate of the cost of the development, a statement of the proposed method of financing the development, and the ability of the authority to arrange the financing.

(j) Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the authority.

(k) The procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the authority and persons, natural or corporate, that all or a portion of the development will be leased, sold, or conveyed in any manner to those persons.

(l) Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those units in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.

(m) A plan for establishing priority for the relocation of persons displaced by the development in any new housing in the development area.

(n) Provision for the costs of relocating persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646, 84 Stat. 1894.

(o) A plan for compliance with 1972 PA 227, MCL 213.321 to 213.332.

(p) The requirement that amendments to an approved development plan or tax increment plan must be submitted by the authority to the governing body for approval or rejection.

(q) A schedule to periodically evaluate the effectiveness of the development plan.

(r) Other material that the authority, local public agency, or governing body considers pertinent.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2892 Development plan; public hearing; notice; contents; opportunity to speak; hearing record.

Sec. 22. (1) The governing body, before adoption of a resolution approving a development plan or tax increment financing plan, shall hold a public hearing on the development plan. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the municipality, the first of which shall be not less than 20 days before the date set for the hearing. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the development area not less than 20 days before the hearing. Notice shall also be mailed to all property taxpayers of record in the development area and to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the tax increment financing plan is approved not less than 20 days before the hearing. The notice of hearing within the time frame described in this subsection shall be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the tax increment financing plan is approved.

(2) Notice of the time and place of hearing on a development plan shall contain all of the following:

(a) A description of the proposed development area in relation to highways, streets, streams, or otherwise.

(b) A statement that maps, plats, and a description of the development plan, including the method of relocating families and individuals who may be displaced from the area, are available for public inspection at a place designated in the notice.

(c) A statement that all aspects of the development plan will be open for discussion at the public hearing.

(d) Other information that the governing body considers appropriate.

(3) At the time set for the hearing, the governing body shall provide an opportunity for interested persons to speak and shall receive and consider communications in writing. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for consideration of documentary

evidence pertinent to the development plan. The governing body shall make and preserve a record of the public hearing, including all data presented at the hearing.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2008, Act 44, Imd. Eff. Mar. 27, 2008.

125.2893 Approval, rejection, or approval with modification; considerations.

Sec. 23. The governing body after a public hearing on the development plan or the tax increment financing plan, or both, with notice given under section 22, shall determine whether the development plan or tax increment financing plan constitutes a public purpose. If it determines that the development plan or tax increment financing plan constitutes a public purpose, it shall by resolution approve or reject the plan, or approve it with modification, based on the following considerations:

- (a) The plan meets the requirements under section 20(2).
- (b) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.
- (c) The development is reasonable and necessary to carry out the purposes of this act.
- (d) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this act in an efficient and economically satisfactory manner.
- (e) The development plan is in reasonable accord with the land use plan of the municipality.
- (f) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
- (g) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2008, Act 44, Imd. Eff. Mar. 27, 2008.

125.2894 Notice to vacate.

Sec. 24. A person to be relocated under this act shall be given not less than 90 days' written notice to vacate unless modified by court order issued for good cause and after a hearing.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2895 Budget; submission to board; preparation; approval; adoption; cost of handling and auditing funds.

Sec. 25. (1) The director of the authority shall submit a budget to the board for the operation of the authority for each fiscal year before the beginning of the fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. After review by the board, the budget shall be submitted to the governing body. The governing body must approve the budget before the board may adopt the budget. Unless authorized by the governing body or this act, funds of the municipality shall not be included in the budget of the authority.

(2) The governing body of the municipality may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds against the funds of the authority, other than those committed, which shall be paid annually by the board pursuant to an appropriate item in its budget.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2896 Preservation of historical sites.

Sec. 26. (1) A public facility, building, or structure that is determined by the municipality to have significant historical interests shall be preserved in a manner considered necessary by the municipality in accordance with laws relative to the preservation of historical sites.

(2) An authority shall refer all proposed changes to the exterior of sites listed on the state register of historic sites and the national register of historic places to the applicable historic district commission created under the local historic districts act, 1970 PA 169, MCL 399.201 to 399.215, or the department of history, arts, and libraries for review.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2897 Dissolution.

Sec. 27. An authority that has completed the purposes for which it was organized shall be dissolved by resolution of the governing body. The property and assets of the authority remaining after the satisfaction of the obligations of the authority belong to the municipality.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005;—Am. 2008, Act 44, Imd. Eff. Mar. 27, 2008.

125.2898 Enforcement of act; rules.

Sec. 28. (1) The state tax commission may institute proceedings to compel enforcement of this act.

(2) The state tax commission may promulgate rules necessary for the administration of this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005.

125.2899 Tax increment revenues; definition; condition.

Sec. 29. (1) Subject to the requirements of subsection (2), within 60 days after a development plan for a qualified development area has been approved under section 18, upon written request from the authority, the Michigan economic growth authority under the Michigan economic growth authority act, 1995 PA 24, MCL 207.801 to 207.810, may include the following within the definition of tax increment revenues under section 3(g):

(a) Taxes under the state education tax act, 1933 PA 331, MCL 211.901 to 211.906.

(b) Taxes levied by local or intermediate school districts under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(2) The Michigan economic growth authority may only allow inclusion of the taxes described in subsection (1) in the definition of tax increment revenues if the Michigan economic growth authority under the Michigan economic growth authority act, 1995 PA 24, MCL 207.801 to 207.810, determines that the inclusion is necessary to reduce unemployment, promote economic growth, and increase capital investment in a qualified development area.

History: Add. 2007, Act 44, Imd. Eff. July 17, 2007.

Introduction

A Corridor Improvement Authority (CIA) allows the use of tax increment financing to make capital improvements within an established commercial district. It allows communities that already have Downtown Development Authorities (DDAs) to extend similar benefits to aging commercial corridors outside the DDA district or that extend through more than one municipality.

Authorizing legislation

2005 PA 280, MCL 125.2871-125.2899, authorizes a city, village or township to create one or more Corridor Improvement Authorities.

What is the purpose of the Act?

The Act is a tax increment financing (TIF) tool to promote economic development. A CIA is designed to assist economic development and redevelopment in established commercial districts. It allows communities to combine tax dollars from a variety of sources to leverage economic development dollars.

How can this Act be used?

Specifically, this Act allows TIF to be used for commercial and economic growth in commercial districts in cities, villages and townships. Local units can use taxes arising from increased property values through TIF to pay for improvements to commercial areas along arterial or collector streets and roads.

Corridor improvements may include improvements to the land, as well as constructing, rehabilitating, preserving, equipping or maintaining buildings within the development district for public or private use.

These improvements may be financed initially through bonding, which may be repaid from the enhanced property tax revenue stream, special assessments and fees.

How is this Act different?

This Act is designed to rehabilitate, renovate and prevent the deterioration of established commercial business districts not eligible under the DDA Act. The district must be adjacent to a road classified as an arterial or collector road by the Federal Highway Administration, contain at least 10 contiguous parcels or five contiguous acres with more than 1/2 of the existing ground floor square footage classified as commercial property under the General Property Tax Act. In addition, residential commercial or industrial use must have been allowed under the zoning ordinance for the immediately preceding 30 years, the area must be presently served by municipal water and sewer and the area must be zoned for mixed use including high density residential.

In addition, a municipality may have more than one CIA, and a CIA may be intergovernmental.

What are the financing options?

- Tax increment revenues
- Sale of bonds
- Special assessments

Establishing a Corridor Improvement Authority

Note: The following steps are offered as general guidelines only. A municipality should consult with an attorney prior to initiating the process creating a CIA.

1. Adopt a resolution declaring intent.
2. Publish (20-40 days before the hearing), post (20 days before the hearing in 20 places) and mail (to the governing body of each taxing jurisdiction 20 days before the hearing) notice of public hearing.
3. Hold public hearing on the establishment of the authority and on the boundaries of the district.
4. Adopt an ordinance not less than 60 days following the public hearing establishing the authority and designating the boundaries of the proposed development area.
5. File and publish the ordinance.
6. Appoint the board.

Reporting requirements

An annual report must be submitted to the municipality and to the state tax commission indicating the amount and source of revenue in the account, the amount in any bond reserve account, the amount and purpose of expenditures from the account, the amount of principal and interest on any outstanding bonded indebtedness, the initial assessed value of the project area, the captured assessed value retained by the authority, the tax increment revenues received, the increase in the state equalized valuation as a result of the implementation of the tax increment financing plan, the type and cost of capital improvements made in the development area, and any additional information the governing body considers necessary.

Provisions of the Corridor Improvement Authority Act

- Authorizes a city, village or township to create one or more Corridor Improvement Authorities by ordinance after providing notice and holding a public hearing. The local unit shall also designate the development area boundaries by the ordinance.
- Provides for the supervision and control of an authority by a board that includes the city, village or township chief executive officer and five to nine additional members. At least one member of the board shall be a resident of the district or of an area within ½ mile of the district and a majority of the board shall have a ownership or business interest in the development area.
- Allows a board to hire a director to serve as chief executive officer of the authority, subject to the approval of the city, village or township governing body and other personnel as it feels necessary.
- Allows an authority to prepare and submit to the city, village or township governing body a tax increment financing plan, which must include a development plan for the authority's development area. TIF plans and development plans are subject to public hearings and affected local taxing jurisdictions must be notified. The governing body of another taxing jurisdiction may, by resolution, exempt its taxes from capture during the plan adoption process.
- Provides for the financing of authority activities, including borrowing money and issuing bonds. The authority could issue negotiable revenue bonds under the Revenue Bond Act and could, with local unit approval, issue

revenue bonds or notes to finance all or part of the costs of acquiring or constructing property. The local unit is not liable on such debt.

- Allows an authority to authorize, issue, and sell bonds to finance a TIF plan's development program. A city or village may make a limited tax pledge to support the authority's TIF bonds or notes with governing body approval but needs voter approval to pledge its unlimited full faith and credit for authority bonds or notes.
- Requires a city, village or township to dissolve an authority after it has completed its purpose, and provides that the authority's property and assets remaining after the satisfaction of its obligations would belong to the local unit.
- Allows the governing body, at the request of the CIA board, from time to time to amend either the development or TIF plans. It may also amend the boundaries of the CIA district. However, caution should be taken amending either the plan or the boundaries as the other taxing units (county, schools, etc.) may opt out.

Corridor Improvement Authority board powers:

- Prepare an analysis of economic changes taking place in the development area.
- Study and analyze the impact of metropolitan growth upon the development area.
- Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the development area.
- Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code (1972 PA 230, MCL 125.150).
- Develop long-range plans, in cooperation with the agency that is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the development area and to promote the economic growth of the development area, and take steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- Implement any plan of development in the development area necessary to achieve the purposes of this act in accordance with the powers of the authority granted by this act.
- Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- On terms and conditions and in a manner and for consideration the authority considers proper or for no consideration, acquire by purchase or otherwise, or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in the property, that the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options.
- Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to those buildings, within the development area for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.
- Fix, charge, and collect fees, rents, and charges for the use of any facility, building, or property under its control or any part of the facility, building, or property, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.
- Lease, in whole or in part, any facility, building, or property under its control.
- Accept grants and donations of property, labor, or other things of value from a public or private source.

- Acquire and construct public facilities.
- Conduct market research and public relations campaigns, develop, coordinate, and conduct retail and institutional promotions, and sponsor special events and related activities.
- Contract for broadband service and wireless technology service in a development area.

TRIANGLE DISTRICT URBAN DESIGN PLAN



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Adopted by Planning Board Jul. 11, 2007
 Adopted by City Commission Aug. 20 2007

**Planning Process and Acknowledgements**

The City of Birmingham would like to recognize and thank all the members of the public that participated in this planning effort. This effort could not have been a success without your involvement.

The planning process involved a series of public meetings preceding the public hearings held by the Planning Board and City Commission. In addition, a Discussion Group was established, comprised of representatives of various City boards, and commissions, staff, development professionals and area business owners, and residents. The group served as an intermediary between the Planning Board and the public to provide feedback on the plan concepts.

A two-day design charrette was held in the Triangle District to develop the goals, objectives, concepts and recommendations of this plan. During the charrette the design team interviewed key stakeholders, toured the District with members of the public, and City staff and developed design concepts. Activities were scheduled throughout the day including individual and group interviews, focus groups dedicated to special topics like traffic, and parking and a roundtable discussion with developers. Input was also gathered throughout the process from the City Commission, Planning Board, Discussion Group, City planning staff, business and property owners, residents, and the general public.

In addition to the parties listed by name, the City would like to extend special thanks to those others who participated in the design charrette and other meetings. Special thanks are extended to the following public officials, staff, and members of the public for their hard work and dedication.

Additional thank you to David Goldberg for arranging the venue where the charrette was held (a former restaurant slated to become the new Mayfair project depicted on page 25).

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View south to Worth Plaza

A Vision for the Triangle

Imagine the Triangle District as a vibrant, mixed-use neighborhood of homes, shops, restaurants, offices and public plazas. There is a mixture of housing ranging from single family homes along tree-lined streets, to brownstones and townhomes along local streets, to apartments and condominiums above offices and storefronts on the primary commercial corridors. The centerpiece of the Triangle is Worth Plaza, south of Bowers Street. As a lively triangle-shaped place it is a metaphor for the District as a whole, lined with shops, residences, and sidewalk dining.

The Triangle District is a walkable neighborhood. It features wide, tree-lined sidewalks along comfortable streets that are safe for pedestrians and bicyclists as well as automobiles. Roadways are designed so traffic flows calmly through the District. Narrow streets are lined with pedestrian-oriented buildings that reveal plazas filled with gathering spaces, greenery and public art.

Instead of acting a barrier, Woodward Avenue is a grand, tree-lined boulevard, lined with distinctive buildings and a streetscape that welcomes both vehicles and pedestrians. Rather than a hard edge that divides the Triangle from downtown, Woodward is the spine that joins the City together.

The Triangle District is a stage for bold and distinctive architecture that creates a unique identity for the neighborhood and City. Building masses are the primary features, replacing the bleak parking lots that currently dominate the landscape. To accommodate the increase in activity, inefficient surface parking will be replaced by well-organized parking structures integrated into the streetscape.

This vision for the Triangle District creates a vibrant, mixed-use neighborhood filled with interesting destinations that attract people from across the region and provide Birmingham residents with an integrated neighborhood in which to live, work, shop and recreate.



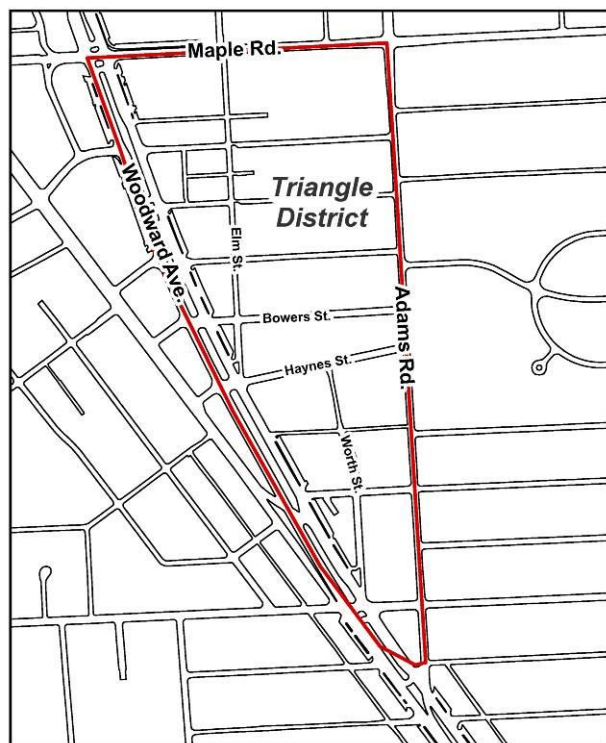
View south down Woodward from Maple



Overview of Triangle District



Regional Map



District Map

Introduction

The City of Birmingham is one of the premier suburban communities in metropolitan Detroit. Birmingham's Triangle District is physically in the center of the City, but is not well connected to the synergy that surrounds it (see Regional Map). To the west lies the vibrant downtown, filled with shops, restaurants, movie theaters, offices and homes – close but cut off from the Triangle by the wide, high-trafficked Woodward Avenue. Maple Road, north of the Triangle, is lined with both successful businesses and underutilized properties and provides the primary pedestrian and vehicular connection to downtown Birmingham. East of the Triangle is the redeveloping Eton Road/Railroad District that hosts landmark restaurants, new live-work condominiums, indoor recreation facilities and a wide variety of unique, clustered uses such as home furnishing shops, dance and art studios, and industrial uses.

