NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
REZONING & ZONING MAP AMENDMENT

Meeting - Date, Time, Location:	Monday, June 29, 2015, 7:30 PM Municipal Building, 151 Martin Birmingham, MI 48009
Nature of Hearing:	To consider a proposal to rezone the property at 2100 East Maple from O-1 Office to B-2 General Business and to update the zoning map as proposed.

City Staff Contact:	Jana Ecker, 248.530.1841 jecker@bhamgov.org
Notice:	Publish: June 7, 2015 Mailed to all property owners within 300 feet of subject address.
Approved minutes may be reviewed at:	City Clerk's Office
Should you have any statement regarding the above, you are invited to attend the meeting or present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.	
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.	

City of Birmingham
A Walkable Community

MEMORANDUM

Community Development Department

DATE: June 19, 2015

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing to consider the rezoning of 2100 E. Maple from O-1 Office to B-2 General Business

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On April 22, 2015, the Planning Board conducted a public hearing to discuss two separate requests by the applicant to rezone the property located at 2100 E. Maple from O-1 Office to B-2 General Business, or in the alternative, to B-2B General Business. The applicant prefers the B-2 General Business zone. The maximum permitted height in B-2 is better suited to the proposed Whole Foods development. However, in the event that the B-2 zone is not approved, they request that the B-2B zone be considered as an alternative. The subject site has an existing one story vacant office building, a large parking lot, and a cell tower and associated equipment on it at this time. The applicant proposes to demolish the existing building and is seeking the rezoning to allow construction of a retail store and parking lot to relocate Whole Foods Market from E. Maple in Troy to this site. After much discussion regarding the history of this site, the Planning Board voted to continue the public hearing to May 27, 2015 to allow the applicant additional time to submit a specific development proposal.

On May 27, 2015, the Planning Board reviewed a detailed proposal from the applicant for the development of the site, including a review of a Community Impact Study and Preliminary Site Plan for the proposed retail facility. In addition, the Planning Board continued the public hearing commenced on April 22, 2015 to discuss the request by the applicant to rezone the property at 2100 E. Maple from O-1 Office to B-2 General Business to allow the construction of a new retail establishment on the site. The Planning Board voted to recommend to the City Commission that the property at 2100 E. Maple be rezoned from O-1 Office to B-2 General Business.

Accordingly, the City Commission set a public hearing date for June 29, 2015 to consider the rezoning of the property at 2100 E. Maple from O-1 Office to B-2 General Business. Please find attached the staff report presented to the Planning Board, along with the relevant meeting minutes for your review.

SUGGESTED ACTION:

To approve rezoning the property at 2100 E. Maple in accordance with the recommendation of the Planning Board from O-1 Office to B-2 General Business.

OR

To approve rezoning the property at 2100 E. Maple from O-1 Office to B-2B General Business.

OR

To deny the applicant's request to rezone the property at 2100 E. Maple, and to maintain the existing O-1 Office zoning classification.

MEMORANDUM

Community Development Department

DATE: April 16, 2015

TO: Planning Board Members

FROM: Jana L. Ecker, Planning Director

SUBJECT: Rezoning Request for 2100 E. Maple Road

In accordance with the requirements of the Zoning Ordinance, the property owner (Parcel Number 2031202001) of 2100 E. Maple is requesting that the Planning Board hold a public hearing to consider the rezoning of the property from O-1 (Office) to B-2B (General Business). The applicant proposes to demolish the existing 55, 965 sq. ft. empty space office building and replace it with an approximately 45,000 sq. ft. Whole Foods Market. The proposed use as a grocery store is not permitted under the current O-1 classification.

The B-2B district allows the proposed grocery store as a commercial permitted use with a maximum building height of up to 30 feet; hence the applicant seeks rezoning from O-1 (Office) to B-2B (General Business), in the event that their application for rezoning from O-1 (Office) to B-2 (General Business) is not recommended for approval. The permitted and accessory uses are very similar between B-2 and B-2B, the main difference being that B-2 allows department stores as a permitted use, whereas B-2B does not, and B2-B allows auto sales as a permitted use, whereas B-2 does not. The main difference with regards to development standards is that B-2 permits a maximum height of 40' and 3 stories for all buildings, whereas B-2B permits a maximum height of 30' and 2 stories for commercial or mixed use buildings. However, B2-B does permit a maximum height of 40' and 3 stories for all residential building.

History of Property

The subject parcel was identified as industrial (I) in the Birmingham Future Land Use plan (1980). In 1986, there was a change in use from an industrial factory to office commercial uses. Prior to 1989 the site was split zoned as O-1 (Office) for the northern 136' of the site, and I (Industrial) for the remaining southern portion of the site. In 1989, the entire site was recommended for rezoning to industrial (I) in accordance with the recommendations contained in the Birmingham Future Land Use Plan. However, due to neighborhood opposition, the entire property was rezoned to O-1 (Office). The Eton Road Corridor Plan completed in 1999 lists the site under an office classification. Relevant meeting minutes and City records from previous applications are attached for your review.

The subject property is currently owned by Mr. Linden Nelson (Nelson Ventures, LLC). The site is currently vacant and was previously used as medical office space when it housed the St. Joe Urgent Care Center, which is now closed. The applicant is requesting that the zoning

designation of the property be changed from O-1 to B-2B. Only a person who has a fee interest in a piece of property, or a contractual interest which may become a fee interest in a piece of property, may seek an amendment in the zoning classification of that property under this section.

Following receipt of the written report and recommendations from the Planning Board, the City Commission may grant or deny any application for the amendment for rezoning. If the City Commission denies the application, no application shall be reheard for at least one year, unless there have been substantial changes in the facts, evidence, and/or conditions demonstrated by the applicant. The determination of whether there have been such changes shall be made by the Planning Board at the time the application is submitted for processing.

Requirements for Rezoning

The requirements for a request for the rezoning of a property are set forth in Article 07, section 7.02 of the Zoning Ordinance as follows:

> Each application for an amendment to change the zoning classification of a particular property shall include statements addressing the following:
>
> 1. **An explanation of why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership.**
>
> ***Applicant response*:** The rezoning of the Subject Property from 0-1 to B-2B would result in the preservation and enjoyment of the rights of usage commonly associated with property ownership for the applicant. This is the only property on the south side of Maple and east of the railroad tracks that is in the City of Birmingham. All of the other properties in the area, including those in the Eton Road Corridor, are zoned in such a way as to preserve the enjoyment and use of property for a wide range of purposes. The mixed-use zoning category in the Eton Corridor and Rail District provides for a maximum building height of 45 feet for flat roofs, a 40 foot maximum eave line for sloped roofs, and a 50 foot maximum height to the peak or ridge for sloped roofs as measured to average grade and four stories. All of these heights are permitted in the district which is immediately west of the Subject Property. To use and enjoy the Subject Property as intended by a mixed-use ordinance and the Eton Plan, the Petitioner should be afforded the opportunity to accommodate a building height of 40 feet. Further, the property immediately adjacent to the Subject Property, located in Troy, in the IB District, is permitted a height of 50 feet or four stories. (See City of Troy Zoning Ordinance at p. 81).
>
> In addition to compliance with the planning concepts in the Eton Plan, another indicia of the preservation and enjoyment of the rights and usage commonly associated with the property ownership is to review all of the uses and structures adjacent to and in the area of the Subject Property. Such a

review of surrounding properties and uses makes it clear that the B-2B District is the appropriate zoning district for this property. It not only coordinates with the concepts of the Eton Plan but compliments, or is the same as, the uses and height of all of the buildings surrounding the Subject Property.

Lastly, the residential structures across the street, zoned R-6, are also allowed to build to 40 feet in height. It stands to reason that if the Subject Property is the only property of all the properties surrounding and adjacent to it that cannot enjoy a complimentary modern use and height of 40 feet, then a rezoning to B-2B is not only in compliance with the Eton Plan, but fair and just to this Applicant. Without this rezoning, the Applicant will be unable to preserve and enjoy the rights of usage commonly associated with all of the other properties in the neighborhood.

2. **An explanation of why the existing zoning classification is no longer appropriate**

Applicant response: A review of the master plans back to the 1980's reveals that this Subject Property was either zoned industrial or for some type of office use. However, it is also clear that this Subject Property was largely ignored by the master planners, since its location was clearly out of the central districts that were the subject of most of the master plan studies. After reviewing the Birmingham Plan, the Eton Corridor Plan, the Triangle District Plan and the 2016 Plan, it is clear that this 4.92 acres of property on the other side of the railroad tracks was akin to an orphaned property in Birmingham. The growth and development of the Eton Corridor from an underused industrial area to a vibrant and eclectic mix of uses which continues to grow and further develop, coupled with the newer development and use of the property adjacent to the Subject Property in Troy, indicate that the development of the surrounding properties over the last 30 years has moved forward into a modern, form-based urban planned zone. The Eton Plan contemplates this type of development and a B-2B rezoning of the Subject Property makes common sense from a planning perspective.

It is fair and reasonable that this Subject Property should be able to enjoy the same benefits that other properties in the surrounding areas enjoy. The zoning classification of 0-1 is no longer appropriate because of the incredibly sophisticated development that has occurred to all properties surrounding the Subject Property. The use of this Subject Property for low intensity office is not only inconsistent with the surrounding density and uses of property, but it limits the use of the Subject Property so that its value to the community and to the Applicant is unfairly diminished. If one reviews the uses in the Eton Corridor District and the adjacent property in Troy, it is clear that the type of office that can be developed under an 0-1 District is not the type of office one envisions as part of a Birmingham urban plan. Birmingham's offices are located to a great extent in the Central Business District. This has long been

recognized as a good plan for land use by the urban planners that have reviewed the City. The master plans reflect that as development moves east towards Troy, the urban landscape should consist of uses that are not only residential, but are combined and coordinated with other uses to provide a pedestrian-friendly, urban streetscape, with amenities available to the residents without having to travel by automobile. The Subject Property, albeit on the other side of the railroad tracks, will be a destination for the citizens in Birmingham who live across the street to the north of Maple, and also to the west, in or about the attractive residential neighborhoods between Eton and Adams.

The rezoning of this Subject Property coordinates with and will enhance the mixed-use, form- based zoning that has reinvigorated the Eton Corridor and the east end of the City of Birmingham. The 0-1 zoning is simply no longer appropriate as a part of this dynamic mixed- use, pedestrian-friendly urban setting.

3. An explanation of why the proposed rezoning will not be detrimental to the surrounding properties.

Applicant response: The rezoning of the Subject Property from 0-1 to B-2B will not be detrimental to the surrounding properties, in fact, it will be a positive development for all of the citizens of Birmingham and those citizens of Troy that are adjacent to the Subject Property. The rezoning of the Subject Property will allow for the development of a nationally recognized market that can be used by all of the residents north of Maple on the east side of the railroad tracks as well as those residents that frequent and live in and about the Eton Corridor and Rail District. Adjacent to the Subject Property (across the railroad tracks) are several condominiums, with more being built. All of these mixed-use buildings are at a height and density that coordinate with a B-2B zoning on the Subject Property. The population in that area of town is growing due to the fact that the mixed-use zoning that is adjacent to the Subject Property in the City of Birmingham allows more density and is becoming an attractive place to live. The general commercial use of the Subject Property will enhance and improve the everyday life of the citizens of Birmingham.

To the rear of this Subject Property is the Amtrak station and the bridge over the tracks to Birmingham's platform. The new use intended for the Subject Property will be a compliment to and be a more attractive use for all those citizens who use the Amtrak system. Certainly the intended use is a great improvement over an out of date office building that currently occupies the Subject Property. Further, the intended building on the site is smaller than the office building that is being demolished. The office building currently on the site is approximately 56,000 square feet and the new market is approximately 45,000 square feet. All of these facts and the promise of future development

mean that the rezoning of the Subject Property will be a clear benefit to the health, safety and welfare of all of the citizens of Birmingham and all of the citizens in the area.

