City of Birmingham
A Walkable Community

MEMORANDUM

Community Development

DATE: November 14, 2014

TO: Joe Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana Ecker, Planning Director

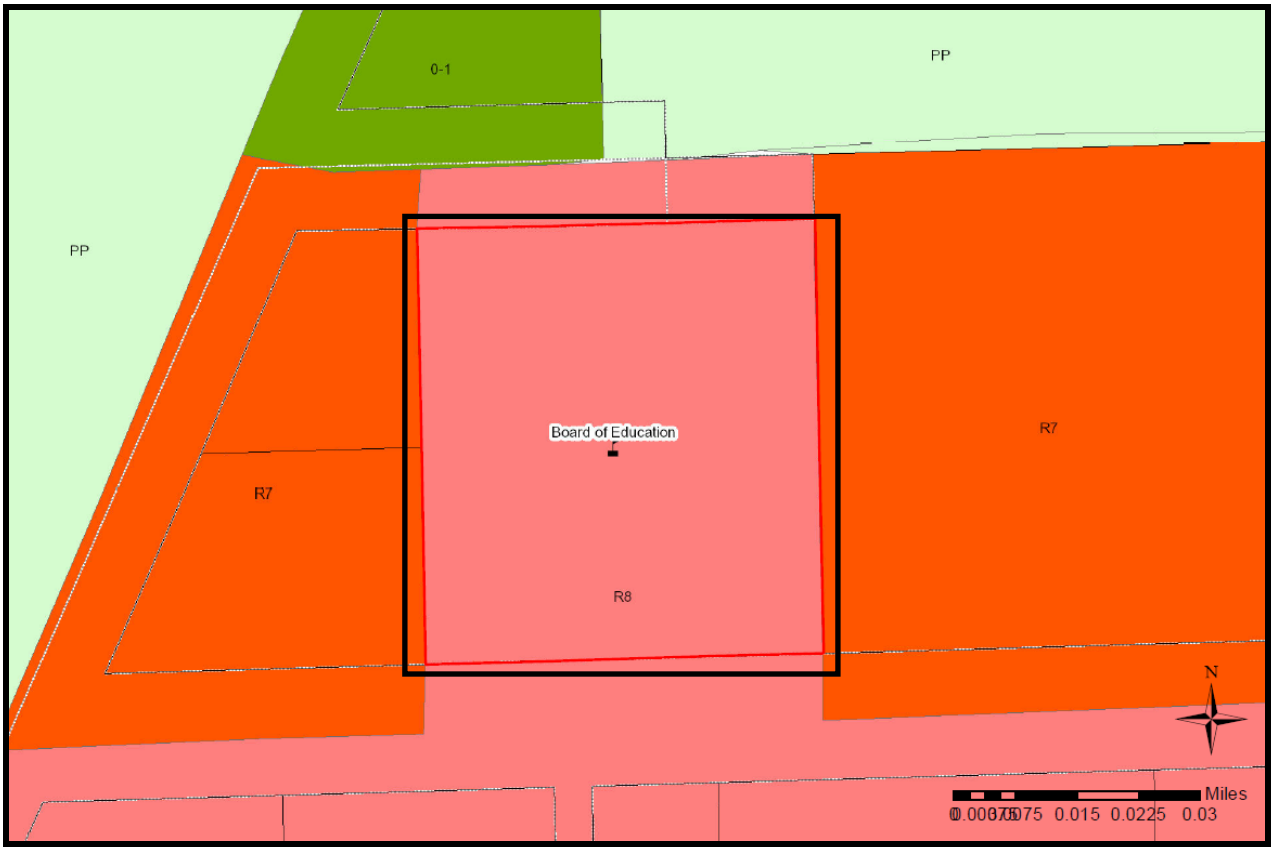
SUBJECT: Zoning Map updates and corrections

It has come to the attention of the Planning Department that there are several parcels on the current version of the Zoning Map that do not correctly illustrate the current zoning of the parcels. These parcels have been researched and reviewed and it was concluded that the current zoning map is inconsistent with the current correct zoning. The following chart indicates the parcel address, ID number, zoning as currently shown on the Zoning Map, and the correct parcel zoning that should be displayed. Supporting documents from the City records verifying the correct zoning classification have been attached. No formal action is required by the City Commission on the parcels since the existing zoning classification is not being changed only corrections to the map.

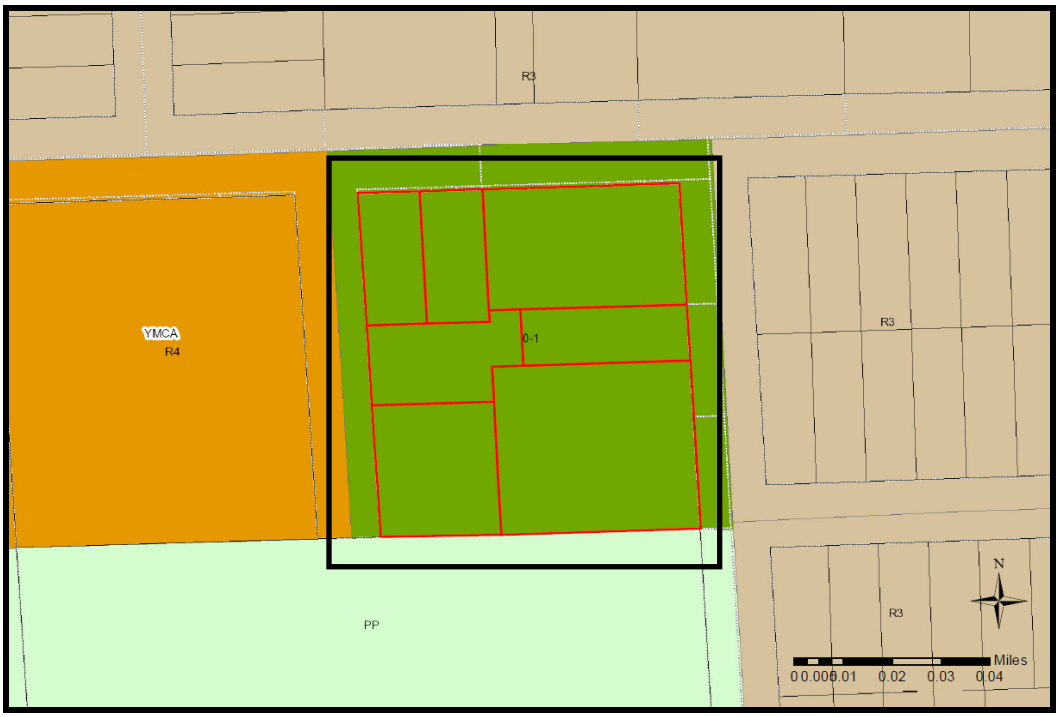
Address	Parcel ID	Zoning shown on the Zoning Map	Correct zoning	Supporting Document
550 Merrill	1936126018	R8 – Multi-Family Residential	O1 – Office	Exhibit 1- CC minutes of 8.27.10
1160 Grant	1936403031	O1 – Office	B1 – Neighborhood Business	Exhibit 2- SLUP resolution for the BBCU
1148 Grant	1936403013	O1 – Office	B1 – Neighborhood Business	Exhibit 2- SLUP resolution for the BBCU
1193 Floyd	1936403011	O1 – Office	B1 – Neighborhood Business	Exhibit 2- SLUP resolution for the BBCU
522 E. Lincoln	1936403004	O1 – Office	B1 – Neighborhood Business	Exhibit 2- SLUP resolution for the BBCU