Centered amidst these distinctive places, the personality of the Triangle District has bits and pieces of its surroundings, with a quality neighborhood and some fine stores and offices. But the area is also characterized by unorganized streets, parking, and loading; a hodgepodge of building arrangements; and a general lack of visual continuity and coherence. The disjointed arrangement of buildings and parking does not create the physical context for a strong synergy between the various uses in the area.

Generally bounded by Woodward Avenue on the west, Maple Road on the north and Adams Road on the east, the Triangle District serves as a transitional growth area between Birmingham's central business district and the residential neighborhoods to the east (See District Map). This plan sets forth a new vision for the District and identifies guidelines, and recommendations to achieve that vision. Endorsed by the City's Planning Board and City Commission, this Plan is designed to guide development decisions in the Triangle District over the next 20 years. The City's role will be to adopt the new zoning regulations for the triangle, coordinate changes to the street system and develop parking structures. The private development community will also play a central role in implementing the plan through redevelopment.

Goals and Objectives

An analysis of conditions and goals of the community was conducted through a two-day intensive design charrette, with acknowledgement to existing City plans (see sidebar). The process involved the Planning Board, City staff, Triangle District business and property owners, residents and the general public in a public forum that included a walking tour of the District, one-on-one and group interviews, and topic-specific focus groups. The outcome was a set of policy objectives and physical plan concepts to guide public and private decision-making in the Triangle District as follows:

- Improve the visual appearance of the area, its streets, alleys, public spaces, and buildings by establishing guidelines for design and implementation of public and private projects.
- Improve the economic and social vitality by encouraging diversity of use and opportunities for a variety of experiences.
- Better utilize property through more compact, mixed-use development.
- Link with Downtown across Woodward's high traffic barrier.
- Improve the comfort, convenience, safety, and enjoyment of the pedestrian environment by create an inviting, walkable, pedestrian neighborhood and setting aside public plazas.
- Organize the parking and street system to facilitate efficient access, circulation, and parking to balance vehicular and pedestrian needs.
- Encourage sustainable development.
- Protect the integrity of established residential neighborhoods.

This plan is intended to provide a general framework for the redevelopment of the Triangle District. While some of the plan graphics show specific road alignments and development scenarios, these are illustrative of desired development form. The plan should be considered flexible in its implementation to reflect and respond to site-specific conditions and opportunities on a case-by-case basis.



Charrette Participants

The goals and objectives of this plan were developed through a process of public participation and are built upon the goals and objectives of the following preceding plans:

- General Village Plan (1929)
- Birmingham Design Plan (1963)
- Urban Design Plan (1993)
- Downtown Birmingham 2016 Plan (1996)
- Eton Road Corridor Plan (1999)





Triangle District Urban Design Plan

Development Plan Summary

Infill development and redevelopment is recommended to create a distinct character for the Triangle District while complementing the Downtown and surrounding neighborhoods. Redevelopment of the Triangle should create an urban environment that is inviting and walkable. There should be mixed-uses within buildings to create a strong synergy of multiple uses with 24-hour/7-day-a-week activity.

The area should become a self-sufficient neighborhood with mutually supportive residential and commercial uses. While commercial uses along Woodward Avenue could be more general, community service, commercial uses in the heart of the Triangle and along Adams should be oriented more towards serving the immediate neighborhood. Residences and offices should be located in the upper floors above the shops and offices at street-level. Attached single-family, live-work, and other residential uses should also comprise a portion of street-level uses, especially along Elm Street and adjacent to existing single family residences. First-floor retail, especially restaurants, bistros, and cafés, should be encouraged but not required in the heart of the District.

Building Design and Placement. Buildings should be designed in a contemporary style and oriented toward their primary street. Designs should incorporate sustainable building elements for the site and the structures. Scale, and size should be compatible with adjacent structures, and facades and rooflines should vary to create relief from continuous surfaces. Pedestrian friendly features should be incorporated.

Building Height. Varied building heights are recommended to properly frame the streets and provide the massing necessary to relate to the scale of the streetscapes. The hierarchy of height ranges from taller mixed-use buildings along Woodward Avenue that are seven stories and higher, medium height mixed-use buildings of 4-5 stories in the District's interior

and along Maple to create a more intimate urban neighborhood, and structures at a smaller scale of three stories when abutting existing residential neighborhoods. Buildings should step back from the street at the higher stories.

Public Open Space. Opportunities are created for integrating public plazas and open space as part of any redevelopment. This includes small plazas on individual sites and larger open spaces that serve as neighborhood focal points. Recommended realignment of Worth Street creates the opportunity for a triangular plaza, referred to as “Worth Plaza,” as the primary focal point for the redevelopment of the Triangle.

Identity and Wayfinding. Architectural designs will differentiate the Triangle from the rest of the City. A coordinated system of public and private signs will uniquely identify and direct visitors around the District. Signs will complement the City’s established Signage and Wayfinding Program.

Circulation. Improvements to streets and intersections highlighted in this plan will help to reduce speeds on local streets, improve safety for vehicles and pedestrians, and ensure proper access to residences and business.

Parking. Parking needs to be provided more efficiently than the current configuration of disjointed surface parking lots. Redevelopment should incorporate multi-level parking structures and maximize the use of on-street parking. More efficient use of shared parking facilities will allow for redevelopment that is more pedestrian oriented and less dominated by parking lots.

The development plan is a long-term vision for the Triangle District; the pace and order of which is dependent on a variety of factors. To facilitate the orderly and successful implementation of the plan, a phasing plan has been developed. (See the Implementation section.)



Sample Building Design



Sample Townhouse District



Walkable Streetscape



Contemporary Mixed-Use Building

Design Guidelines

A goal for the Triangle District is to create and enhance its character in a way that complements Downtown Birmingham and creates a transitional development pattern blending the higher density of downtown to the west with the more residential character towards the east. These guidelines are a tool to augment the architectural character, identity and scale of the Birmingham Triangle District, encourage sound development decisions, create an identity for the Triangle District in relation to its surroundings, and reinforce the City's theme as a "walkable community." These guidelines will assist the City in making informed decisions for invigorating existing character, guiding future developments, and providing information for property owners, business owners, developers, and residents so they can understand the City's expectations for the area.

Application of design guidelines for the Triangle District will create an identity and sound transition within adjacent neighborhoods. As a result, the following key design elements have been incorporated into the plan:

- Buildings should demonstrate a "bold" architectural quality that is visually distinct from those in Downtown.
- Buildings should incorporate a mixture of uses, including a variety of housing types designed to accommodate different types of households.
- Buildings should be compatible in size, proportion and scale with planned surrounding structures.
- Development should utilize context sensitive sustainable design standards with emphasis on environmentally sensitive design solutions.
- Gateway announcements, signs and wayfinding efforts should support the development of a unified brand identity for the Triangle District.
- The buildings and streetscape should emphasize beauty, aesthetics, human comfort, and the creation of a sense of place.

Building Design and Placement

The Triangle District is currently an automobile-oriented environment with large surface parking lots and a low building mass compared to the space dedicated to automobiles. Creating the proper building mass and scale is necessary to create an environment that is more comfortable to pedestrians and helps bridge the gap to the Downtown across Woodward Avenue.

New buildings should move away from existing architectural styles and instead evolve toward a “bold” approach to contemporary design through the use of massing, colors, façade treatments, etc. Pedestrian-scale features should be incorporated on the first floor of buildings and at entrances to help relate buildings to the streetscape. These features include entrance canopies, storefront awnings, sidewalk dining areas, landscaping, lighting and signs. All design factors should also be respectful of energy conservation techniques with proper use of building materials, color, doors, and windows and proper utilization of building mass to create shade.

Buildings should be oriented toward principal streets while service areas and parking lots should be located at the rear of the structures. Main access to the buildings should be from the first floor located in the front, which is easily recognizable from the street.

Parking structures should be integrated into the design of the buildings with parking decks wrapped by usable floor space to achieve the desired pedestrian-oriented streetscapes.

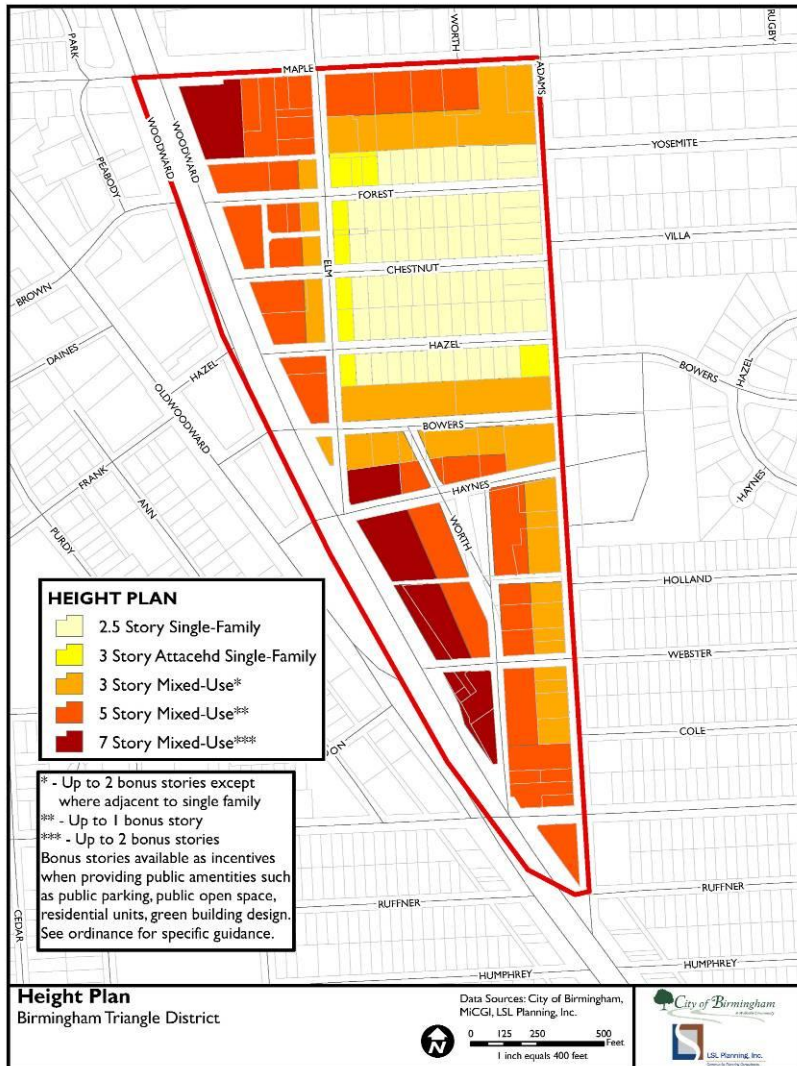
Energy efficiency should also be considered when locating and orienting buildings on a site. Green building practices, which minimize the environmental impact of buildings both in the construction phase and throughout the life of the building, are encouraged in the construction of new facilities as well as in the adaptation of existing uses.

The Height Plan dictates the massing and scale of new buildings. The following design techniques should be incorporated to strengthen relationships with adjacent buildings:

- The scale of the urban form gradually decreases eastward from Woodward Avenue toward Adams to conform to the intent of the Height Plan and to be compatible with existing single-family residences.
- Stepping back of upper floors of buildings as it increases in height.
- Breaking up surface planes of the building to create depth and remove the monotony of unvarying surface facades.
- Breaking up roof lines to create features congruent to adjacent buildings.
- New and renovated structures should be designed in a contemporary architectural style.



Current Triangle District Building Design



Triangle District Height Plan

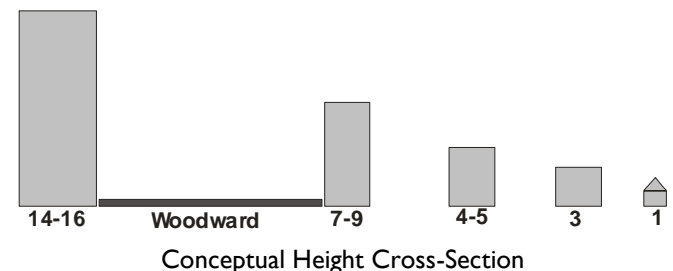
Building Heights

A hierarchy of heights is recommended between Woodward Avenue and the adjacent single-family residential neighborhoods. Taller buildings at least seven stories are needed to properly define the scale of Woodward Avenue's wide right-of-way and the taller buildings on the west side of the road. Building height should then step down to 4-5 stories in the interior of the Triangle District along the narrower streets. Buildings adjacent to single-family residential neighborhoods should be limited to three stories.

Height bonuses of up to an additional two stories will be allowed for developments that offer certain public amenities. These could include making public parking available in private parking structures, providing public open spaces, improvements to the public streetscape or incorporating energy-efficient green building design into structures. Payments to an escrow account designated for off-site amenities should be accepted in lieu of providing them.

New construction should create architectural variety by stepping back upper floors and varying the massing of buildings. Taller building should also be setback from nearby residential neighborhoods.

In order for the Triangle District to efficiently redevelop, parking will need to be provided with multi-level parking structures. The largest public parking structure will be required in the vicinity of Worth Plaza and should be located between the plaza and Woodward to take advantage of the highest allowable heights and best access.

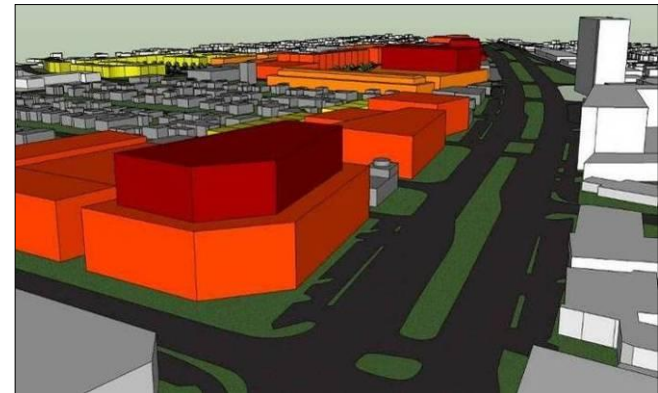


Height Defines Streetscape

Recommended building heights will help to define streetscapes and create a strong sense of enclosure. This enclosure is a vital component to creating a more human-scale environment that is inviting to pedestrians and induces automobile traffic to slow down.

Currently, automobiles dominate Woodward Avenue, with its wide right-of-way of approximately 200 feet. This vast expanse of highway is open and uninviting to the pedestrian. The buildings on the west side of Woodward are taller, with the tallest being the 555 building at 15 stories. The plan recommends taller buildings on the east side of Woodward Avenue to create a better sense of enclosure. Buildings should range from between five and nine stories. With the tallest buildings ranging in height between 90 and 114 feet, this is half the distance across Woodward Avenue, which is an appropriate scale to create the desired sense of enclosure.

With the tallest buildings along Woodward Avenue, the heights will transition down to a level more compatible with the single-family residential neighborhoods and more appropriate to create the desired sense of enclosure for the narrower rights-of-way of the Triangle District's internal streets. In most cases, buildings in the interior should range between three and five stories. Those buildings within a minimum distance to existing single-family residential homes are limited to three stories. Shorter building heights are appropriate to frame the smaller scale of single-family residential streets.