Article 7, section 7.02 of the Zoning Ordinance further states:

Applications for amendments that are intended to change the zoning classification of a particular property shall be accompanied by a plot plan. (See attached)

Information required on plot plans shall be as follows:

1. Applicant's name, address and telephone number.
2. Scale, north point, and dates of submission and revisions.
3. Zoning classification of petitioner's parcel and all abutting parcels.
4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.
5. Existing use of the property.
6. Dimensions, centerlines and right-of-way widths of all abutting streets and alleys.
7. Location of existing drainage courses, floodplains, lakes, streams, and wood lots.
8. All existing easements.
9. Location of existing sanitary systems and or septic systems.
10. Location and size of existing water mains, well sites and building service.
11. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared the plans. If any of the items listed above are not applicable to a particular plot plan, the applicant must specify in the plot plan which items do not apply and, furthermore, why the items are not applicable.

A land survey was provided by the applicant and submitted to the Planning Board (see attached). **The survey submitted meets all of the above requirements except (11), as the plans are not officially sealed by the architect, engineer, landscape architect or land surveyor who prepared the plan.**
Article 7 section 7.02 of the Zoning Ordinance further states:

The Planning Board shall hold at least one public hearing on each application for amendment at such time and place as shall be established by the Planning Board.

The Planning Board shall make findings based on the evidence presented to it with respect to the following matters:

a. The objectives of the City's then current master plan and the City's 2016 plan.
b. Existing uses of property within in the general area of the property in question.
c. Zoning classification of property within the general area of the property in question.
d. The suitability of the property in question to the uses permitted under the existing zoning classification.

e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.

Planning Division Analysis

A. The objectives of the City's then current master plan and the City's 2016 Plan

The Birmingham Future Land Use Plan (1980) identified the subject property as Industrial. The industrial development at that time was mostly located within the triangular area between the Grand Trunk Western Railroad right-of way, Lincoln, and Eton Road (now known as the Rail District). The Birmingham Future Land Use Plan also provided that the industrial area were also permitted to include non-industrial uses such as lumber yards, automobile repair establishments, car washes and similar uses. The overall intent of the Birmingham Future Land Use Plan was to retain the single-family character of Birmingham. However, at that time, no single-family residential was located either on the subject site or within what is now the Rail District. The subject site is not adjacent to any single-family residential properties, and the nearest multi-family developments are located approximately 200' to the north across Maple Road's four traffic lanes, and approximately 400' to the west on the other side of the raised railroad tracks. Thus, the proposed rezoning will not eliminate existing single-family residential developments or single-family zoned property.

In 1999, the Eton Road Corridor Plan ("ERCP") was completed to create a vision for future development of the Rail District, which includes the subject property and the area adjacent to the subject property to the west over to S. Eton Road, all the way down to Lincoln. The ERCP stated that the vision for this district was to develop the area as a mixed use district and allow a variety of uses that are compatible with the surroundings. The vision statement reads:

> "The Eton Road Corridor will be a mixed use corridor with a range of commercial, service, light industrial and residential uses that serve the needs of the residents of Birmingham. Creative site planning will be encouraged to promote high quality, cohesive development that is compatible with the existing uses in the corridor and the adjacent single family residential neighborhood."

However, the ERCP also states the importance of minimizing the impacts of traffic on existing and future residential developments, particularly for developments that would use the two lane S. Eton Road for access to and from the site.

The ERCP remains in effect for the subject site and the entire Rail District located west of the railroad tracks. In the 16 years since the adoption of the ERCP, much redevelopment has occurred in the Rail District, which is now home to a varied assortment of commercial, service, retail, light industrial, live/work units and numerous multi-family mixed use developments. The proposed rezoning to B-2B General Business will allow a mix of commercial, service, retail, office and multi-family residential uses, consistent with the vision for the Eton Road Corridor as stated in the ERCP. The maximum 2 story height permitted in B-2B would still be 15' less than the maximum height permitted in the MX District, and the adjacent properties located in Troy. This

height is also less than the 3 stories and 40′ maximum height permitted in the R-6 zone on the north side of Maple Road. In addition, the proposed Whole Foods Market is a specialty grocery store that will serve the needs of the residents in both the nearby multi-family developments and the single-family neighborhoods in the surrounding area.

The Downtown Birmingham 2016 Plan focuses on retaining and enhancing the character and vitality of Downtown Birmingham. The subject site is not located within the area to which the Downtown Birmingham 2016 Plan applies.

B. Existing uses of property within the general area of the property in question

The surrounding uses within the City of Birmingham include multifamily residential to the north across Maple Road, two raised railroad tracks for both passenger and freight service, and the Big Rock Restaurant and The Reserve Banquet Facility to the west across the railroad tracks. To the east of the subject property, and within the jurisdiction of the City of Troy are a large health club, a public storage facility, a large retail center and a multi-family condominium development. Beyond the Big Rock Restaurant and The Reserve, south along the railroad tracks is the MX or Rail District which includes an eclectic mix of commercial, service, retail, office, multi-family residential and live/work units, warehouse and light industrial uses.

C. Zoning classification of property within the general area of the property in question

The surrounding property zoning classifications include PP (Public Property) adjacent to the west of the subject property (for the railroad property), with B-2BB (General Business) adjacent to the west of the railroad tracks. To the north of the subject property, the area on the north side of Maple Road is zoned R-6 (Multifamily Residential). To the south of the subject property, the railroad property is adjacent and zoned PP (Public Property), with the Rail District south of the tracks, zoned MX (Mixed Use). Please see attached map for reference.

D. The suitability of the property in question to the uses permitted under the existing zoning classification.

The site is currently zoned as O-1 (Office), which allows limited uses, including multi-family residential, offices, schools, barber/beauty salons, hair replacement establishments, veterinary clinics, parks and swimming pools. The existing structure on the subject property contains multiple office suites, and has been entirely vacant for approximately one year. Prior to that time, the office building was 70% vacant for many years, but the front portion was leased to St. Joe's Urgent Care. Office use is a suitable permitted use for the site, but the inability to lease the space over the past several years indicates that the site location and/or the existing building is not marketable for office use.

E. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification

As discussed above, the subject site is located to the north east of the railroad tracks and the Birmingham Rail District. This entire area is in transition, and has been gradually redeveloping over the past decade into a vibrant, mixed use area that has opportunities for living, working and recreating. It is anticipated that this redevelopment will continue for the foreseeable future, as numerous mixed use projects are in the planning approval process at this time. In addition, the new Amtrak multi-modal station was recently constructed to the south and southeast of the subject site to service rail passengers and SMART passengers. Adjacent to the Amtrak station is a large retail center that provides goods for nearby residents, and the local area. The development trend in the general area of the subject property has been moving from a mix of manufacturing, warehousing and industrial uses to a diverse mix of commercial, service, retail, live/work units and multi-family residential. No zoning classification changes have occurred in the area since the rezoning of the entire Rail District in 1999.

Departmental Reports

1. Engineering Division – Comments will be provided prior to the Planning Board meeting on April 22, 2015.

2. Department of Public Services – Comments will be provided prior to the Planning Board meeting on April 22, 2015.

3. Fire Department – Comments will be provided prior to the Planning Board meeting on April 22, 2015.

4. Police Department - No concerns were reported from the Police Dept.

5. Building Department – Comments will be provided prior to the Planning Board meeting on April 22, 2015.

Planning Department Findings

Based on a review of the rezoning application and supporting documentation submitted by the applicant, a review of the applicable master plan documents, current zoning and recent development trends in the area, the Planning Department finds that the applicant meets all of the established ordinance requirements to qualify for a rezoning of the property from O-1 Office to B-2B General Business to permit a more diverse mix of uses compatible with the existing mix of uses in place in the general area, particularly on the south side of E. Maple, both to the east and west of the subject site. **However, the Planning Board may wish to review a detailed site plan and Community Impact Study prior to making a decision on the rezoning application to determine the impact of changing traffic patterns on nearby residential developments.** The following sample motions with attached conditions have been provided in the event that the Planning Board deems it appropriate to send a recommendation of approval forward to the City Commission.

Sample Motion Language

Based on a review of the rezoning request and supporting documentation submitted by the applicant, a review of the applicable master plan documents and the development trends in the area, the Planning Board recommends APPROVAL to the City Commission of the applicant's request for the rezoning of the property at 2100 E. Maple from O-1 Office to B-2B General Business with the following conditions:

1. Submittal of a sealed plot plan of the property;
2. Acceptance by the Planning Board of a detailed Community Impact Study for the proposed development; and
3. The granting of Final Site Plan and Design Review approval by the Planning Board.

OR

Motion to recommend POSTPONEMENT of the applicant's request for the rezoning of the property at 2100 E. Maple from O-1 Office to B-2B General Business, pending receipt of the following:

1. A sealed plot plan of the property;
2. A site plan and elevation drawings detailing the proposed development of the property for retail use; and
3. A completed Community Impact Study to allow the Planning Board to assess any potential impacts on the surrounding area.

OR

Motion to recommend DENIAL to the City Commission of the applicant's request for the rezoning of the property at 2100 E. Maple from O-1 Office to B-2B General Business, for the following reasons:

1. _____
2. _____
3. _____

REQUESTS FOR REZONING
2100 E. Maple Rd.
Application for rezoning from O-1 Office to B-2 General Business to allow retail and commercial uses on the site

Or in the alternative,

2100 E. Maple Rd.
Application for rezoning from O-1 Office to B-2B General Business to allow retail and commercial uses on the site

Ten pieces of correspondence have been received in support of the proposed rezoning to allow a Whole Foods Market.

Ms. Ecker advised that in accordance with the requirements of the Zoning Ordinance, the property owner of 2100 E. Maple Rd. is requesting that the Planning Board hold a public hearing to consider the rezoning of the property from O-1 Office to B-2 General Business. The applicant proposes to demolish the existing 55,965 sq. ft. empty office building and replace it with an approximately 45,000 sq. ft. Whole Foods Market. The proposed use as a grocery store is not permitted under the current O-1 classification. The B-2 district allows the proposed grocery store as a commercial permitted use with a maximum building height of up to 40 feet; hence the applicant seeks rezoning from O-1 Office to B-2 General Business.

If rezoning to B-2 is not recommended for approval, the applicant has also submitted an alternate request for rezoning from O-1 Office to B-2B General Business. The permitted and accessory uses are very similar between B-2 and B-2B. The main difference with regards to development standards is that B-2 permits a maximum height of 40 ft. and three stories for all buildings, whereas B-2B permits a maximum height of 30 ft. and two stories for commercial or mixed use buildings. However, B2-B does permit a maximum height of 40 ft. and three stories for an all residential building.

Following receipt of the written report and recommendations from the Planning Board, the City Commission may grant or deny any application for the amendment for rezoning.

In response to Mr. DeWeese, Ms. Ecker explained how much control the City has over B-2B zoning. With regards to building placement, there is no minimum front yard setback. There must be a 10 ft. rear yard setback or 20 ft. when adjacent to residential. Minimum side yard setback is zero. The height for B-2B is 30 ft. for a commercial application. There is no size maximum for the building as a whole as there is in the MX District, where it is 6,000 sq. ft. However, the maximum size depends on being able to supply on-site parking to go with the size.

Mr. Koseck thought it would be wonderful to see how the proposal(s) fit into their context. At this time there is no proposal for Whole Foods. If the applicant is granted a rezoning there is no obligation on their part to develop a Whole Foods Market.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., spoke to represent the property owner, Mr. Linden Nelson of Nelson Ventures, LLC. With him was Ms. Thea Hiak from Whole Foods Market and Mr. Jim Butler, Engineer, President of Professional Associates. Mr. Rattner offered history showing how the subject parcel zoning failed to evolve in relation to its surroundings. He went on to show iterations of how they want the proposed development to look. Their traffic study indicates the building and use with the parking in the back will have minimal impact on the traffic along Maple Rd. The lease with Whole Foods is signed and they are ready to go.