576 E. Lincoln	1936403029 1936403030 1936403003	O1 - Office	B1 – Neighborhood Business	Exhibit 2- SLUP resolution for the BBCU
512 Southfield	1936103113	R1 – Single-family Residential	R8 – Multi-family Residential	Exhibit 3- CC minutes from 10.14.85
159 Baldwin	1936101005	PP - Public Property	R2 – Single-family Residential	Exhibit 4- Zoning Compliance summary sheet
111 Baldwin	1936101004	PP - Public Property	R2 – Single-family Residential	Exhibit 4- Zoning Compliance summary sheet

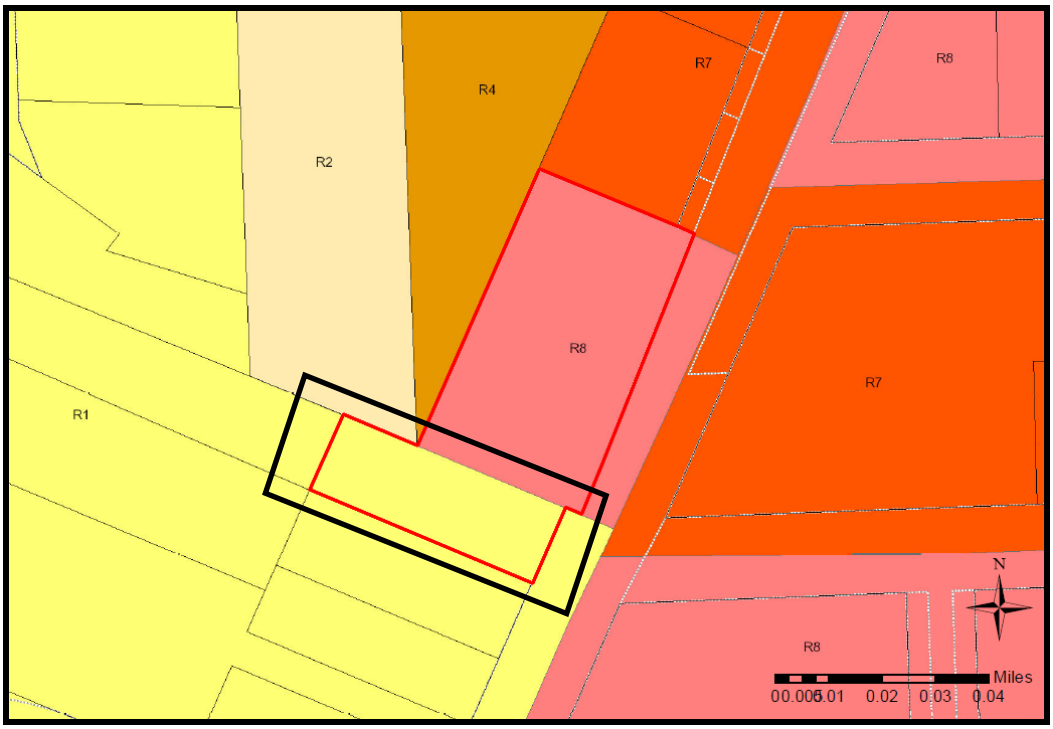
550 Merrill – Rezoned from R8 to O1 by the City Commission on 8.23.10.
See Exhibit 1 for details.



1160 Grant, 1148 Grant, 1193 Floyd, 522 E. Lincoln, 576 E. Lincoln – These parcels were verified to be zoned B1 as recently as 06.27.01 during the SLUP approval of the Birmingham Bloomfield Credit Union. No public hearing records exist to indicate a rezoning for this group of parcels since that time. See Exhibit 2 for details.



512 Southfield - Public Hearing held 10.14.85 rezoning the property from R1 – R8. See Exhibit 3 for details.



111 & 159 Baldwin – Privately owned property containing two parcels with single family homes. Records indicate that the property is zoned R2, not Public Property.
See Exhibit 4 for details.