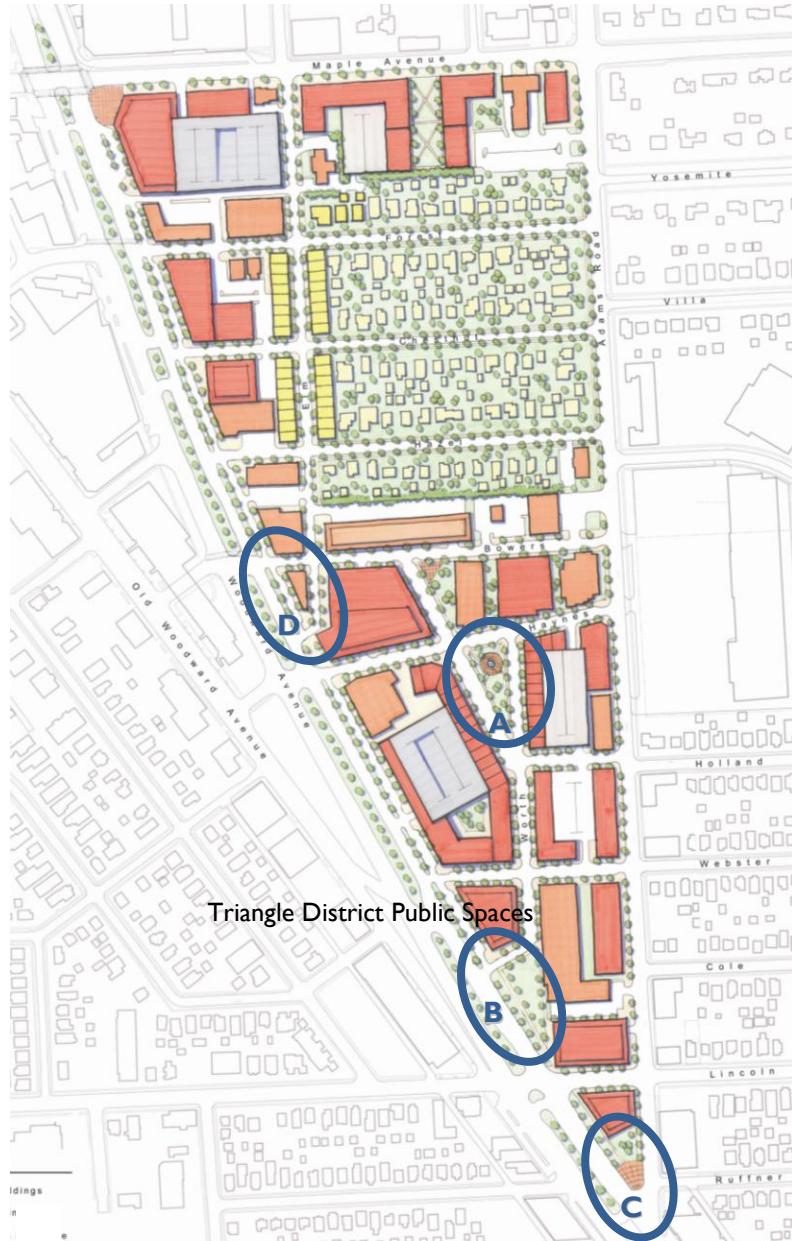
Height/Massing Model – South down Woodward



Height/Massing Model – North down Woodward/Adams



Height/Massing Model – West down Bowers



Public Spaces

Worth Plaza. In order to create a focal point for development in the heart of the Triangle District, a new open space called Worth Plaza will be created from the realignment of Worth Street recommended in the plan (A). This urban plaza will be an island of activity bounded by tree-lined sidewalks and brick-lined local streets, and enclosed by five- to seven-story buildings. While the plaza will be modest in size, it can be designed to create an intimate public space and serve as a focal point for surrounding development. Areas for sitting will be located throughout the plaza which will feature a characteristic element such as a fountain. This space will also be enhanced with the pedestrian oriented-streets that surround it and wide sidewalks in front of the adjoining uses. For special events like festivals or farmers' markets, one or more of the streets surrounding the plaza can be closed to vehicular traffic with removable bollards, expanding the public space to include the public streets.

Woodward Gateways. Several small open spaces are proposed along Woodward Avenue to provide relief to the building mass and serve as gateways into the Triangle District. The most significant of these will be created from the recommended realignment of Worth Street at Woodward (B). Another significant open space will be the plaza and landmark, perhaps a sculpture or other public art, proposed at the Triangle District's southern gateway of the intersection of Woodward and Adams (C). A smaller gateway open space is created by the proposed realignment of Elm Street at Woodward (D). These open space gateways at to the District must be carefully designed with landscaping and wayfinding signs to provide a welcoming effect.

Open Space Design Guidelines. All the proposed public open spaces the ability to attract and entertain visitors, access and connectivity to surrounding areas, safety and comfort. Specific design will vary for individual open spaces but should respond to the following general characteristics:

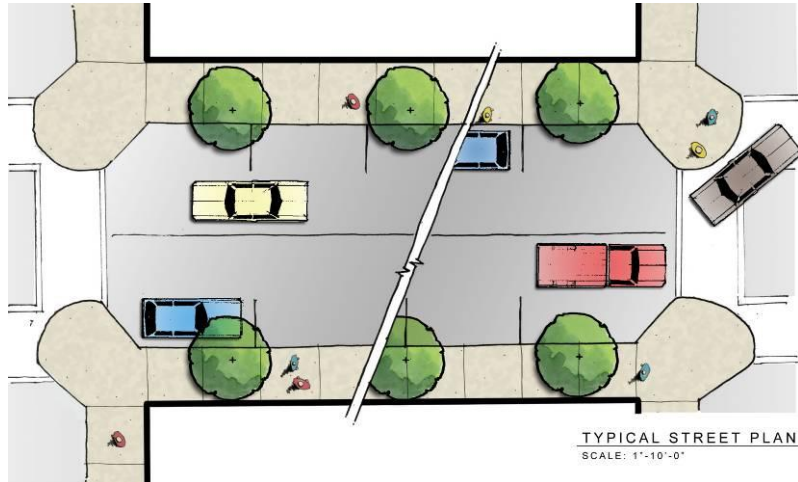
- Pedestrian connectivity within the open space and to the surrounding area should be achieved.
- A preference should be given toward materials and construction techniques which improve energy efficiency and water/soil quality.
- Landscaping materials should be carefully chosen to blend with the adjacent and proposed properties and streetscape.
- Lighting and landscaping should allow for surveillance and policing activities, but should be designed primarily to accommodate the intended use of the park.



Worth Plaza



Plaza Amenities



Walkable Streetscape

Walkability and the Streetscape

The Triangle District is intended to redevelop as a pedestrian-oriented neighborhood that is comfortable and inviting to pedestrians. Sidewalks should be lined with interesting buildings, and spaces and the area should have a rich mixture of uses that give people somewhere to go. All development must be pedestrian-friendly in its orientation and relationship to the sidewalk. The streets need to be designed to accommodate multiple uses, including vehicles, pedestrians and bicyclists.

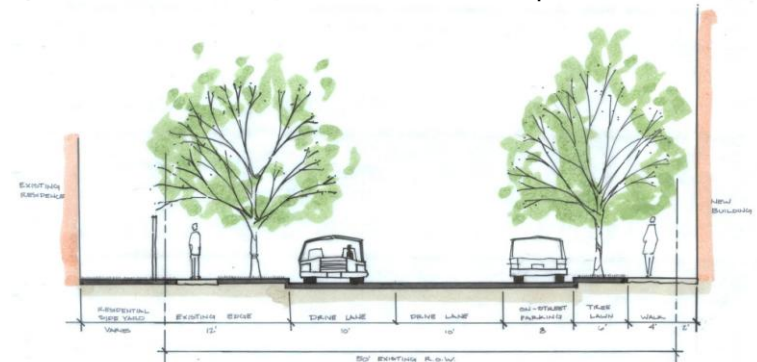
Streetscape elements that can be used to create such environments include inviting building facades, landscaping, sidewalks, street paving, street furniture, signs, awnings, and street lighting. Simple improvements to the streetscape will significantly improve the pedestrian environment and further emphasize the intended district character. Recommended physical design elements to be incorporated to achieve the purpose of this Urban Design Plan for the Triangle District are as follows:

- The sidewalk environment should accommodate ample space for many pedestrians, street furniture and prominent storefronts. In addition there should be space for sidewalk cafes, street trees and other elements that create a comfortable separation between parking and drive lanes and the pedestrian areas. These 'human-scale' elements improve the personal experience for people walking along the sidewalk and are recommended throughout the Triangle District.
- On-street parking and pedestrian crossings should be used extensively to enhance the streetscape and delineate an edge between sidewalks and the street.
- Service and utility lines should be located underground or behind buildings - not along the public streetscape.

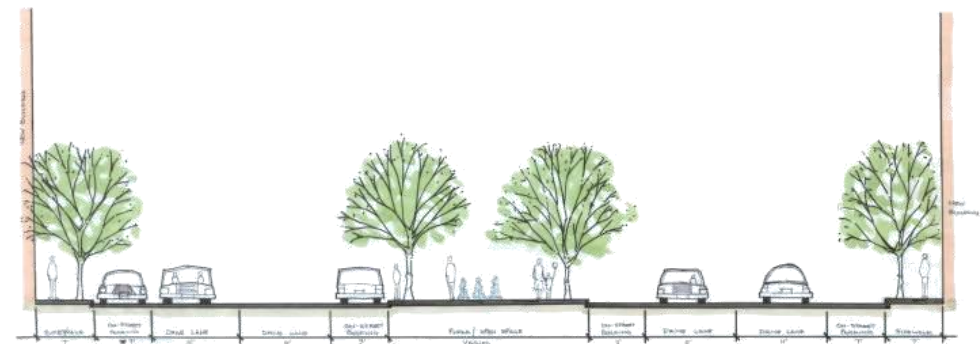
- Use of pavers should be integrated into the sidewalk and street crossing designs to accentuate the streetscape.
- Landscaping and street tree placement should be respectful of storefronts and building entrances.
- Curb extensions or bump-outs should be included in the overall design of the District. They are important because they create a larger, safer pedestrian area for gathering and waiting to cross the street. The use of bump-outs reduces the length of time a pedestrian has to walk across traffic lanes, which reduces accident potential and increases the feeling of safety. Also, it creates areas of on-street parking away from the intersections to help reduce conflicts with traffic operations.
- The streetscape should include benches, trash receptacles, planters, pedestrian-scale lighting, and other such amenities throughout the Triangle District. Newspaper boxes should be placed into clusters using the standard Birmingham newspaper racks.
- To encourage alternative forms of transportation, bike lanes should be integrated into the road designs. To augment the use of bikes, bike racks can also be provided on the sidewalks near the entrances to public buildings.
- Streetscape improvements should include transit-friendly elements such as bus stops and shelters to support the existing bus service operating in the Triangle District. Worth Plaza should be added as a transit stop in future transportation plans.



Streetscape with Bike Lane



Elm Street Cross-Section



Worth Street Cross-Section



Wayfinding Sign

Identity & Wayfinding

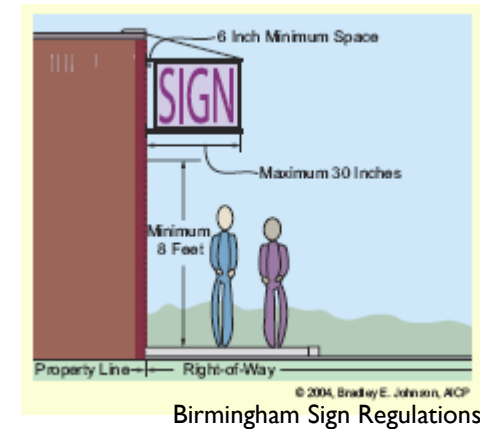
To develop an identity for the Triangle District it is important to create a unified theme for the District which complements Downtown while helping residents, visitors, and property and business owners efficiently utilize the public amenities and developing a sense of place. Although the identity can be developed through proper streetscape elements, signs have a profound effect on the visual impression and character of a community. Gateway signs, directional signs, and business signs for individual stores, offices, and other uses can be instrumental in creating a sense of place in the Triangle District.

Public Signage

- Consistent public signage should be developed to promote the branding of the Triangle District.
- Gateway signs should be implemented announcing the welcome to the District, one near the intersection of Woodward Avenue and Adams Road at the southern tip of the District. The other should be located near the intersection of Woodward Avenue and Maple Road. These signs should be dramatic and include landscape and special pavement to alert the driver.
- Directional signs should be located throughout the Triangle District to help direct vehicular and pedestrian traffic flow towards parking and destinations within the District.
- Freestanding signs should be landscaped with appropriate deciduous and evergreen shrubs, ground cover plantings, annuals and/or perennials.

Property and Business Signs

- The size and height of signs should be pedestrian in scale but should also be visible to slow moving vehicular traffic.
- Storefront signs should enhance buildings rather than overwhelm them. Signs should complement the architecture and be integrated into the facade design in a sign band.
- Illumination of signs should be limited to external means such as decorative down-directed lighting. Sign types to be encouraged include wall signs, awning signs and window signs. Rooftop signs, billboards, and signs attached to rocks, trees, poles, benches, and trash receptacles should be prohibited.
- Projecting signs or special architectural features should be encouraged at a pedestrian scale.
- Signage should not be internally lit, but lit from an indirect source.





LEED Certified Building

What is LEED?

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. LEED provides a roadmap for measuring and documenting success for every building type and phase of a building lifecycle.

Source: US Green Building Council

Sustainable Design

Sustainable design identifies ecological, infrastructural, and cultural characteristics of a site and/or building and its related open spaces which result in harmonious integration with the natural environment. The intent is to encourage optimal use of natural or existing features in architectural and site design such that a building's energy use is reduced and the natural environment is thereby enhanced. The goals of the Triangle District's sustainable design standards are:

- Reduce the energy use required for lighting, heating, and cooling of structures.
- Reduce the energy use required for transportation within the Triangle District and the extended area.
- Encourage design that promotes non-motorized transportation alternatives like walking and biking.
- Reduce on-site water usage.
- Reduce the off-site runoff of stormwater.
- Protect existing trees and vegetation.
- Promote higher density infill development where the infrastructure capacity exists.

The United States Green Building Council's Leadership in Energy and Environmental Design (LEED) provides the benchmark for the design, construction, and operation of high performance green buildings and site design. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. A rating system has been developed and is continually updated through an open consensus-based process which is the standard for environmentally healthy neighborhoods around the nation. New developments and revitalization of

existing ones can be LEED-certified based on qualifying guidelines. It has been tested and seen that LEED-certified buildings have lower operating costs, promote healthier neighborhoods, and conserve energy and natural resources which lead to development that is sustainable over the long term.

The use of LEED-designed buildings should be encouraged in the Triangle District. To achieve the maximum benefits of environmental sustainability in the Triangle District, the following should be carefully evaluated by developers, property and business owners and public officials of the City:

- The use of general guidelines of LEED certification programs, including the Neighborhood Development Rating System for site design and Existing Buildings and New Construction Rating System.
- Guiding development to environmentally appropriate infill areas.
- Placing, orienting, and configuring buildings on site to minimize energy use by means of day light, solar heating, natural ventilation, and shading from vegetation or other buildings.
- The use of a density credit system to render flexibility to site design through set development rights.
- Use of pervious pavers in surface parking lots along with sustainable design concepts like rain gardens in open spaces and landscaped areas to improve stormwater quality and reduce stormwater quantity.
- Use of shade trees and native-landscaped areas.



