



**CITY COMMISSION MEETING AGENDA
MAY 23, 2016
7:30 PM**



Municipal Building, 151 Martin, Birmingham, MI 48009

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BIRMINGHAM CITY COMMISSION AGENDA
MAY 23, 2016
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor

II. ROLL CALL

Laura M. Pierce, City Clerk

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

Announcements:

- Recognition of Citizens Academy Graduates

Introduction of Guests:

- Oakland County Water Resources Commissioner

Appointments:

- A. Interviews for appointment to the Greenwood Cemetery Advisory Board.
 - 1. Margaret Suter, 1795 Yosemite
- B. To appoint _____ to the Greenwood Cemetery Advisory Board to serve the remainder of a three-year term to expire July 6, 2016.
- C. Administration of oath to the appointed board member.
- D. City Commission appointment to Birmingham Youth Assistance General Citizens Committee.
- E. To appoint _____ as a voting member of the Birmingham Youth Assistance General Citizens Committee.

-OR-

To appoint _____ as a non-voting member of the Birmingham Youth Assistance General Citizens Committee.

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.

- A. Approval of City Commission budget minutes of April 16, 2016.
- B. Approval of City Commission minutes of May 9, 2016.
- C. Approval of warrant list, including Automated Clearing House payments, of May 11, 2016 in the amount of \$454,136.78.
- D. Approval of warrant list, including Automated Clearing House payments, of May 18, 2016 in the amount of \$1,263,561.32.

- E. Resolution appointing City Engineer Paul T. O'Meara, as representative, and Austin Fletcher, Assistant City Engineer, as alternate representative, for the City of Birmingham, on the Southeastern Oakland County Water Authority Board of Trustees for the period starting July 1, 2016.
- F. Resolution appointing Joseph Valentine as the representative and Lauren Wood as the alternate representative for the City of Birmingham on the Southeast Oakland County Resource Recovery Authority Board of Trustees for the period starting July 1, 2016.
- G. Resolution setting Monday, June 27, 2016 for a public hearing to consider approval of the Revised Final Site Plan and Temporary Special Land Use Permit Amendment of one year for 835 & 909 Haynes – Lavery Porsche. (complete resolution in agenda packet)
- H. Resolution setting Monday, June 27, 2016 for a public hearing to consider rezoning the property at 404 Park Street, Parcel #1925451021, lots 66 and 67 of Oak Grove Addition from R-2 Single Family Residential to TZ-1 Transitional. (complete resolution in agenda packet)
- I. Resolution approving a request submitted by Woodward Camera requesting permission to place one tent in the parking area in front of 33501 Woodward Ave on August 20, 2016, 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.
- J. Resolution approving a request submitted by Seaholm Interact Club and Seaholm Offers Support to hold the Lung Run benefitting the American Cancer Society on September 25, 2016, contingent up on 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.
- K. Resolution authorizing the City to enter into a contract with Great Lakes Fireworks, LLC for providing a fireworks display on July 3, 2016 (July 5 rain date) at Lincoln Hills for the sum of \$15,000.00, and further authorizing the administration to secure the necessary insurance. This would be contingent upon the vendor meeting all state and local laws, City requirements, and insurance requirements.
- L. Resolution accepting the resignation of Steven Syzdek from the Birmingham Shopping District Board, thanking Mr. Syzdek for his service, and directing the Clerk to begin the process to fill this vacancy.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Public Hearing to consider the proposed lot rearrangement at 1525 Chesterfield.
 - 1. Resolution approving the proposed lot rearrangement at 1525 Chesterfield with the following condition:
 - A. The applicant brings the property into compliance with the paved surface limitations of the Zoning Ordinance Prior to the recording of the proposed split.
 - OR-
 - 2. Resolution denying the proposed lot rearrangement at 1525 Chesterfield as proposed, based on the following conditions that adversely affect the interest of the public and of the abutting property owners: _____
- B. Resolution setting Monday, June 6, 2016 to conduct a public hearing in accordance with Chapter XI, Section 7 of the City Charter, to consider the street name change of Millrace Road to Lakeside Court.

-OR-

- Resolution declining a public hearing to consider the street name change of Millrace Road.
- C. Resolution approving the budget appropriations resolution adopting the City of Birmingham's budget and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2016 and ending June 30, 2017. (complete resolution in agenda packet)
- D. Resolution endorsing the final plan for the Baldwin Public Library Adult Services renovation, as developed by Luckenbach Ziegelman Gardner Architects, and authorizing issuance of a Request for Proposals for construction.
- E. TZ2 Zoning Refresher
- F. Villa Ave. Paving Project Contract

RESOLUTION (OPTION 1):

Resolution awarding the Villa Ave. Paving Project, Contract #6-16(P) to C.I. Contracting, Inc., of Brighton, MI, in the amount of \$1,329,848.75, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments for the fiscal 2016/17 budget as follows:

Sewer Fund

Revenues:

Draw from Fund Balance	#590-000.000-400.0000	\$405,155
Total Revenue Adjustments		\$405,155

Expenditures:

Public Improvements	#590-536.001-981.0100	\$405,155
Total Expenditure Adjustments		\$405,155

Local Street Fund

Revenues:

Draw from Fund Balance	#203-000.000-400.0000	\$202,694
Total Revenue Adjustments		\$202,694

Expenditures:

Public Improvements	#203-449.001-985.7300	\$202,694
Total Expenditure Adjustments		\$202,694

-OR-

RESOLUTION (OPTION 2):

Resolution rejecting all bids relative to Contract #6-16(P), and directing the Engineering Dept. to rebid the project in late 2016, with the intention that the contractor will have the majority of the 2017 construction season to execute the project.

- G. Resolution setting Monday, June 27, 2016 at 7:30 P.M., conduct a public hearing of necessity for the installation of lateral sewers within the Villa Ave. Paving project area. If necessity is declared, setting Monday, July 11, 2016 at 7:30 P.M. to conduct a public hearing to confirm the roll for the installation of lateral sewers in the Villa Ave. Paving project area.
- H. MDOT W. Maple Rd. Resurfacing Project

RESOLUTION A:

Resolution authorizing Mayor Rackeline Hoff to sign Contract No. 16-5183 between the City of Birmingham and the Michigan Dept. of Transportation to proceed with the project known as the W. Maple Rd. Resurfacing project, from Cranbrook Rd. to Southfield Rd., with federal funding up to \$1,110,900.00 included. The estimated cost of the local City share is \$246,300.00 charged to account number 202-449.001-981.0100.

-OR-

RESOLUTION B:

Resolution approving an appropriation and budget amendment to provide for the City's local share of the W. Maple Rd. Resurfacing Project (Cranbrook Rd. to Southfield Rd.), as follows:

Major Street Fund

Revenues:

Draw from Fund Balance	#202-000.000-400.0000	\$15,000
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Total Revenue Adjustments		\$15,000
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Expenditures:

Major Street Public Improvements	#202-449.001-981.0100	\$15,000
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Total Expenditure Adjustments		\$15,000
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VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intention to appoint members to the Birmingham Shopping District Board on June 6, 2016 and the Martha Baldwin Park Board on June 27, 2016.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Third Quarter Financial Reports, submitted by Finance Director Gerber
 - 2. March 2016 Investment Report, submitted by Finance Director Gerber

XI. ADJOURN

INFORMATION ONLY

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, 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.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:248-530-1880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).



NOTICE OF INTENTION TO APPOINT TO THE GREENWOOD CEMETERY ADVISORY BOARD

At the regular meeting of Monday, May 23, 2016 the Birmingham City Commission intends to appoint one member to the Greenwood Cemetery Advisory Board to serve the remainder of a three-year term.

Members must be chosen from among the citizens of Birmingham and, insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals.

Interested citizens may submit a form available from the City Clerk's Office on or before noon on Wednesday, May 18, 2016. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

Committee Duties

In general, it shall be the duty of the Greenwood Cemetery Advisory Board to provide recommendations to the City Commission on:

1. Modifications. As to modifications of the rules and regulations governing Greenwood Cemetery.
2. Capital Improvements. As to what capital improvements should be made to the cemetery. Future Demands. As to how to respond to future demands for cemetery services.
3. Day to Day Administration. The day to day administration of the cemetery shall be under the direction and control of the City, through the City Manager or his/her designee.
4. Reports. The Greenwood Cemetery Advisory Board shall make and submit to the City Commission an annual report of the general activities, operation, and condition of the Greenwood Cemetery for the preceding 12 months. The Greenwood Cemetery Advisory Board shall, from time to time, as occasion requires, either in the annual report, or at any time deemed necessary by the Greenwood Cemetery Advisory Board, advise the City Commission in writing on all matters necessary and proper for and pertaining to the proper operation of Greenwood Cemetery and any of its activities or properties.

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications Must be a resident of Birmingham and Insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals.
Margaret Suter	Resident – 1795 Yosemite Owns a plot in the cemetery, family member interred in cemetery.

SUGGESTED RESOLUTION:

To appoint_____ to the Greenwood Cemetery Advisory Board to serve the remainder of a three-year term to expire July 6, 2016.



GREENWOOD CEMETERY ADVISORY BOARD

Resolution No. 10-240-14 October 13, 2014.

The Greenwood Cemetery Advisory Board shall consist of seven members who shall serve without compensation. Members must be chosen from among the citizens of Birmingham and, insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals. The City Manager or his/her designee shall serve as ex official, non-voting members of the Board.

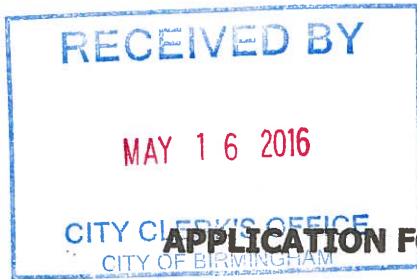
Term: Three years.

In general, it shall be the duty of the Greenwood Cemetery Advisory Board to provide recommendations to the City Commission on:

1. Modifications. As to modifications of the rules and regulations governing Greenwood Cemetery.
2. Capital Improvements. As to what capital improvements should be made to the cemetery.
3. Future Demands. As to how to respond to future demands for cemetery services.
3. Day to Day Administration. The day to day administration of the cemetery shall be under the direction and control of the City, through the City Manager or his/her designee.
4. Reports. The Greenwood Cemetery Advisory Board shall make and submit to the City Commission an annual report of the general activities, operation, and condition of the Greenwood Cemetery for the preceding 12 months. The Greenwood Cemetery Advisory Board shall, from time to time, as occasion requires, either in the annual report, or at any time deemed necessary by the Greenwood Cemetery Advisory Board, advise the City Commission in writing on all matters necessary and proper for and pertaining to the proper operation of Greenwood Cemetery and any of its activities or properties.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Buchanan	Linda	(248) 646-3297	12/14/2015	7/6/2016
1280 Suffield			owner of burial site in Greenwood; person familiar with and interested in the history of Birmingham.	
Birmingham	48009	rlb4149@yahoo.com		
Desmond	Kevin	(248) 225-5526	11/24/2014	7/6/2017
962 Humphrey			Cemetery or funeral professional.	
Birmingham	48009	kdesmond@desmondfuneralhome.com		

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		
Gehring	Darlene	(248) 540-8061	11/24/2014	7/6/2017
1108 W. Maple			Chairperson	
Birmingham	48009		Person familiar with and interested in the history of Birmingham.	
		<i>maplepro@comcast.net</i>		
Peterson	Linda	(248) 203-9010	11/24/2014	7/6/2018
1532 Melton			Family member interred in cemetery; owner of burial site and intending to be interred in Greenwood; person familiar with and interested in the history of Birmingham.	
Birmingham	48009			
		<i>lpeterson02@comcast.net</i>		
Schreiner	Laura	(248) 593-0335	11/24/2014	7/6/2018
591 Bird			Vice-Chairperson	
Birmingham	48009		Person familiar with and interested in the history of Birmingham; person with experience	
		<i>laschreiner@yahoo.com</i>		
Stern	George	(248) 258-1924	11/24/2014	7/6/2018
1090 Westwood			Person familiar with and interested in the history of Birmingham; person with experience in landscape architecture, horticulture, or law.	
Birmingham	48009			
		<i>sterngeo@aol.com</i>		
Vacant				7/6/2016



OFFICE USE ONLY	
Meets Requirements?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Confirmed Interview Date: ____/____/____	
<input checked="" type="radio"/> Will Attend	<input type="radio"/> Unable to Attend

APPLICATION FOR CITY BOARD OR COMMISSION
(Please print clearly)

Greenwood Cemetery Advisory Board member
Board/Commission of Interest **Position of Interest**

Name Margaret A. Suter
Address 1745 Yosemite Blvd Business _____
Birmingham, MI 48003
Phone 248-644-5925
E-mail maasutera@gmail.com

Length of Residence 38+ years Occupation Retired

Reason for interest Own a plot. my husband is buried there.
One of my siblings owns a plot. Have friends buried there.
Interested in preserving + promoting Birmingham historical site

Related Employment Experience (Please indicate dates)

- A. Banker - commercial construction + Residential Lending 2004-2008
B. _____
C. _____

Education: Bachelor of Science - Business - Walsh College

Past Experience or Other Relevant Information (City Boards, Churches, Civic or Community Groups, Memberships, Associations, etc. Attach resume or additional page if necessary):

Church - choir member 40 years; Membership Committee + Representative to Annual Conference 3 years
Represented my employer at Lighthouse Community Development - financing Low income housing
Former member Birmingham-Bloomfield Chamber of Commerce

Former member Birmingham-Bloomfield Women's Assoc. - Community activities + fundraising

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain:

no

Are you an elector (registered voter) in the City of Birmingham? yes

Margaret A. Suter
Signature of Applicant

15 May 2016
Date

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement. Questions regarding this may be directed to the city clerk - 248.530.1880.