In his presentation, Mr. Rattner explained:

- why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership;
- why the existing zoning classification is no longer appropriate;
- why the proposed rezoning will not be detrimental to the surrounding properties.

Ms. Lazar noticed there was only one letter of support from someone located in the vicinity of the proposed rezoning.

Ms. Thea Hiak with Whole Foods Market said she knows people who live in the adjacent MX District and they are ecstatic about Whole Foods Market coming in. They have looked at other properties and felt this location would keep them closest to their existing facility at the NE corner of Maple Rd. and Coolidge. Also, it would maintain a lot of their existing customers, along with providing 275 parking spaces. The new market would be double the size of their current establishment. The signed lease is in place.

Mr Rattner summarized:

- The rezoning to B-2 brings the property into conformance with the MX District's general planning concept;
- It allows the property to be developed in a manner that complements the uses and densities in the surrounding area;
- It is consistent with the intense developments adjacent to it in Troy;
- It would have a beneficial impact on the surrounding properties as well as the City of Birmingham in general; and
- It preserves the owner's enjoyment of rights of usage commonly associated with property ownership.

Mr. DeWeese noted that receipt of a Community Impact Study is important when considering any rezoning there, because it is one of the traffic choke points in Birmingham.

Mr. Koseck announced he could not come to a conclusion this evening based on the information presented. The letters submitted are not from people impacted by this

development. Most of the experience driving along Maple Rd. is residential. Just because the existing building is empty doesn't mean it cannot function as office. He observed that an office use would have less of an effect on surrounding residential than a Whole Foods that is open seven days a week from 8 a.m. to 11 p.m. He doesn't know the applicant has proven they could not have a first class office building there that would be in demand. Whatever happens on that parcel certainly will have an impact on traffic.

Chairman Clein stated it has been made clear to him this evening that O-1 is probably not the right classification for this parcel. He was not sure what other zone it ought to be. The petitioner has asked for either B-2 or B-2B.

He opened up discussion from the public at 8:55 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, pointed out that none of her neighbors across the street received notice of this meeting. Also, her neighborhood association was not noticed. Previously, their concern has not been the height; but rather the use. That intersection is bad traffic wise, and retail will generate even more traffic throughout the day until late in evening. Ms. Ecker noted that notice was provided to the neighborhood as legally required.

Mr. Michael Price, 2440 Dorchester, said he would love to see a Whole Foods go in on that site. Anything that goes there will generate more traffic.

Mr. Michael Coleman who lives behind Big Rock said he is 100% in favor of the project. It is a great use and a great investment for the neighborhood and for the City. The Whole Foods compliments LA Fitness by offering fresh, healthy food.

Mr. Linden Nelson, the property owner, noted they have tried everything in the way of office, even single-digit rents. They have a long-term lease with Whole Foods.

Mr. Williams said it has been his experience that the brewery adds a lot of traffic to that neighborhood. The proposal is for B-2 or B-2B, or the zoning stays as it is which makes for an absolutely useless piece of property. Therefore, something should be done with the site. Whether or not this facility gets built, traffic on Maple Rd. will not get significantly worse. It is already horrendous. However, it doesn't affect anyone who lives three blocks away on Eton. If the applicant wants a Whole Foods Market with 275 parking spaces, then tie them to the site plan for this usage with a lease in place. Stay away from the ephemeral rezoning in theory and hoping that the market goes in.

Ms. Ecker recalled that two years ago the City Commission said they did not want to go down the path of contract zoning. Mr. Williams replied that it makes more sense here than in the project under consideration at that time. Ms. Whipple-Boyce agreed this is a totally different set of circumstances. The potential for inappropriate uses that are allowed in B-2 would all be solved with contract zoning. Mr. Jeffares added O-1 zoning doesn't work and a new zoning is needed. Mr. Koseck liked the idea of contract zoning

but if that isn't allowed the board has to look at all of the things that could be allowed on that site.

Mr. Nelson suggested they could go with B-2 or B-2B zoning subject to a site plan that the Planning Board okays.

Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to postpone consideration of the requests for rezoning of 2100 E. Maple Rd. to May 27 to give the applicant time to come back with a more specific proposal.

It was discussed that in order to be noticed a site plan application would have to be in to the City by Monday, May 11.

There were no comments on the motion from members of the public at 9:33 p.m.

Chairman Clein advised the applicant it is their choice to discuss with the City administration whether or not a site plan submittal in conjunction with their rezoning application would be more tenable to the City Commission and the administration.

Mr. Koseck said he will not support the motion because he doesn't know the credibility of the information he is getting. A Community Impact Study would provide good information to him.

Motion carried, 6-1.

ROLLCALL VOTE
Yeas: Williams, Whipple-Boyce, Clein, DeWeese, Jeffares, Lazar
Nays: Koseck
Absent: Boyle

COMMUNITY IMPACT STATEMENT REVIEW ("CIS")
PRELIMINARY SITE PLAN REVIEW
2100 E. Maple Rd.
Request for approval of a CIS and Preliminary Site Plan Review to review the construction of a new one-story, 46,000 sq. ft. retail building for Whole Foods Market

CIS
Ms. Ecker advised the subject site, 2100 East Maple Rd., is currently vacant, but was previously an office building, and then an urgent care medical clinic. At this time, the applicant is proposing a new single-story 46,500 sq. ft. structure. The subject site is located on the south side of E. Maple Rd., west of the existing LA Fitness facility and east of the railroad tracks. The proposed new building will house a Whole Foods grocery store selling natural and organic foods. The site occupies a total of 4.62 acres.

The applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing a new building containing more than 20,000 sq. ft. of gross floor area.

The applicant has submitted a Phase 1 Update, Environmental Site Assessment ("Phase 1") conducted on the property most recently by AKT Environmental Consultants. The Phase 1 Update has revealed no evidence of recognized environmental conditions except for documented historical industrial use of the property and the previous presence of one 2,500 gallon fuel oil and one 2,500 gallon gasoline UST.

Several complex changes have been proposed by the applicant for the intersection of E. Maple Rd. and N. Eton which already doesn't function well. The main entrance to the Whole Foods will be the eastern drive. A deceleration lane is proposed to allow the turning movement into the property. The City's traffic study has found traffic will get a little better due to signal timing improvements and the pedestrian crossing system proposed to be put in place.

Mr. Rick Rattner, Attorney for Whole Foods, introduced Mr. James Butler from Professional Engineering Associates, Inc.; Mr. Joseph Marson, Traffic Engineer from Parsons; Mr. Michael Fitzgerald, Architect; Ms. Thea Hiak from Whole Foods; and Mr. Linden Nelson, the owner of the site. Mr. Rattner stated the traffic consultants are working very hard to make that intersection better.

Mr. Butler said they will provide a map for the haul route. They propose to put a trash compactor inside the truck dock, outside of the building. They are aware that a sewer runs beneath the building and that issue will be resolved. Replying to Chairman Clein, Mr. Butler explained their need for parking in excess of one hundred spaces above ordinance requirements is based on Whole Foods standards. Mr. Rattner added it is a very safe and modern parking lot located in the back of the store. Mr. Butler indicated they have prepared a revised geometry plan to address specific issues about how the intersection relates to N. Eton. Their traffic study relates directly to that geometry.

Ms. Thea Hiak said that Whole Foods is more than just a grocery store. She described the many innovative venues that are planned. Mr. Koseck was disappointed not to have a map showing how the store fits within its context.

Motion by Mr. DeWeese
Seconded by Ms. Whipple-Boyce to accept the CIS for 2100 E. Maple Rd., Whole Foods with the following conditions:
(1) The applicant will be required to obtain approval to rezone the property to permit the proposed use as a grocery store;
(2) Applicant must submit a map showing proposed haul routes during construction;
(3) Applicant must provide information on all life safety issues to the Fire Dept. for approval;
(4) Applicant must provide information on the details of on-site trash storage and the collection of trash and recycled materials;
(5) Applicant must provide information on all utility easements;
(6) Applicant must provide information on the proposed security system for approval by the Police Department; and
(7) The applicant complies with the recommendations of the City's transportation consultant and all City Departments.

Mr. Koseck thought it would be more logical to focus on the rezoning before moving into the more detailed information. Chairman Clein said he will not support the motion at this point because he thinks it is premature to accept a CIS when they still don't have final agreement from the traffic consultant.

The chairman asked for comments on the motion from the audience at 10:45 p.m.

Mr. Larry Bertolini received clarification that the traffic volume count included LA Fitness and the All Seasons development.

Mr. Michael Poris thought the board should support the motion and move the CIS forward. The CIS is, in fact, a study.

Ms. Dorothy Conrad, 2252 Yorkshire, was concerned about pedestrian access.

Motion failed, 1-6.

ROLLCALL VOTE
Yeas: DeWeese
Nays: Clein, Jeffares, Koseck, Lazar, Whipple-Boyce, Williams
Absent: Boyle

Motion by Ms. Whipple-Boyce
Seconded by Mr. Williams to postpone the action on the CIS as provided by the applicant for the proposed development at 2100 E. Maple Rd., Whole Foods, to June 10, 2015, allowing the applicant the opportunity to address the issues that were raised in the previous motion.

There was no further discussion on the motion from the public at 10:54 p.m.

Motion carried, 7-0.

VOICE VOTE
Yeas: Whipple-Boyce, Williams, Clein, DeWeese, Jeffares, Koseck, Lazar
Nays: None
Absent: Boyle

Motion by Mr. DeWeese
Seconded by Mr. Koseck to move up the rezoning request for 2100 E. Maple Rd., Whole Foods, so that it is next on the agenda.

Motion carried, 7-0.

VOICE VOTE
Yeas: DeWeese, Koseck, Clein, Jeffares, Lazar, Whipple-Boyce, Williams
Nays: None
Absent: Boyle

Motion by Mr. DeWeese
Seconded by Ms. Lazar to extend the meeting 30 minutes to 11:30 p.m.

Motion carried, 6-1. (Mr. Williams opposed)

REZONING REQUEST
2100 E. Maple Rd. (former Urgent Care)
Application for rezoning from O-1 Office to B-2 General Business to allow retail and commercial uses on the site;

Or, in the alternative,

Application for rezoning from O-1 Office to B-2B General Business to allow retail and commercial uses on the site. (continued from the meeting of April 22, 2015)

Ms. Ecker recalled that at the last meeting the Planning Board wanted to see more detail on how the site could work and to have sealed plans by the architect. She provided the history of the property. The site is the only property on the south side of Maple Rd. east of the railroad tracks that is within the City of Birmingham. In 1989 the entire site was recommended for rezoning to all industrial, based on the Master Plan. However, residents were opposed and the whole property was rezoned to O1 Office which is what it is today.

The applicant believes O1 is not a suitable zoning for this district because on all sides properties are allowed to go higher. Also, the Birmingham MX District and the Troy side allow a greater range of uses. The development trend in the area as a whole is to go more towards mixed use.

B-2 permits a maximum height of 40 ft. and 3 stories; whereas B2B permits a maximum height of 30 ft. and 2 stories. Both of those zoning classifications allow a grocery store use.

Mr. DeWeese thought the applicant's request is reasonable in terms of height, spacing, setbacks, and uses.

Mr. Rick Rattner incorporated everything that was said at the last meeting. Further, everything that Mr. DeWeese has said is correct. This site being rezoned solves a lot of problems from a zoning perspective.

Chairman Clein asked for comments on the rezoning from members of the public.