LEED Certified Building



Green Roof in Chicago

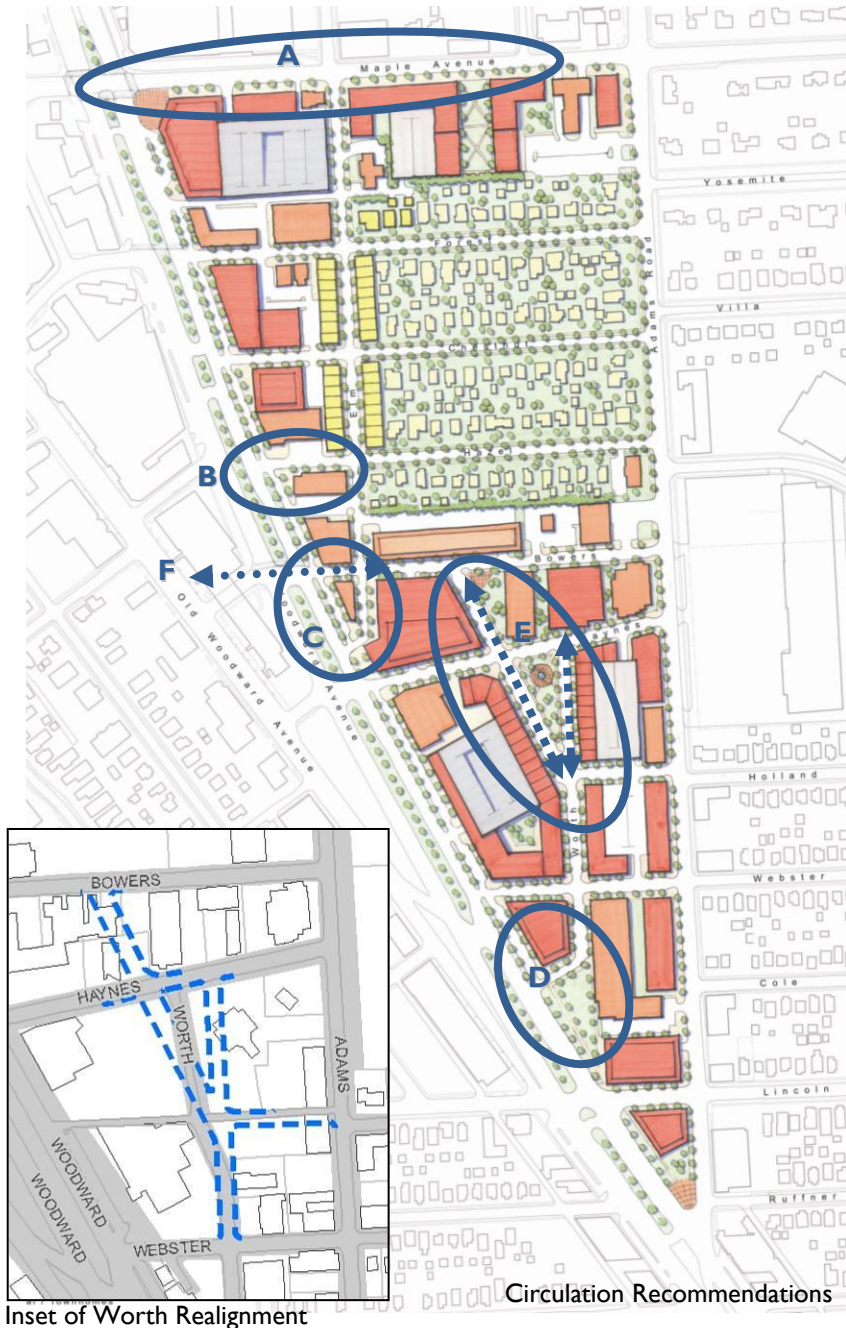
Circulation

To supplement the streetscape and walkability improvements, there are a number of roadway improvements recommended through the Triangle District. Some will enhance traffic operations and safety, while others are intended to make the district more walkable.

Maple Road (A). Maple Road between Woodward and Adams should be converted from two lanes in each direction to an imbalanced roadway configuration, for example with two westbound lanes, one eastbound lane and a center turn lane, as depicted in A1. This configuration would improve access into the Triangle along Elm Street and to the businesses along Maple without widening. Additionally, intersection improvements should be made at Elm and Maple to better emphasize this entrance to the Triangle District.

Hazel Street (B). The segment of Hazel between Woodward and Elm could be closed to minimize the number of access points along Woodward Avenue and minimize cut-through traffic in the residential neighborhood. The new space could be used as open space or could be conferred to a property owner or developer in a beneficial exchange.

Woodward/Elm (C). There are a number of options for the short block of Elm Street between Bowers and Woodward Avenue (C). Because of the slight angle from Woodward Avenue, traffic on Woodward Avenue tends to enter Elm at high speeds. In addition, the intersection with Bowers has limited sight distance because of building placements and a narrow right-of-way. The intersection of Elm at Woodward should be reconfigured to require traffic entering the District at Elm to make a right turning movement rather than merely veering right (C1). This would slow traffic and improve safety for pedestrians and motorists. Additionally, this portion of Elm south of Bowers could be converted to southbound traffic only with the former northbound lanes converted to angled street parking (C2). Alternatively, this segment could be vacated altogether and used as open space or developable land for an adjacent parcel (C3).



Inset of Worth Realignment

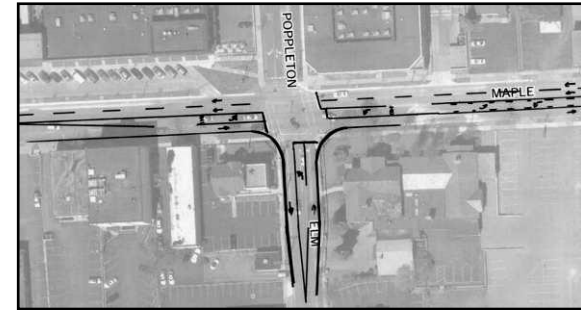
Circulation Recommendations

Woodward/Worth (D). The intersection of Worth Street at Woodward Avenue shares many of the same problems as Bowers discussed above. It is recommended that this intersection be reconfigured to form a right angle, greatly slowing traffic and creating the opportunity in the vacated right-of-way for a small greenspace with public art, landscaping, and wayfinding signs.

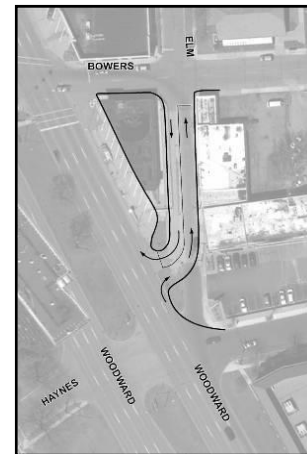
Worth Street (E). Currently Worth Street ends at Haynes Street. This prevents circulation between the Triangle District's northern and southern halves. Worth should be realigned parallel to Woodward Avenue and extended to Bowers. This will improve north/south interior connectivity within the Triangle District and better link the north and south halves of the District, which will help support redevelopment of this area. This road reconfiguration will also allow the creation of Worth Plaza in the heart of the Triangle District. The alignment of Worth Street will be through the rear of the Boarder's parking lot and buildings currently located between Bowers and Haynes. Therefore Worth Street realignment will need to be done in conjunction with the development of a parking structure and redevelopment of the properties on the north side of Haynes. The specific alignment shown on this plan is conceptual and could be varied, provided the ultimate alignment created Worth Plaza.

Bowers Street (F). Bowers Street should also be emphasized as an east/west connector corridor that connects the residential areas east of Adams to the Triangle District and Downtown.

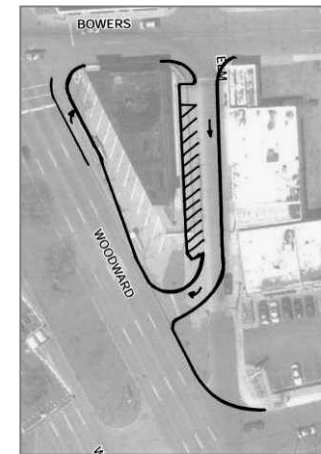
Additional traffic modeling and detailed geometric designs will need to be evaluated further by the City's traffic engineer prior to implementing these recommendations.



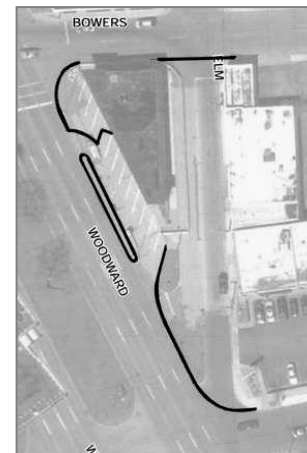
Maple Road (A1)



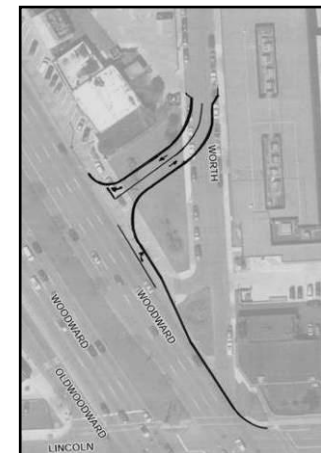
Woodward/Elm (C1)



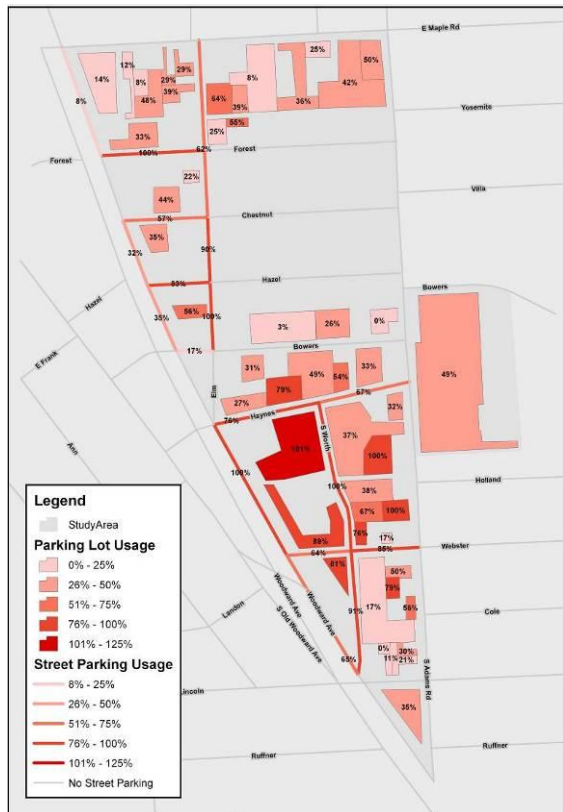
Woodward/Elm (C2)



Woodward/Elm (C3)



Woodward/Worth (D1)



Existing Surface and On-Street Parking Use



Integrated Building & Parking Structure

Parking

The City of Birmingham has implemented an extensive parking program for the Downtown, with several public parking structures and metered on-street parking. This has permitted significant development without requiring onsite parking for each property. The Triangle District, however, relies on individual private surface lots. Use of private, single-use parking lots is an inefficient system that results in parking shortages at certain locations with simultaneous surpluses at other locations. Surface parking lots consume a large area, are inefficiently used and contribute to the automobile-dominated character of the Triangle District.

On a typical day, parking use is generally well under the capacity. Certain parking lots, though, are at capacity during peak times at high demand uses such as the Border's Books and Papa Joe's Market. But generally overall, private lots are underutilized, with only 50% of the parking in use.

A more efficient means of accommodating parking is needed in the Triangle District. In the short term, a shared parking program may reduce parking demand. As the Triangle District redevelops, this plan recommends a managed parking system with a combination of parking on-street, in structures and in limited surface lots to ensure that convenient parking is provided to the uses with the greatest demand and that there is efficient use of land. Construction of a parking structure is an imperative element of the plan and should be implemented during the first phase.

At this plan's full potential build-out, an estimated 4,000 to 4,500 parking spaces will be required to accommodate the residences, offices, and shops proposed. Demand in the southern portion of the Triangle District will account for approximately 65% of needed spaces. Approximately 400 spaces will be available on-street, leaving the balance to be provided in public and private structures. Public structures should accommodate a portion of the retail parking demand, while private structures should accommodate the remaining retail parking demand, as well the residential and office demand. A number of alternative locations for parking structures are shown on the plan with two preferred locations (A and B), based upon accessibility from Woodward, proximity to uses and minimum recommended dimensions.

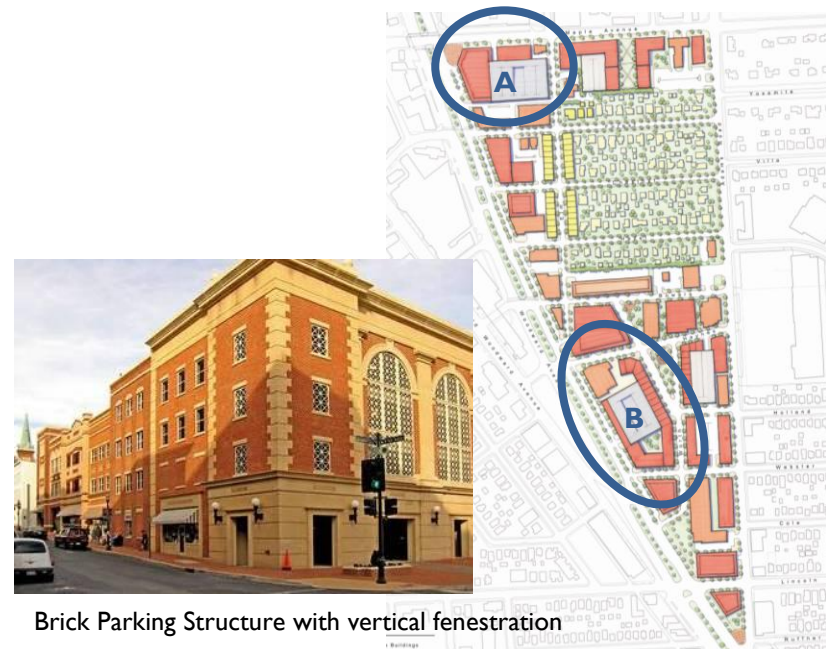
Minimum desirable area for a two-bay single helix parking structure is 124 feet wide by 200-270 feet long. These can be designed to handle 500 to 750 parking spaces. Minimum desirable area for a three-bay, side by side helix parking structure is 175 feet wide by 250-270 feet long. These can be designed to handle 750 to 1,100 parking spaces. In order to maximize efficient use of land, underground parking should also be incorporated.

New parking structures, whether public or private, should be integrated into mixed-use buildings with parking discouraged at ground level. This should be accomplished by providing retail at the grade level, wrapping the parking structure with other uses, or integrating parking with other uses vertically. Parking structures should be well-designed, incorporating architectural elements such as brick panel openings and vertically proportioned openings.

A public parking structure could be financed through a special assessment district or as a public/private partnership. Temporary parking should be arranged during construction. A new public parking structure would serve as a stimulus for additional development and could generate revenue through a payment-in-lieu parking program. As an incentive for contributing towards public parking, the Zoning Ordinance could grant height bonuses for either providing public parking in a development's private deck or contributing towards construction of a nearby public parking structure.

Changes to the City's parking regulations are recommended in order to better accommodate the character of development desired in the Triangle District (see table). Provisions for shared parking between multiple uses should be utilized to the maximum extent possible.

Parking needs to be monitored and managed to limit negative impact on nearby residential neighborhood streets. On-street parking should be metered to ensure turnover.