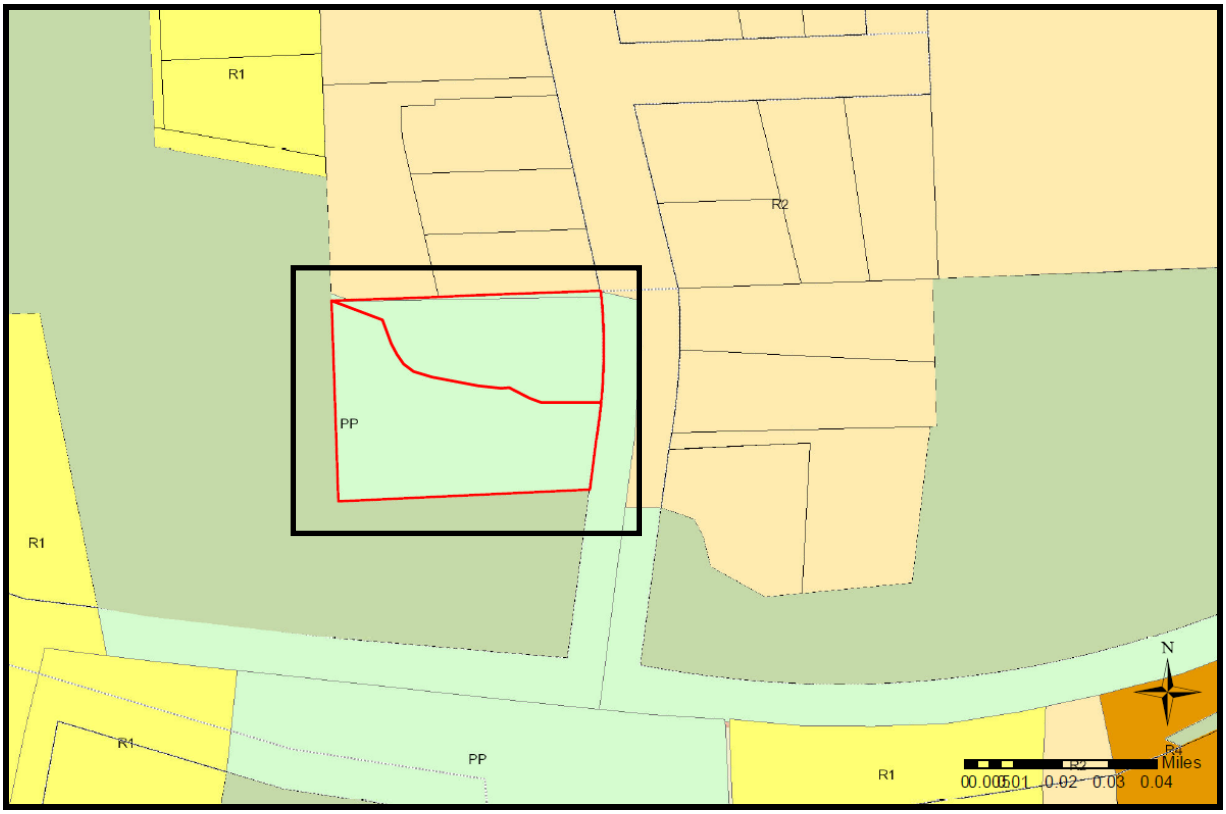


EXHIBIT 1

BIRMINGHAM CITY COMMISSION MINUTES
AUGUST 23, 2010
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL: Present, Mayor Hoff
Commissioner Dilgard
Commissioner McDaniel
Commissioner Moore
Commissioner Nickita
Mayor Pro Tem Rinschler
Commissioner Sherman
Absent, None

Administration, City Manager Markus, Attorney Currier, Clerk Broski, Director of Public Services Wood, Finance Director Ostin, Fire Chief Metz, Special Event Coordinator Rondello, Planning Director Ecker, Building Official Johnson, City Engineer O'Meara, Police Chief Studt

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

IV. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

08-213-10 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item N (2010 Pavement Maintenance Project) by Mayor Hoff

MOTION: Motion by McDaniel, seconded by Rinschler:
To approve the consent agenda as follows:

A. Approval of city commission minutes of August 9, 2010.
B. Approval of warrant list, including Automated Clearing House payments, of August 11, 2010 in the amount of $3,470,747.98.
C. Approval of warrant list, including Automated Clearing House payments, of August 18, 2010 in the amount of $3,971,803.63.
D. Resolution approving Residential Permit Parking on both sides of Townsend St. between Chester and Southfield 8:00 AM – 9:00 PM except for Sundays and holidays.
E. Resolution approving an extension of the public services contract with the Birmingham Area Seniors Coordinating Council (BASCC) for the purpose of expending remaining program year 2008-2009 Community Development Block Grant funds for the Yard Services and Senior Outreach Services Program administered by BASCC through June 30, 2011; and further, authorizing the Mayor to sign the amendment on behalf of the City.
F. Resolution thanking all of the current and past EMS Committee members for their service to the City and then disbanding the committee.
G. Resolution approving a request from the Piety Hill Chapter, National Society Daughters of the American Revolution to hold the Veteran's Day Wreath Laying Ceremony and aerial fly over on November 11, 2010 at 11:00AM, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
H. Resolution approving a request submitted by the Lutheran Church of the Redeemer requesting permission to place a Nativity scene in Shain Park from November 26, 2010 to December 31, 2010, contingent upon compliance with all permit and insurance

requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

I. Resolution approving the purchase, installation and complete 10 year warranty of 33 Elster Q4 water meters from SLC Meter Service, Inc. for a total expenditure not to exceed $59,884.55 contingent upon the receipt of all required insurances. Funds for this meter replacement project are in the Water Meter Fund account # 591-2509-759-20.21 in the amount of $54,159.55. The installation of the meters in the amount of $5,725.00 will be paid out of account #591-2509-759-30.22.

J. Resolution authorizing Hubbell, Roth, & Clark, Inc., to proceed with the permit acquisition, bidding document preparation, and grant activity reporting related to the Rouge River at Maple Rd. Slope Repair (east of Baldwin Ave.), at a cost of $38,096.00 Further, approving the appropriation and amendment to the 2010-2011 Capital Projects Fund for the Rouge River at Maple Rd. Slope Repair (east of Baldwin Ave.) as follows:

Capital Projects Fund

Revenues:	
Draw from Fund Balance	
401-0000-401.00-00	$121,266.80
Federal Sources	
401-6514-461.02-00	83,170.80
Total Revenue	$204,437.60
Expenditures:	
Stream Bank Improvements	
401-6514-934.50-01 (Public Improvements)	$204,437.60
Total Expenditures	$204,437.60

K. Resolution awarding the Lincoln Well Tennis Court reconstruction project to Total Asphalt Paving Inc. in the amount not to exceed $72,682.89 and authorizing the Mayor and City Clerk to sign the agreement contingent upon receipt of all required insurances. Funds for the Lincoln Well Tennis Court reconstruction project are in the Capital Projects Fund account #401-2556-776.50-01.