Mr. Larry Bertolini was comfortable with rezoning to B2 as long as the Planning Board is comfortable they can control traffic adequately through the site plan process.

Ms. Dorothy Conrad said that her homeowners association supports the rezoning for Whole Foods. They do not support the rezoning for a whole number of other items that are on the list for that zoning category.

Ms. Ecker read a letter from a representative of Pembroke Manor Homeowners Association saying they enthusiastically support the property owner's request for rezoning; and further the site plan for Whole Foods Market.

Mr. Williams observed the board started by saying this is an appropriate case for contract zoning, and the neighborhood agrees.

Motion by Mr. DeWeese
Seconded by Mr. Jeffares to recommend to the City Commission rezoning of 2100 E. Maple Rd. from O1 Office to B2 General Business to allow retail and commercial uses on the site.

Ms. Lazar received clarification that parking requirements would not change for the site.

There were no comments from the public on the motion at 11:30 p.m.

Motion carried, 6-1.

VOICE VOTE
Yeas: DeWeese, Jeffares, Clein, Koseck, Whipple-Boyce, Williams
Nays: Lazar
Absent: Boyle

Preliminary Site Plan
Ms. Ecker explained the existing land uses on the site include a vacant office building, a surface parking lot and a cell tower with associated equipment enclosure. Both the office building and the large parking lot are proposed to be demolished to allow construction of the proposed grocery store, and a new adjacent surface parking lot. The existing cell tower and equipment enclosure at the far south end of the site is proposed to remain.

The proposed use is permitted in the B2 District which has just been recommended for approval. The applicant meets the bulk, area, height, and placement standards for the proposed building if the B2 zoning is approved for this site.

Design Review

There is an entry in the front NE corner for folks entering from the sidewalk. The building is moved right up to the street and parking is in the back. The applicant is proposing to utilize the following materials for the construction of the proposed grocery store building:

- ☐ Cast stone;
- ☐ Brick;
- ☐ Ceramic tile "wood" siding;
- ☐ Stone for the base of the building;
- ☐ Aluminum and glass storefront with clear glazing;
- ☐ Pre-finished metal coping along the parapet;
- ☐ Fritted glass for upper windows along the west, north and east elevations;

  However, fritted glass is not permitted. The applicant must remove the proposed fritted glass.
- ☐ Metal canopies and column covers along the north and south elevations; and
- ☐ Metal frame sunshades surrounding windows along the east and west elevations.

No material samples or colors have been provided at this time, but will be required at the time of Final Site Plan Review. The plans do not indicate the percentage of glazing provided; however it does not appear that the building as proposed meets the 70% glazing requirement as listed in section 4.83 of the Zoning Ordinance.

Motion by Ms. Whipple-Boyce
Seconded by Mr. DeWeese to extend the meeting 15 minutes to 11:45 p.m.

Motion carried, 6-0. (Mr. Williams absent)

Mr. Linden Nelson introduced Mr. Michael Fitzgerald from OKW Architects. Mr. Fitzgerald explained that each Whole Foods store is unique. They are not a prototype by any means. Each interior decor and exterior architecture is designed to fit in with the context. He described the preliminary layout of the building and noted the synergy with LA Fitness. They are looking for a clear interior height of 18 or 19 ft. A parapet about 3.5 ft. above the roof structure is proposed to screen rooftop mechanical equipment. The depressed loading area will have a screenwall. There will be outdoor seating at the SW corner of the building. Two elements of the building along E. Maple Rd. are 30 ft. high, and the only piece of the building above that is in the back SE corner, and it is 35 ft. high. Along E. Maple Rd. display windows showing what is going on in the store and in the community sit beneath the clearstory windows in the upper portion of the building.

Motion by Mr. DeWeese
Seconded by Ms. Lazar to extend the meeting 15 minutes to midnight.

Motion carried, 6-0. (Mr. Williams absent)

Mr. Jeffares wanted to see glass and seating on E. Maple Rd. and the offices in back by the parking lot.

Ms. Whipple-Boyce asked for more information on the following:

- How the entries and exits work with the circulation;
- Seating and outdoor dining areas;
- Outdoor seating;
- Seeded glass;
- Materials on the elevations;
- Display windows may not work so well in this application because the pedestrians are below them.

Mr. Koseck suggested some things to look at:

- A sidewalk that links the Maple Rd. side on the west to the store - so don't just treat that as a service entrance;
- The grade change needs to be resolved;
- Offices that have windows;
- Windows should offer a view of what is going on inside along the Maple elevation.

Ms. Lazar thought there is room for change:

- Display windows need some attention;
- Place cash registers near the E. Maple Rd. entrance so it can be an exit as well;
- How trucks get out without interfering with pedestrian or vehicular circulation.

Ms. Hiak advised the store hours will be from 8 a.m. to 10 p.m. seven days a week.

Chairman Clein wanted to see for next time the new configuration of the site as it hits E. Maple Rd.

There were no comments from the public at 11:58 p.m.

Mr. Linden Nelson offered an alternative layout for the store.

Motion by Mr. DeWeese
Seconded by Mr. Koseck to postpone the Preliminary Site Plan for 2100 E. Maple Rd., Whole Foods, to June 10, 2015.

There were no comments from the public on the motion at 12 a.m.

Motion carried, 6-0.

VOICE VOTE
Yeas: DeWeese Koseck, Clein, Jeffares, Lazar Whipple-Boyce
Nays: None
Absent: Boyle, Williams

Motion by Ms Whipple-Boyce
Seconded by Mr. DeWeese to extend the meeting 5 minutes to 12:05 a.m.

Motion carried, 6-0. (Mr. Williams absent)

JRZ15-0001
PRZA-15-0001

APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE
Birmingham, Michigan

TO THE CITY COMMISSION:

The undersigned hereby makes application to the City Commission to:

RECEIVED
MAR 27 2015
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

1. Zoning Map Change:

   Change premises described as:

   2100 East Maple Road
   No. Street
   See Legal Description attached as Exhibit A
   Legal Description
   _____ from its present zoning

   classification of O-1 "Office" to B-2 "General Business"

   A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached.

   Statements and reason for request or other data have a direct bearing on the request.
   Please see supplemental material related to this Application.

2. Change premises described as:

   Not Applicable.
   No. Street

   Legal Description
   _____ from its present zoning

   classification of _____ to _____.

   A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached.

   Statements and reasons for request or other data have a direct bearing on the request.

Signature of Applicant: _____

Print Name: Linden Nelson

Name of Owner: 2100 East Maple Road, L.L.C.

Address and Telephone Number: 2100 East Maple Road, L.L.C.
c/o Eric Bean, Esq.
121 W. Long Lake Road, Suite 200
Bloomfield Hills, MI 48301
(248) 433-2577

CITY OF BIRMINGHAM
Date 03/31/2015 3:13:53 PM
Ref 00116991
Receipt 255015
Amount $1,500.00

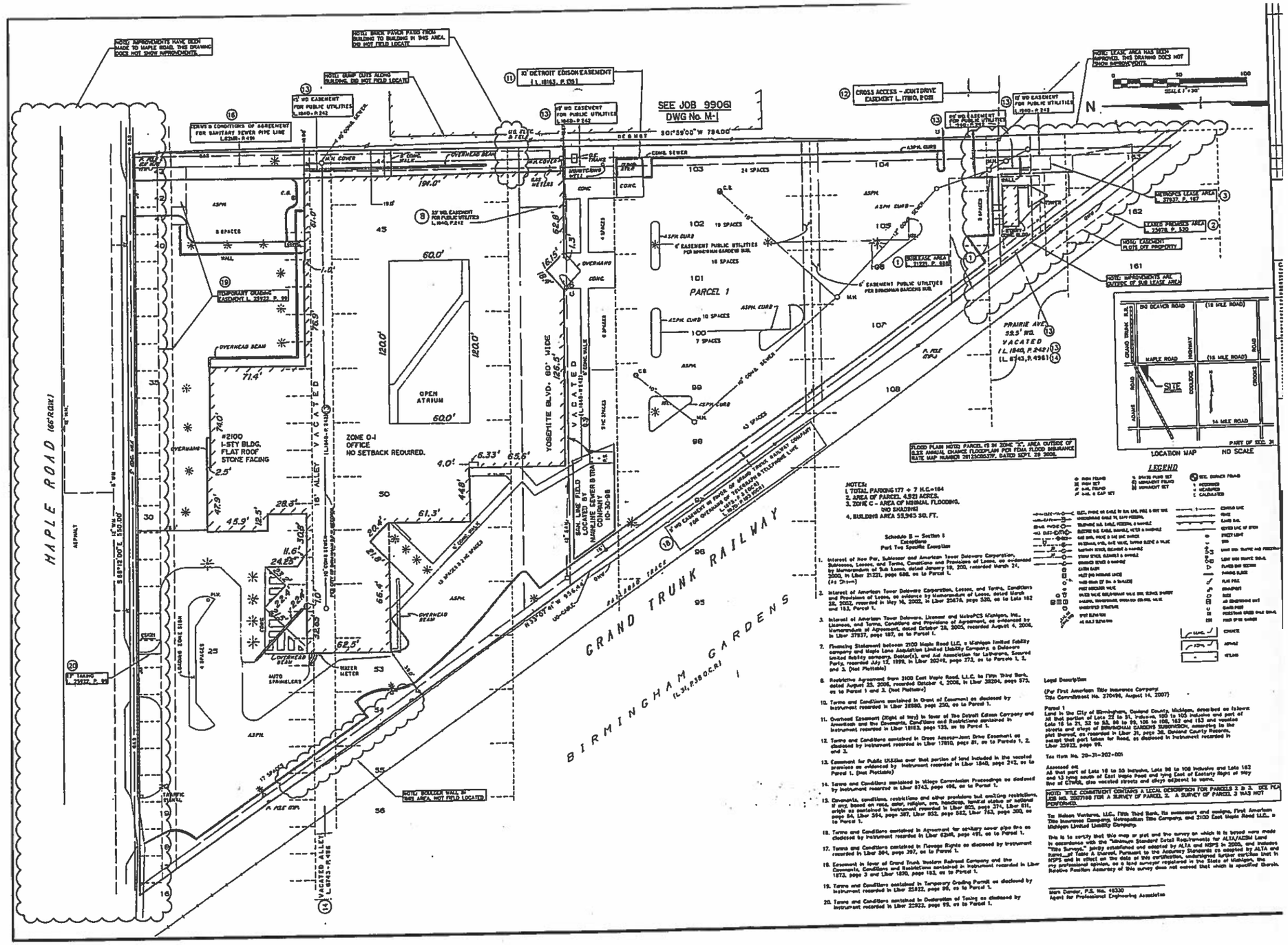
00116991

Exhibit A
Attached To and Made a Part of
Application for Zoning Map or Ordinance Change
Birmingham, Michigan
Dated 3/27/15

Legal Description of Subject Property
2100 East Maple Road

Parcel 1
Land in the City of Birmingham, Oakland County, Michigan, described as follows: All that portion of Lots 22 to 51, inclusive, 100 to 105 inclusive and part of Lots 16 to 21, 52 to 55, 96 to 99, 106 to 108, 162 and 163 and vacated streets and alleys of BIRMINGHAM GARDENS SUBDIVISION, according to the plat thereof, as recorded in Liber 31, page 38, Oakland County Records, except that part taken for Road, as disclosed in instrument recorded in Liber 25922, page 99.

Tax Item No. 20-31-202-001


HAPLE ROAD (66' R.O.W.)
GRAND TRUNK RAILWAY
BIRMINGHAM GARDENS
SEE JOB 99061
DWG No. M-1
PARCEL 1
OPEN ATRIUM
ZONE O-1
OFFICE
NO SETBACK REQUIRED.
#2100
1-STY BLDG.
FLAT ROOF
STONE FACING
YOSEMITE BLVD. 60' WIDE
PRAIRIE AVE.
VACATED
ALLEY
LOCATION MAP
NO SCALE
SITE
LEGEND
NOTES:
1. TOTAL PARKING 177 + 7 H.C.=184
2. AREA OF PARCEL 4.921 ACRES.
3. ZONE C - AREA OF MINIMAL FLOODING.
NO SHADING
4. BUILDING AREA 33,943 SQ. FT.