MEMORANDUM

Office of the City Manager

DATE: May 19, 2016

TO: Joseph A. Valentine, City Manager

FROM: Joellen Haines, Assistant to the City Manager

SUBJECT: Follow-up on volunteer requirements pursuant to appointment of City Commissioner to the Birmingham Youth Assistance (BYA) General Citizens Committee

At the May 9, 2016 City Commission meeting, there was a resolution to determine the appointment of a city commissioner to the Birmingham Youth Assistance (BYA) Committee. As a result of the discussion, there was a request for more information from the BYA regarding the volunteer requirements of a BYA board member. Subsequently, the City Manager's Office received an email on May 12, 2016 with the requested information (see attached email).

The involvement of a Commissioner with the BYA committee may at some point pose a conflict given the nature of the decisions that come before the City Commission. To avoid a potential conflict of interest, the Commissioner would have to recuse him or herself from voting on matters relating to the BYA if he or she was appointed a voting member of the BYA General Citizens Committee, or if the Commissioner was appointed as a non-voting member of the committee, the Commissioner would identify him or herself as a non-voting member of the BYA General Citizens Committee, and decide accordingly to recuse or not recuse depending on the topic.

Two resolutions have been prepared to offer the options listed above.

SUGGESTED RESOLUTION:

To appoint _____ as a voting member of the Birmingham Youth Assistance General Citizens Committee, or

To appoint _____ as a non-voting member of the Birmingham Youth Assistance General Citizens Committee.



Joe Valentine <jvalentine@bhamgov.org>

City Commissioner volunteer for BYA

Birmingham Youth Assistance <office@birminghamyouthassistance.org>

Thu, May 12, 2016 at 1:45 PM

To: Joe Valentine <jvalentine@bhamgov.org>

Cc: Chris Gannon <cgannon104@gmail.com>, Dick Stasys <rstasys@hotmail.com>, Jill Fill <jf02bps@birmingham.k12.mi.us>, Nikki Keller <kellerfox@gmail.com>, Reuben Myers <myersreuben@yahoo.com>, Shelley Taub <shelleytaub@comcast.net>

Hi Joe,

Sorry I haven't gotten back to you but I wanted to make sure that I had all correct information to give to you to take back to the commission for their next meeting. Our committee meets once a month, September thru June. Our meetings are usually scheduled for the second Thursday of the month (sometimes due to holidays and school vacations it may fall on a different Thursday). The meetings usually last about an hour, sometimes less. We meet in the BPS Administration Building next to Groves High School on 13 Mile & Cranbrook. Meetings start at 8:00 a.m.

As to additional service, we do ask they join one of our event committees. The commitment hours for that can vary depending on which committee it is.

The third thing that we ask is that our volunteers support our fundraising efforts, i.e. our RedRaisers.

Please let me know if you have any further questions.

Have a great weekend,
Diedra

[Quoted text hidden]



MEMORANDUM

Office of the City Manager

DATE: May 4, 2016

TO: Joseph A. Valentine, City Manager

FROM: Joellen Haines, Assistant to the City Manager

SUBJECT: Appointment of City Commissioner to the Birmingham Youth Assistance (BYA) General Citizens Committee

The City Manager's Office received a letter on April 11, 2016 from the Birmingham Youth Assistance (BYA) organization requesting that the City of Birmingham Commission appoint a representative for the Birmingham Youth Assistance (BYA) General Citizens Committee.

We recognize that the involvement of a Commissioner with this committee may at some point pose a conflict given the nature of the decisions that come before the City Commission. To avoid a potential conflict of interest, the Commissioner would have to recuse him or herself from voting on matters relating to the BYA if he or she was appointed a voting member of the BYA General Citizens Committee, or if the Commissioner was appointed as a non-voting member of the committee, the Commissioner would identify him or herself as a non-voting member of the BYA General Citizens Committee, and decide accordingly to recuse or not recuse depending on the topic.

Two resolutions have been prepared to offer the options listed above.

SUGGESTED RESOLUTION:

To appoint _____ as a voting member of the Birmingham Youth Assistance General Citizens Committee, or

To appoint _____ as a non-voting member of the Birmingham Youth Assistance General Citizens Committee.



Birmingham Youth Assistance

2436 West Lincoln, Ste. F102
Birmingham, MI 48009
(248) 203-4300 FAX: (248) 203-4301
office@birminghamyouthassistance.org
www.birminghamyouthassistance.org

Chairperson

Reuben Myers

Vice Chairperson

Shelley Taub

Secretary

Jill Reichenbach Fill

Treasurer

Richard Stasys

Past Chairperson

Christine Gannon

Caseworker

Nikki Keller

Members

Andrew G. Acho
Judith Adelman
Roy Bishop
Greg Burry
Det. Lee Davis
Mary Jo Dawson
Russ Facione
Jill Reichenbach Fill
Christine Gannon
Jason Gross
Det. Kate Long
Ann Nazareth Manning
Tom McDaniel
Reuben Myers
Dr. Daniel Nerad
Vicki Sower
Richard Stasys
Shelley Taub
James C. Van Dyke
David R. Walker

Advisory Members

Sheriff Michael Bouchard
Jason Clinkscale
Connie Jaroh
A. Randolph Judd
David Rogers
Susan Rogers
Rachel Rotger
Anne Van Dyke

April 7, 2016

Mr. Joe Valentine, Manager
City of Birmingham
151 Martin
Birmingham, MI 48009

Dear Joe,

We are writing to request that the City of Birmingham Commission appoint a representative for the Birmingham Youth Assistance General Citizens Committee. Andy Harris has recently expressed an interest in BYA and we would be delighted to have him.

If that has changed, we would welcome whomever the Commission selects. As you know, we value our partnership with the city and we feel that by having an active member from the Commission on our board, we can work positively together and build on a great relationship.

If you or the commissioners have any questions, please contact our office at 249.203.4300 or by email office@birminghamyouthassistance.org.

Sincerely,

Reuben Myers
BYA Chair

RM:dmr

BIRMINGHAM

APR 11 2016

CITY MANAGER'S OFFICE

We are BYA! You are BYA!

Sponsored by:

Birmingham Board of Education * Birmingham City Commissioners * Oakland County Circuit Court-Family Division
Village of Beverly Hills * Village of Bingham Farms * Village of Franklin

Principal Funding by Oakland County Board of Commissioners

**BIRMINGHAM CITY COMMISSION MINUTES
APRIL 16, 2016 BUDGET PUBLIC HEARING
MUNICIPAL BUILDING, 151 MARTIN
8:30 A.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor, called the meeting to order and opened the public hearing at 8:34 AM.

II. ROLL CALL

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman (arrived at 8:38 AM)
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Finance Director Gerber, DPS Director Wood, City Engineer O'Meara, Fire Chief Connaughton, Assistant Fire Chief Donohue, Building Official Johnson, Planner Ecker, Senior Accountant Burrick, Police Chief Studt, Deputy Police Chief Clemence, Commander Albrecht, HR Manager Taylor, IT Director Gemmell, Museum Director Pielack, BSD Director Heiney, Library Director Koschik, Assistant Library Director Craft

III. BUDGET PRESENTATION

A video was presented regarding the proposed budget for fiscal year 2016-2017.

City Manager Valentine explained that the City will see a return to its highest taxable value level in 17-18. It is a good sign; however costs have continued to increase so there are constraints that will have to be dealt with.

Mr. Valentine explained that this year's budget is a balanced budget and was guided by the established budget principles and goals which reflect an increase of 6% from the prior fiscal year. It is primarily the result of on-going infrastructure and capital improvement costs and a net addition of three new full-time positions to meet operational needs. He noted that the budget provides funding for approximately \$16.9 million in capital improvements which include approximately \$3.3 million for sewer improvements and repairs, \$1.7 million for water main improvements, approximately \$6 million for improvements to the City streets and sidewalks, \$1.8 million for improvements to the automobile parking system, and \$2.8 million for rebuilding the Chesterfield Fire Station. Also, there are increases in the water and sewer rates of about 3.6% and 6.6% respectively which are attributed to increasing operational costs and less water consumption. The budget maintains a strong fund balance of about 39% which is within the range established by the City Commission and reinforces the City's AAA bond rating. The City's millage rate is shown as a decrease due to an increase in taxable value which has reduced the refuse and debt levys accordingly. The Library Board has requested an additional .31 mills to fund improvements to the library. He noted that the City is prepared to make a supplemental

millage presentation outlining alternatives for the City Commission to consider in addressing the request in the context of the City's other funding obligations.

IV. DEPARTMENT PRESENTATIONS AND DISCUSSION

COMMISSION

City Manager Valentine explained that the 7% decrease is due to a reduction in the miscellaneous account for the goal setting session that was budgeted this year.

Mayor Pro Tem Nickita suggested that going forward the City consider increasing the budget for educational activities, workshops, conferences similar to where it was in the past so new Commissioners may attend advanced educational opportunities, workshops, and conferences. Mr. Valentine pointed out that the Commission has \$7,000 to use for conferences and workshops.

MANAGER'S OFFICE

City Manager Valentine explained the 1% decrease is due to the labor burden for the department. Mayor Hoff questioned the increase in Human Resources as there is no difference in the number of employees. Mr. Valentine explained that it is due to the retiree health care contributions that are showing up in the departmental budgets as it is required by the City's actuary. He explained that it is charging the legacy costs back to the departments.

Mr. Valentine explained that there is a 16% decrease for City Hall Grounds primarily attributed to adjustments in the labor burden, minor operating supplies and other contractual services. He noted that the property maintenance library has a 73% decrease due to repairs to the freight elevator which occurred in the prior fiscal year. He also noted that the legal budget was increased 1% due to an adjustment in the attorney retainer.

HUMAN RESOURCES

Human Resources Manager Taylor explained the increase of 6.5% is due to health care and retirement costs per the actuary.

In response to a question from Commissioner Sherman, Mr. Valentine explained that the Managers Office and Human Resources Office share the Assistant to the City Manager position. For a period of time that position was vacant which reduced the projection number.

CITY CLERK

Clerk Pierce explained that the City Clerk's Office budget is down approximately 1% from the previous year. This is attributed to a reduction in the salaries and wages and labor burden. She noted an increase in the equipment maintenance account due to the printing of color copies of the commission agenda for the commissioners.

Clerk Pierce explained that the elections budget is up 50% due to an increase in the machinery & equipment account due to the replacement of voting equipment. It is anticipated that the state will fund 50% of the cost and the City will be responsible for the remaining 50% of the cost.

FINANCE DEPARTMENT

Finance Director Gerber explained that the Finance Department budget is down 1.5% attributed to the retiree health care costs that were reduced in the department. He explained that the Treasury

budget is down 17.5% due to the elimination of the full-time billing manager position. He noted that a part-time clerical position was added. He explained that the Assessing budget includes the cost for the Board of Review and the Oakland County contract for assessing services. He noted that it is anticipated to be a small increase in the contract renewal.

PLANNING

City Planner Ecker explained the budget increase of 1% is due to the types of projects that are planned under contractual services. The type and cost varies depending on the project. Mayor Hoff noted that the recommended budget is more than the requested budget. Ms. Ecker explained that the City Manager recommended the comprehensive master plan for the City be moved to the ~~upcoming~~ 16-17 fiscal year. She pointed out that the 16-17 budget includes via signs and in 17-18 additional funds are budgeted for via signs and the Downtown Birmingham Master Plan.

In response to a question from Commissioner Boutros, Ms. Ecker explained that GIS is the geographical information systems which is an on-line mapping program with geographical aerial photos used for planning purposes. She stated that the Planning Department has taken on the role of handling the City's GIS system.

Mayor Pro Tem Nickita noted that one of the most important planning issues is the Old Woodward Downtown Streetscape Plan. He stated that it is very important that the City put in the right resources to design it appropriately. Ms. Ecker explained that there are funds budgeted in the current fiscal year for the Bates Street Plan, but no funds are allocated in the Planning budget for Old Woodward. City Manager Valentine noted that when the City is at the point that it has to pull in resources for the plan, most likely it will come from a transfer from the general fund. Mayor Pro Tem Nickita expressed concern that the City is not getting in front of this.