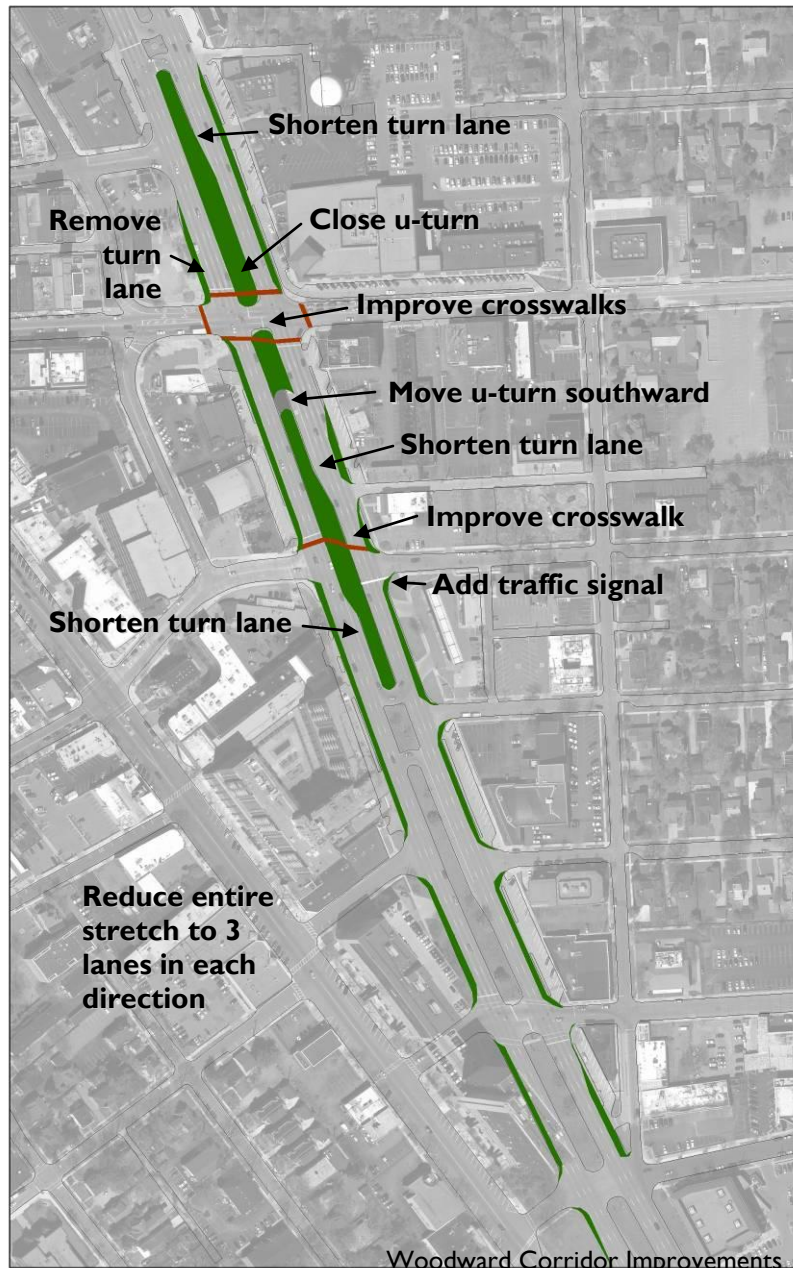


Brick Parking Structure with vertical fenestration

Recommended Changes to Parking Regulations

Use	Zoning Ordinance	Typical peak parking demand (1)	Recommendation
Retail	3.3 spaces per 1000 sq. ft.	Retail shopping centers: 3-3.5 spaces per 1000 sq. ft. Super markets: 6.7 spaces per 1000 sq. ft.	Current ordinance standard is appropriate.
Restaurants	13.3 spaces per 1000 sq. ft.	14 – 20 spaces per 1000 sq. ft.	Current ordinance standard is appropriate Peak parking demand for restaurants will be at different times than the other uses.
General office	3.3 spaces per 1000 sq. ft.	3 spaces per 1000 sq. ft.	Current ordinance standard appropriate. Allowance for shared parking, particularly in mixed use buildings should be fully utilized.
Medical office	6.7 spaces per 1000 sq. ft.	4.3 spaces per 1000 sq. ft.	Medical office should be reduced to 1 space per 250 sq. ft. (4 spaces per 1000 sq. ft.)
Residential	1 to 1.25 spaces per unit	1.4 spaces per unit	Eliminate standards based on number of rooms, reducing residential to 1 space per unit minimum and allowing market to dictate Shared spaces between multiple uses can be applied to guest parking.

(1) Based on Institute of Transportation Engineers Parking Generation Manual, Second Edition



Woodward Corridor Improvements

Woodward Avenue is the principal roadway that passes through the City and links Birmingham to the other communities along the corridor from Downtown Detroit to Pontiac. This roadway has been designed and improved to handle large volumes of traffic and currently carries approximately 65,000 vehicles per day with four lanes in each direction. As this roadway was modified to handle increasing volumes of traffic, its suitability for pedestrians diminished. This plan recommends potential changes to Woodward Avenue to become a grand, tree-lined boulevard, lined with distinctive buildings and a street design that accommodates vehicles, but also would be more inviting for pedestrians to cross and walk along the roadway.

Alternatives for improving Woodward Avenue are listed below:

- Create a stronger sense of enclosure along the corridor to help contain the large scale of the wide right-of-way, make the environment more comfortable for pedestrians, and induce traffic to drive slower. This can be achieved by the combination of taller buildings along the corridor and more street trees in the medians and along sidewalks.
- Eliminate some of the driveways and intersecting streets along Woodward that create conflict points for through traffic and local traffic. This will help improve vehicular and pedestrian safety and alleviate conflicts.
- Reduce the speed limit to 35 mph to make it safer for pedestrians and for drivers and their passengers.
- North of the Maple intersection, shorten the northbound u-turn lane to increase the width of the median for pedestrians. The southbound u-turn may be eliminated to increase the median for pedestrians; however this would need to be studied further to determine the impact to southbound to northbound movements.

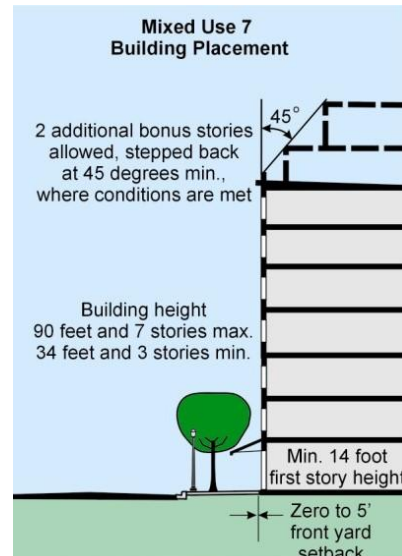
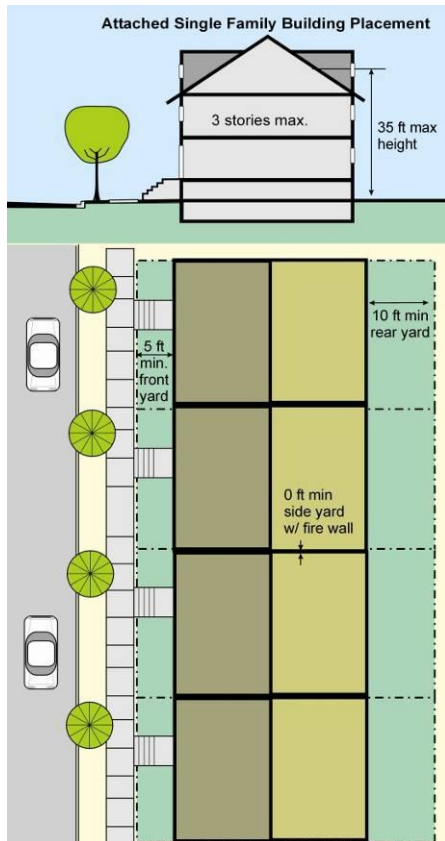
- North of the Maple intersection, remove southbound right turn lane into Downtown and convert the westernmost travel lane to a right turn lane to reduce distance a pedestrian must travel to cross the roadway.
- Move northbound median south of Maple further away from the intersection to reduce the potential conflict with pedestrians in the median.
- Add a northbound signal at Forest to facilitate pedestrian crossing at the crosswalk. A signal already exists in the southbound direction and MDOT should consider the additional signal if it is timed to operate with the one at Maple.
- Shorten southbound u-turn lane south of Forest to increase the distance between pedestrians in the crosswalk and vehicles.
- Upgrade the Maple-Woodward intersection signals to mast-arm signals to improve the visual character of the area.
- Add pavers to crosswalks the existing crosswalks at Maple, Forest, and Bowers to improve the visual character of the area, to more clearly identify the pedestrian zone to drivers, and to enhance the secondary crossings of Forest and Bowers.
- Improve the existing at-grade crossing at Maple by adding to the median pedestrian elements such as a shelter depicted to the right. Such improvements can provide a resting place for pedestrians who cannot cross the entire extent of Woodward at once. A structure would also protect pedestrians from vehicles, induce vehicles to slow down, and provide some comfort to pedestrians standing in the median of a busy intersection.
- An above-grade crossing of Woodward not recommended at this time, given the construction and maintenance costs and the lack of large “anchor” destinations to serve as terminating points. Some type of elevated crossing could be worth reconsideration if conditions change in the future.

In the long term...

As a long-term goal, the City should pursue a reduction in the number of lanes to three in each direction for through-traffic. A fourth lane could be a separate service drive that functions as a local street with on-street parking. Access points to the main through lanes would be minimized to improve the efficiency of traffic flow. Local service drives can be used to access the businesses that line Woodward Avenue. This would make additional right-of-way available for wider sidewalks in front of businesses and would reduce the distance pedestrians must travel to cross the main throughway. This recommendation must be carefully considered and requires further investigation. It must be modeled by the City’s traffic engineer to ensure that traffic will not spill over to secondary streets like Adams and Maple. It also would require significant coordination with MDOT.



Illustrative Concept of Woodward Avenue Pedestrian Improvements



Form-Based Code Building Placement Regulations

Implementation

Implementation of the Triangle District Plan will be accomplished through a variety of means, including public capital improvements such as parking structures or roadway realignment. Many of these can be accomplished through public/private partnerships as redevelopment of the Triangle District occurs. Coordination will also be required to facilitate the complicated processes of land assembly and cooperation between adjacent landowners is necessary to enable development of the Triangle District plan, especially to extend Worth Street and form Worth Plaza.

A key regulatory element that the City can adopt to help implement the plan is a form-based code. A form-based code is a zoning tool that regulates development to achieve a specific urban form. Form-based codes create a predictable public realm by controlling physical form primarily, with a lesser focus on land use. It creates a physical framework wherein a mixture of uses can be allowed and enables an area to evolve over time, because the form will conform to the planned context of the neighborhood.

The form-based code will regulate both the minimum and maximum building height based upon the Regulating Plan. Setback requirements are replaced with build-to lines that require buildings be built up to the sidewalk to create a continuous street edge with parking located in the rear. The form-based code includes functional design elements to ensure that buildings relate to the street at a pedestrian scale and orientation.

While conventional zoning limits regulation to individual sites, a form-based code ties together the site and the streetscape. Building regulations relate to design requirements for streets, sidewalks, on-street parking, street trees and public spaces.

A form-based code should replace the current method of regulating Floor Area Ratio (FAR) in the Triangle District, as outlined in the Zoning Ordinance. FAR is unpredictable in what the form of the resulting development will be, because it only regulates the mass of the building and not the location or orientation of the building.

The code should provide incentives for development that follows the plan by permitting additional building height. The form-based code will regulate height and incorporate additional height bonuses to provide incentives for providing public parking, sustainable building practices, public streetscape improvements and public spaces.

Consideration should also be given to the zoning regulations for the single family residential neighborhood that is to remain in the Triangle District. The plan recommends continuation and strengthening of this neighborhood. One method to encourage neighborhood reinvestment would be to relax some of the dimensional requirements and Floor Area Ratio restrictions. Given the recommendation of the plan to allow an intensification or more urban form of development in the Triangle District, it would be appropriate to allow a greater bulk of residential structures in this neighborhood to reinforce it as an enclave of high-end housing in an urban center.

Phasing

This plan was developed with a 20-year time frame in mind. Newer commercial structures, including some currently in development like the Mayfair project, are unlikely to change over the time frame and are considered fixed. Single-family homes along Hazel, Chestnut, and Forest are generally considered fixed as well for the purposes of this plan. Older commercial structures are more likely to face redevelopment pressure and are represented in this document by planned uses and a conceptual building form that are deemed appropriate at the end of the 20-year period.



Mayfair Project



Triangle District
Single-Family Homes



Worth Plaza (Phase I)

Implementation of this plan will occur over time based on factors such as property owners' individual plans, economic and real estate market conditions, public investment, and the political environment. Some redevelopment in the District is already occurring as of this plan's adoption. This development pressure is creating a sense of urgency to adopt policies that will ensure the desired future character of the District.

Phase I. The centerpiece of this plan is the Worth Plaza area with its public open space, street-level shopping, and upper-level residences. Implementation of this part of the plan is vital in creating a vibrant, mixed-use Triangle District. The Worth Plaza area is identified as Phase I of the plan to highlight its role as the heart of activity and the geographic center of the District.

There are two key improvements that will be necessary precursors to the successful implementation of Phase I. They are the realignment of Worth Street to create the Worth Plaza open space and a substantial public or public-private parking deck. The reconfiguration of Worth Street requires public acquisition of additional roadway right-of-way and includes the extension of Worth Street to Bowers.

The significant increase in retail and residential square footage proposed in Phase I of this plan requires careful attention to the availability of parking. A parking structure is essential to realize the vision of the plan. Construction of a parking structure, either wholly or partially financed with public funds, is a significant public investment that is strongly recommended. The ideal location for such a structure is between Worth Street and Woodward Avenue. This location takes advantage of the higher permitted heights along Woodward and is conveniently located in the heart of the Triangle District. The structure should be timed to precede other development of Phase I to spark private development that conforms to the plan and to preempt redevelopment of parcels that are necessary to accommodate a deck of sufficient size to serve the area.

The City should actively begin the process of planning for the financing and land acquisitions. Minimum desirable area for a two-bay parking structure is 124 feet wide by 200-270 feet long. The Advisory Parking Committee will need to work with the Planning Board and staff to further study the best location, design, and costs and make a recommendation to the City Commission for a special assessment district and start the design and construction process.

The parking structure can be constructed as part of a mixed use building that contains ground level retail and integrated vertically with other uses. Other uses such as office or residential could wrap the exterior of the parking structures or be added to floors above the parking levels.

Key circulation and streetscape improvements highlighted above should be completed in Phase I, including the lane reconfiguration of Maple, the reconfiguration of the intersections at Woodward and Elm and Woodward and Worth, the construction of curb bump-outs and pedestrian crosswalks, and the incorporation of bike lanes and on-street parking into the streetscape.

Infrastructure improvements will likely be needed to support the higher density land uses and ensure that aging infrastructure is replaced. The City should analyze the capacity of sewer and water systems to determine where capacity improvements are needed. This will allow for upgrade or replacement of systems concurrent with redevelopment.

Phase 2. A secondary centerpiece of this plan is the improvement of the Maple and Woodward corridors within the Triangle District, especially at the intersection of these two major roads. A key element of this phase is improving pedestrian access across Woodward Avenue, at Maple and at other cross-streets into the Triangle District such as Bowers and Forest. Development of a second parking structure near this area would be needed to support the increased activity of new construction planned in this area. Several new developments are currently underway or planned for this area. A coordinated plan will ensure it develops in a manner consistent with the



Southeast corner of Woodward & Maple (Phase 2)



Triangle District overview (Phase 3)

long-range vision for the Triangle District. As in Phase 1, the parking structure in this phase can be financed either with a public-private partnership or entirely with public funds. The location of the structure indicated in the plan is one of the few suitable sites with a high potential for available land of sufficient size.

Redevelopment of the southernmost tip of the Triangle is anticipated to take place during Phase 2. This includes acquisition of open space at the southern corner of the Triangle District and development of an iconic monument or sculpture to identify the Triangle's southern gateway.

Phase 3. The completion of the first two phases will create the demand for the full build-out of the plan. This will include final infill development along Adams and Woodward Avenue with mixed use buildings providing a continuous pedestrian-oriented environment throughout the Triangle District. Surrounding neighborhoods will be protected with compatible transitions in terms of use, building height, setback, and scale. Final infill development also includes the development of attached single-family residences along the eastern side of Elm Street, to assist in preserving the existing single-family neighborhood within the Triangle District.