RECEIVED
APR 09 2015
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

W|W|R|P

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Tel: (248) 642-0333
Fax: (248) 642-0856

Richard D. Rattner, Esq.
rdr@wwrplaw.com

April 9, 2015

Hand-Delivered

Planning Board
City Commission
151 Martin Street
Birmingham, MI 48012

Re: Rezoning Petitions for Property at 2100 East Maple, Birmingham, Michigan ("Subject Property") submitted by 2100 East Maple Road, L.L.C., a Michigan limited liability company ("Applicant")

Dear Members of the Planning Board and the City Commission:

This letter supplements the above referenced rezoning Applications filed by the Applicant. The first application requests a rezoning of the Subject Property from O-1 ("Office") to B-2 ("General Business") (the "B-2 Application"). The second application requests a rezoning of the Subject Property from O-1 ("Office") to B-2B ("General Business") (the "B-2B Application"). The reason for two applications being filed at the same time for the same property is that the intended use of the Subject Property (Whole Foods Market) traditionally constructs an attractive building that is in excess of 30 feet in height. Therefore, pursuant to the B-2 Application, Petitioner requests that the current zoning be rezoned to B-2 to allow for a height in excess of 30 feet. B-2 permits a 40 foot height. In the event the B-2 height is not approved by the City Commission, then instead of waiting the extra time to request a rezoning to B-2B, the Applicant has filed the second B-2B Application petition for a rezoning from O-1 to B-2B so that the intended user will not be in danger of missing the 2015 building season.

The Subject Property and Prior Master Plans

The Birmingham Zoning Ordinance ("Zoning Ordinance") at Sec. 1.04 provides that the purpose of the Zoning Ordinance is to "...guide the growth and development of the City in accordance with the goals, objectives and strategies stated within the Birmingham Master Plan and Downtown Birmingham 2016 Plan." A review of the "Birmingham Plan" (1980), the Downtown Birmingham 2016 Plan (1996) and the updated Eton Corridor Plan (1999) reveals that there has been very little, if any discussion regarding the long range plan for the Subject Property.

The planning study that does concentrate on this area of the City is the "Updated Eton

Road Corridor Plan" (the "Eton Plan"). However, even the Eton Plan does not specifically address the Subject Property. The general principles set forth in that Eton Plan, and the development that has occurred as a result of the Eton Plan, clearly demonstrates that the proposed zoning of B-2 complies with all the planning concepts and principles envisioned for the Eton Corridor. In summary, the Plan highlighted the opportunity to develop a rail district that accommodated many different uses, from industrial to commercial to office to residential. This eclectic mix of uses, as described in the Eton Plan, is able to provide Birmingham with a "...wide range of light industrial, service, neighborhood commercial, and recreational uses." (Eton Road Future Land Use Plan, at p. 33). This Eton Plan was produced in 1999. At that time the uses in Troy, across the tracks and adjacent to the Subject Property, were heavy industry (the Ford truck facility). According to the Eton Plan, the future land use of the area was anticipated to be mixed-use, with general commercial at the corner of Maple and Eton (the Big Rock restaurant and further to the south, the Griffin Claw Brewery). The Subject Property was not specifically mentioned in the text of the Eton Plan, but it is designated, without explanation, for a future land use of office or low intensity commercial. However, since the issuance of the Eton Plan, it is clear that the Rail District has flourished from a mix of uses, some high intensity, some residential. Further, the land in Troy next to the Subject Property has been transformed from an industrial facility to a mix of residential, high intensity commercial, and, immediately adjacent to the Subject Property, a large health club facility. Clearly, given the concepts of the Eton Plan and the development that has occurred over the past several years, the Subject Property is in the center of a high density, urban residential and commercial center.

The zoning district in Troy immediately adjacent to the Subject Property is IB ("Integrated Industrial and Business District"). The uses that exist adjacent to the Subject Property on all sides within the City of Birmingham and Troy are permitted to develop to a height of 40 feet or more. Further, all such uses are either mixed-use or provide for high density residential development. Similarly, the large development at the corner of Coolidge and Maple is high density residential and commercial. These existing uses coordinate well with the Birmingham future land use described in the Eton Plan.

If one looks at the Eton Road Corridor and moves west toward Coolidge Road, it is clear that the Subject Property does not follow the Eton Plan vision and is therefore not utilized to provide benefit to the citizens of Birmingham or the Troy. However, on the west side of the tracks, the Eton Corridor plan, at p. 28, states, in the section entitled "Land Use Analysis and Rejection Matrix" plans for that "...Public facilities, multiple family residential, neighborhood commercial, light industrial/research and the maintenance of exiting [sic] commercial operations which are properly sited appear to be the best uses for the subject area." Simply stated, this is an encouragement for mixed-use and allows creative development in the area that will accommodate a wide range of uses. The intended use of the Subject Property for a B-2 use, a Whole Foods Market, will further enhance the area by providing residents of Birmingham a

nationally recognized market within walking distance.

In summary, although there is little if any mention of this Subject Property in any of the prior master plans, it is clear from the intent of the Eton Corridor plan, includes the development of an attractive and vibrant grocery store servicing the residential and business community of the Eton Corridor, as well as the large subdivision on the east side of the railroad tracks, north of Maple Road. That subdivision is in the City of Birmingham. In addition, this Subject Property, if rezoned, will be a benefit not only to the citizens of Birmingham but those who live adjacent to the Subject Property in the City of Troy. Demolishing a 55,965 foot empty office building and replacing that building with a Whole Foods Market is certainly an improvement to the community and a benefit to the health, safety and welfare of all of its citizens.

Rezoning Amendment – Sec. 7.02 (B)(2)(b)(i)-(iii)

The Zoning Ordinance at Sec. 7.02 requires that as part of an application for rezoning, the petitioner should address certain issues to be considered by the Planning Board and the City Commission. Please consider the following comments with respect to these issues.

7.02(B)(2)(b)(i) – An Explanation of Why the Rezoning is Necessary for the Preservation and Enjoyment of the Rights of Usage Commonly Associated with Property Ownership.

The rezoning of the Subject Property from O-1 to B-2 would result in a preservation and enjoyment of the rights of usage commonly associated with property ownership for the Applicant. This is the only property on the south side of Maple and east of the railroad tracks that is in the City of Birmingham. All of the other properties in the area, including those in those in the Eton Road Corridor, are zoned in such a way as to preserve the enjoyment and use of property for a wide range of purposes. The mixed-use zoning category in the Eton Corridor and Rail District provides for a maximum building height of 45 feet for flat roofs, a 40 foot maximum eave line for sloped roofs, and a 50 foot maximum height to the peak or ridge for sloped roofs as measured to average grade and four stories. All of these heights are permitted in the district which is immediately west of the Subject Property. To use an enjoy the Subject Property as intended by a mixed-use ordinance and the Eton Plan, the Petitioner should be afforded the opportunity to accommodate a building height of 40 feet. Further, the property immediately adjacent to the Subject Property, located in Troy, in the IB District, is permitted a height of 50 feet or four stories. (See City of Troy Zoning Ordinance at p. 81).

In addition to compliance with the planning concepts in the Eton Plan, another indicia of the preservation and enjoyment of the rights and usage commonly associated with the property ownership is to review all of the uses and structures adjacent to and in the area of the Subject Property. Such a review of surrounding properties and uses makes it clear that the B-2 District is

the appropriate zoning district for a B-2 zone property. It not only coordinates with the concepts of the Eton Plan but compliments, or is the same as, the uses and height of all of the buildings surrounding the Subject Property.

Lastly, the residential structures across the street, zoned R-6, are also allowed to build to 40 feet in height. It stands to reason that if the Subject Property is the only property of all the properties surrounding and adjacent to it that cannot enjoy a complimentary modern use and height of 40 feet, then a rezoning to B-2 is not only in compliance with the Eton Plan, but fair and just to this Applicant. Without this rezoning, the Applicant will be unable to, preserve and enjoy the rights of usage commonly associated with all of those other properties in the neighborhood.

Sec. 7.02(B)(2)(b)(ii) – An Explanation of Why the Existing Zoning Classification is No Longer Appropriate

A review of the master plans back to the 1980's reveals that this Subject Property was either zoned industrial or for some type of office use. However, it is also clear that this Subject Property was largely ignored by the master planners, since its location was clearly out of the central districts that were the subject of most of the master plan studies. After reviewing the Birmingham plan, the Eton Corridor Plan, the Triangle District Plan and the 2016 Plan, it is clear that this 4.92 acres of property on the other side of the railroad tracks was akin to an orphaned property in Birmingham. The growth and development of the Eton Corridor from an underused industrial area to a vibrant and eclectic mix of uses which continues to grow and further develop, coupled with the newer development and use of the property adjacent to the Subject Property in Troy, indicate that the development of the surrounding properties over the last 30 years has moved forward into a modern, form-based urban planned zone. The Eton Plan contemplates this type of development and a B-2 rezoning of the Subject Property makes common sense from a planning perspective.

It is fair and reasonable that this Subject Property should be able to enjoy the same benefits that other properties in the surrounding areas enjoy. The zoning classification of O-1 is no longer appropriate because of the incredibly sophisticated development that has occurred to all properties surrounding the Subject Property. The use of this Subject Property for low intensity office is not only inconsistent with the surrounding density and uses of property, but it limits the use of the Subject Property so that its value to the community and to the Applicant is unfairly diminished. If one reviews the uses in the Eton Corridor District and the adjacent property in Troy, it is clear that the type of office that can be developed under an O-1 District is not the type of office one envisions as part of a Birmingham urban plan. Birmingham's offices are located to a great extent in the central business district. This has long been recognized as a good plan for land use by the urban planners that have reviewed the City. The master plans

reflect that as development moves east towards Troy, the urban landscape should consist of uses that are not only residential, but are combined and coordinated with other uses to provide a pedestrian-friendly, urban streetscape, with amenities available to the residents without having to travel by automobile. The Subject Property, albeit on the other side of the railroad tracks, will be a destination for the citizens in Birmingham who live across the street to the north of Maple, and also to the west, in or about the attractive residential neighborhoods between Eton and Adams. The rezoning of this Subject Property coordinates with and will enhance the mixed-use, form-based zoning that has reinvigorated the Eton Corridor and the east end of the City of Birmingham. The O-1 zoning is simply no longer appropriate as a part of this dynamic mixed-use, pedestrian-friendly urban setting.

Sec. 7.02(B)(2)(b)(iii) – An Explanation of Why the Proposed Zoning Will Not Be Detrimental to the Surrounding Properties.

The rezoning of the Subject Property from O-1 to B-2 will not be detrimental to the surrounding properties, in fact, it will be a positive development for all of the citizens of Birmingham and those citizens of Troy that are adjacent to the Subject Property. The rezoning of the Subject Property will allow for the development of a nationally recognized market that can be used by all of the residents north of Maple on the east side of the railroad tracks as well as those residents that frequent and live in and about the Eton Corridor and Rail District. Adjacent to the Subject Property (across the railroad tracks) are several condominiums, with more being built. All of these mixed-use buildings are at a height and density that coordinate with a B-2 zoning on the Subject Property. The population in that area of town is growing due to the fact that the mixed-use zoning that is adjacent to the Subject Property in the City of Birmingham allows more density and is becoming an attractive place to live. The general commercial use of the Subject Property, will enhance and improve the everyday life of the citizens of Birmingham.