Commissioner Boutros questioned the organizational chart. Mr. Valentine explained that the coordination is done by the building official. By designating one individual to coordinate activities that are involved in a project, the City can ensure that there is seamless follow through from when the plans are submitted to when the final certificate of occupancy is issued, that everything in between is coordinated by all the departments. Commissioner Boutros noted the chart should be revised to reflect that.

BUILDING

Building Official Johnson explained the 11% increase is due to adding additional resources to keep up with construction activity in the City. One support staff position is being added and the use of McKenna will be increased to help out with inspection services. He noted that the large scale commercial project plan review will be sent to the International Code Council for their initial review which is a reimbursed cost to the City as the City collects the fee from the applicant, then pays the International Code Council.

Mayor Pro Tem Nickita commented that there have been different capacity issues in terms of code enforcement over the past few years particularly with foreclosures. He questioned if there is appropriate staff to address this. Mr. Johnson pointed out that an additional part-time code enforcement officer was added to the current fiscal year.

Mayor Hoff commented on the complete performance goals and measures submitted by the Planning and Building Departments and suggested other departments do the same.

David Bloom questioned the use of an outside consultant for the commercial projects. Mr. Johnson explained that City performs a secondary review on those projects.

DeAngello Espree suggested the amount of revenue generated from code enforcement be added to the next budget.

POLICE

Deputy Police Chief Clemence explained the increase of 2.5% is attributable the retiree health care costs. In response to a question by Commissioner Harris, Deputy Chief Clemence explained that the crime rate is pretty flat with the exception of identity thefts and financial crimes. He stated that the intention is to assign a task force officer to the FBI who has funded a program to bring in local task force officers to allow local departments to have greater access to federal resources.

Deputy Chief Clemence explained that the dispatch budget is up 6.8% due to the purchase of a new Clemis system. He noted that the department is requesting the purchase of a new investigative camera from the Law and Drug Enforcement fund which will have the ability to integrate into the City's camera system to be used for clandestine investigations.

FIRE

Fire Chief Connaughton explained that the 5% increase in the budget is attributed to the labor burden cost. He confirmed for Mayor Hoff that the department is budgeting for a new generator at the Chesterfield Fire Station. Mr. Valentine stated that these are the maintenance costs for the generator.

In response to a question from Commissioner Bordman regarding maintenance of the hydrants, Chief Connaughton explained that the City is installing new hydrants which do not require maintenance. Mayor Hoff suggested the number of hydrants be listed in the budget in the future.

DeAngello Espree questioned if the City is reimbursed for medical emergencies. Mr. Valentine explained that the City only bills for transporting from the scene to the hospital. Chief Connaughton confirmed that the patient is billed, not the business.

ENGINEERING

City Engineer O'Meara explained the increase of 4.6% is attributed to retiree health care contributions and overtime for seasonal staff as it has been under-budgeted in the past. Mayor Hoff questioned the staffing level in the department. Mr. O'Meara confirmed that the City has hired three seasonal inspectors in addition to the existing four full-time employees.

Dorothy Conrad commented on the Quarton Lake area sewers program. Mr. Valentine explained that the City is trying to get easements from all the required property owners so that City can proceed with the project. He stated that the City will meet with the homeowners group to review the program and educate the residents on the need to get the easements done so the City can proceed. City Attorney Currier explained that the easements secured so far are permanent easements with the land.

Mayor Pro Tem Nickita commented that sidewalks are a significant part of the health, welfare, safety and walkability of the community. He noted that there are a number of places that do not

have sidewalks. He questioned if it is anticipated that new sidewalks being added. Mr. O'Meara stated that it does not as it is not the policy to force sidewalks on residents because the resident would be assessed 100% of the cost.

Commissioner Sherman expressed concern with the status of the Willits Alley.

PUBLIC SERVICES

DPS Director Wood explained the 3% increase in the general budget is due to a change in contractual uniform allowance, utilities, and training and workshops. The 24% increase in the property maintenance account is attributed to the reallocation of employee wages and labor burden and a slight decrease in water utility due to the changes of frequency in the watering of City properties. The decrease of 9% in the weed and snow enforcement is due to the retiree health care contributions. The Ice Sports Arena increase of 5.5% is due to employee allocation changes and reclassification of expenditures. She noted that this includes phase two of security cameras at the ice arena.

Ms. Wood confirmed for Commissioner Bordman that the ice arena is traditionally operated at a loss of approximately \$6,000 - \$7,000 per year; however the fees are continuously monitored. Ms. Wood further explained the activities held during the summer off-season include four mom-to-mom sales and pickle ball.

Ms. Wood explained the community activities increase of 4.5% is due to labor and wages as well as the purchase of additional holiday lights. She noted that the installation of lights is reimbursed by the Birmingham Shopping District.

Ms. Wood explained the Parks and Recreation budget is decreased 4% due to the reallocation of employees for wages and benefits and a change in other contractual services due to master plans and consultant work for upcoming projects

Mayor Pro Tem Nickita questioned if trail system improvements were budgeted. Mr. Valentine explained that there are funds in the 17-18 budget.

Mayor Hoff questioned the revenues and expenditures for the maintenance of the cemetery. Mr. Valentine explained that a separate fund has been established called the Greenwood Cemetery Perpetual Care Fund. He stated that the City has no expenditures for the cemetery as that portion is handled by the contractor.

Commissioner Bordman encouraged the use of obtaining grants when developing the park system.

ENTERPRISE FUNDS

Finance Director Gerber explained that in the water fund, the City is proposing a \$0.15 increase which would increase the cost of the average user of 90 units per year by \$13.50. He noted that the cost of water makes up 55% of the rate, over half of the rate is determined by agencies from sources outside of the City's control. He noted that the sewer fund the City is proposing a \$0.59 increase which would increase the cost to the average homeowner of \$53.00. He noted that 73% of that overall rate is determined by agencies from sources outside of the City's control.

Mr. Gerber explained GASB 75 will be fully in place in 17-18. He noted that the City's retiree health

care costs, which are currently not a liability on the City's books, will start showing up as a liability on the City's books. The cost is about \$36 million and has to be spread amongst various funds in the City. The Enterprise Funds will see it on its balance sheets and will be a reduction of its net position in 17-18.

Mr. Valentine presented the operating revenues in the water fund compared to the operating costs and how GASB 75 will change the net position with the fund which results in a decrease in the fund balance. On the sewer fund, in 17-18 the requirements for GASB 75 to post the debit to the fund which reduces the net position and going forward continual deficits in that fund.

In response to a question from Mayor Hoff regarding the difference between the water and sewer fund, Mr. Gerber explained that there are more personnel in the water fund than in the sewer fund. Mr. Valentine stated that the City charges out employee expenses to the different funds.

Mr. Valentine stated that if the City does nothing, there would be a significant shortfall in these funds and noted that the City will have to transfer funds. He stated the difference between the revenues and expenses in the general fund will need to be transferred to the water fund and to the sewer fund. This will maintain the fund balance within the current range of the fund balance policy. Going forward continue to maintain the fund balance at 35%, making the transfers based on the difference between the projected revenues and projected expenses. Mr. Valentine commented that a negative balance will impact the ability for bonding and other implications on the financial health of the City.

Mayor Hoff noted that the scenarios discussed and GASB reporting fulfilled, it is all positive and the City will end up with a fund balance that is over 35% and meet the requirement. Mr. Valentine noted that the amount of projects scheduled for those years will have to be reassessed. It is now a structural issue and the City may have to look at potentially raising the water and sewer rates going forward.

BALDWIN PUBLIC LIBRARY

Library Director Koschik explained that the library is requesting a continuation of the 1.1 mills for operating expenses which will allow it to continue its hours, staffing, and services. Additional funds will be budgeted for technology. He noted that expenditures will be increased in electronic resources and improving the interior of the library in areas that are not part of the master plan.

Mr. Koschik explained the plan for the renovations to the adult services which is Phase 1 of the Master Plan and is \$2.2 million. The library is offering to contribute \$900,000 out of fund balance and unrestricted trust funds for the project, which leaves \$1.3 million. The library's headlee limit is 1.4639 mills. The current millage rate is 1.1 mills. The Library Board suggested increasing the library's millage rate by .31 mills for a total of two years which would bring in the required funds. He stated that there are enough funds available that the library could proceed with the project this summer and the Library fund balance would be down to \$147,000. A \$690,000 advance transfer from the City would ensure that the library does not fall beneath the Library fund balance floor.

City Manager Valentine presented slides explaining the model for funding options for this portion of the library renovation. He noted that there may be other transfers that need to be considered. He explained that Option 5 would increase the Library millage rate to 1.41 mills in FY 16-17 and FY 17-18 and reduce the City operating levy by .3006 mills in FY 16-17 and FY 17-18. With the

understanding that the Library would be utilizing their fund balance, if they had a contingency and a fire occurred, the City could contribute funds to the Library to ensure they had operating expenses necessary to operate the Library. From a General Fund perspective, this would transfer funds from the General Fund to the Operating City Expense Departments. This option would lower the millage rate and transfer the funds to fill the gap. As a result, the millage rate will remain relatively flat.

The Commission discussed the various models. The Commission agreed that option 5 would have the least adverse effect and does not increase the taxes for the average homeowner. It was noted that from a policy standpoint, it is better to manage the millage rate to a smooth transition is preferable to one that would spike. The issue with option 5 is creating a systemic shortfall in the City budget that would have to be backfilled with general fund.

Commissioner Sherman question if there are any projects or other items that can be delayed to lower the shortfall. He noted that this would eliminate the structural problem. He noted that the funds are supposed to be there in case of an emergency.

Jim Suhay expressed support of options 5 and 3. Mr. Valentine confirmed for Mr. Suhay that in the case of a dire emergency, the City Commission would be able to assist the library through a crisis.

Mr. Valentine noted that based on the conversations today, staff will return to the Commission with additional information.

The Commission agreed that bond counsel should opine on the options presented to determine whether it would be worth the cost and would minimize the impact of additional tax rates on citizens and to understand the net operating.

David Bloom suggested a hybrid of options 3 and 5.

Commissioner Harris left at 12:42 PM.

The Commission recessed at 12:42 PM.

The Commission reconvened at 12:58 PM.

ENTERPRISE FUNDS (continued)

DPS Director Wood explained the 1.7% increase for Lincoln Hills Golf Course and 5% increase at Springdale Golf Course is attributed to public improvements. Ms. Wood confirmed for Dorothy Conrad that golfers are using the golf course in spite of the construction on Big Beaver.

City Engineer O'Meara explained that the changeover on the equipment at the Chester Street Structure is being implemented next week. The other four garages will be done in the next fiscal year. He noted that there is a plan to paint the structural steel in the Park Street Structure and the lights will be replaced with LED's as well.

Mayor Hoff questioned the increase to Central Parking. Mr. O'Meara explained that with the high demand for parking and that the structures are filling on a regular basis, more staff is needed in the garages to monitor the entrances and keep the traffic flowing.

SPECIAL REVENUE FUND

Finance Director Gerber explained that in major and local streets, the City should start to see additional revenue from the state, generated from the increase in the gas tax and the user registration fees. He noted that the non-capital related expenditures decreased by 4.3%.

Commissioner Sherman questioned which projects had been petitioned for. Mr. O'Meara explained that there is interest from the residents to have Saxon paved. He noted that they have done a petition and the booklet has been mailed out. He noted that West Brown is a general fund capital improvement where the existing road is worn out and the pavement needs to be replaced.

Mr. O'Meara confirmed for Commissioner Sherman that Villa was already approved by the City Commission and is moving forward. Poppleton is just maintenance and the resurfacing of various roads is general maintenance funds. Reconstruction of Raynale, Glenhurst, Brookwood, Kenwood, are part of the backyard sewer and water plan to separate the sewers out so more water can be diverted out of the sanitary sewer system. He noted that all those streets are permanently paved, which is why they were selected, and near the end of their service life so it is a good time to tackle those issues.

DPS Director Wood explained that solid waste disposal budget increase of 1% is due to the increase in pick up and disposal cost for residential pick up. In response to a question from Mayor Pro Tem Nickita, Ms. Wood ~~explained~~ described the recycling containers located in Shain Park and around town.

INFORMATION TECHNOLOGY

IT Director Gemmell explained the 15% increase in the budget is attributed to investments in infrastructure replacements that are at the end of life or require better performance including the replacement of the City Commission Room projector and screen with a high definition capability, replacing the security fire wall, network switching equipment, and provide for a newer parking ticketing system for parking enforcement.

BIRMINGHAM HISTORICAL MUSEUM

Museum Director Pielack explained the increase of 12% in the Allen House budget is attributed to one-time expenses related to the rebranding efforts, advertising, consultant work, and signage.