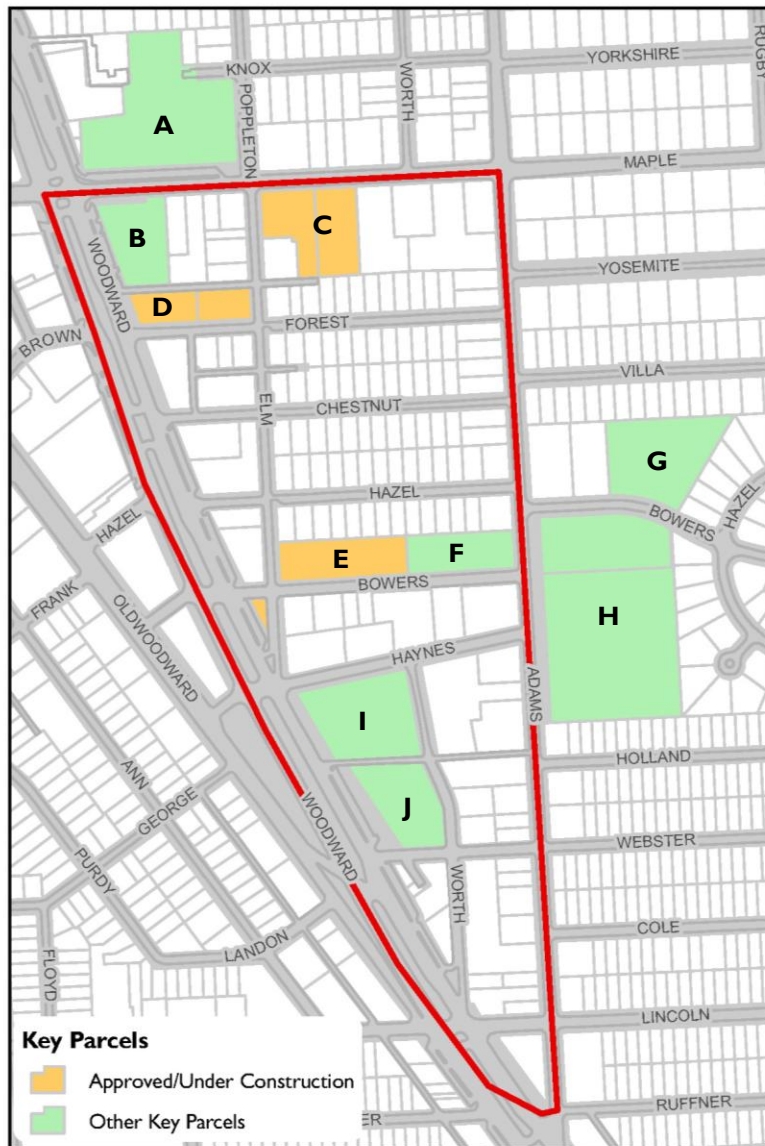
As a long range vision for the City, major changes to Woodward Avenue to reduce to the main roadway to 3 lanes in each direction with the additional of local streets with parking along storefronts will be part of the final phase of the plan. However, the City should start a dialog with MDOT, Oakland County and other communities along the corridor in the short term.

Market Conditions

While the plan includes a number of recommendations that the City will be responsible for implementing, much of the land in the Triangle District is privately owned. The overall Triangle District is divided into approximately 75 lots with numerous private owners. Therefore, the development community will take a major role in implementing the vision in the plan as properties redevelop.

As part of this planning process, a market summary was prepared to identify the potential demand for various uses based on results from the market study and input from developers in the process. The conclusion was that there is a demand for up to 600,000 square feet of retail, commercial services and restaurants in the trade area and that the Triangle District could accommodate up to one-half of this development. While there is demand for uses in the trade area that may not be appropriate in the Triangle District such as big boxes retail centers, there are a number of uses appropriate for the Triangle District that were determined to be underrepresented in the current market. Underrepresented uses include restaurants, specialty food retail, hotels, furniture retail and office supply. There is also the opportunity for up to 500 new residential units of various price points in the Birmingham area, many of which can be located in the Triangle District. A study conducted by the Planned Shopping District (PSD) reiterated that Birmingham is underrepresented in restaurants compared to other successful downtowns.

The City should work to market the Triangle District to the development community. This may be a role for economic development personnel or the boundaries of the PSD could be expanded to include the Triangle District. The City should use this plan as a tool to recruit developers and inspire the development community to help the City achieve the vision laid out in this Plan.



Appendix I – Key Triangle District Parcels

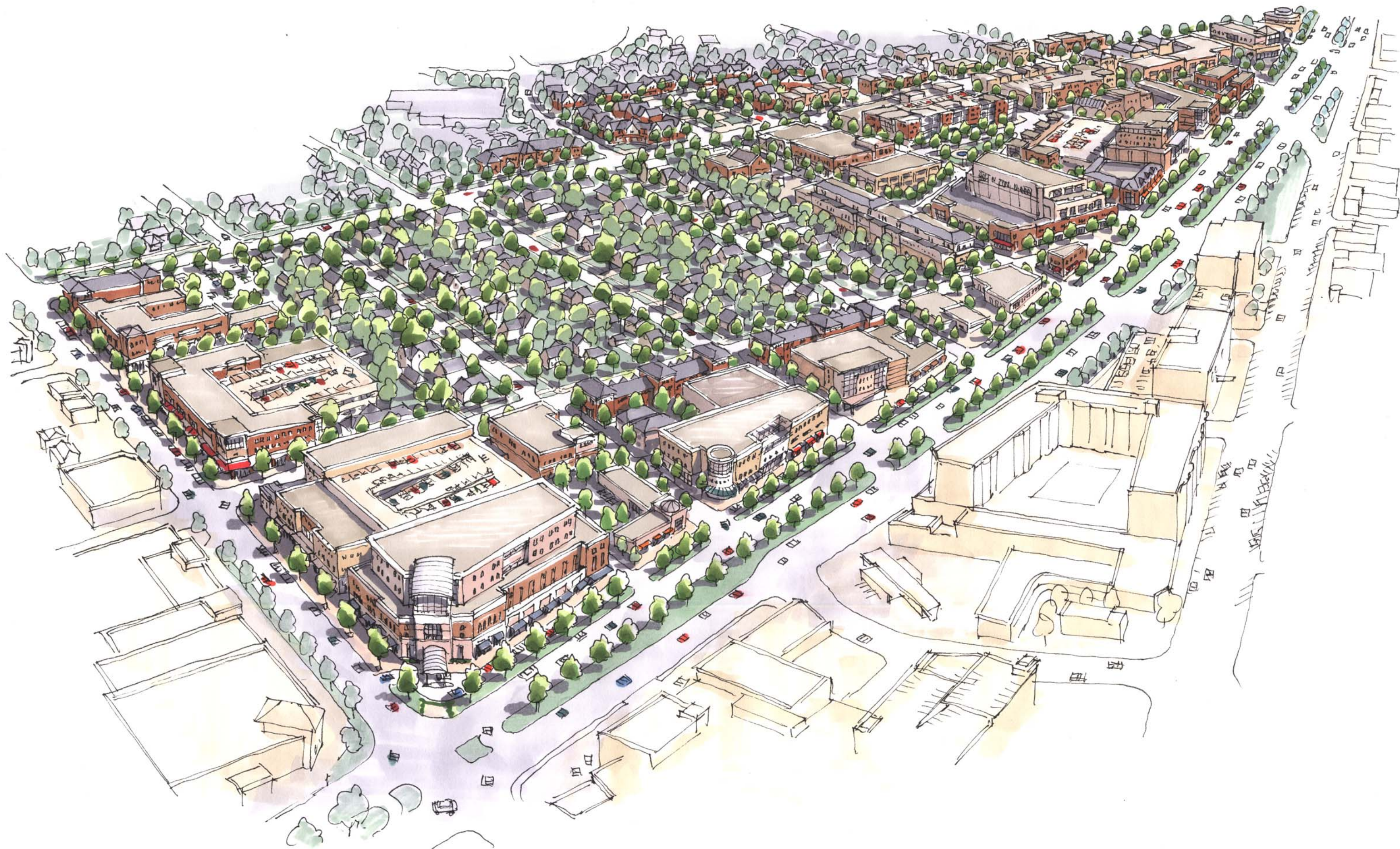
The sites listed below and highlighted on the accompanying map are key parcels that are mentioned by name in this plan, new projects approved or under construction in the Triangle District, or other key identifiable sites.

- A – Kroger
- B – Barclay Inn
- C – New Residential Building
- D – New AAA Building
- E – New Mayfair Building
- F – Fire Department
- G – Post Office
- H – Adams Square
- I – Borders
- J – Papa Joe's Market

Appendix 2 – Triangle District Urban Design Plan







MEMORANDUM

Date: November 5, 2008

To: Thomas M. Markus, City Manager

From: Jana L. Ecker, Planning Director

Approved: Thomas M. Markus, City Manager

Subject: Resolution to Establish a Corridor Improvement Authority
and to designate a Development Area

On June 9, 2008, Mr. McGow of Miller Canfield conducted a presentation to the City Commission outlining the use of Corridor Improvement Authorities ("CIA") and how a CIA could be utilized to fund public improvements within the Triangle District. The Commission agreed that this would be discussed at a subsequent meeting, and that a copy of the relevant statute would be provided to the City Commission prior to the discussion.

On July 14, 2008, the City Commission set a public hearing date of August 25, 2008 to consider establishing a Corridor Improvement Authority and to designate a corresponding Development Area within the Triangle District to be utilized to assist in funding public improvements within the district. Please see attached resolution that was adopted by the City Commission on July 14, 2008.

In accordance with the resolution adopted on July 14, 2008 (see attached), public notice was sent to all property owners within the proposed Development Area, notice was published in the Birmingham Eccentric, and public notice was also posted at 20 conspicuous locations within the proposed district as required.

Proposed Development Area

The proposed Development Area that would fall under the jurisdiction of the proposed Corridor Improvement Authority is illustrated below.



In accordance with state law, a proposed Development Area that is under the jurisdiction of a Corridor Improvement Authority can extend 500' on either side of key corridors. The area proposed includes the right-of-way for Maple, Woodward and Adams, as well as all properties within 500' of each of these corridors and within the Triangle District. **The single-family residential neighborhood at the north end of the Triangle District is not proposed for inclusion within the Development Area.**

Purpose of a Corridor Improvement Authority

A Corridor Improvement Authority ("CIA") provides an alternate means of funding public infrastructure improvements to assist with redevelopment in a defined Development Area. The funding comes by way of capturing an increase in taxes payable for a property that results from redevelopment and reinvestment of the property, and diverting these funds from the standard taxing jurisdictions to a fund to be utilized for capital improvements within the Development Area. **A CIA does not increase the tax payable by property owners within the Development Area.**

Once established, a Corridor Improvement Authority creates a plan for the Development Area that outlines the nature and priority of public improvements needed within the area. Upon receiving a recommendation on such a plan from the CIA, the City Commission considers the proposed plan. Within the Development Area proposed, a need for public parking was established as the biggest priority through the master planning effort that the City undertook last year. It is anticipated that the CIA, if created, would make public parking improvements the primary component of the plan for the Development Area, and thus the CIA and City Commission could approve funding of such improvements through the tax increment financing process.

Once a plan has been adopted by the City Commission, the CIA then has the ability to consider requests by property owners to utilize any increase in taxes payable as a result of redevelopment in order to offset a portion of approved expenses for public infrastructure improvements that are outlined in the plan. The CIA again makes a recommendation to the City Commission for approval of a Corridor Improvement Plan for a specific property, and the City Commission has the final decision as to whether the plan should be approved.

Authority of the City Commission over Corridor Improvement Authority

The City Commission retains ultimate control over all aspects of the corridor improvement process. It is the body that creates a CIA, appoints board members to the Authority, reviews and adopts a master plan for the Development Area, and ultimately determines whether or not to approve the use of increased taxes for public improvements within the Development Area.

Mandatory Waiting Period to Establish Corridor Improvement Authority

On August 25, 2008, the City Commission conducted a public hearing to consider the proposed establishment of a Corridor Improvement Authority and to designate a corresponding Development Area within the Triangle District. Public comment was taken during the public hearing. The City was not permitted to adopt a resolution at the public hearing to create the authority or to designate the Development Area, and thus the public hearing was closed and no action was taken. Please see attached minutes.

In accordance with State law, a mandatory 60 day waiting period was required after the public hearing before the City Commission could take formal action. The mandatory 60 day waiting period expired on October 24, 2008. This waiting period provided an additional opportunity for members of the public and other taxing jurisdictions to register any objections to the proposed establishment of a Corridor Improvement Authority within the designated Development Area. No formal objections have been filed with the City. One letter of support was received, and is attached for your review. Preliminary discussions with County officials have conveyed support from the County to support Birmingham's Corridor Improvement Authority and to allow for the capture of County taxes to support the Authority's activities.

At this time, the City Commission may wish to adopt a formal resolution to establish a Corridor Improvement Authority and to designate the corresponding Development Area within the Triangle District. It will also be necessary for the Commission to publish their intention to appoint board members to the Authority so that they may begin crafting a plan for the provision of public parking in the designated Development Area.

Both the Planning Division and the Bond Counsel for the City recommend creating a Corridor Improvement Authority with seven members. In accordance with State law, the Mayor (or his or her designee) must be a member of the Authority, along with one resident who lives in or within one half a mile of the designated Development Area. In addition, a majority of members must have an ownership or business interest within the designated Development Area. Please find attached a resolution establishing a Corridor Improvement Authority and designating the boundaries of the Development Area.

Please also find attached a copy of the relevant statute, an outline of the process for establishing a CIA and a letter from Miller Canfield outlining a proposed schedule of activities relating to the establishment of the CIA and the approval of the Development Plan and Tax Increment Financing Plan should you wish to review the materials presented in August 2008.

Suggested Resolution:

To adopt the attached Resolution to establish the Birmingham Triangle District Corridor Improvement Authority and to designate a Development Area within which the Authority shall exercise its powers.

CITY OF BIRMINGHAM
COUNTY OF OAKLAND, MICHIGAN

RESOLUTION ESTABLISHING
CORRIDOR IMPROVEMENT AUTHORITY
AND DESIGNATION OF DEVELOPMENT AREA

Minutes of a regular meeting of the City Commission of the City of Birmingham, County of Oakland, Michigan, held in the City Hall on the 10th day of November, 2008, at 7:30 o'clock p.m., Eastern Daylight Time.

PRESENT: Members

ABSENT: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the City of Birmingham (the "City"), is authorized by the provisions of Act 280, Public Acts of Michigan, 2005, as amended ("Act 280"), to create a corridor improvement authority; and

WHEREAS, the City Commission held a public hearing on August 25, 2008 pursuant to Act 280 in connection with the establishment of a corridor improvement authority and the designation of the proposed development area; and

WHEREAS, at least 60 days have passed since the public hearing; and

WHEREAS, the City Commission intends to proceed with the establishment of a corridor improvement authority.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Determination of Necessity; Purpose. The City Commission hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, as amended.

2. Definitions. The terms used in this resolution shall have the same meaning as given to them in Act 280 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this resolution:

"Authority" means the [Birmingham Triangle District Corridor Improvement Authority] created by this resolution.

"Act 280" means Act No. 280 of the Public Acts of Michigan of 2005, as amended.

"Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.

"Chief Executive Officer" means the Mayor of the City.

"City" means the City of Birmingham, Oakland County, Michigan.

"City Commission" means the City Commission of the City.

"Development Area" means the development area designated by this resolution, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

3. Creation of Authority. There is hereby created pursuant to Act 280 a Corridor Improvement Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the **BIRMINGHAM TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY**. The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all of the powers necessary to carry out the purposes of its incorporation as provided by this resolution and Act 280. The enumeration of a power in this resolution or in Act 280 shall not be construed as a limitation upon the general powers of the Authority.

4. Termination. Upon completion of its purposes, the Authority may be dissolved by the City Commission. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

5. Description of Development Area. The Development Area shall consist of the territory in the City described in Exhibit A, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this resolution and Act 280.

6. Board of Directors. The Authority shall be under the supervision and control of the Board. The Board shall consist of the Chief Executive Officer, or his or her assignee, and six additional members. Members shall be appointed by the Chief Executive Officer, subject to approval by the City Commission. Not

less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area. Members shall be appointed to serve for a term of four years, except that of the members first appointed, an equal number, as near as is practicable, shall be appointed for terms of 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's successor is appointed and qualified. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. An appointment to fill a vacancy shall be made by the Chief Executive Officer for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The Chairperson of the Board shall be elected by the Board. The Board shall adopt Bylaws governing its procedures subject to the approval of the City Commission.

In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in the penal sum of One Thousand Dollars (\$1,000) payable to the Authority for use and benefit of the Authority and shall file the same with the City Clerk of the City.