To the rear of this Subject Property is the Amtrak station and the bridge over the tracks to Birmingham's platform. The new use intended for the Subject Property will be a compliment to and be a more attractive use for all those citizens who use the Amtrak system. Certainly the intended use is a great improvement over an out of date office building that currently occupies the Subject Property. Further, the intended building on the site is smaller than the office building that is being demolished. The office building currently on the site is approximately 56,000 square feet and the new market is approximately 45,000 square feet. All of these facts and the promise of future development mean that the rezoning of the Subject Property will be a clear benefit to the health, safety and welfare of all of the citizens of Birmingham and all of the citizens in the area.

W|W|R|P

Conclusion

Applicant respectfully requests that the petition for rezoning the Subject Property from O-1 to B-2 be approved. In the alternative, if there is a reluctance to allow this Subject Property to be zoned to permit a height that is permitted for all properties surrounding it, which Petitioner sincerely hopes does not occur, then Petitioner would ask that the Subject Property be rezoned from O-1 to B-2B.

Respectfully submitted,

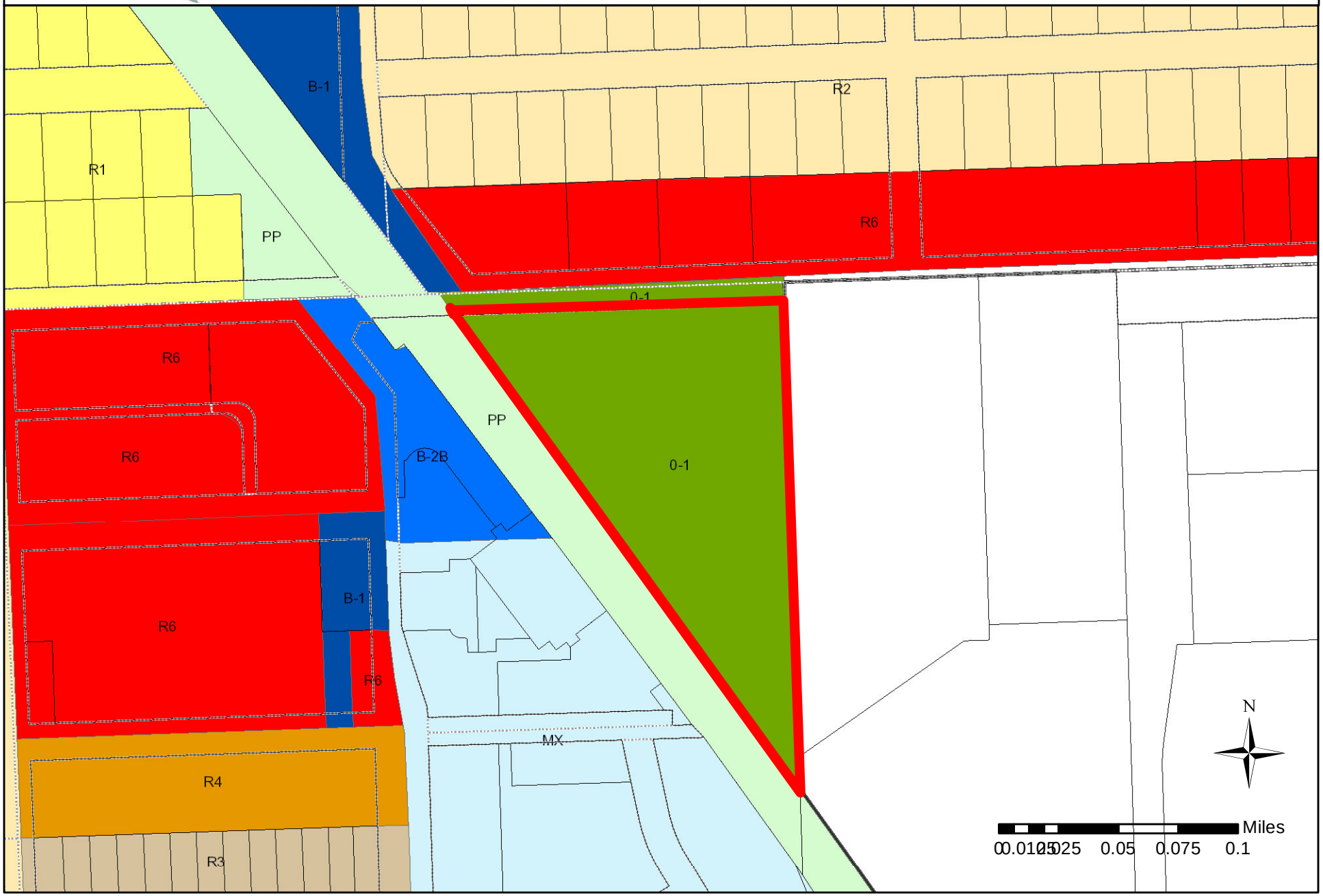
WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner
Attorney for 2100 East Maple, L.L.C.

RDR/cmc

City of Birmingham
A Walkable Community

2100 E Maple



BOCA
PLAN REVIEW SERVICE
1984 Basic/National Building Code

Plan Review #: 4579
Date: 5/22/86

JURISDICTION: Birmingham, Michigan
BUILDING LOCATION: 2100 E. Maple
BUILDING DESCRIPTION: Office Building

==========

NOTES AND COMMENTS*

Review of the plans is for Type 3B exterior masonry construction. Building is fully suppressed. Building is existing with some renovations. Change of occupancy use from factory to business. (Table 501, 404.3, 1702.0, 305.0, 303.0)

1. Indicate on the plans the occupancy load of the building, using 100 square feet per occupant in computing. (806.0, Table 806)
2. Each lease space with more than 50 occupants shall be provided with 2 egress doors from the tenant space. (812.2)
3. All exit ramp slopes shall be indicated on the drawings.
4. New roof covering shall have a Class C rating. (1427.3)
5. Provide safety glazing for glazed panels located adjacent to exit doors and also those located in hazardous locations, as indicated in Section 1301.5. (1301.5)
6. For all new footings, walls and partitions, and new roof construction, submit sealed structural design calculations to verify live loads used. (111.7)
7. Submit details of fire suppression system particularly for the new areas and for the areas with dry-type sprinklers converted to wet-type. (1702.0, NFPA 13)

==========

*Numerals in parentheses are applicable sections of the BOCA Basic/National Building Code/1984.

The plan review accomplished as indicated in the record is limited to those code sections specifically identified herein. Copyright, 1984, Building Officials and Code Administrators International, Inc. Reproduction by any means is prohibited.

May 17, 1989

MEMORANDUM

To: Mr. R.S. Kenning, City Manager

From: Larry L. Bauman, City Planner

Approved: R.S. Kenning, City Manager

Re: Proposed Rezoning of Area 3 (2100 E. Maple) From O-1, Office to I-Industrial

Dear Mr. Kenning:

This site is included among those parcels which are currently not zoned in conformance with the recommendations of the Master Land Use Plan. An analysis of Master Plan/Zoning related conditions was provided in our February, 1987 report.

The area proposed for rezoning is a single parcel under one ownership. Both the site and the existing building on the site are encumbered by two zoning districts. The northerly 136 feet of the site is zoned O-1 office; the remainder is I-Industrial. The northerly, smaller portion of the structure, is located in the O-1 district, while the southerly, major portion, is in the I district. This dual zoning creates the potential for use conflicts within the building, since the uses permitted in the O-1 and I districts differ, as would be expected.

The public was notified of a public hearing scheduled on Wednesday, April 26, 1989, at which time the issue of rezoning the northerly 136 feet of the site from O-1, Office to I, Industrial to bring the total site into conformance with Master Land Use Plan recommendations would be discussed. Letters were received from the property owner and several residents opposing the proposed rezoning. These letters are attached. There were no communications in support of the rezoning.

During discussion at the hearing, the property owner indicated that the existing O-1 zoning and current office use was more compatible with the residential development on the north side of Maple Road than I, Industrial would be. Several Planning Board members expressed the same feeling and even indicated that the City might wish to rezone the total triangular parcel to O-1, Office.

Following discussion, the Planning Board took the following action:

Moved by Ms. Steffy
Seconded by Mr. Rattner that while we have carefully considered the intent of the Master Plan, we found the situation has changed in that area and recommend to the City Commission that we leave the current zoning 0-1. This is appropriate because of the location at the entrance of the City on a major artery; it is compatible with the adjacent uses and it is functioning well as it is currently zoned. Looking into the future, it seems compatible with the direction the City is going.

All were in favor.

Motion carries unanimously.
Vote - Yeas: 7 Nays: 0

It should be noted that as a result of the owner's opposition to the rezoning a five-sevenths vote will be required to effect rezoning from 0-1 to I, as proposed.

We would also suggest that the City Commission may wish to consider the possibility of rezoning the total parcel to 0-1 office, to reflect the current predominant office use on the site. Should this be the case, the Commission may wish to suggest that the Planning Department establish a new hearing date for June 28 and arrange for the necessary publication and notifications.

Larry L. Bauman
City Planner

LLB/nn

CITY OF BIRMINGHAM
MICHIGAN

CITY COMMISSION PROCEEDINGS

MAY 22, 1989

Minutes of a regular meeting of the Birmingham City Commission held May 22, 1989, at 8:00 P.M., in the Commission Room in the Municipal Building, 151 Martin Street.

Present: Mayor Judd, Commissioners Defebaugh, Forster, Kain, Martin and Siewert

Absent: None

Commissioner Lanzetta arrived at 8:04.

Administration:
City Managers - Robert S. Kenning and Thomas Markus
Deputy City Clerk - Patricia Portenga
City Attorney - Pamela Shea
City Engineer - William Killeen
City Planner - Larry Bauman
Assistant to City Manager/Personnel Director - Linda Nuzzo

8:00

5-620-89: APPROVAL OF MINUTES - CITY COMMISSION MEETING - MAY 15, 1989

MOTION: Motion by Martin, supported by Defebaugh:
To approve the Minutes of the City Commission meeting held May 15, 1989, as submitted:

VOTE: Yeas, 6 Nays, None Absent, 1 (Lanzetta)

5-621-89: INTRODUCTION OF JUDGE THOMAS W. BROOKOVER

Mayor Judd introduced Judge Thomas W. Brookover of the 48th District Court. Judge Brookover extended an invitation to the residents and Commission to visit the 48th District Court.

8:03

5-622-89: PROPOSED REZONING OF AREA 3 (2100 E. MAPLE) FROM O-1, OFFICE TO I-INDUSTRIAL

Report received from the City Manager and the City Planner regarding Proposed Rezoning of Area 3 (2100 E. Maple) from O-1, office to I-Industrial. The City Planner reported that the Planning Board voted to maintain the present zoning and suggested that the Commission may wish to consider rezoning the total parcel to O-1, office to reflect the current predominant office use on the site.

MOTION: Motion by Kain, supported by Lanzetta:
To direct the Planning Board to schedule a hearing on June 28, 1989, to consider rezoning area 3 to O-1, office.

Geoffrey Hockman, repesenting the owner of the building, stated that the the building owners would encourage the changing of the zoning to O-1, office.

Mayor Judd stated that a communications tower on this parcel is considered industrial and would be non-conforming if the parcel is rezoned to O-1 office.

The City Planner stated that this portion of the parcel could be left I-Industrial.

The City Planner was directed to report back at the July 3, 1989, Commission Meeting.

VOTE: Yeas, 7 Nays, None

8:15

5-623-89: ETON ACADEMY, SPECIAL LAND USE PERMIT AMENDMENT-SCHEDULE PUBLIC HEARING FOR JUNE 5, 1989

MOTION: Motion by Lanzetta, supported by Siewert:
To receive a report from the City Planner and the City Manager re: a request from Eton Academy for a Special Land Use Permit amendment; to schedule a public hearing for June 5, 1989.