L. Resolution approving the purchase of one (1) new 2011 GMC Sierra 2500 HD 4x4 pick-up truck, 8' Western V-Plow, and Rhino-Liner (spray in truck bed liner) from Red Holman Pontiac GMC, using Oakland County Cooperative bid pricing for a total expenditure of $27,872.00. Funds for this purchase are available in the auto equipment fund, account #641-2565-785.50-08.

M. Resolution entering into an agreement with Den-Man Contractors, Inc. to demolish the dangerous structure at 909 Southfield Road, to approve $5,800.00 to be paid in accordance with said agreement to Den-Man Contractors, Inc. from the Property Maintenance/Violation Account #101-2001-741.30-57 with reimbursement back to the Sundry/Miscellaneous Revenue Account #101-0000-541.06-07.

O. Resolution entering into an agreement with R.N.A. Janitorial, Inc. to perform janitorial services for the Municipal Building, Historical Museum, DPS and Baldwin Public Library in an amount not to exceed $252,000.00 over the contract term and further, charging the following respective accounts for these services: City Hall & Grounds – Account #101-1012-712.30-05, Historical Museum – Account #101-1015-715.30-05, DPS – Account #101-2552-772.30-22, and Baldwin Library – Account #271-5001-861.30-05.

P. Resolution approving a request from the Principal Shopping District, to hold the Santa House, in Shain Park, November 24, 2010 through December 24, 2010, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

Q. Resolution approving a request from the Principal Shopping District, to hold the city tree lighting ceremony, November 24, 2010, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

R. Resolution approving the 3 year contract extension with Kone Elevator at reduced rates and execute the Master Maintenance Agreement Contract Rider "B" for these services; and further to charge the following accounts for these services: Municipal Building 101-1012-712.31-01; Allen House 101-1015-715.31-01; Baldwin Public Library 101-1013-713.31-01; Park St. Structure 585-2519-943.31-01; Peabody St. Structure 585-2520-944.31-01; Pierce St. Structure 585-2518-942.31-01; N. Old Woodward Structure 585-2521-945.31-01; Chester St. 585-2522-946.31-01.

ROLL CALL VOTE: Yeas, Commissioner Dilgard
Commissioner McDaniel

	Commissioner Moore
	Commissioner Nickita
	Mayor Pro Tem Rinschler
	Commissioner Sherman
	Mayor Hoff
Nays,	None
Absent,	None
Abstentions,	None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

08-214-10 PUBLIC HEARING REZONING OF 550 WEST MERRILL

Mayor Hoff opened the Public Hearing to consider the proposed change in the Zoning Map for rezoning of 550 W. Merrill from R-8 multi-family residential to O-1 office at 7:33 PM.

Ms. Ecker explained that the Birmingham Public Schools (BPS) has requested the rezoning of the property from R-8 to O-1. She stated that BPS has solicited bids for the purchase of the property. As a result, in order to close on the purchase of the property, BPS is requesting a rezoning of the property. She explained that the proposed use is office and is consistent with the use that has been on the site for the last four decades.

In response to a question from Mayor Hoff, Ms. Ecker explained that the planning board has set up a subcommittee to study the properties zoned O-1 and O-2.

Commissioner McDaniel questioned whether the purchaser will buy into the parking district and what kind of usage is anticipated. Ms. Ecker confirmed that the medical offices are proposed on the main floor. Jeff Surnow, prospective purchaser, explained that surface parking is not adequate parking for what is intended. He explained that his representative has been in touch with the City. He stated that he did not want to pursue the parking district proposal until the process was going to proceed.

Commissioner Nickita questioned the parking requirement for medical office versus office classification. Ms. Ecker stated that medical office becomes a more intense use when it comes to parking. She stated that if the purchaser buys into the parking assessment district, there would be enough availability to support this and other uses.

Ms. Ecker confirmed for Mayor Hoff that the current building has a non-conforming status. The building could be used for office use, but not necessarily medical office use.

Dorothy Conrad expressed her opposition to rezoning the property. Ms. Conrad expressed her objection to Mayor Pro Tem Rinschler sitting in on the discussion as his wife is a member of the Board of Education and she believes there is a conflict.

Mr. Currier commented that it is not a conflict to Mayor Pro Tem Rinschler and Commissioner Dilgard, whose his wife works for BPS, as there is no direct or indirect financial interest in this transaction to the commissioners.

Mayor Hoff closed the public hearing at 8:19 PM.

MOTION: Motion by McDaniel, seconded by Moore:
To adopt an amendment to the Birmingham Zoning Map to rezone the property located at 550 W. Merrill from R-8 Multi-Family Residential to O-1 Office, consistent with the use of the property over the past 40 years.

Commissioner Nickita stated that this is essentially spot zoning, which is identifying a particular lot or parcel and altering the zoning because of a particular circumstance. He expressed his opinion that O-1 is not the best zoning classification. He stated that the re-zoning should consider the highest and best use of that property long term. He suggested asking the Planning Board to review this to determine the best zoning classification.

Commissioner Sherman expressed concern with seeing advertisements for a medical building before the commission has determined the appropriate use for the property.

Mayor Hoff commented that she would like to see this property for senior housing. She noted that it was open to that type of development, however there was no interest.

VOTE: Yeas, 7
Nays, None
Absent, None

The commission received a communication regarding Public Parking related to this site submitted by the City Engineer.

08-215-10 ESTABLISH THE AD HOC BARNUM PARK STEERING COMMITTEE

The City Commission received a request to form an Ad Hoc Committee to assist with providing more features for Barnum Park (from donated funds) - Phase Two, submitted by David Young, Community for Barnum Park, 1011 Clark.