7. Powers of Authority. Except as specifically otherwise provided in this resolution, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

8. Fiscal Year; Adoption of Budget.

(a) The fiscal year of the Authority shall begin on July 1st of each year and end on June 30th, or such other fiscal year as may hereafter be adopted by the City Commission.

(b) The Board shall prepare annually a budget and shall submit it to the City Commission for approval in the manner and at the time, and which budget shall contain the information, required of municipal departments. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City Commission.

(c) The Authority shall submit financial reports to the City Commission at the same time and on the same basis as departments of the City are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the City and copies of the audit report shall be filed with the City Commission.

9. Section Headings; Severability; Repealer. Section headings are provided for convenience only and are not intended to be part of this resolution.

If any portion of this resolution shall be held to be unlawful, the remaining portions shall remain in full force and effect. All resolutions and parts of resolutions in conflict herewith are hereby repealed.

10. Publication, Recording and Filing. This resolution shall be published once after its adoption in full in the *Birmingham Eccentric*, a newspaper of general circulation in the City of Birmingham and the City Clerk shall file a certified copy of the resolution with the Michigan Secretary of State promptly after its adoption.

11. Effective Date. This resolution shall take effect immediately upon its publication.

12. Conflict and Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members

NAYS: Members

RESOLUTION DECLARED ADOPTED.

City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Birmingham, County of Oakland, State of Michigan, at a regular meeting held on November 10, 2008, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

City Clerk

I hereby certify that the foregoing resolution received legal publication in the *Birmingham Eccentric* on _____, 2008 and that a certified copy of the foregoing resolution was filed with the Michigan Secretary of State on _____, 2008.

City Clerk

EXHIBIT A
DESCRIPTION OF DEVELOPMENT AREA

See attached PDF.

City Commission Minutes
August 25, 2008

**08-275-08 PUBLIC HEARING TO CONSIDER THE FORMATION OF A
CORRIDOR IMPROVEMENT AUTHORITY.**

The mayor opened the public hearing to consider the formation of a Corridor Improvement Authority and designation of development area boundaries for the Triangle District at 7:57PM.

Ms. Ecker explained that state law allows the city to capture additional taxes as a result of development in the area. The captured money could then be used to finance public improvements, such as parking.

Ms. Ecker explained a corridor improvement authority is created by the city commission. The corridor improvement authority creates a development plan within the designated district. As individual projects come through for improvements in the area, they would go before the corridor improvement authority for recommendation, and then to the city commission for final approval.

Pat McGow, Miller Canfield, confirmed for Commissioner Rinschler that the proceeding tonight is to consider the establishment of the authority and designation of the boundaries. Once the authority is appointed, the plan is brought to the city commission in another public hearing. Mr. McGow explained that the details of the approved plan would dictate projects and timetable. The city commission exercises discretion in the approval of the budget for the authority.

Mr. Markus pointed out that this does not have to be used as the sole source of financing for a parking structure. He explained a portion could be funded through tax increment financing (TIF), special assessment, and/or fees from the operation of the parking facility.

Mr. Markus explained that the city is suggesting that the definition of the TIF be dictated exclusively to acquire land for parking facilities, but also that it should not be the exclusive portion of the finance.

In response to a question from Commissioner Hoff, Mr. McGow explained the authority board is comprised of five to nine people, plus the mayor. He explained the board members are appointed by the mayor and approved by the city commission. He stated that the majority of the members must have an interest in property in the district and one member must be a resident who lives within the district or a half mile of the district.

Dorothy Conrad stated the boundaries should be clearly stated in writing. Ms. Conrad questioned who would be in charge of the parking decks. Mayor Carney stated that would be discussed later.

David Bloom expressed that he would like the triangle district to have better developed properties in the area, but expressed concern that residents may wind up subsidizing this.

The property owner at 690 East Maple, expressed concern that if he develops his property, he would be stung with increased taxes. He expressed interest in serving on the board.

The following individuals expressed support of the creation of the authority.

- Robert Benis, 500 East Maple
- Victor Saroki, 430 North Old Woodward and speaking on behalf of the business owners and partners at 735 Forest
- Peter Sobleton 746 East Maple and 160 Elm
- David Goldberg, representative of developers that have interest in triangle district - Mayfair Project and the properties on Hayes Street
- Ted Mitchell, owner of the Good Year store

The mayor closed the public hearing at 9:01PM

**RESOLUTION OF INTENT CALLING HEARING
REGARDING ESTABLISHMENT OF
CORRIDOR IMPROVEMENT AUTHORITY
AND DESIGNATION OF DEVELOPMENT AREA**

Minutes of a regular meeting of the City Commission of the City of Birmingham, County of Oakland, Michigan, held in the City Hall on the 14th day of July, 2008, at 7:30 o'clock p.m., Eastern Daylight Time.

PRESENT: Members

ABSENT: Members

The following preamble and resolution were offered by Member _____ and support by Member _____:

WHEREAS, the City of Birmingham (the "City"), is authorized by the provisions of Act 280, Public Acts of Michigan, 2005, as amended ("Act 280"), to create a corridor improvement authority; and

WHEREAS, it is necessary, for the best interests of the public, for the City to redevelop its commercial corridors and to promote economic growth; and

WHEREAS, a proposed resolution designating a development area and incorporating a corridor improvement authority pursuant to Act 280 has been presented to the City Commission; and

WHEREAS, it is necessary to conduct a public hearing in connection with the consideration of such proposed resolution as required by Act 280.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission determines that it is necessary for the best interests of the public to create a corridor improvement authority pursuant to Act 280 in order to redevelop the City's commercial corridors and to promote economic growth, and the City Commission hereby declares its intention to create and provide for the operation of a Corridor Improvement authority pursuant to Act 280.

2. The development area subject to the jurisdiction of the Corridor Improvement authority as provided in Act 280 is hereby tentatively designated to

be the area described on Exhibit A attached hereto (the "Development Area") and the proposed Development Area meets the criteria in Section 5 of Act 280.

3. There shall be a public hearing on Monday the 25th day of August, 2008, at 7:30 o'clock, p.m., Eastern Daylight Time, in the City Hall located at 151 Martin Street in the City to consider adoption by the City Commission of a resolution creating a corridor improvement authority and designating the Development Area.

4. The City Clerk shall cause notice of said public hearing to be published in the Birmingham Eccentric a newspaper of general circulation in the City, twice before the public hearing. Each notice shall be published not less than 20 and not more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size. The Clerk also shall cause the notice to be mailed by first class mail not less than 20 days prior to the hearing to all property taxpayers of record in the proposed Development Area as shown by the most recent tax roll of the City and by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved and to the State Tax Commission. The Clerk also shall post, or cause the posting of, the notice in at least 20 conspicuous and public places in the proposed Development Area not less than 20 days before the hearing.

5. The notice of the hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

CITY OF BIRMINGHAM
County of Oakland, Michigan

ON THE FORMATION OF A CORRIDOR IMPROVEMENT AUTHORITY AND DESIGNATION OF DEVELOPMENT AREA BOUNDARIES

TO ALL INTERESTED PERSONS IN THE CITY OF BIRMINGHAM:

PLEASE TAKE NOTICE that the City Commission of the City of Birmingham, Michigan, will hold a public hearing on **Monday, the 25th day of August, 2008, at 7:30 o'clock, p.m.**, Eastern Daylight Time in City Hall, located at 151 Martin Street, in the City of Birmingham, Michigan, to consider the adoption of a resolution establishing a corridor improvement authority for the City of Birmingham and designating the boundaries of a development area, pursuant to Act 280 of the Public Acts of Michigan of 2005, as amended.

PROPOSED BOUNDARIES

The boundaries of the proposed Development Area within which the corridor improvement authority shall exercise its powers shall include:

All property south of Maple, between Woodward Avenue and Adams Road, with the exclusion of the single family residential neighborhood in the northern portion of the Triangle District, as defined in Exhibit A:
Proposed Triangle District Development Area.

At the public hearing, all citizens, taxpayers, and property owners of the City of Birmingham and officials from taxing jurisdictions with millage that would be subject to capture by the corridor improvement authority desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the establishment of the authority and the boundaries of the proposed development area.

FURTHER INFORMATION may be obtained from the City Manager's Office.

This notice is given by order of the City Commission of the City of Birmingham, Michigan.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members

NAYS: Members

RESOLUTION DECLARED ADOPTED.

Nancy Weiss
Clerk, City of Birmingham

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Birmingham, County of Oakland, State of Michigan, at a regular meeting held on July 14, 2008, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

City Clerk

EXHIBIT A:
PROPOSED TRIANGLE DISTRICT DEVELOPMENT AREA

See attached PDF.

City Commission Minutes
June 9, 2008

06-189-08 CORRIDOR DISTRICT CONCEPT

Pat McGow, Miller Canfield, explained the concept of a "Corridor District" for the Triangle District. Mr. McGow stated that a Corridor Improvement Authority is an alternate means of funding public infrastructure improvements to assist with redevelopment.

Mr. Markus stated this would be presented to the commission at a subsequent commission meeting. Mayor Pro Tem Sherman requested that the statue be distributed to the commission prior to the discussion.

CIA Statute

See attached PDF.

PROCEDURE OUTLINE FOR ESTABLISHMENT OF CORRIDOR IMPROVEMENT AUTHORITY

The following steps are required to establish a corridor improvement authority under Act 280, Public Acts of Michigan, 2005, as amended (the "Act"). The transcript items noted below are required to make a permanent record of the establishment proceedings. At least four copies of each item should be kept in order to provide a record for the authority and the municipality as well as for bond counsel and for the Michigan Department of Treasury in case bonds are issued.

Determining Jurisdiction

A development area shall only be established in a city, village, or township, and, except for a development area located in a qualified development area, shall comply with all of the following criteria:

- a. Is adjacent to or is within 500 feet of a road classified as an arterial or collector according to the federal highway administration manual "Highway Functional Classification - Concepts, Criteria and Procedures".
- b. Contains at least 10 contiguous parcels or at least 5 contiguous acres.
- c. More than 1/2 of the existing ground floor square footage in the development area is classified as commercial real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.
- d. Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire development area, for the immediately preceding 30 years.
- e. Is presently served by municipal water or sewer.
- f. Is zoned to allow for mixed use that includes high-density residential use.
- g. The municipality agrees to all of the following:
 - (i) To expedite the local permitting and inspection process in the development area.

- (ii) To modify its master plan to provide for walkable nonmotorized interconnections, including sidewalks and streetscapes throughout the development area.

Proceedings to Establishment

1. Once the boundaries of the proposed development area have been tentatively determined, the legislative body should adopt a Resolution of Intent declaring its intention to create and provide for the operation of a corridor improvement authority, designating the boundaries of the proposed development area, affirming that the proposed development area meets the criteria set forth in the Act and setting a date for public hearing on the adoption of a proposed resolution establishing the authority and designating the boundaries of the development area.

TRANSCRIPT: Certified copy of the Resolution of Intent adopted by the legislative body.

2. Notice of the public hearing must be published twice in a newspaper of general circulation in the municipality. The notice shall state the date, time and place of the hearing, and shall describe the boundaries of the proposed development area. Both publications must be not more than 40 days before the date of the hearing and not less than 20 days before the date of the hearing.

Note: When counting days, do not include the date on which the notice is published as a day. Hearing may occur on the 20th day following publication of the second notice.

TRANSCRIPT: Publisher's affidavit of publication of each notice.

3. Notice of the public hearing also must be posted in at least 20 conspicuous and public places in the proposed development area not less than 20 days before the hearing.

TRANSCRIPT: Affidavit of posting of the notice listing in detail the places where posted and the date of posting, and with a copy of the notice as posted attached.

4 Notice of the public hearing also must be mailed to the property taxpayers of record in the proposed development area not less than 20 days before the hearing.

TRANSCRIPT: Affidavit of mailing of the notice signed by the person actually making the mailing, giving the date of mailing

and listing property taxpayers of record to whom mailed, and with a copy of the notice attached.

5. Notice of the public hearing also must be mailed not less than 20 days before the hearing to the state tax commission and to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved.

TRANSCRIPT: Affidavit of mailing of the notice signed by the person actually making the mailing, giving the date of mailing and listing the persons to whom mailed, and with a copy of the notice attached and proof of mailing to each taxing unit.

6. A public hearing on the establishment of the authority, the boundaries of the development area and the proposed resolution shall be held. Any citizen, taxpayer or property owner of the municipality or an official from a taxing jurisdiction with millage that would be subject to capture shall be afforded has the right to be heard in regard to the establishment of the authority and the boundaries of the proposed development area. A record should be kept of all persons speaking at the hearing as a part of the minutes of the hearing.

TRANSCRIPT: Certified copy of the minutes of the meeting at which the public hearing is conducted.

7. Not less than 60 days after the public hearing, adopt in accordance with regular municipal procedures for adopting resolutions (including publication and recording, if applicable), the resolution establishing the authority and designating the boundaries of the development area within which the authority shall exercise its powers. The legislative body may not incorporate land into the development area not included in the description contained in the notice of public hearing, but it may eliminate described lands in the final determination of development area boundaries. The adoption of the resolution is subject to any applicable charter or statutory provisions with respect to the approval or disapproval by the chief executive officer and the adoption of the resolution over any veto.

TRANSCRIPT: A certified copy of the resolution as adopted, together with a record of the votes cast thereon and evidence of recording, if required.

8. The resolution must be published at least once in full in a newspaper of general circulation in the municipality promptly after its adoption.

TRANSCRIPT: Publisher's affidavit of publication of the resolution.

9. Promptly after adoption, a copy of the resolution must be filed with the Secretary of State.

TRANSCRIPT: Copies of letter to and acknowledgement from the Secretary of State of filing of the resolution.

10. The chief executive officer of the municipality should appoint, subject to approval by the legislative body, the initial members of the board of directors of the authority.

- a. Not less than a majority of members must have an ownership or business interest in property located in the development area.
- b. The chief executive officer of the municipality (mayor, village president, township supervisor) is required by statute to be on the board.
- c. At least one member shall be a resident of the development area or of an area within one-half mile of any part of the development area.
- d. As near as is practicable, an equal number of members must be appointed for terms of one year, two years, three years and four years.
- e. If the boundaries of the development area are the same as those of a business improvement district established under the Principal Shopping Districts and Business Improvement Districts Act, 1961 PA 120, the legislative body may provide that members of the board of the authority shall be the members of the board of the business improvement district and 1 person shall be a resident of the development area or of an area within one-half mile of any part of the development area.

TRANSCRIPT: Copies of letters from the chief executive officer of the municipality to appointees, notifying them of their appointments, their terms of office and the time and place of the initial meeting of the Board, together with a certified copy of the legislative body resolution(s) approving such appointments.

Proceedings of Corridor Improvement Authority Immediately after Establishment

The foregoing completes the actual establishment of the authority. After establishment, the corridor improvement authority should take the following actions:

- a. The first meeting of the authority should be called to order by the chief executive officer of the municipality with notice being given in accordance with the Open Meetings Act. The chief executive officer should act as chairperson for the first actions taken at the meeting.
- b. The members of the authority should be given the constitutional oath of office.
- c. The members of the authority should then elect either permanent or temporary officers.
- d. The board also should adopt a schedule of regular meetings which should then be published by the secretary of the authority or by the municipality's clerk in the manner required by the Open Meetings Act.
- e. The authority also should adopt rules of procedure (Bylaws), such Bylaws to be approved by the legislative body of the municipality before they become permanently effective. If the authority wishes to take time to formulate permanent rules, a set of temporary rules should be adopted immediately in order that the authority may function until permanent rules have been adopted.

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

PATRICK F. MCGOW
TEL (313) 496-7684
FAX (313) 496-8450
E-MAIL mcgow@millercanfield.com

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POLAND: Gdynia
Warsaw • Wroclaw

June 30, 2008

Via email and U.S. Mail

Mr. Thomas M. Markus
City Manager
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012-3001

Re: Birmingham Triangle District Corridor Improvement Authority

Dear Mr. Markus:

I have enclosed the initial documents relating to the establishment of a Corridor Improvement Authority for the City of Birmingham along with a proposed schedule relating to the establishment of a CIA. Enclosed please find the following documents:

1. Procedure Outline for Establishment of Corridor Improvement Authority
2. Draft Resolution of Intent Calling Hearing Regarding Establishment of Corridor Improvement Authority and Designation of Development Area.
3. Draft Resolution Establishing Corridor Improvement Authority and Designation of Development Area.