Commissioner Kain expressed concern that residents adjacent to this property might be opposed to the playground equipment and suggested that these residents are contacted to make sure they have no objections.

MOTION: Motion by Lanzetta, supported by Kain:
To table the previous motion.

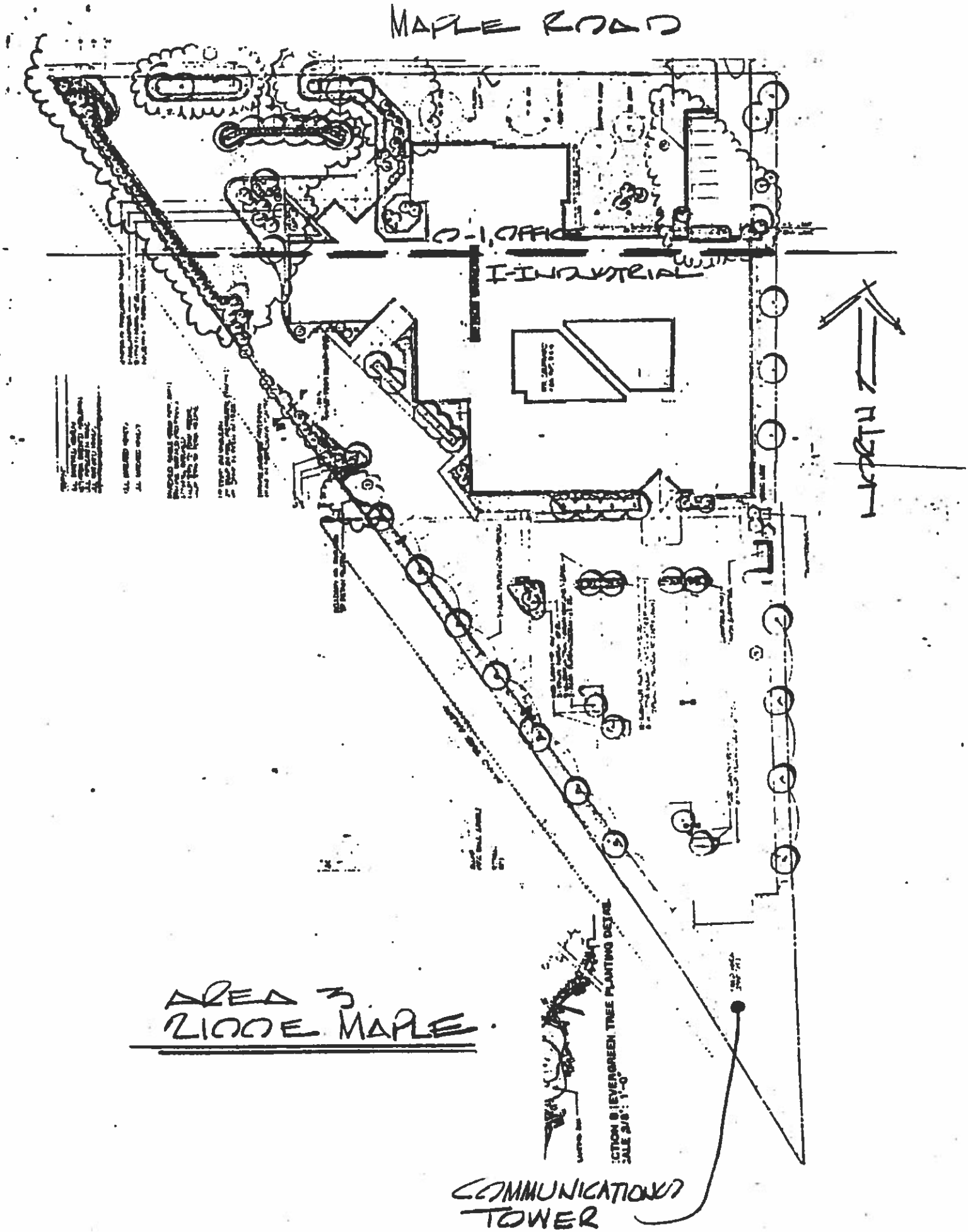
Motion withdrawn.

MOTION: Motion by Lanzetta, supported by Siewert:
To amend the original motion to stipulate that the residents adjacent to the area, where the playground equipment is to be installed, are contacted.

VOTE: ON AMENDMENT Yeas, 7 Nays, None

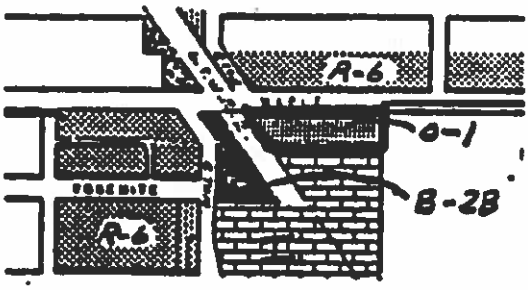
~~VOTE ON AMENDMENT TO~~ 8:21 VOTE ON MAIN MOTION AS AMENDED:

5-624-89: NON-DEDICATED STREETS/SETBACK RELATIONSHIPS
Report received from the City Planner and the City Manager regarding Non-dedicated Streets/Setback Relationships.


MAPLE ROAD
O-1, OFFICE
I-INDUSTRIAL
NORTH
AREA 3
21000 MAPLE
COMMUNICATIONS TOWER

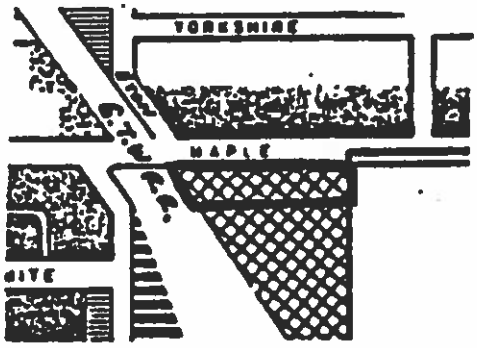
AREA 3

ZONING



O-1 OFFICE

MASTER PLAN



Industrial

CURRENT ZONING; O-1 Office District

MASTER PLAN: Industrial

CURRENT USES: 2100 East Maple - Industrial Office Complex (08-20-31-202-001)

ADJACENT ZONING: I-Industrial, Grand Trunk Railroad. Adjacent zoning is compatible with Master Plan.

HISTORIC: None

RECOMMENDATION: Rezone to I- Industrial. The property in question is part of an industrial park development. This district allows office uses in and of themselves as well as in conjunction with industrial. Also, the Master Plan designates the site for industrial uses.

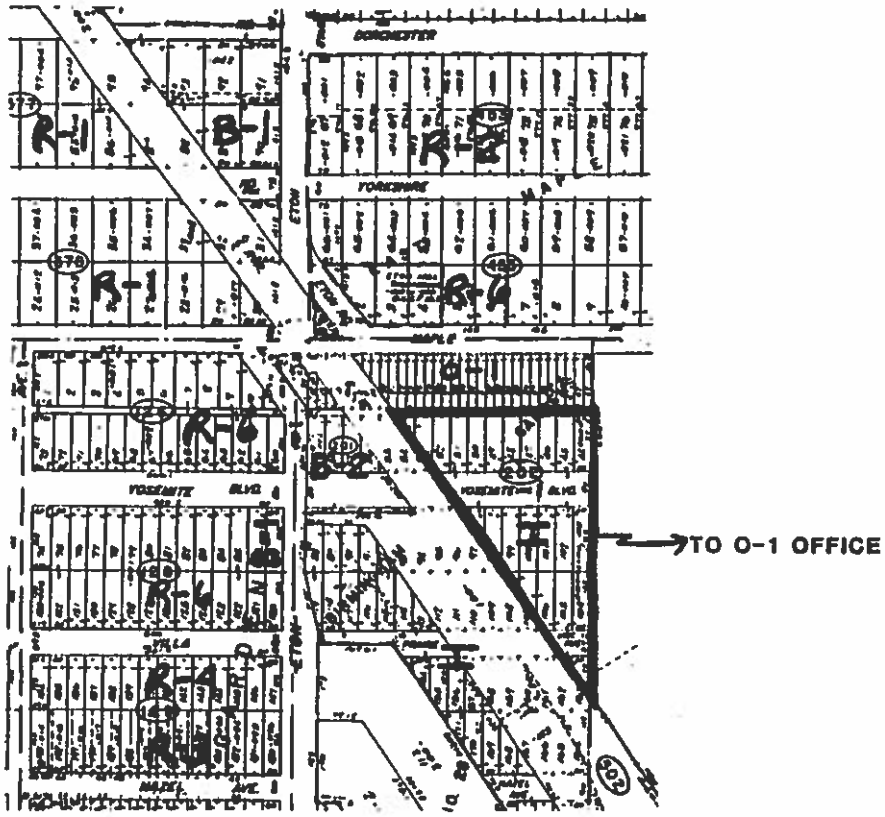
CITY OF BIRMINGHAM
MICHIGAN
PUBLIC HEARING OF JUNE 28, 1989
AMENDMENT TO ZONING MAP

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Birmingham Planning Board on Wednesday, June 28, 1989, beginning at 8:00 P.M. in the Commission Room of the Municipal Building, 151 Martin Street. The purpose of the hearing is to receive public comments on a proposed amendment to Title V, Chapter 39, Zoning and Planning Ordinance of the Code of the City of Birmingham, Section 5.7, the Zoning Map, to change the classification of the following properties:

Lots 44 to 55 inclusive and Lots 96 to 108 inclusive, also Lots 162 & 163, of Birmingham Gardens Subdivision, excluding that part taken for railroad right-of-way, also vacated streets and alley adjacent to same, commonly known as part of 2100 E. Maple Road.

This property is located on the south side of East Maple Road east of Eton Road.

From Industrial to O-1 Office.