George Stern suggested the Commission demand how much money is in the endowment fund and whether the City will receive 50%. He suggested the Commission know the number of patrons as it is a source of revenue. He commented that there are many demands for expenses and rebranding is not one that City money should be spent on.

Commissioner Sherman noted that revenues are accounted for in the budget. Ms. Pielack noted that the endowment fund has a principle balance of approximately \$800,000. That results in discernments of grants to the City from \$38,000 to \$40,000 per year. The revenues have been increased as a result of increased utilization in requests for research and duplication. She noted that there has been an increase in visitors to the museum.

Ms. Pielack explained the 50% reduction in the Hunter House budget was due to the elimination of the one-time expense for exterior paint.

BIRMINGHAM SHOPPING DISTRICT (BSD)

BSD Director Heiney explained that on the expenditure side, funds were reallocated to add more funding for programming, marketing, special events, and maintenance.

BROWNFIELD REDEVELOPMENT AUTHORITY

Finance Director Gerber explained that the fund captures tax incremental financing from projects presented to the Commission for approval. He noted that the budget assumes that the City will capture ~~get~~ the project costs through a TIF ~~into the City~~ and the funds will be dispersed back to the developer, dependent on when the developer submits its cost reimbursement.

TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

Finance Director Gerber explained that the intent of the fund is to capture incremental tax revenues from this area to be used solely for parking purposes. Mr. Valentine explained that the Authority has been created, but the TIF has not been established yet. Mr. Valentine confirmed for Commissioner Sherman that Oakland County changed their arrangement for how they participate in local TIF's. He stated that the terms of the agreement with the County are being worked out.

Commissioner Sherman stated that the City adopted the plan to set the base tax year of 12/31/14. He questioned if 2014 is the year that all incremental increases are based on or is the base year now 12/31/15. The Commission requested staff to follow up on this.

GREENWOOD CEMETERY PERPETUAL CARE FUND

Finance Director Gerber explained that this fund captures revenues from the sale of plots. The purpose of the fund is to invest those revenues to generate interest income, which would then be used for maintenance and improvements at the cemetery.

George Stern commented that the City Code restricts the funds to be invested according to Public Act 20. He suggested the City adopt the new state law, Public Act 215 into the ordinance which would allow municipal cemeteries to invest at close to market rates. Mr. Valentine clarified that the change allows for the inclusion of investments in mutual funds.

Commissioner Nickita left at 1:42 PM.

CAPITAL PROJECTS FUND

Finance Director Gerber explained the capital projects fund captures major expenditures usually at the ~~with~~ a threshold of \$25,000. He explained the list of planned projects include the funds with the anticipated capital expenditures over the next six years.

Commissioner Sherman commented that by setting out the capital projects years in advance, it allows the City to properly budget for them and figure in the cost for the project. He stated that \$16 million in infrastructure improvements are budgeted this year which is substantially above the norm of \$8 million. Mr. Valentine stated that staff will review this.

PUBLIC COMMENT

George Stern suggested the Commission ask for a report from the cemetery committee at the next budget session.

David Bloom and DeAngello Espree commented on the well run budget meeting.

The Mayor closed the public hearing and adjourned the meeting at 1:50 PM.

Laura M. Pierce
City Clerk

BIRMINGHAM CITY COMMISSION MINUTES
MAY 9, 2016
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 7:32 PM.

II. ROLL CALL

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman (arrived at 7:48 PM)
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, DPS Director Wood, City Engineer O'Meara, Planning Director Ecker, Finance Director Gerber, Deputy Treasurer Klobucar, Fire Chief Connaughton, Assistant Fire Chief Donohue, Fire Marshal Bigger, Police Chief Studt, Deputy Police Chief Clemence, Commander Albrecht, Library Director Koschik

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

**05-134-16 APPOINTMENT TO THE
BOARD OF BUILDING TRADES APPEALS**

MOTION: Motion by DeWeese:

To appoint Adam Charles, 1539 Bennaville, to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2019.

VOTE: Yeas, 6
Absent, 1 (Sherman)

**05-135-16 APPOINTMENT TO THE
BROWNFIELD REDEVELOPMENT AUTHORITY**

MOTION: Motion by Bordman, seconded by Nickita:

To concur in the Mayor's appointment of Daniella Torcolacci, 2849 Buckingham and Paul Robertson, 779 S. Bates to the City of Birmingham Brownfield Redevelopment Authority to serve three-year terms to expire May 23, 2019.

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

**05-136-16 APPOINTMENT TO THE
HOUSING BOARD OF APPEALS**

MOTION: Motion by Bordman:

To appoint Alexander Jerome, 1845 Hazel, to serve a three-year term on the Housing Board of Appeals to expire May 4, 2019.

MOTION: Motion by DeWeese:

To appoint Robert E. Taylor, Jr., 3693 W. Bloomfield, Bloomfield Hills, to serve a three-year term on the Housing Board of Appeals to expire May 4, 2019.

VOTE ON NOMINATION OF JEROME:

Yeas, 6

Absent, 1 (Sherman)

VOTE ON NOMINATION OF TAYLOR:

Yeas, 6

Absent, 1 (Sherman)

The Clerk administered the oath to the appointed board members.

**05-137-16 APPOINTMENT TO THE
BIRMINGHAM YOUTH ASSISTANCE
GENERAL CITIZENS COMMITTEE**

City Manager Valentine explained the option to appoint a City Commissioner as a voting member or a non-voting member.

The Commission requested additional information on what this position would encompass and agreed to postpone this decision until the next meeting.

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.

05-138-16 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item E (Little Free Library program "Book Box" designs) by Commissioner Bordman
- Item H (West Nile Virus Fund Reimbursement Program) by Commissioner Bordman
- Item A (Budget Session Minutes of April 16, 2016) by Mayor Hoff
- Item B (Minutes of April 25, 2016) by Mayor Hoff
- Item G (Historical Museum & Park Bell Project) by Mayor Hoff

MOTION: Motion by DeWeese, seconded by Boutros:

To approve the consent agenda as follows:

- C. Approval of warrant list, including Automated Clearing House payments, of April 27, 2016 in the amount of \$574,829.23.
- D. Approval of warrant list, including Automated Clearing House payments, of May 4, 2016 in the amount of \$316,104.85.
- F. Resolution approving the purchase of one (1) new 2016 Freightliner MT55 from Cannon Truck Equipment., using MI-Deal extendable purchasing pricing for a total expenditure

of \$172,969.00. Further, waiving the normal bidding requirements based on the government regulated pricing for this type of equipment. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.

ROLL CALL VOTE:	Yeas,	Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman Mayor Hoff
	Nays,	None
	Absent,	None
	Abstention,	None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

05-139-16

PUBLIC HEARING OF CONFIRMATION

WEBSTER AVE. PAVING PROJECT SEWER LATERALS

Mayor Hoff opened the Public Hearing of confirmation for the Webster Ave. Paving Project Sewer Laterals at 7:50 PM.

Deputy Treasurer Klobucar recommended confirmation of Special Assessment Roll #876.

The Mayor closed the Public Hearing at 7:50 PM.

MOTION: Motion by Nickita, seconded by Harris:

To confirm Special Assessment Roll No. 876 to defray the cost of installing new sewer laterals on Webster Ave., and instructing the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

WHEREAS, Special Assessment Roll, designated Roll No. 876, has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party- interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and

Commission Resolution 04-122-06 provided it would meet this 9th day of May 2016 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this May 9, 2016, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 876 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and a quarter percent (4.25%) on all unpaid installments.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**05-140-16 PUBLIC HEARING TO CONSIDER SPECIAL LAND USE PERMIT
 FOR TRIPLE NICKEL, 555 SOUTH OLD WOODWARD**

Mayor Hoff opened the Public Hearing to consider the Revised Final Site Plan and Special Land Use Permit Amendment for 555 S. Old Woodward – Triple Nickel at 7:51 PM.

City Planner Ecker presented the request to amend the Special Land Use Permit for Triple Nickel to add an outdoor dining platform. She explained they currently have outdoor dining on the sidewalk. The platform would increase the number of seats from 16 to 24. She noted that they will not use any on-street parking spaces as it will be located in an area where there is no parking. She explained the platform would extend four feet into the street. She noted that they are also proposing to use the existing furniture and to use a canopy which will match the existing canopies.

Ms. Ecker explained that the fire department had concerns with the hydrant connection to the suppression system for the structure and the visual obstruction the platform would impose. She explained that the Planning Board commented that if there was a fire, everyone would be evacuated off the deck thereby addressing the hydrant connection concern. In addition, there is a clause in the outdoor dining license that says that the platform has to be moved if it is interfering with any city maintenance or operations and if it is damaged, it is the applicant's responsibility. Ms. Ecker noted that the Engineering Department who looks at the traffic and safety concerns is okay with the four foot protrusion into the street.

Bob Ziegelman, architect on the project, confirmed for Commissioner Bordman that the proposed canopy only covers half of the platform to provide shade from the western sun.

Commissioner Boutros expressed concern with the establishment operating valet with a platform. Ms. Ecker noted that the applicant indicated to the Planning Board that there would be no valet.

Mark Blankey, partner at Triple Nickel, confirmed that they would not operate valet.

DeAngello Espree noted that the Fire Department concerns were not discussed. He questioned if the bus stop was considered when discussing the platform.

Mr. Valentine explained that the Fire Department concerns were discussed and that if access to the hydrant was needed, the platform would be evacuated. Ms. Ecker explained that the platform does not conflict with the bus stop.

The Mayor closed the Public Hearing at 8:07 PM.

MOTION: Motion by Nickita, seconded by Boutros:

To approve the Revised Final Site Plan and Special Land Use Permit Amendment for 555 S. Old Woodward, Suite 610 – Triple Nickel to allow the addition of an outdoor dining platform:

WHEREAS, TRIPLE NICKEL filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to amend the existing SLUP to operate a new restaurant with an Economic Development License in accordance with Article 3, Section 3.04(c) of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of S. Old Woodward between Bowers and Haynes;

WHEREAS, The land is zoned B-3, and is located within the Downtown Birmingham Overlay District, in the area identified on Map 3.1 of Chapter 126, Zoning, which permits the use of Economic Development Licenses with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Revised Final Site Plan to operate TRIPLE NICKEL as a Restaurant using an Economic Development License with the addition of an outdoor dining platform;

WHEREAS, The Planning Board on March 23, 2016 reviewed the application for a Special Land Use Permit Amendment and recommended approval of the SLUP Amendment and Revised Final Site Plan review with the following conditions;

1. The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
2. Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and
3. Applicant must submit spec sheets for the proposed outdoor tables and chairs.

WHEREAS, The applicant has agreed to comply with the Planning Board conditions of approval;

WHEREAS, The Birmingham City Commission has reviewed TRIPLE NICKEL's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the TRIPLE NICKEL application for a Special Land Use Permit Amendment authorizing the construction of an outdoor dining deck in conjunction with the operation of a restaurant with an Economic Development license at 555 S. Old Woodward in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:

1. Valet service will not be permitted for TRIPLE NICKEL.
2. TRIPLE NICKEL shall abide by all provisions of the Birmingham City Code;
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
4. TRIPLE NICKEL shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;
5. TRIPLE NICKEL shall enter into a contract with the City outlining the details of the proposed economic development option.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, TRIPLE NICKEL 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 TRIPLE NICKEL to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that TRIPLE NICKEL, which will do business at 555 S. Old Woodward, Birmingham, Michigan, 48009, is located in the Principal Shopping District which was designated as a Redevelopment Project Area, pursuant to Section 521a (1)(b) of the Michigan Liquor Control Code of 1988, being MCL 36.1521a(1)(b), by Birmingham City Commission Resolution adopted September 24, 2007; and

MAY IT BE FURTHER RESOLVED that TRIPLE NICKEL is recommended for the operation of a restaurant, with a Class C Liquor License, at 555 S. Old Woodward, Suite 610, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

The Commission discussed valet service in the off-season. Mayor Pro Tem Nickita noted that if the restaurant wanted to offer valet, they would have to go before the City Commission with a plan for valet. Commissioner Boutros commented that if the applicant has a solution for all seasons of valet using their private property for the valet it could be presented to the Commission. His concern was safety and traffic.

VOTE: Yeas, 7
 Nays, None
 Absent, None

Mayor Pro Tem Nickita suggested the height of the platform rails be reviewed. Mr. Valentine confirmed that staff will review this item.

05-141-16

**TERMINATION OF EASEMENT AGREEMENT
2100 EAST MAPLE ROAD**

City Engineer O'Meara explained that the Whole Foods Market project is currently under review for issuance of a building permit. It was noted that the existing easements, created in 1945, were never used and should have been vacated. He noted that there would be new easements dedicated for the proposed water and sewer.