Mr. Markus explained the resolution to establish the Ad Hoc Committee was designed to deal with the donated dollars. He stated that when the project was initially set up, the City fixed a number as to how much public funds would be spent on the property and the neighborhood said that they would raise money. Mr. Markus explained that in Phase Two of the Master Plan, there is a list of projects that are to be considered. He pointed out that ultimately only the City Commission can decide how funds are expended.

David Young, 1011 Clark, explained the request is to steer the installation of additional features for Barnum Park. He stated that the disbursement of existing and future donated funds should only be decided by agreement among all the stakeholders, whether they are donors, the Community for Barnum Park, or the Ad Hoc Committee. He suggested the improvements to Barnum Park should include more trees and bushes, enhance the sanctuary, add seating and shade in the center, and improve the soccer fields.

Mr. Markus stated that there still has to be a clear line of distinction as to how donor funds will be spent. He stated that the committee will not be a fundraising committee. He explained that the City Commission will decide how the funds are to be used and make sure the vision still fits.

MOTION: Motion by Sherman, seconded by McDaniel:

Whereas, on May 5, 2008 the City Commission adopted the Barnum Park Master Plan as guideline for improving recreation for the residents of the City of Birmingham.

Whereas, a predetermined amount of public funds were set aside to make improvements to Barnum Park subsequent to the acquisition of this park property; and

Whereas, a Barnum area neighborhood group pledged to raise private funds through donations to make improvements to the new park beyond the improvements funded by the public funds; and

Whereas, the Barnum area neighborhood group is interested in seeing additional improvements made from existing donated funds and from funds that the neighborhood group intends to raise in the future; and

Whereas, the Barnum area neighborhood group would like to see more detailed planning and design accomplished for certain areas of the park, provided additional funds can be raised; and

Whereas, the City Manager has recommended that an ad hoc committee be considered to help facilitate the public discussion on how to allocate donated funds and to consider possible enhancements to the park based upon additional donated funds; and

Whereas, the City Manager has recommended that this committee could also assist, facilitate, and coordinate other completion tasks remaining in the park and such other functions assigned to the committee by the full City Commission, all of which are to be consistent with the Barnum Park Master Plan.

Now Therefore Be It Resolved that the Ad Hoc Barnum Park Steering Committee is hereby established to carry out the responsibilities as assigned above.

1. The Committee will be ad hoc. The term and operation of the Committee will cease upon completion of the above described responsibilities unless otherwise directed by the City Commission.
2. The City Commission hereby appoints to the Committee the following members.
    a. Commissioner George Dilgard
    b. Commissioner Tom McDaniel
    c. Commissioner Gordon Rinschler
    d. City Manager Tom Markus or his designee
    e. Director of Public Services Lauren Wood or her designee
    f. City Attorney Tim Currier or his designee
    g. Barnum Park neighborhood resident, _____
    h. At-large Birmingham resident, _____
    i. Parks & Recreation Board Member, _____

EXHIBIT 2

Name:	Birmingham/Bloomfield Credit Union
Address:	500 & 576 E. Lincoln
Zone:	B-1 Neighborhood Business
Date of Original Resolution:	July 23, 2001

Original Resolution Permit: July 23, 2001

- To permit the use of drive in facilities in association with the construction of a new two-story office building.

Date of Planning Board Approval: June 27, 2001

Conditions:

- One ATM and two teller kiosks
- Hours of operation of Monday through Thursday from 9 a.m. to 5 p.m. and Friday from 9 a.m. to 6 p.m. for the drive-in facility
- Hours of operation of 24 hours 7 days per week for the ATM
- Compliance with the improvements shown on plans dated August 23, 2001 which are hereby amended to the Final Site Plan and Design Review approval granted by the Planning Board on June 27, 2001.
- Operation of the drive in facilities would be in full compliance with all provisions of the Birmingham City Code
- Employee parking would be limited to the lot located on the west side of the property adjoining Floyd Street.
- Compliance with the site plan approved by the Planning Board on June 27, 2001
- In the even that unanticipated traffic flow problems occur that are reported by the public and confirmed by the Police Department, the permit shall be reviewed by the City Commission
- The drive in facility shall maintain compliance with the City Department requirements

- The Special Land Use Permit shall be cancelled by the City Commission upon finding that any of the conditions hereof have been breached or continued use is not in public interest.

Dates of Subsequent Amendments:

Amendment:

Date of Planning Board Approval:

Date of Site Inspection:

Site Plan Availability:

Microfiche Availability:

BIRMINGHAM / BLOOMFIELD CREDIT UNION
500 & 576 E. LINCOLN
SPECIAL LAND USE PERMIT
DRIVE IN FACILITIES - ATM Hours
2001

WHEREAS, The Birmingham / Bloomfield Credit Union at 500 & 576 E. Lincoln has applied for a Special Land Use Permit to permit the use of drive in facilities in association with the construction of a new two-story office building, such application having been filed pursuant to Section 126-477 of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is on the south side of Lincoln between Grant and Floyd Streets;

WHEREAS, The land is zoned B-1 Neighborhood Business, which permits drive in facilities with a Special Land Use Permit;

WHEREAS, Section 126-477 (8) requires an Amendment to such a Special Land Use Permit to be obtained from the Birmingham City Commission prior to such time that any change takes place in the building, or improvements are made on the parcel of land;

WHEREAS, The Birmingham / Bloomfield Credit Union is requesting a Special Land Use Permit for drive in facilities in accordance with the (approved plans) dated June 27, 2001;

WHEREAS, The Planning Board reviewed the proposed Special Land Use Permit on June 27, 2001 and recommended that this Permit be approved with certain conditions;

WHEREAS, The Birmingham City Commission has reviewed the Birmingham / Bloomfield Credit Union Special Land Use Permit application and standards for such review as set forth in Subparagraphs (1) and (8) of Section 126-477 of the City Code; now, therefore, be it

RESOLVED, That the Birmingham City Commission finds the standards imposed by the City Code have been met and The Birmingham / Bloomfield Credit Union Special Land Use Permit application to provide drive in facilities as shown on the June 27, 2001 plan is hereby approved subject to the following conditions:

1. One ATM and two teller kiosks;

2. Hours of operation of Monday through Thursday from 9 a. m. to 5 p.m. and Friday from 9 a.m. to 6 p.m. for the drive-in facility;

3. Hours of operation of 24 hours 7 days per week for the ATM;

4. Compliance with the improvements shown on plans dated August 23, 2001 which are hereby amended to the Final Site Plan and Design Review approval granted by the Planning Board on June 27, 2001;

#'s 3, 4, 8 added as part of original resolution on Nov. 12, 2001

5. Operation of the drive in facilities would be in full compliance with all provisions of the Birmingham City Code;

6. Employee parking would be limited to the lot located on the west side of the property adjoining Floyd Street;

7. Compliance with the site plan approved by the Planning Board on June 27, 2001;

8. In the event that unanticipated traffic flow problems occur that are reported by the public and confirmed by the Police Department, the permit shall be reviewed by the City Commission;

9. The drive in facility shall maintain compliance with City Department requirements; and,

10. The Special Land Use Permit shall be cancelled by the City Commission upon finding that any of the conditions hereof have been breached or continued use is not in the public interest.

BE IT FURTHER RESOLVED, Except as herein specifically provided, The Birmingham / Bloomfield Credit Union and its heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of the Birmingham / Bloomfield Credit Union and its heirs, successors and assigns to comply with all the ordinances of the city and terms of this Special Land Use Permit may result in the Commission revoking this Special Land Use Permit.

I, Nancy M. Weiss, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on November 12, 2001.

_____

Nancy M. Weiss, City Clerk

BIRMINGHAM / BLOOMFIELD CREDIT UNION
500 & 576 E. LINCOLN
SPECIAL LAND USE PERMIT
DRIVE IN FACILITIES
2001

WHEREAS, The Birmingham / Bloomfield Credit Union at 500 & 576 E. Lincoln has applied for a Special Land Use Permit to permit the use of drive in facilities in association with the construction of a new two-story office building, such application having been filed pursuant to Section 126-477 of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is on the south side of Lincoln between Grant and Floyd Streets;

WHEREAS, The land is zoned B-1 Neighborhood Business, which permits drive in facilities with a Special Land Use Permit;

WHEREAS, Section 126-477 (8) requires an Amendment to such a Special Land Use Permit to be obtained from the Birmingham City Commission prior to such time that any change takes place in the building, or improvements are made on the parcel of land;

WHEREAS, The Birmingham / Bloomfield Credit Union is requesting a Special Land Use Permit for drive in facilities in accordance with the (approved plans) dated June 27, 2001;

WHEREAS, The Planning Board reviewed the proposed Special Land Use Permit on June 27, 2001 and recommended that this Permit be approved with certain conditions;

WHEREAS, The Birmingham City Commission has reviewed the Birmingham / Bloomfield Credit Union Special Land Use Permit application and standards for such review as set forth in Subparagraphs (1) and (8) of Section 126-477 of the City Code; now, therefore, be it

RESOLVED, That the Birmingham City Commission finds the standards imposed by the City Code have been met and The Birmingham / Bloomfield Credit Union Special Land Use Permit application to provide drive in facilities as shown on the June 27, 2001 plan is hereby approved subject to the following conditions:

1. One ATM and two teller kiosks;

2. Hours of operation of Monday through Thursday from 9 a. m. to 5 p.m. and Friday from 9 a.m. to 6 p.m. for the drive in and ATM;

3. Operation of the drive in facilities would be in full compliance with all provisions of the Birmingham City Code;

4. Employee parking would be limited to the lot located on the west side of the property adjoining Floyd Street;

5. Compliance with the site plan approved by the Planning Board on June 27, 2001;

6. The drive in facility shall maintain compliance with City Department requirements; and,

7. The Special Land Use Permit shall be cancelled by the City Commission upon finding that any of the conditions hereof have been breached or continued use is not in the public interest.

BE IT FURTHER RESOLVED, Except as herein specifically provided, The Birmingham / Bloomfield Credit Union and its heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of the Birmingham / Bloomfield Credit Union and its heirs, successors and assigns to comply with all the ordinances of the city and terms of this Special Land Use Permit may result in the Commission revoking this Special Land Use Permit.

I, Nancy M. Weiss, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on July 23, 2001.

Nancy M Weiss

Nancy M. Weiss, City Clerk

EXHIBIT 3

CITY OF BIRMINGHAM
MICHIGAN

CITY COMMISSION PROCEEDINGS

OCTOBER 14, 1985

Minutes of a Regular Meeting of the Birmingham City Commission held Monday, October 14, 1985, at 8:03 P.M., in the Commission Room in the Municipal Building.

Present: Mayor Jensen, Commissioners Appleford, Hockman, Kain, Lanzetta, Siewert and Sights.

Absent: None

Administration:
City Manager - Robert S. Kenning
City Clerk - Phyllis Armour
City Attorney - Jon Kingsepp
City Assessor/Treasurer - Kelly Sweeney
City Planner - Bonnie Cook
City Engineer - William Killeen
Director of Public Services - Darrel Middlewood
Director of Finance - Donald Johnson

8:03

10-1159-85: APPROVAL OF MINUTES - CITY COMMISSION MEETING - OCTOBER 7, 1985 - AS CORRECTED

MOTION: Motion by Sights, supported by Kain:
To approve the Minutes of the City Commission Meeting held October 7, 1985, with the following corrections:

Page 3, Resolution No. 10-1133-85, Paragraph 1 - Correct Line 2 to read "progress with the B-2/B-4 and rezoning at Maple and Adams.

Paragraph 3 of the same resolution - Add the following: "Commission Appleford complimented the Park Street structure personnel on the handling of the very large exodus from the structure on the first day of Crowley's sale."