The Resolution of Intent is for consideration for approval by the City Commission at its meeting on July 14th. The Resolution calls a public hearing to be held at the August 25th City Commission meeting and authorizes the Clerk to send the appropriate notices of the public hearing by publication, posting and mailing. In order to complete the resolution, the City staff will need to attach a description and/or a map of the proposed CIA Development Area as Exhibit A.

I have also attached a form of resolution establishing the CIA to be considered by the City Commission. The resolution cannot be adopted until late-October 2008 at the

Mr. Thomas Markus

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June 30, 2008

earliest, after the 60 day period after the public hearing has expired. This is still in draft form and there are various options and decisions on the composition of the CIA Board to be decided at a later date.

I have set forth a proposed schedule of activities relating to the establishment of the CIA and the approval of the Development Plan and Tax Increment Financing Plan (the "Plan"). I have prepared the schedule below based on the City's regular meetings scheduled on the second and fourth Mondays of the month.

July 14- City Commission adopts Notice of Intent Resolution with proposed CIA boundaries and calling public hearing for August 25th.

By August 5- City Clerk publishes notice of public hearing (twice), posts notice in 20 locations in proposed Development Area and mails to each property owner in proposed Development Area and each governing body subject to capture.

August 25- City Commission holds public hearing on the establishment of the CIA.

October 24 - 60 day statutory waiting period expires.

October 27 - City Commission adopts resolution establishing CIA. Chief Executive Officer appoints CIA Board members subject to approval of City Commission.

Late Oct. - City Clerk publishes ordinance establishing CIA and files with Michigan Secretary of State.

November- CIA Board meets and begins work on CIA Plan.

By Jan. 26 - CIA Board meets to adopt resolution approving CIA Plan.

Jan. 26 - City Commission adopts resolution calling public hearing on CIA Plan for February 23, 2009.

By Feb. 3- City Clerk publishes notice of public hearing on CIA Plan (first publication), posts notice in 20 locations in CIA District, mails to each property owner in CIA District and sends information regarding CIA Plan to governing body of each taxing unit subject to capture.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr. Thomas Markus

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June 30, 2008

Feb. 23- City Commission holds public hearing on CIA Plan. City Commission adopts resolution approving CIA Plan.

Late Feb.- City Clerk publishes ordinance approving CIA Plan.

April 23 - 60 day opt out period for other taxing units expires.

We would prepare the necessary resolutions and notices in advance of the required actions. The purpose of the schedule is to have the Plan approved by the City Commission by early 2009. This is an arbitrary deadline as the relevant deadline for determining the base year initial assessed value is to have the Plan approved before the 4th Monday in May, 2009 so that the initial assessed value of the CIA would use the 2008 taxable value (which is based on the December 31, 2007 assessment).


The item that needs to be completed prior to the July 14th meeting is the preparation of a description of the proposed Development Area. As we discussed, the Development Area can include property which is within 500 feet of an arterial road, although as a practical matter you probably will want to exclude the residential property which is intended to remain residential. At this point, the description of the Development Area does not need to be a legal description, but can be a general description that describes the boundaries by streets. Having a map as part of the notice and information would also be helpful.

If you have any questions regarding this letter or the enclosed documents, please give me a call.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By:


Patrick F. McGowan

Enclosures

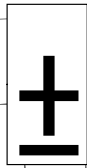
Cc: (w/ Enclosures)

Sharon Ostin, Finance Director

Nancy Weiss, City Clerk

Jana Ecker, Community Development Director

Timothy Currier, Esq.



Yosemite Blvd

Villa Ave

Bowers St

S Adams Ave

Holland Ave

Cole Ave

Ruffner Ave

E Maple Ave

Forest Ave

Chestnut St

Hazel St

Bowers St

Haynes St

Elm St

Woodward Ave

Woodward Ave

S Old Woodward Ave

Ann St

George St

Purdy St

Floyd St

Edgewood Ave

Grant St

Ruffner Ave

E Lincoln Ave

Landon St

S Worth St

Webster Ave

Peabody St

E Brown St

Daines St

E Frank St

MEMORANDUM

Date: January 15, 2009
To: Birmingham Triangle District Corridor Improvement Authority
From: Christian Wuerth, Management Analyst
Subject: LSL Planning/Carl Walker Team Proposal

At the request of City staff, the attached proposal to prepare a Development and Tax Increment Financing (TIF) Plan for the Birmingham Triangle District Corridor Improvement Authority was assembled by the LSL Planning/Carl Walker Team. As both firms were involved during the development of the Triangle District Urban Design Plan (LSL Planning was the lead firm), they have a detailed knowledge of the area and its needs.

The proposal will be considered at the Corridor Improvement Authority meeting on January 20, 2009 and representatives from LSL Planning will be on hand to answer any questions. Barring any concerns on the part of the Authority members, it is recommended that the Authority approve, in concept, the proposal and recommend to the City Commission the hiring of the LSL Planning/Carl Walker Team for the purposes of preparing a Development and Tax Increment Financing Plan. City staff will then prepare the necessary documents for the City Commission to take such action at an upcoming meeting.

Suggested Motion:

To approve, in concept, the proposal submitted by the LSL Planning/Carl Walker Team and to recommend to the City Commission the hiring of the LSL Planning/Carl Walker Team for the purposes of preparing a Development and Tax Increment Financing Plan and further, to direct City staff to prepare the necessary documents for the City Commission to take such action at an upcoming meeting.

Proposal to Prepare

Parking Structure Concept Plan Development Plan and Tax Increment Financing Plan

for the



Triangle District Corridor Improvement Authority



Submitted by the

LSL Planning/Carl Walker Team

December 3, 2008



LSL Planning, Inc.

Community Planning Consultants



Ideas for parking.
SOLUTIONS FOR PEOPLE®





LSL Planning, Inc.

Community Planning Consultants

December 3, 2008

Jana L. Ecker
Community Development Department
City of Birmingham Municipal Building
151 Martin Street
Birmingham, MI 48012

RE: Triangle District Corridor Improvement Authority

Dear Ms. Ecker and City Officials:

With tremendous interest, the LSL Planning/Carl Walker team offers our proposal to prepare a Development and Tax Increment Financing (TIF) Plan for the Birmingham Triangle District Corridor Improvement Authority (CIA). LSL Planning will be working with the parking experts at Carl Walker to prepare a plan to implement the parking and other associated recommendations of the Birmingham Triangle District Plan. This proposal describes our approach, role of each firm/team member, work plan, schedule, and other information requested. Because the City has already worked with our team, we have only an abbreviated set of qualifications, including resumes of key team members and information on our experience with similar projects. Additional work examples can be seen on our web pages: www.LSLPlanning.com - www.carlwalker.com.

Some of the key reasons the LSL Team is the best match for this project:

- ***Birmingham Experience.*** We worked with the City to prepare the Triangle District Plan and are familiar with the recommendations of the plan for parking, land use, streetscape, traffic and public spaces. This will allow us to directly translate the recommendations of the plan into specific implementation actions for the CIA.
- ***TIF Experience.*** LSL will draw upon our experience preparing TIF/Development Plans for other communities including the Cities of Belding, Grand Blanc, Romulus, Swartz Creek and Wixom.
- ***Specialty Expertise.*** The LSL/Carl Walker Team offers expertise in all aspects of this project, including parking, urban design and redevelopment strategies. Carl Walker is a nationally recognized expert in the design and construction of parking structures, including integration of parking structures into mixed-use development.

We are excited to have the opportunity to continue working with the City on implementation of the Triangle District Plan. Please let me know if you would like any additional information. I look forward to hearing from you.

Sincerely,

LSL PLANNING, INC.



Bradley K. Strader, AICP
Managing Partner

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Triangle District Corridor Improvement Authority Work Plan

The LSL Planning/Carl Walker Team will prepare a Tax Increment Financing (TIF) Plan and Development Plan for the Triangle District Corridor Improvement Authority (CIA). The following scope of work details the tasks to be completed by the LSL Planning/Carl Walker Team.

Staff Kickoff Meeting. The LSL Planning/Carl Walker Team will meet with City staff to discuss goals for this project, and to obtain available documentation. Available documentation may include aerial photography, site survey/topographical information, site plans, and other relevant information.

CIA Kickoff Meeting. The LSL Planning/Carl Walker Team will conduct a kickoff meeting with the CIA to identify the scope of improvements to be included in the plan. At this point, it is presumed that the improvements will include the following:

- Estimate of parking needs based upon projected development within the Triangle District.
- Identification of locations for a parking structure(s), preparation of conceptual plans and cost estimates.
- Identifying street improvements needed to access the parking structure(s).



Parking Structure Conceptual Plan. LSL Planning/Carl Walker Team will work with the City of Birmingham in evaluating/confirming parking demand to determine the size of the proposed parking structure(s), developing parking structure options, and determining the cost of construction.

- **Demand Analysis/Determination of Net Parking Required.**
 - Determine parking demand generated by the new planned developments, anticipated loss of parking, and other factors identified by the City. The analysis will be based on City input/data, developer input/data, our experience from previous parking studies, and data published by the Urban Land Institute, Institute of Transportation Engineers, the National Parking Association and the American Planning Association.
 - Obtain and confirm information regarding future Triangle District development plans, including projected employment data, projected use and location of future buildings, and any anticipated loss of existing parking spaces.
 - Develop Shared Parking Demand Model for the development. This Shared Parking Demand Model will help to provide the basis for estimating the size of the parking structure(s).
- **Identify Potential Sites for Parking Structures.** Identify and evaluate sites within the Triangle District that have development potential for parking structures. The evaluation process will include factors such as; size and site geometry, ingress/egress locations, ability to conveniently serve destinations, pedestrian connectivity, ownership, development potential, etc.

- **Parking Structure Options.** Evaluate various functional layouts and develop preliminary parking concepts that best meet the established criteria at the most promising site. For the preferred conceptual layouts, we will prepare a grade level plan, typical level plan and roof level plan, as well as an isometric sketch. We will consider:



- Site footprint
 - Number of parking spaces provided
 - Accessibility and proximity to parker destinations
 - Relationship of parking to the peripheral road system and destinations
 - Ability to incorporate other uses into the structure
 - Location and size of entrances/exits
 - Potential traffic impact
 - Vehicular and pedestrian flow, both internal and external, to the site
 - Parking space layouts and traffic safety
 - Parking efficiency
 - Expandability
- **Prepare a conceptual cost estimate for the parking structure(s).** Determine construction cost, design fees, surveys and testing expenses, other development costs, contingency requirements, land value (if applicable), debt terms and interest rate, and equity contribution (if applicable), and other financing details.
- **Report.** Develop a conceptual report that summarizes design criteria, summarizes the anticipated parking demand, presents conceptual layouts, estimates probable construction cost, and estimates parking revenue and expenses. Preliminary estimates of probable construction cost will be based on a “cost per square foot” basis and “cost per parking space” basis.

Development Plan. Based upon the identification of the above improvements, a development plan will be prepared that will include the following:

- **Designation of boundaries.** A map and description will be prepared for the development area and TIF district.
- **Public facilities and land uses.** A description will be prepared for the location and extent of existing streets and other public facilities within the development area. A description will also be provided for all existing and proposed land uses in the development area, including residential, recreational, commercial, industrial, educational, and other uses.
- **Existing improvements to be demolished, repaired, or altered.** A description will be prepared for existing improvements in the development area to be demolished, repaired, or altered and an estimate of the time required for completion. This will include any buildings to be removed as part of developing parking structures and any streetscape improvements proposed in conjunction with the development of the parking structures.



- **Proposed improvements and estimated cost.** The location, extent, character, and estimated cost of the parking structures and the associated street improvements will be described. This will also include an estimate of the time required for completion.
- **Construction stages and estimated time of completion of each stage.** The construction stages of the parking structures and associated street improvements will be outlined with an estimated time of completion of each stage.
- **Open space.** While there will be no public open space developed as part of this plan, the plan will include a description of the Worth Plaza concept for compliance with the requirements of the Corridor Improvement Authority Act.
- **Conveyances between CIA and City.** A description of any portions of the development area that the CIA will be conveying or receiving from the City will be provided. This may include transfer of new right-of-way or dedication of parking facilities to the City.
- **Zoning changes.** While there will be no zoning changes since the overlay was already adopted, the plan will include a description of the zoning changes that were made for compliance with the Act.
- **Changes to streets, traffic flow or utilities.** A description will be provided of any changes proposed to streets, intersections, traffic flow or utilities. The City will be responsible for any traffic or engineering review of these changes.
- **Estimated cost and method of financing.** An estimate of the cost of the parking structure development and any associated street improvements will be provided. The proposed method of financing will be described.
- **Persons to whom development is to be leased, sold, or conveyed.** The plan will include a designation of persons to whom any portion of the parking structure or associated development is to be leased, sold, or conveyed; to the extent that the information is known by the CIA at the time the plan is drafted.
- **Procedures for bidding for conveying development upon completion.** The plan will outline the procedures for bidding for the leasing, purchasing, or conveying of any portion of the parking structure or associated City initiated development upon completion, if proposed.
- **Displacement or relocation plan.** The proposal assumes that there will be NO residential displacements proposed as part of the plan. The plan shall include a statement to that effect for compliance with the Act.
- **Plan for compliance with laws for acquisition and condemnation of commercial property.** A plan will be prepared for compliance with State law for relocation of any businesses that are displaced by condemnation. As noted above, no residential displacements are contemplated as part of this scope of work.



- **A schedule to evaluate the effectiveness of the development plan.** A schedule will be prepared to periodically evaluate the effectiveness of the development plan. This will specify the requirement that amendments to an approved development plan or tax increment plan be submitted by the CIA to the City Commission for approval.

Tax Increment Financing Plan. Based upon the estimated cost of improvements, a TIF plan will be prepared that will include the following:

- **Capture Data.** The City will provide LSL Planning with to update property valuation data, millage rates, and anticipated new SEV from proposed development.
- **Revenue Estimates.** Using existing millage rates and input from the City, LSL Planning will project revenue estimates based on captured value within the limits of the TIF area. Estimates will be prepared for ten (10) and twenty (20) year time spans. Assumed growth rates, for the purpose of future projections, will be based on historic SEV growth patterns, new SEMCOG projections, or an assumed rate of conservative growth (e.g. 2.0%).
- **Revenue by Jurisdiction.** Projected captured revenue by taxing jurisdictions will be estimated.
- **Capture Revenue Impact.** The impact of captured revenue on the various taxing jurisdictions will be identified. It will be the responsibility of the City to inform other taxing jurisdictions of captured revenue impact.

Presentation of Development Plan. The LSL Planning/Carl Walker Team will present the Parking Structure Conceptual Plan, Development Plan and Tax Increment Financing Plan to the CIA. The plans will be revised and refined based upon comments.

Present Revised Plan. The revised draft will be presented to the CIA for recommendation to the City Commission for public hearing and approval.

Informing Taxing Jurisdictions. The City will be responsible for informing taxing jurisdictions of the fiscal and economic implications before the public hearing and provide them the opportunity to meet with the City.

City Commission. The LSL Planning/Carl Walker Team will present the Plan to the City Commission at a public hearing for final adoption.



Meetings

Meetings included in the scope:

- 3 meetings with CIA as follows:
 - Kickoff meeting
 - Meeting to review Draft Plan
 - Public hearing
- 1 meeting with City Commission to approve Development and TIF Plan
- 2 meetings with City staff

Project Fee

Fee. The lump sum fee for completion of the Parking Structure Concept Plan, Development Plan and TIF is \$28,400, plus reimbursable expenses estimated at \$750.

Services Excluded. Services specifically excluded under our scope of services include geotechnical study; survey; site plan approval process; environmental impact studies; existing land use studies; traffic engineering; detailed cost estimates; and design.