MOTION: Motion by Sherman, seconded by Bordman:

To authorize the Mayor to sign the Termination of Easement Agreement, pertaining to the vacation of 35 ft. and 18 ft. wide easements located on the property known as 2100 E. Maple Rd. (Whole Foods Market project)

VOTE: Yeas, 7
Nays, None
Absent, None

05-142-16

**VALET SERVICE PROPOSAL AT
NORTH OLD WOODWARD PARKING STRUCTURE**

City Engineer O'Meara explained the proposal to hire SP+ to bring in two valet service employees that would function on the roof of the North Old Woodward Structure. The valet would operate during the peak hours during the weekday from 9:00 AM – 2:00 PM. He stated that this would cost approximately \$52,000 annually and is subject to change based on the number the actual hours needed.

In response to a question from Commissioner Sherman, Jay O'Dell with SP+ explained that in order to be cost effective, the valet will be closed as soon as the garage starts to open up. The current plan is to issue a card, along with the valet ticket, that directs parkers to call the office if they plan to leave after a designated time. SP+ will then send an employee to meet the individual at their car with their keys. He noted that the valeted cars would be parked in the parking spaces to free up the driving lane once the valet service is closed.

In response to a question from Commissioner Harris, Mr. O'Meara confirmed that the proposal would add fifty spaces. He explained that the current capacity of the structure is 570 and is filled to capacity 4-5 times a week. Mr. O'Dell described the signage that will be utilized. He confirmed that the City would be charged the actual cost for the work.

MOTION: Motion by Nickita, seconded by Bordman:

To approve the SP+ proposal to operate a valet service on weekdays at the N. Old Woodward Ave. Parking Structure roof level wherein:

1. Two valet service staff provided by SP+ will be stationed at the entrance to the roof level from approximately 9 AM to 2 PM.
2. As the structure nears capacity, all vehicles looking to park on the roof will be required to valet their vehicle, at no additional cost to the customer.
3. The cost to the Auto Parking System is estimated at \$52,020 annually.
4. Valet service hours will be subject to change based on actual need.

VOTE: Yeas, 7
Nays, None
Absent, None

Mayor Hoff requested a follow up report on this so the Commission will know how it is working. Mr. Valentine noted that the intention is to expand this to other facilities.

**05-143-16 TEMPORARY PARKING LOT AT
35001 WOODWARD AVE**

City Engineer O'Meara explained the proposal to use the vacant lot at the northwest corner of Maple and Woodward for permit parking. He stated forty monthly permits would be sold. He noted that the lease is for a minimum of twelve months. If it goes beyond twelve months, either party could terminate the lease with a ninety-day notice.

MOTION: Motion by Sherman, seconded by Boutros:

To authorize the Mayor to sign the lease as prepared to operate a temporary parking lot on the vacant land known as 35001 Woodward Ave. Further, authorizing staff to direct all costs to prepare and maintain this property to the Auto Parking System Fund. Monthly rates shall match those charged at the Park St. Parking Structure, with all revenues being directed to the Auto Parking System Fund.

VOTE: Yeas, 7
 Nays, None
 Absent, None

05-144-16 2016 ASPHALT RESURFACING PROGRAM

City Engineer O'Meara explained that the 2016 Asphalt Resurfacing Program will include a segment of Brown Street, just east of Southfield Road as well as several other streets in the southeast corner of the City. He explained the addition of the pedestrian crosswalk with handicap ramps.

MOTION: Motion by Boutros, seconded by Sherman:

To concur with the Multi-Modal Transportation Board, and to direct the Engineering Dept. to proceed with the 2016 Asphalt Resurfacing Program, with the inclusion of all required handicap ramps within the project area, as well as the proposed pedestrian crosswalk improvement at the Cheltenham Rd./Dunstable Rd./Hanley Ct. intersection.

VOTE: Yeas, 7
 Nays, None
 Absent, None

05-145-16 CHESTERFIELD FIRE STATION PLAN

Fire Chief Connaughton presented the design for the Chesterfield Fire Station. He noted that the design has been reviewed by the Architectural Review Committee and Planning Board.

In response to a question from Commissioner Boutros regarding parking, Chief Connaughton explained that his recommendation would be to keep the ten parking spots for functionality. Mayor Pro Tem Nickita encouraged minimizing the amount of asphalt on-site. He noted that one item reviewed was to look at the current and long term requirements to determine if there was a possibility of growing into the expansion and to look into shared parking opportunities.

Reem Okab, 187 Fairfax, questioned if the elevation of the new building will compromise the privacy of her backyard. Chief Connaughton explained that the building is one story with a

mezzanine on the second floor with workout space. He assured Ms. Okab that the privacy of her backyard would not be compromised.

Commissioner DeWeese suggested the Parks and Recreation Board consider installing a pocket park with a fire-truck theme in the green area next to the station.

George Petkoski, architect with the Sidock Group, explained the architecture of the building. He noted that the windows in the mezzanine area are high in order to provide daylight rather than a view.

Mayor Hoff expressed concern that the windows in the tower resemble a cross and noted that it looks like a church. Mayor Pro Tem Nickita commented that the tower is a good element and suggested that limestone could be added to make it look more like a window.

Mayor Pro Tem Nickita questioned whether the parking in the front of the building could be moved to the rear parking area. City Manager Valentine explained that the watchroom is located in the front of the building with a small lobby for public access.

David Bloom, resident, agreed that the tower windows resemble a cross.

MOTION: Motion by DeWeese, seconded by Harris:

To endorse the plan for the Chesterfield Fire Station as reviewed by the Architectural Review Committee and Planning Board and authorizing issuance of a Request for Proposals for construction and that steps be taken to minimize the appearance of a cross or any other religious symbol.

VOTE: Yeas, 7
 Nays, None
 Absent, None

05-146-16 BUDGET AMENDMENT

City Manager Valentine explained that at the budget session, five options were presented to address the funding request from the Library Board. Since that meeting, the City has followed up with bond counsel and the bonding consultant. They found no issues or concerns relative to the options presented.

Finance Director Gerber recapped the sewer and water fund issues as presented at the budget session. Mr. Valentine explained the summation of the net position of the sewer fund going forward as projected through 2020. He noted that with the implementation of GASB 75, the retiree health care liabilities must be accounted for on the books in FY17-18. Next year, that requirement will show up in the financial statements which will deplete the net position of that fund significantly. He noted that a change is needed to address this issue. An adjustment to the sewer rate is also needed so as to not run into a negative deficit position. In going forward, the City has smoothed out the cost of the sewer improvements over the next few years to try to provide some consistency to those costs.

Mr. Valentine explained that the City is recommending an increase to the sewer rate. The combination of adjusting the capital projects as well as increasing the sewer rate will provide more of a stable position for the City going forward without the need to transfer any significant amount to the sewer fund to make sure it is balanced; which in effect would require a deficit

reduction plan being filed with the state should that ever occur. The net increase to the average rate payer is \$0.21 per unit. The advantage to it is that the City has managed the cost accordingly and delayed the situation of having a negative position out to FY 19-20.

Mayor Hoff questioned which retirees are covered by the retiree health care liability. Mr. Valentine explained that it is an allocation of the costs for all the retirees. He noted that the sewer fund would primarily be those employees with the Department of Public Services where their time is charged to the sewer and water funds.

Mr. Valentine explained that Option 5 was an option that allowed for an increase in the Library millage rate and a decrease in the City millage rate and using fund balance to fill the gap. It provides for a fund balance of 36% in FY16-17 and a fund balance of 37% in FY 17-18. This would also provide the assurance that the Library would have a fall back with the City of about \$200,000 should any emergencies occur. This will reduce the City's overall millage levy from the actual millage rate of 14.8269 mills to 14.7614 mills. This is a decrease to the average homeowner of \$12.45. This will allow the Library project to proceed and allows for additional capacity in the City's operating levy and will strengthen the City's position with bonding agencies by having additional Headlee capacity.

Commissioner Harris noted that the narrative in Option 5 mentions the City transferring \$200,000 when the Library fund balance is depleted by emergencies. He questioned if that is to be when the Library fund balance is below its deductible. Mr. Valentine explained the concern of the Library bringing their fund balance low. This would give them the assurance that if they had any emergencies, the City would be there to back them and they would not be in the negative. He confirmed for Commissioner Harris that an emergency would be triggered if the Library's fund balance went negative.

Commissioner Sherman expressed his concern that by lowering the City's millage rate with the extent of the projects planned, the City would be going into its reserves. He pointed out the Commission discussed deferring projects so it would not occur. He questioned if this was done. Mr. Valentine responded that it was not done to that level. He noted that significantly changing the project schedule to that point was not viable in terms of maintaining the infrastructure.

MOTION: Motion by Sherman, seconded by DeWeese:

To direct the City Manager to amend the 2016-2017 recommended City budget to incorporate Baldwin Library Funding Option 5, which would increase the Baldwin Library levy by .31 mills and decrease the City Operating levy by .31 mills for fiscal years 2016-2017 and planned 2017-2018, and further adjusting the sewer rate to include \$175,000 additional funding for capital improvements.

Frank Pisano, Library Board member, thanked the Commission and staff.

Jim Suhay, Library Board member, clarified that the Library Board is not content with a minimum fund balance of \$147,000. He noted that they want assurance that funds will be available so the funds stay above zero. Mr. Valentine responded that the City Commission would be receptive should the Library be in need of a higher amount.

David Bloom, resident, thanked the staff.

VOTE: Yeas, 7

Nays, None
Absent, None

**05-147-16 ORDINANCE AMENDMENT REGARDING THE
COMPOSITION OF THE MARTHA BALDWIN PARK BOARD**

DPS Director Wood explained that the ordinance amendment would remove the membership criteria requiring two male and two female members.

MOTION: Motion by Sherman, seconded by Bordman:
To adopt an ordinance amending Part II of the City Code, Chapter 78 Parks and Recreation, Article III. Martha Baldwin Park Board, Section 78-58 Composition, Appointment, Terms.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**05-148-16 APPOINTMENT OF POLICE CHIEF
EFFECTIVE MAY 28, 2016**

City Manager Valentine recommended the appointment of Deputy Police Chief Mark Clemence as Police Chief effective May 28, 2016.

MOTION: Motion by DeWeese, seconded by Sherman:
To consent to the City Manager's appointment of Deputy Police Chief, Mark H. Clemence, as the Chief of Police of the City of Birmingham Police Department, effective May 28, 2016, upon the retirement of current Police Chief Donald Studt.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**05-149-16 CLOSED SESSION REQUEST
PENDING LITIGATION – TUTOR V CITY OF BIRMINGHAM**

MOTION: Motion by Nickita, seconded by Sherman:
To meet in closed session to review pending litigation regarding Tutor v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.

ROLL CALL VOTE: Yeas, Commissioner Boutros
 Commissioner DeWeese
 Commissioner Harris
 Mayor Pro Tem Nickita
 Commissioner Sherman
 Commissioner Bordman
 Mayor Hoff
 Nays, None
 Absent, None
 Abstention, None

**05-150-16 CLOSED SESSION REQUEST
ATTORNEY/CLIENT PRIVILEGE COMMUNICATION**

MOTION: Motion by Sherman, seconded by Nickita:

To meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act.

ROLL CALL VOTE:	Yeas,	Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman Commissioner Bordman Commissioner Boutros Mayor Hoff
	Nays,	None
	Absent,	None
	Abstention,	None

VII. REMOVED FROM CONSENT AGENDA

05-151-16 CITY COMMISSION BUDGET MINUTES OF APRIL 16, 2016

Mayor Hoff and Commissioner Bordman requested multiple changes to the minutes. The Commission agreed to request the Clerk review the tape and return this item to the next meeting with the changes.

05-152-16 CITY COMMISSION MINUTES OF APRIL 25, 2016

Mayor Hoff requested the following change to Resolution #04-121-16:

"She noted that the City is agreeing that in lieu of charging them the first \$1.3 million of additional tax funds, it would pay them back their clean up expenses with that additional tax revenue that was generated due to the property being redeveloped ~~would not have been coming to the City unless this property was redeveloped.~~"

MOTION: Motion by DeWeese, seconded by Nickita:
To approve the City Commission minutes of April 25, 2016 as amended.

VOTE: Yeas, 7
Nays, None
Absent, None

05-153-16 LITTLE FREE LIBRARY PROGRAM

DPS Director Wood presented the owl box which will be located in the parks to be used for the little free library program. Commissioner Bordman explained that it will be stocked with children's books and suggested it be expanded for adult books.

MOTION: Motion by Bordman, seconded by DeWeese:
To approve the Little Free Library program "Book Box" designs and locations of Barnum Park, Booth Park, Kenning Park and Pembroke Park including the registration of each Little Free Library with the Little Free Library Organization upon installation. Further, treating Barnum Park as the first trial location and adding the other locations of Booth Park, Kenning Park and Pembroke Park based on the success of the first installation. In addition, pursuing donation opportunities for the other designated locations in advance of future installations.