VOTE: Yeas, 7 Nays, None

8:04

10-1160-85: PUBLIC HEARING - REZONING 512 SOUTHFIELD FROM R-1 TO R-8 - REZONE 488/452 SOUTHFIELD FROM R-7 TO R-8 - ADOPT ORDINANCE NO. 1314

Mayor Jensen announced that this was the date and time, as advertised, for a public hearing to consider an amendment to Title V, Chapter 39, Zoning and Planning, of the Code of the City of Birmingham, by amending Section 5.7, the Zoning Map, to change the classification of the following described properties from R-1 Single Family to R-8 Attached Single Family:

North 1/2 of Lot 28 and all of Lot 29,
Stanley and Clizbe Subdivision,
commonly known as 512 Southfield Road

and to change the classification of the following properties from R-7 Multiple Family Residential to R-8 Attached Single Family:

Part of Lot 7 and all of Lots 8, 9, 10, 11 and 12 Bird's Addition, commonly known as 488 and 452 Southfield Road.

the City Manager reviewed the report of the Planning and Historic District Commission recommending approval of the rezoning.

MOTION: Motion by Hockman, supported by Sights:
To concur in the recommendation of the Planning and Historic District Commission; to adopt Ordinance No. 1314 as follows:

AN ORDINANCE TO AMEND TITLE V, CHAPTER 39 SECTION 5.7 OF THE BIRMINGHAM CITY CODE, THE ZONING MAP, TO CHANGE THE ZONING CLASSIFICATION OF THE DESCRIBED PROPERTY AS FOLLOWS:

THE CITY OF BIRMINGHAM ORDAINS:

The Zoning Map shall be amended so as to fix the classification of the following:

Stanley and Clizbe Subdivision, north 1/2 of Lot 28 and all of Lot 29, commonly known as 512 Southfield Road

from R-1 to R-8

Bird's Addition, south 10 ft. of Lot 7, and all of Lots 8, 9, 10, 11 and 12, commonly known as 488 and 452 Southfield Road

from R-7 to R-8

ORDAINED this 14th day of October, 1985, by the Commission of the City of Birmingham to be effective upon publication.

DONALD W. JENSEN, MAYOR

PHYLLIS ARMOUR, CITY CLERK

VOTE: Yeas, 7 Nays, None

8:06

10-1161-85: SPYROS KONTOS, ET AL - REZONING OF SOUTHFIELD PROPERTIES

Communication dated October 10, 1985, received from Spyros and Emily Kontos and Mason and Grace Yu re: Rezoning of their Southfield Road properties.

8:06

10-1162-85: CARL ROEHLING - REQUEST LOT SPLIT - LOTS 373-375 - BIRMINGHAM HIGHLANDS SUBDIVISION

MOTION: Motion by Hockman, supported by Appleford:
To receive application dated October 8, 1985, from Carl Roehling, requesting a Lot split of Lots 373, 374 and 375 of Birmingham Highlands Subdivision No. 2 (vacant property on Maplewood south of Midvale); to refer to the Administration for review and report; to schedule a public hearing on November 18, 1985, at 8:00 P.M., to consider Mr. Roehling's application.

VOTE: Yeas, 7 Nays, None

October 10, 1985

City Commission
Birmingham, Michigan

From: D. Larry Sherman, Chairman
Planning and Historic District Commission

Subject: Action on Kontos and Yu Rezoning

Dear Commissioners:

At the October 9, 1985 Planning and Historic District Commission meeting, a public hearing was scheduled for the Kontos and Yu rezoning along Southfield Road. This is the third hearing that has been held in the past few months to consider a zoning classification which would allow the petitioner to construct townhouse units on his property. At the past public hearings held by the Planning and Historic District Commission, the majority of the neighborhood felt that townhouses would be an acceptable solution to the development of his property, however, no one felt confident about the means to accomplish this end. The Planning and Historic District Commission felt that rezoning the southerly portion of the site to R-7 may open the door to a larger development should the petitioner not go through with his plans. Subsequent action by the City Commission was to deny the rezoning.

Mr. Kontos, in continuing to pursue his plan, requested rezoning of the south portion of his site to R-8. The City again expressed its concern about the possibility of a larger development and instead rescheduled a hearing to consider rezoning the entire site to R-8.

The subject of this new hearing is now all of the Kontos and Yu property. The northern portion (approximately 73% of the site) is under consideration for rezoning from R-7 Multiple Family to R-8 and the southern portion (approximately 27% of the site) is under consideration from R-1 Single Family to R-8 (see attached map). A public comment was heard from Mrs. Gillett who lives to the west of the subject property stating that she approves of the rezoning of the properties to R-8 but feels strongly that variances should not be granted to locate the building closer to her property. Mrs. Cook also reported that Mrs. Sutton, another property owner to the west, telephoned her to say that she did not object to the rezoning but she too is concerned about any variances that might be requested in order to develop the property.

Favorable comments were made by several of the Commissioners who feel that rezoning to R-8 is the best solution to the long history of these properties.

Motion by Porter, seconded by Blaesing:

To recommend approval of the rezoning of all of the Kontos and Yu properties to R-8 Attached Single Family Residential.

Motion carried unanimously.