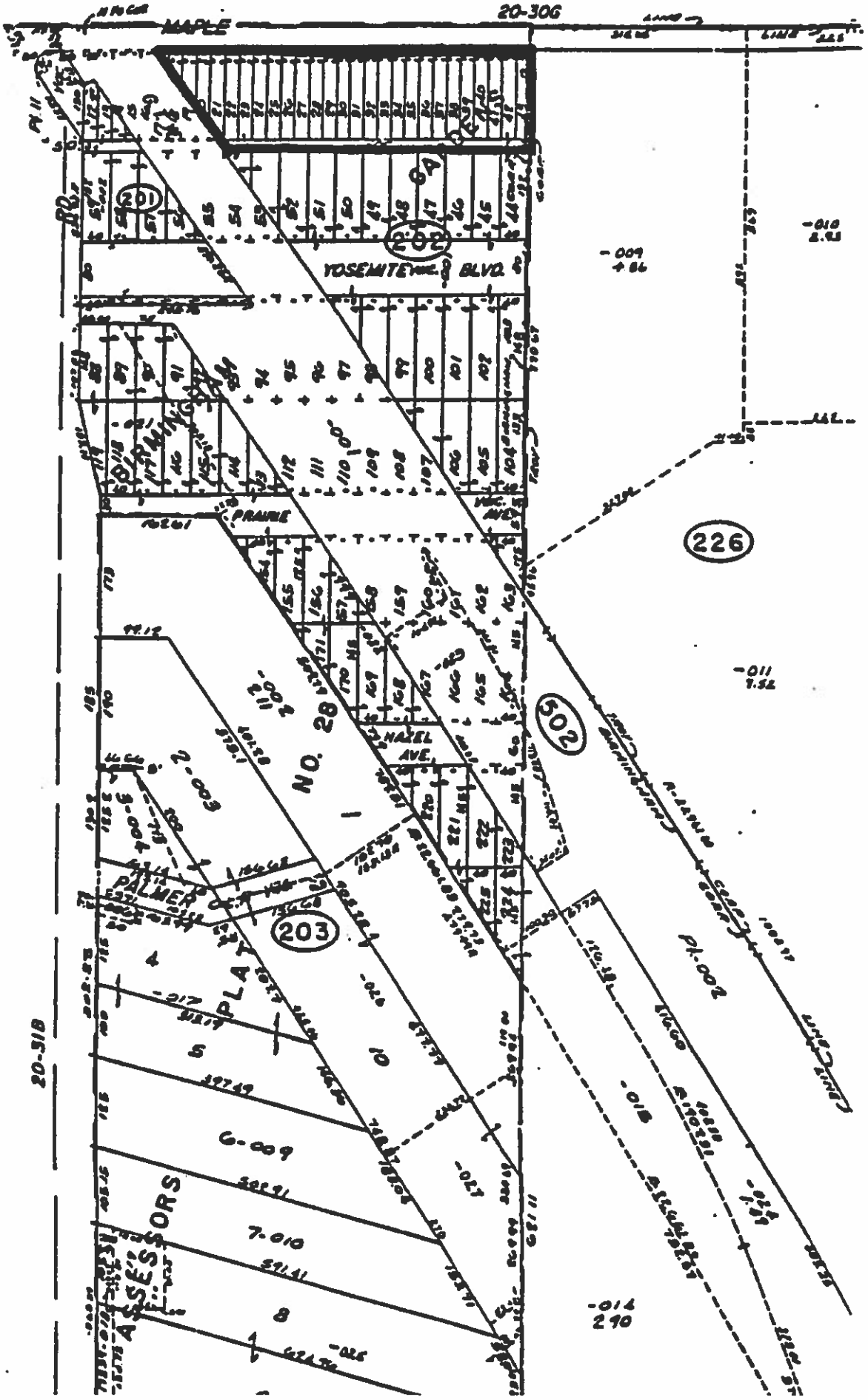
AREA RECOMMENDED TO BE REZONED

Written communication regarding this matter must be submitted to the Planning Department no later than noon of the scheduled hearing date.

Patricia McCullough
Assistant City Planner

Legal Advertisement Published June 12, 1989

AREA 3


MAPLE
20-306
YOSEMITE BLVD.
PRAIRIE AVE.
HAZEL AVE.
PALMER
ASSESSORS PLAT No. 28
20-318
201
202
203
226
502
PI-004

Copper

BIRMINGHAM PLANNING BOARD PROCEEDINGS

Minutes of a regular meeting of the City of Birmingham Planning Board held on Wednesday, June 28, 1989. Meeting was called to order at 8:03 P.M. by Chairman Blaesing.

Present: Chairman Blaesing, Messrs. Gienapp and Kendall; Ms Steffy; Mr. Tholen

Absent: Messrs. Rattner and Ribits

Administration: Mr. Larry Bauman, City Planner
Mrs. Patricia McCullough, Assistant City Planner

06-86-89

Approval of Minutes of the last meeting of June 14, 1989.

Moved by Mr. Tholen
Seconded by Mr. Gienapp to approve the Minutes as printed.

All were in favor.

Motion passes - 5-0.

06-87-89

Public Hearing.

To consider rezoning Lots 44 to 55 inclusive, and Lots 96 to 108 inclusive, also Lots 162 and 163 of Birmingham Gardens Subdivision, excluding that part taken for railroad right-of-way, also vacated streets and alley adjacent to same, commonly known as part of 2100 E. Maple Road from Industrial to O-1 Office. This property is located on the south side of East Maple Road east of Eton Road.

Mr. Bauman explained this is one of those areas we have looked at the request of the City Commission in terms of bringing the Zoning Map into conformance with the Master Plan recommendations. The Planning Board held a public hearing on April 26, 1989 regarding the proposed rezoning of the front portion of this parcel from O-1, Office to I, Industrial. Following public input, the Planning Board recommended that the current O-1, Office zoning be maintained. During discussion it was also suggested that the City Commission might wish to consider rezoning the remaining southerly portion of the site to O-1, Office.

The City Commission at the meeting on May 22, declined to act on the rezoning. Rather they directed the Planning Board to schedule a public hearing on June 28, 1989 to consider rezoning the triangular portion of the site located south of the parcel from I Industrial to O-1 Office. This issue will be returned to the City Commission for Commission action on July 10.

Mr. Frederick Steinhart, attorney representing the owner, spoke in favor of the proposed rezoning of the rear portion. It is easier to manage a building and deal with it if it has one zoning classification. The building lends itself to Office. Immediately to the east on Maple is an office orientation. The building was renovated and remodeled at substantial expense and it looks more attractive than before and should accommodate Office.

Moved by Ms Steffy
Seconded by Mr. Kendall to recommend that this parcel be rezoned from Industrial to O-1 Office. We made this suggestion at the last Public Hearing when this issue was discussed. Because the site is treated as a single site and developed with a single building, it is for the most part used as Office and that is the intention of the current owner.

All were in favor.

Motion passes - 5-0.

Robert & Kathryn Vermillion

2466 Dorchester
Birmingham, MI 48009

April 22, 2015

To Whom It May Concern,

As residents on Dorchester, we would like to add our support for the proposed Whole Foods store on Maple Rd.

Sincerely yours,

Robert Vermillion

Kathryn Vermillion

City of Birmingham
Planning Department
151 Martin Street, Room 223
Birmingham, MI 48009

April 21, 2015

Re: Whole Foods New Development
2100 East Maple Road
Birmingham, MI 48008

Dear Planning Board:

My name is William T. O'Connor, I reside at 530 Townsend in Birmingham, MI. I am writing to show my support for the Whole Foods grocery store new development at the above-referenced address. I think this will be a great venture for the City of Birmingham and Whole Foods, and wholeheartedly support this venture.

Sincerely,

William T. O'Connor

City of Birmingham
Planning Department
151 Martin Street, Room 223
Birmingham, MI 48009

April 22, 2015

Re: Whole Foods New Development
2100 East Maple Road
Birmingham, MI 48008

Dear Planning Board:

My name is William Dunn, I reside/own a business at 1265 Lakeside Dr Birmingham, MI 48009. I am writing to show my support for the Whole Foods grocery store new development at the above-referenced address. I think this will be a great venture for the City of Birmingham and Whole Foods, and wholeheartedly support this venture.

Sincerely,

William Dunn

City of Birmingham

April 21, 2015 Planning

Department 151 Martin Street, Room 223

Birmingham, MI 48009

Re: Whole Foods New Development 2100 East Maple Road Birmingham, MI 48008

Dear Planning Board:

My name is James Pierowich of the Gem Piero Gallery, I operate the business at 135 Pierce Street, Birmingham, MI 48009. I am writing to show my support for the Whole Foods grocery store new development at the above-referenced address. I think this will be a great venture for the City of Birmingham and Whole Foods, and wholeheartedly support this venture.

Sincerely,

James Pierowich

City of Birmingham
Planning Department
151 Martin Street, Room 223
Birmingham, MI 48009

April 21, 2015

Re: Whole Foods New Development
2100 East Maple Road
Birmingham, MI 48008

Dear Planning Board:

My name is GEORGE ARNOLD, I reside at 172 GEORGE ST. Birmingham, MI 48009. I am writing to show my support for the Whole Foods grocery stor new development at the above-referenced address. I think this will be a great venture for th City of Birmingham and Whole Foods, and wholeheartedly support this venture.

Sincerely,

George Arnold, MD.

City of Birmingham
Planning Department
151 Martin Street, Room 223
Birmingham, MI 48009

April 21, 2015

Re: Whole Foods New Development
2100 East Maple Road
Birmingham, MI 48008

Dear Planning Board:

My name is Karen Shapiro reside at 653 Fairfax Birmingham, MI 48009. I am writing to show my support for the Whole Foods grocery store new development at the above-referenced address. I think this will be a great venture for the City of Birmingham and Whole Foods, and wholeheartedly support this venture.

Sincerely, Karen Shapiro

City of Birmingham
Planning Department
151 Martin Street, Room 223
Birmingham, MI 48009

April 21, 2015

Re: Whole Foods New Development
2100 East Maple Road
Birmingham, MI 48008

Dear Planning Board:

My name is Victor Ventimiglia, I reside at 500 W. Brown St Birmingham, MI 48009. I am writing to show my support for the Whole Foods grocery store new development at the above-referenced address. I think this will be a great venture for the City of Birmingham and Whole Foods, and wholeheartedly support this venture.

Sincerely,

City of Birmingham
Planning Department
151 Martin Street, Room 223
Birmingham, MI 48009

April 21, 2015

Re: Whole Foods New Development
2100 East Maple Road
Birmingham, MI 48008

Dear Planning Board:

My name is JOHN FRASCO, I reside at 640 HENLEY Birmingham, MI 48009. I am writing to show my support for the Whole Foods grocery store new development at the above-referenced address. I think this will be a great venture for the City of Birmingham and Whole Foods, and wholeheartedly support this venture.

Sincerely,

LITIGATION &
BANKRUPTCY
SPECIALISTS

BROOKS WILKINS SHARKEY & TURCO PLLC

DANIEL N. SHARKEY
248-971-1712
sharkey@bwst-law.com

April 22, 2015

City of Birmingham
Planning Department
151 Martin Street, Room 223
Birmingham, Michigan 48009

Re: Construction of Whole Foods

Dear Planning Board:

As a Birmingham-based business owner, I write in support of a new Whole Foods grocery store new development at 2100 East Maple.

In my view, this is win-win for the citizens – it's a great location for it that won't disturb residents, and will be a boon to the community. From my concededly limited perspective, I don't see any potential downside for the City.

Please call or e-mail me if you have any questions, or wish to discuss, my support.

Sincerely,

Daniel N. Sharkey

/dlb
15479

April 22, 2015

City of Birmingham
Planning Department
151 Martin Street, Room 223
Birmingham, MI 48009

Re: Whole Foods New Development
2100 East Maple Road
Birmingham, MI 48008

Dear Planning Board:

My name is Kristen Yandora, I reside/own a business at 768 Davis Street Birmingham, MI 48009. I am writing to show my support for the Whole Foods grocery store new development at the above-referenced address. I think this will be a great venture for the City of Birmingham and Whole Foods, and wholeheartedly support this venture.

Sincerely,

Kristen Yandora

City of Birmingham

Jana Ecker <jecker@bhamgov.org>

E. Maple Rezoning for Whole Foods Market

1 message

Joe Wrobel <joew@pci401k.com> Wed, May 27, 2015 at 2:59 PM
To: "jecker@bhamgov.org" <jecker@bhamgov.org>

Dear Ms. Ecker:

After attending a preliminary meeting with the developer, and representatives of Whole Foods Market yesterday, we enthusiastically support the property owner's request for rezoning of the subject property, and further, the site plan for the Whole Foods Market.

The property owner impressed us with his commitment to honor the City of Birmingham's requirements for the site development. Whole Foods Market will be a welcome member to the Birmingham community, offering direct community support and involvement, *unlike* other local markets.

My wife and I were personally impressed with the property owner's listening to our Pembrook Manor's concerns regarding traffic flow, pedestrian access and safety.

My family and I intend to be regular customers of the new Whole Foods Market, and we will take advantage of it's close proximity to our neighborhood by walking or biking there. This is an exciting opportunity for our local community, and we will welcome Whole Foods Market with open arms.

It would be nice to give the Eton Street railroad bridge a "facelift" to further enhance this gateway to Birmingham.

Thank you,

Joe, Julie, Jake & Josh Wrobel

2665 Windemere

Birmingham, MI 48009

(248) 822-5054

Joe Wrobel, Corporate Counsel

Pension Consultants, Inc.

28800 Orchard Lake Road, Suite 130

Farmington Hills, MI 48334

Phone: (248) 855-8310 Fax: (248) 855-0258

joew@pci401k.com