VOTE: Yeas, 7

Nays, None
Absent, None

05-154-16 HISTORICAL MUSEUM & PARK BELL PROJECT

In response to a comment by Mayor Hoff, City Manager Valentine presented the diagram showing the design of the bell concept. He noted that the bell will be located between the Allen House and Hunter House and that there will be a campaign to secure a brick on the ground for recognition purposes as a fundraising opportunity.

MOTION: Motion by DeWeese, seconded by Boutros:

To approve the agreement with Holsbeke Construction, Inc. in the amount not to exceed \$55,000.00 to complete the Historical Museum & Park Bell Project located at 556 W. Maple, Birmingham, MI 48009; further charging this expenditure to account #101-804.002-981.0100; further approving the appropriation and amendment to the 2015- 2016 General Fund budget as follows:

General Fund

Revenues:

Contribution from Private Source	101-000.000-676.0001	\$45,000
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Total Revenue		\$45,000
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Expenditures:

Allen House – Public Improvement	101-804.002-981.0100	\$55,000
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Hunter House –

Other Contractual Services

101-804.001-811.0000	(10,000)
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Total Expenditures	\$45,000
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and further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 7
Nays, None
Absent, None

05-155-16 REIMBURSEMENT REQUEST FOR THE OAKLAND COUNTY WEST NILE VIRUS FUND PROGRAM

Commissioner Bordman questioned if this would kill the zika mosquitos too. Ms. Wood will research this and send the response to the City Manager for the Commission.

Commissioner Bordman cautioned residents against having standing water in their yards as it is a breeding ground for mosquitos.

MOTION: Motion by Bordman, seconded by Nickita:

To approving reimbursement for the maximum allotment of \$4,298.44 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program:

WHEREAS, upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with

personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Birmingham, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED that the Birmingham City Commission authorizes and directs its Director of Public Services, as agent for the City of Birmingham, in the manner and to the extent provided under Oakland County Board of Commissioners, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VIII. COMMUNICATIONS

05-156-16 COMMUNICATIONS

The Commission received a letter from Patricia Beach, resident of Beverly Hills, regarding handicap parking.

IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

X. REPORTS

05-157-16 COMMISSIONER REPORTS

The Commission intends to appoint members to the Board of Ethics, Historic District Study Committee, and Birmingham Shopping District Board on June 6, 2016.

05-158-16 CITY STAFF REPORTS

The Commission received the Hamilton Ave. & Park St. Intersection STOP Sign Study submitted by City Engineer O'Meara.

The Commission received the Shain Park Furniture update submitted by DPS Director Wood.

The Commission recessed to closed session at 10:44 PM
The Commission reconvened in open session at 11:30 PM.

XI. ADJOURN

The meeting adjourned at 11:30 PM.

Laura M. Pierce
City Clerk

City of Birmingham
Warrant List Dated 05/11/2016

Meeting of 05/23/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241970	*	008055	ROCKOUT	375.00
241971		MISC	1844 COLE STREET LLC	2,100.00
241972	*	000855	48TH DISTRICT COURT	100.00
241973		002284	ABEL ELECTRONICS INC	4,575.98
241974		007012	ACROSS THE STREET PRODUCTIONS INC	346.50
241975		MISC	AFFORDABLE POOLS	300.00
241976	*	008063	ALL AMERICAN SCREENPRINTING	340.50
241977		008015	ALL PHASE LOCK AND SAFE	151.95
241978		005736	ALLEGRA PRINT & IMAGING	575.00
241979		001000	ALLIED INC	5,995.00
241980	*	007787	ALLIED PLUMBING & SEWER	350.00
241981		MISC	AMB REALESTATE DEV. CO. LLC	740.00
241982		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
241983		MISC	ARANEAE INC	200.00
241985		000500	ARTECH PRINTING INC	229.00
241986		MISC	ARYA AFRAKHTEH	1,000.00
241987		MISC	ASPHALT SPECIALIST INC	500.00
241988		MISC	B R CONTRACTING	100.00
241989		MISC	BABI CONSTRUCTION INC	2,500.00
241990		MISC	BACKERS CONSTRUCTION INC	100.00
241991		008059	BALL EQUIPMENT	1,739.94
241992		MISC	BARCLAY CENTER MANAGEMENT LLC	100.00
241993		001103	BCI ADMINISTRATORS INC	448.50
241994		MISC	BEAR ROOFING	100.00
241996		MISC	BESHOURI, PATRICK	1,900.00
241997		007345	BEVERLY HILLS ACE	21.55
241998		002231	BILLINGS LAWN EQUIPMENT	135.00
241999	*	008064	CITY OF BIRMINGHAM #217	6,397.91
242001		001201	BIRMINGHAM YOUTH ASSISTANCE	4,014.56
242002	*	001086	CITY OF BIRMINGHAM	1,189.17
242003		MISC	BLOOMFIELD CONSTRUCTION CO	200.00
242004		MISC	BORENSTEIN, JONATHAN	300.00
242006		006520	BS&A SOFTWARE, INC	2,635.00
242007		MISC	BUKOWINSKI, ROMAN	1,000.00
242008		MISC	C A BAUGHMAN CONTRACTING AND DESIGN	200.00
242009		MISC	CBI DESIGN PROFESSIONALS	500.00
242011		MISC	CHESS HOME IMPROVMENTS	100.00
242013	*	007575	HANNAH CHUNG	55.25
242014	*	007835	SARAH CHUNG	125.00
242015		007710	CINTAS CORP	23.05
242016		000605	CINTAS CORPORATION	65.60
242017	*	001054	CITY OF TROY	4,422.58
242018	*	007774	COMCAST BUSINESS	1,300.83

City of Birmingham
Warrant List Dated 05/11/2016

Meeting of 05/23/2016

Check Number	Early Release	Vendor #	Vendor	Amount
242019		MISC	CONSTRUCTION ENTERPRISES AND DEVELO	400.00
242020		003923	CUMMINS BRIDGEWAY LLC	625.00
242021		004830	CUMMINS-ALLISON CORP.	252.50
242022		MISC	DAVIS & DAVIS INTERIOR DESIGN	100.00
242023		008005	DE LAGE LANDEN FINANCIAL SERVICES	173.75
242024	*	MISC	DEBRA A GLENDENING	705.77
242025		000177	DELWOOD SUPPLY	41.86
242027		MISC	DJL1 LLC	1,900.00
242027		MISC	DJL2 LLC	900.00
242028		001454	DOUGLAS CLEANERS INC.	46.00
242030	*	000179	DTE ENERGY	910.04
242031		MISC	E F DEERING CO	200.00
242032		MISC	EATON BROWN	500.00
242033		MISC	EDGEWATER CONSTRUCTION	100.00
242034		007538	EGANIX, INC.	720.00
242035		MISC	EJH CONSTRUCTION	100.00
242036		001124	EMPCO INCORPORATED	660.00
242037	*	001223	FAST SIGNS	493.00
242039		000213	FIRE DEFENSE EQUIP CO INC	72.60
242040		MISC	FLINT BARRIER FREE CONSTR.	100.00
242041		MISC	FOREST RIDGE CONSTRUCTION	500.00
242042		MISC	FOUR SEASONS HARDWOOD FLOORS INC	500.00
242043		MISC	FRANK REWOLD AND SON INC	300.00
242044		001468	FRED PRYOR SEMINARS/CAREER TRACK	79.00
242045		MISC	G LONG & ASSOCIATES INC	500.00
242046		006384	GISI	15,044.67
242047		004604	GORDON FOOD	154.07
242048	*	008007	GREAT LAKES WATER AUTHORITY	6,146.25
242049		MISC	GREGORY GERARD AERTS	100.00
242050	*	006799	NATALIA HAASE	342.00
242051		MISC	HANSONS WINDOW AND CONSTRUCTION INC	100.00
242053		000261	J.H. HART URBAN FORESTRY	15,023.02
242054		001672	HAYES GRINDING	30.50
242055		006869	PETER J. HEALY III	720.00
242057		MISC	HM HOMES LLC	200.00
242058		000331	HUBBELL ROTH & CLARK INC	11,691.52
242059		000948	HYDROCORP	1,060.00
242060		MISC	IDEAL BUILDERS AND REMODELING INC	429.57
242061		007021	THE IDENTITY SOURCE INC.	400.00
242063		003888	INTERNATIONAL CODE COUNCIL INC	236.97
242064		002407	J & B MEDICAL SUPPLY	4.44
242065	*	007973	J.B. CONTRACTOR INC.	54,341.15
242066		MISC	JAMES ANTHONY WIESE	1,500.00

City of Birmingham
Warrant List Dated 05/11/2016

Meeting of 05/23/2016

Check Number	Early Release	Vendor #	Vendor	Amount
242067		MISC	JAMES HENDERSON	100.00
242068		003458	JOE'S AUTO PARTS, INC.	15.48
242069		MISC	JOHN GRAHAM TOTAL CONSTRUCTION, INC	200.00
242070		MISC	JOHN MCCARTER CONSTRUCTION LLC	100.00
242071		MISC	JOHN T NEWMYER	500.00
242072	*	007837	LARYSSA KAPITANEC	257.50
242073	*	007827	HAILEY KASPER	107.50
242074		MISC	KEARNS BROTHERS INC	200.00
242075		MISC	KEARNS BROTHERS INC.	400.00
242076		000891	KELLER THOMA	1,707.05
242077		MISC	KELLETT DEVELOPMENT INC	100.00
242078	*	007828	DEBORAH KLEIN	176.00
242079	*	000352	JILL KOLAITIS	426.00
242080		000362	KROGER COMPANY	114.66
242081		001362	LACAL EQUIPMENT INC	1,093.08
242083	*	007977	KAREN LINGENFELTER	540.00
242084		MISC	LIVIDINI & WATSON BUILDING LLC	2,000.00
242085		MISC	LRH HOMES	900.00
242086		MISC	LUNAR GARAGE MODERNIZATION INC	100.00
242087	*	003945	SANDRA LYONS	317.25
242088		MISC	MAHER CONSTRUCTION	200.00
242089		MISC	MAINSTREET BUILDING GROUP, INC	200.00
242090		MISC	MCCOMB CONTRACTING LLC	1,000.00
242091	*	007576	LYDA MCROBERTS	656.25
242092		MISC	METRO DETROIT SIGNS INC	200.00
242093		MISC	MICHAEL KELTER	500.00
242094		MISC	MICHAEL PICKMAN	594.34
242096		007832	MICHIGAN LAUNDRY MACHINERY	202.25
242097		MISC	MILLENNIUM-THE INSIDE SOLUTIN	500.00
242098		MISC	MOJARADI, FAREED	2,000.00
242099		MISC	MONIGOLD JR, JOHN C	2,500.00
242100		MISC	MOSHER DOLAN INC	2,500.00
242101	*	007755	NETWORK SERVICES COMPANY	2,690.12
242102		MISC	NEWMYER INC.	300.00
242103		MISC	NOBLE DEVELOPMENT INC	500.00
242104		MISC	NUMODX CUSTOM HOMES	500.00
242104		MISC	NUMODX CUSTOM HOMES LLC	500.00
242105		006359	NYE UNIFORM COMPANY	641.50
242107		003461	OBSERVER & ECCENTRIC	1,151.16
242108		004370	OCCUPATIONAL HEALTH CENTERS	132.00
242109		000481	OFFICE DEPOT INC	547.00
242110		MISC	OSCAR W. LARSON COMPANY	200.00
242111		006625	PACIFIC TELEMAGEMENT SERVICES	78.00