Very truly yours,

D. Larry Sherman S.F.

D. Larry Sherman
Chairman, Planning and
Historic District Commission

BBC/sf

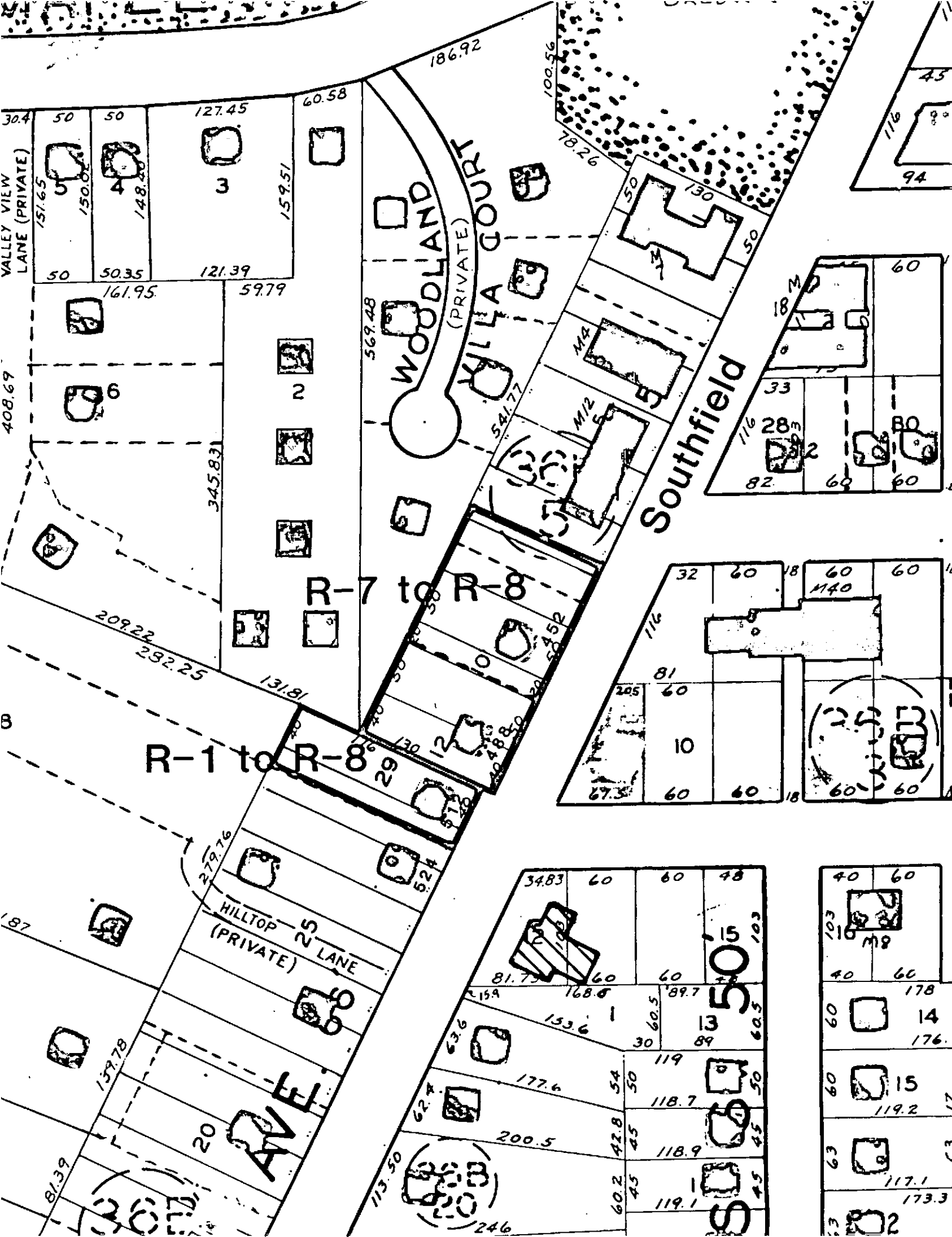

VALLEY VIEW LANE (PRIVATE)
WOODLAND VILLA COURT (PRIVATE)
Southfield
R-7 to R-8
R-1 to R-8
HILLTOP LANE (PRIVATE)
AVE
186.92
100.56
78.26
127.45
60.58
159.51
148.40
150.02
151.65
121.39
50.35
161.95
59.79
569.48
541.77
408.69
345.83
209.22
282.25
131.81
279.76
139.78
81.39
113.50
246
177.6
200.5
153.6
168.6
89.7
118.7
118.9
119.1
119.2
117.1
173.3
178
176.

EXHIBIT 4

Metro Stroke 258-5701

Betty

1/12/99 project mgr - Jeff

CITY OF BIRMINGHAM

Zoning Compliance Worksheet - Single-Family Residential Districts

Address of Property: 111 Baldwin — App. or Appeal No: 98-3214

Zoning District: R-2 Addition 2590 — Reviewed by: [illegible]

Lot Width: 80' 10%= 8' 25%= 20' — Date of Review 1/8/98

Lot Area: 18,560 — Lot Area Reqr'd: 6000 — Historic Structure? Yes___ or No___

	Reqr'd / Allowed	Existing	Proposed	Variance Req.
1. Front Setback 126-446 (22-25)	25'	average 200'	75'	
Front (Corner) Setback 126-467 Adj. Interior Lot	—			
Front (Corner) Setback 126-467 No Adj. Interior Lot	—			
2. Side Setback 126-446(22-25) N 1.	5'	15'	15'	
Side Setback 126-446 (22-25) S 2.	9'	9	40'	
3. Total Side Setback 126-446 (22-25), 126-467	14'	24'	25% LOT	WIDTH
4. Rear Setback 126-446 (22-25)	30'	30'	35'	
5. Combined Front & Rear Setback 126-446 (22-25)	55'	150'	110'	
6. Distance between Principal Residential Bldgs 126-469 N 1.	20'	25%	50'	WIDTH
Distance between Principal Residential Bldgs 126-469 S 2.	~~14'~~	~~25%~~	~~LOT~~	~~WIDTH~~
7. Building Height Principal Dwelling 126-446	30'		20'	
Accessory Buildings 126-474				
8. Accessory Buildings - Setbacks Dist. from Prin. Structure	~~10'~~	attached		
Dist. from Prin. Structure On Adjacent Lot 126-474	20'		50'	
9. Accessory Structures a. Area 126-474(c)	~~30% or 750 S.F. MAX~~			
b. Setback's A/C & Mech. Units 126-474 & 599	not submitted			
10. Projections into Required Open Spaces. 126-599 a. Overhangs N S	10" 18"	no encroachment		
b. Bump Outs – Window Wells, Chimneys, Bay Windows				
c. Stairs				
11. Percentage of Impervious Surface 126-99 2000 X .35	700	350	350	

Location SOIL EROSION - Req CERTIFIED SURVEY - Submitted

Previous Appeals FLOOD PLAIN - Req [illegible]

Scope of Work

Revised 8-28-98 KJE

reviewed 1/12/99 * need Flood Plain permit - 1/12/99 called Arch!

* 5' overhang detail required