City of Birmingham
Warrant List Dated 05/11/2016

Meeting of 05/23/2016

Check Number	Early Release	Vendor #	Vendor	Amount
242112	*	005794	PAETEC	664.21
242113	*	003352	JAMIE CATHERINE PILLOW	1,303.50
242114	*	000801	POSTMASTER	280.50
242115		003629	PREMIUM AIR SYSTEMS INC	406.88
242116		MISC	PRM CUSTOM BUILDERS LLC	100.00
242117		007463	PUBLIC RUBBER & SUPPLY CO., INC.	112.23
242118		MISC	QUALIFIDE CONSTRUCTION CORP	100.00
242119		006497	R.N.A. JANITORIAL, INC	2,580.00
242120		002786	JOHN E. REID & ASSOC. INC	770.00
242121		MISC	RELIABLE CUSTOM CONCRETE	100.00
242123		MISC	RICHARD K STEPHENS	100.00
242124	*	003554	RKA PETROLEUM	8,765.14
242125		008055	ROCKOUT	375.00
242126		MISC	ROSELLI CONSTRUCTION INC	100.00
242127		000218	ROYAL OAK P.D.Q.	49.47
242128		007921	ROYAL TRUCK & TRAILER SALES &	4,257.69
242129		MISC	RSP CONSTRUCTION INC	500.00
242130		MISC	RUNCO, ROBERT F	100.00
242131	*	002806	SAM'S CLUB/SYNCHRONY BANK	643.80
242132		MISC	SAXON MORTGAGE SERVICES	100.00
242133		005759	SCHEMA ROOFING & SHEET METAL	730.00
242134		002025	SCHLEEDE HAMPTON ASSOC INC	1,695.75
242135		007142	SHERWIN-WILLIAMS COMPANY	88.54
242136		004202	SHRED-IT USA	195.97
242137		MISC	SIGNAL RESTORATION SERVICES	100.00
242139		MISC	SINGH CONSTRUCTION	300.00
242140		000254	SOCRRA	59,075.00
242142		008056	SPINA ELECTRIC CO	1,345.00
242143		MISC	STONISCH, RUDOLPH III	100.00
242144		005238	SUNTEL SERVICES	3,761.50
242145		001255	TEKNICOLORS INC	525.88
242146		MISC	TEMPLETON BUILDING COMPANY	200.00
242147		MISC	THOMAS SEBOLD & ASSOCIATES, IN	1,000.00
242148		MISC	THREE FIFTY LLC	200.00
242149		MISC	TOWN BUILDING	2,000.00
242150		MISC	TOWN BUILDING COMPANY	2,400.00
242151		MISC	TRADEMARK BUILDING COMPANY INC	1,900.00
242152		005645	TRAFFIC DATA COLLECTION LLC	6,375.00
242153		MISC	TRIANGLE DEVELOPMENT CO INC	1,900.00
242154		007706	UNIVERSITY OFFICE TECHNOLOGIES	212.65
242155		MISC	VALENTINO HOMES & BUILDING CO	250.00
242156		000931	VARSITY SHOP	333.60
242157	*	000158	VERIZON WIRELESS	851.47

City of Birmingham
Warrant List Dated 05/11/2016

Meeting of 05/23/2016

Check Number	Early Release	Vendor #	Vendor	Amount
242158	*	000158	VERIZON WIRELESS	690.94
242159	*	000158	VERIZON WIRELESS	151.81
242160	*	000158	VERIZON WIRELESS	202.46
242161	*	000158	VERIZON WIRELESS	76.02
242162	*	000158	VERIZON WIRELESS	123.86
242163		000969	VIGILANTE SECURITY INC	260.00
242164		MISC	VINCENT JAMES CONSTRUCTION, LLC	100.00
242165		008026	VIS SERVICE INC	275.00
242166	*	007893	JENNA WADE	62.50
242167	*	006977	WANDERING GOURMET CATERING LLC	2,436.29
242168		MISC	WATER WORKS INC	250.00
242169		004497	WATERFORD TWP FIRE DEPT.	100.00
242170		MISC	WATSON GENERAL CONTRACTING, R	500.00
242171		MISC	WESLEY KARL GILLETTE	100.00
242172		007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,630.64
242173	*	007355	LINDSAY WILLEN	189.00
242174		MISC	WILLIAM RAY KUPFER	100.00
242175		MISC	WILLIAMS, RANDI C TRUST	500.00
242177		004512	WOLVERINE POWER SYSTEMS	240.00
242178		007083	XEROX CORPORATION	605.51
242179		000309	ZEP SALES AND SERVICE	134.76
Sub Total Checks:				<u>\$310,631.26</u>
Sub Total ACH:				<u>\$143,505.52</u>
Grand Total:				<u><u>\$454,136.78</u></u>

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber
Finance Director/ Treasurer

*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

City of Birmingham
ACH Warrant List Dated 5/11/2016

Vendor Name	Transfer Date	Transfer Amount
Comerica	*	2,378.08
Automated Benefit Services, Inc.	5/9/2016	133,409.54
Automated Benefit Services, Inc.	5/10/2016	7,717.90
TOTAL		143,505.52

*In October 2015, the City Manager's credit card company was changed from Bank of America to Comerica Bank. Comerica Bank requires payment by ACH.

City of Birmingham
Warrant List Dated 05/18/2016

Meeting of 05/23/2016

Check Number	Early Release	Vendor #	Vendor	Amount
242180	*	000855	48TH DISTRICT COURT	100.00
242181	*	000855	48TH DISTRICT COURT	750.00
242182	*	000855	48TH DISTRICT COURT	100.00
242183	*	000855	48TH DISTRICT COURT	70.00
242184		004627	A & L SYSTEMS	130.52
242186		007266	AETNA BEHAVIORAL HEALTH LLC	424.58
242188	*	007013	AHEAD USA LLC	275.78
242189		003708	AIRGAS GREAT LAKES	154.42
242191		007233	ALL STAR PRO GOLF	112.27
242192		000143	AM-DYN-IC FLUID POWER INC	1,832.29
242193		001206	AMERICAN MIDWEST PAINTING INC	1,125.00
242194		008076	ANDREW BASILE	178.17
242195		001394	APCO INTERNATIONAL INC	92.00
242196		000500	ARTECH PRINTING INC	53.00
242197		007479	ASB DISTRIBUTORS	47.00
242198	*	006759	AT&T	82.52
242199	*	006759	AT&T	0.17
242200	*	006759	AT&T	509.28
242201	*	006759	AT&T	41.63
242202	*	006759	AT&T	613.27
242203		004027	AUTOMATED BENEFIT SVCS INC	11,494.02
242208		001122	BOB BARKER CO INC	1,468.50
242209		003012	BATTERIES PLUS	260.98
242210		000517	BEIER HOWLETT P.C.	29,757.55
242211		000518	BELL EQUIPMENT COMPANY	881.72
242212		000519	BELLE TIRE DISTRIBUTORS	329.95
242213		007345	BEVERLY HILLS ACE	13.49
242214		002974	VILLAGE OF BEVERLY HILLS	143,287.87
242216		000522	BIG BEAVER PLUMBING, HEATING INC.	150.00
242217	*	008075	CITY OF BIRMINGHAM #218	2,387.63
242218	*	008078	CITY OF BIRMINGHAM #219	38,309.10
242219		005003	BIRMINGHAM BLMFD COMMUNITY	1,500.00
242220		000524	BIRMINGHAM LOCKSMITH	6.90
242221	*	001086	CITY OF BIRMINGHAM	924.78
242223		000542	BLUE WATER INDUSTRIAL	256.50
242224		008022	BOWEN ELECTRIC LLC	7,600.00
242226	*	006953	JACQUELYN BRITO	44.25
242228		007875	CANFIELD EQUIPMENT SERVICE INC.	1,084.25
242229		008067	CAREERBUILDER GOVERNMENT	335.20
242231		000603	CHEMCO PRODUCTS INC	232.00
242232		000605	CINTAS CORPORATION	179.61
242233		004026	COFINITY	1,278.00
242234	*	007625	COMCAST	406.90

City of Birmingham
Warrant List Dated 05/18/2016

Meeting of 05/23/2016

Check Number	Early Release	Vendor #	Vendor	Amount
242235		001907	COMMON GROUND	1,500.00
242236		001576	CRITTER CONTROL	615.00
242239		000177	DELWOOD SUPPLY	140.71
242240	*	006999	CHRISTOPHER DEMAN	89.55
242241		006907	DENTEMAX, LLC	135.00
242243		000186	JACK DOHENY SUPPLIES INC	2,302.19
242244		007702	EASY PICKER GOLF PRODUCTS, INC	1,172.37
242245		004671	ELDER FORD	130.12
242246	*	006689	F.D.M. CONTRACTING INC.	319,281.90
242247		001223	FAST SIGNS	565.00
242249		000213	FIRE DEFENSE EQUIP CO INC	157.34
242250		MISC	FORMS TRAC ENTERPRIZES INC.	1,414.00
242252		002510	GAMCO INVESTORS INC	22,516.00
242253		007172	GARY KNUREK INC	716.48
242254		004604	GORDON FOOD	789.02
242256		000249	GUARDIAN ALARM	224.03
242257	*	008068	GARY GUSTAFSON	75.00
242259		004837	IDEACORE, LLC	75.00
242260		008074	INDEXX, INC	507.00
242261		000340	INDUSTRIAL BROOM & BRUSH	690.90
242262		007870	J.C. EHRLICH CO. INC.	170.00
242263		000344	J.T. EXPRESS, LTD.	2,308.63
242264		003458	JOE'S AUTO PARTS, INC.	256.16
242265		008077	JULIE DRUMMOND	378.27
242266		007643	KCS SUPPLY	512.52
242267	*	002659	CHRISTOPHER KOCH	109.12
242268		004085	KONE INC	1,953.95
242269		000362	KROGER COMPANY	81.48
242270		005876	KROPF MECHANICAL SERVICE COMPANY	5,710.00
242271		003620	LANGUAGE LINE SERVICES INC	36.06
242272		002767	OSCAR W. LARSON CO.	250.00
242273	*	006661	ROGER LAWRENCE	93.71
242274		005550	LEE & ASSOCIATES CO., INC.	518.75
242280		005888	MCNAUGHTON MCKAY ELECTRIC	2,015.00
242281		001660	MICHIGAN CAT	166.48
242282		007765	MICHIGAN INDEPENDENT DOOR CO.	92.50
242283		002418	MICHIGAN SECTION, AWWA	110.00
242284	*	006662	STATE OF MICHIGAN	200.00
242285	*	001603	MIDWEST GAS INSTRUMENT SERVICE, INC	405.00
242290		008043	MILARCH NURSERY INC.	1,842.00
242291		007773	MONSTER WORLDWIDE INC	295.00
242292		006371	MPELRA	45.00
242293		007469	NIGHT FLYER GOLF	308.95

City of Birmingham
Warrant List Dated 05/18/2016

Meeting of 05/23/2016

Check Number	Early Release	Vendor #	Vendor	Amount
242294		008045	NIVO SPORTS	54.98
242295		MISC	O'DONNELL BROS PROFESSIONAL	650.00
242296	*	000477	OAKLAND COUNTY	373,605.01
242298		007718	OFF COURSE PRODUCTIONS INC.	399.56
242301		001325	P.K. CONTRACTING INC	2,925.00
242303		003126	PHOENIX STONE CO.	255.00
242304		001277	PHYSIO-CONTROL CORP.	725.81
242305		008066	PINNACLE PEAK HOLDING CORPORATION	424.13
242306		006697	PROGRESSIVE IRRIGATION, INC	6,972.89
242310		000495	ROCHESTER LAWN EQUIPMENT CENTER INC	26.53
242311		000218	ROYAL OAK P.D.Q.	58.00
242312		000230	MIKE SAVOIE CHEVROLET INC	369.77
242313		007142	SHERWIN-WILLIAMS COMPANY	115.06
242314		004202	SHRED-IT USA	95.91
242315	*	001097	SOCWA	124,358.79
242316		006713	SOUTHEAST EQUIPMENT INC.	100.00
242320		007237	STAR PETROLEUM	474.00
242321		000265	STEEL EQUIPMENT CO.	475.00
242322		004355	SYMETRA LIFE INSURANCE COMPANY	33,307.60
242323		001255	TEKNICOLORS INC	135.16
242324		000273	TERMINAL SUPPLY CO.	49.45
242325		007693	TGIB MARKETING, INC.	87.00
242326		000941	TIME EMERGENCY EQUIPMENT	4,059.50
242327	*	000276	TITLEIST	1,427.21
242328	*	007972	TROELSEN EXCAVATING CO	20,228.63
242331		007226	VALLEY CITY LINEN	177.20
242332	*	000158	VERIZON WIRELESS	105.12
242333	*	000158	VERIZON WIRELESS	357.23
242334		000969	VIGILANTE SECURITY INC	405.50
242335		008079	VIS SERVICE INC	5,710.00
242336	*	002996	GREG WALD	125.36
242337	*	003427	TEREZ WILLIS	74.20
242338		000306	WOLVERINE CONTRACTORS INC	769.30
242339		004512	WOLVERINE POWER SYSTEMS	3,395.00

City of Birmingham
Warrant List Dated 05/18/2016

Meeting of 05/23/2016

Check Number	Early Release	Vendor #	Vendor	Amount
Sub Total Checks:				\$1,202,335.19
Sub Total ACH:				\$61,226.13
Grand Total:				\$1,263,561.32

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber
Finance Director/ Treasurer

*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

5/23/2016

City of Birmingham
5/18/2016

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	5/16/2016	61,226.13
TOTAL		61,226.13



MEMORANDUM

Engineering Dept.

DATE: May 16, 2016
TO: Joseph Valentine, City Manager
FROM: Paul T. O'Meara, City Engineer
SUBJECT: SOCWA Board of Trustees Membership

The City of Birmingham has representation on the Southeastern Oakland County Water Authority (SOCWA) Board of Trustees. A resolution is required annually to confirm Board membership at the start of SOCWA's fiscal year (July 1). I have been the representative since May, 2009. Currently, Assistant City Engineer Austin Fletcher is the alternate board member.

It is recommended that Paul O'Meara be appointed as the Birmingham official representative on the SOCWA Board of Trustees as of July 1, 2016. Further, it is recommended that Austin Fletcher be appointed as the alternate Birmingham representative on the SOCWA Board for the same time period.

SUGGESTED RESOLUTION:

To appoint City Engineer Paul T. O'Meara, as representative, and Austin Fletcher, Assistant City Engineer, as alternate representative, for the City of Birmingham, on the Southeastern Oakland County Water Authority Board of Trustees for the period starting July 1, 2016.



* Berkley * Beverly Hills * Bingham Farms * Birmingham
* Clawson * Huntington Woods * Lathrup Village * Pleasant Ridge
* Royal Oak * Southfield * Southfield Township

May 12, 2016



Laura Pierce
City Clerk
City of Birmingham
P.O. Box 3001
Birmingham, MI 48012

Subject: Appointment of Representative & Alternate

Dear Ms. Pierce:

Article VII of the Articles of Incorporation of the Southeastern Oakland County Water Authority provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. This representative shall serve during the next fiscal year following his appointment and/or until his successor is appointed.

The present representative and alternate representative for the City of Birmingham are as follows:

Representative

P. T. O'Meara

Alternate

A. Fletcher

It is requested that the City Commission, by resolution, appoint a representative and alternate representative to represent the City of Birmingham on the Board of Trustees of the Southeastern Oakland County Water Authority for the fiscal year beginning July 1, 2016.

Please forward a certified copy of this resolution to the Southeastern Oakland County Water Authority, 3910 W. Webster Road, Royal Oak, MI 48073-6764.

Very truly yours,

Jeffrey A. McKeen, P.E.
General Manager

JAM/kb

SOCRRA

Community Partners in Recycling & Waste

Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

May 12, 2016

Laura Pierce
City Clerk
City of Birmingham
P.O. Box 3001
Birmingham, MI 48012



Subject: Appointment of Representative & Alternate

Dear Ms. Pierce:

Article VII of the Articles of Incorporation of SOCRRA provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. This representative shall serve during the next fiscal year following his appointment and/or until his successor is appointed.

The present representative and alternate representative for the City of Birmingham are as follows:

Representative

J. Valentine

Alternate

L. Wood

It is requested that the City Commission, by resolution, appoint a representative and alternate representative to represent the City of Birmingham on the Board of Trustees of SOCRRA for the fiscal year beginning July 1, 2016.

Please forward a certified copy of this resolution to SOCRRA, 3910 W. Webster Road, Royal Oak, MI 48073-6764.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeffrey A. McKeen".

Jeffrey A. McKeen, P.E.
General Manager

SUGGESTED RESOLUTION:

To appoint Joseph Valentine as the representative and Lauren Wood as the alternate representative for the City of Birmingham on the Southeast Oakland County Resource Recovery Authority Board of Trustees for the period starting July 1, 2016.



MEMORANDUM

Planning Division

DATE: May 16, 2016

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana L. Ecker, Planning Director

SUBJECT: Set Public Hearing for Final Site Plan & Temporary Special Land Use Permit Amendment at 835-909 Haynes, Lavery Porsche/Audi Dealership

Lavery Porsche is located at the corner of Elm and Haynes. The applicant is seeking approval for a Revised Final Site Plan and a Temporary SLUP Amendment for the existing establishment, Lavery Porsche to allow for the use of the neighboring building at 909 Haynes to be used as a temporary office for the Lavery Audi dealer. The applicant is conducting renovations to the existing Audi dealership at 34602 Woodward, and wishes to amend its existing SLUP at 835 Haynes to temporarily include 909 Haynes Street. The applicant is requesting temporary use of the first floor of 909 Haynes Street as office space and business operations for their Audi car dealership for no more than 12 months. Accordingly, the applicant is required to obtain a recommendation from the Planning Board and then approval from the City Commission for the Final Site Plan and SLUP.

On April 27, 2016, the Planning Board conducted a public hearing to discuss a request by the applicant for a Final Site Plan and Special Land Use Permit (SLUP) Amendment to allow the applicant temporary use of the first floor of 909 Haynes Street as office space and business operations for their Audi car dealership for no more than 12 months. After much discussion, the Planning Board voted to recommend approval of the Revised Final Site Plan and Temporary Special Land Use Permit Amendment for Lavery Porsche located at 835 & 909 Haynes to the City Commission with the following condition:

- Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.

Thus, the Planning Division requests that the City Commission set a public hearing date for **June 27, 2016** to consider approval of the Revised Final Site Plan and Temporary Special Land Use Permit Amendment for Lavery Porsche to allow for the use of the first floor of 909 Haynes as offices for the Audi dealership for one year only. Please find attached the staff report presented to the Planning Board, along with the relevant meeting minutes for your review.

SUGGESTED ACTION:

To set a public hearing date for **June 27, 2016** to consider approval of the Revised Final Site Plan and Temporary Special Land Use Permit Amendment of one year for 835 & 909 Haynes – Lavery Porsche.

LAVERY PORSCHE
835 & 909 HAYNES
TEMPORARY SPECIAL LAND USE PERMIT AMENDMENT
2016

WHEREAS, Lavery Porsche has applied for a Temporary Special Land Use Permit Amendment of one year to operate an Audi automobile sales agency on the first floor of the building located at 909 Haynes,

WHEREAS, The land for which the Temporary Special Land Use Permit Amendment is sought is located on the north side Haynes east of Elm,

WHEREAS, The land is zoned MU-5, Mixed Use 5, which permits automobile sales agencies with a Special Land Use Permit,

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning, requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The Planning Board reviewed the proposed Temporary Special Land Use Permit Amendment request on April 27, 2016 at which time the Planning Board voted to recommend approval of the Final Site Plan and SLUP to the City Commission with the following condition:

- 1) Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on April 27, 2016;

WHEREAS, The Birmingham City Commission has reviewed the Lavery Porsche Temporary Special Land Use Permit Amendment application as well as the standards for such review as set forth in Article 7, section 7.34 of Chapter 126, Zoning of the City Code,

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below and the Lavery Porsche application for a Temporary Special Land Use Permit amendment is hereby approved for one year from the date of approval, subject to the attached site plan, and subject to the following conditions:

- 1) Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Lavery Porsche 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 Lavery Porsche to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

I, Laura M. Pierce, 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 June 27th, 2016.

Laura M. Pierce, City Clerk



MEMORANDUM

Planning Department

DATE: April 21, 2016

TO: Planning Board

FROM: Matthew Baka, Senior Planner

SUBJECT: Fred Lavery Special Land Use Permit amendment (SLUP) for temporary expansion of the SLUP of 835 Haynes to include 909 Haynes Street.
(All changes in Blue type)

Executive Summary

The subject site is located at 909 Haynes St, on the north side of the street between Woodward and Elm St. The parcel is zoned B-2, General Business and MU-5 in the Triangle Overlay District. The applicant, Fred Lavery Company, owns the adjacent property to the west, 835 Haynes Street, which received a Special Land Use Permit in 2010 to operate a Porsche car dealership within the B2 Zone and MU-7 Triangle District Overlay.

The applicant is conducting renovations to the existing Audi dealership at 34602 Woodward, and wishes to amend its existing SLUP at 835 Haynes to temporarily include 909 Haynes Street. The applicant is requesting temporary use of the first floor of 909 Haynes Street as office space and business operations for their Audi car dealership for no more than 12 months. Along with the dealership, there is an existing beauty salon on the second floor of 909 Haynes Street, Spa Mariana.

Spa Mariana is classified as a beauty salon, which is a commercially permitted use in the B2 General Business District. Auto sales agencies require a Special Land Use Permit to operate in the B2 District, which can be obtained as long as long as they meet their obligations required by the City. Failure to do so can result in the revocation of their SLUP.

The Birmingham Zoning Ordinance requires that the applicant obtain a Special Land Use Permit Amendment and approval from the City Commission to expand the auto sales agency and showroom to temporarily include the property at 909 Haynes. Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit amendment, and then obtain approval from the City Commission for the Final Site Plan and Special Land Use Permit amendment.

On March 23, 2016 the Planning Board reviewed the proposal to temporarily expand the SLUP to include 909 Haynes for one (1) year. However, at that time the architect indicated that the property owner would like the expansion to be permanent. The Planning Board and Planning Staff indicated that a permanent expansion would not be considered without the level of details normally provided for a SLUP amendment. The applicant was postponed until the April 27, 2016 meeting to allow them time to consider how they wish to proceed. The applicant has now

indicated that they intend to proceed with the temporary proposal and apply at a later date for a permanent expansion of the SLUP.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – First floor is vacant, second floor occupant is Spa Mariana. Land uses surrounding the site are retail, commercial.
- 1.2 Existing Zoning – The property is currently zoned B-2, Business-Residential, and MU-5 in the Triangle Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Office (Parmely's Paint and Body Works)	Commercial (Walgreens)	Commercial (Goodwin & Scieszka Law)	Commercial / Retail (Porsche)
Existing Zoning District	B-2, General Business	B-2, General Business	B-2, General Business	B-2, General Business
Triangle Overlay Zoning District	MU-3	MU-7/MU-5	MU-5	MU-7

- 1.4 Proposed Use – All proposed uses within the building are permitted in the Birmingham Triangle District as of right or with a Special Land Use Permit. At this time, the applicant is requesting approval of a SLUP Amendment for 835 Haynes to temporarily allow an auto sales agency.

2.0 Screening and Landscaping

- 2.1 Screening –All parking facilities must be screened in accordance with Article 4, section 4.53 of the Zoning Ordinance. A minimum 32" masonry screen wall is required. However, the Planning Board may permit landscaping as an alternative if it is determined that a permanent visual barrier is provided. The applicant is proposing to utilize the existing landscaping along the front property line as screening. [At the March 23, 2016 Planning Board meeting it was determined that the existing landscaping did not provide a permanent visual barrier as](#)

required. The applicant is now proposing to plant twenty-four (24) 32" high Box Yews along the front of the parking lot to provide a permanent visual barrier as required. A row of Yews are also proposed to be planted at the northwest corner of the site to screen the parking lot in that area.

- 2.2 Landscaping– The existing site has 5 planting beds along the front edge of the property with trees, green shrubs, and flower plants of various colors.

The size of the parking area exceeds 7,500 sq. ft. (approximately 14,908 sq ft), thus in order to be consistent with the Zoning Ordinance the applicant must have landscaping that equals 5% of the parking lot size. ($14,908/0.05 = 745$ square feet of required landscaping). Measurements from aerial imagery show a total of 775 square feet for plantings at the front of the property.

Article 04 section 4.20 LA-01 states that the interior planting areas shall be located in a manner that breaks the expanse of paving throughout the parking lot interior. Each interior planting area shall be at least 150 square feet in size, and not less than 8 feet in any single dimension. **Current landscaping is only located at the front of the property, and does not break up the expanse of the parking lot interior. The Applicant must place landscaping plantings no smaller than 150 square feet, and not less than 8 feet in any single dimension throughout the parking lot in a manner that breaks the expanse of paving throughout the parking lot interior, or obtain a variance from the Board of Zoning Appeals.**

Article 04 section 4.20 LA-01 also states there shall be at least one canopy tree for each 150 square feet or fraction thereof of interior planting area required. **The applicant is required to plant 5 canopy trees ($745 / 150 = 4.9$) within the parking lot area, or obtain a variance from the Board of Zoning Appeals.**

The applicant is now proposing to install the five required canopy trees and create three new landscaped areas in the interior of the parking lot. **The applicant must provide the dimensions of the landscaped areas to determine if they meet the size requirements mandated by the Zoning Ordinance.**

3.0 Parking, Loading, Access, and Circulation

- 3.1 Parking – The floor space plans indicate 3,500 sq. ft. for Audi office space on the first floor, as well as 3,500 sq. ft. on the second floor for Spa Mariana. In accordance with Article 4, section 4.46-PK-02 (A) of the Zoning Ordinance, the applicant is required to provide one parking space for each 300 sq. ft. of floor area of sales room plus one space for each auto service stall, not to be used for new or used car storage. For the Spa the applicant is required to provide two (2) spaces for every booth, bed, or chair; or 1 space per 300 sq ft of floor area, whichever is greater. In this case 1/300 applies. Accordingly, the applicant is required to provide 24 parking spaces ($2 * (3,500/300) = 24$ parking spots). The

property at 909 Haynes Street location has 36 dedicated parking spots provided (including three (3) on-street spaces).

The Zoning Ordinance requires that the 24 parking spaces required be available for employees and customers of the businesses within the 909 Haynes St building, and cannot be used as car storage for dealership inventory. Multiple photos and site visits indicate 909 Haynes Street is being used for storage of excess cars from the dealership. Site photos submitted by the applicant indicate dealership cars are being parking in the 909 Haynes Street lot as well. Please see attached photos submitted by the applicant below.

All of the proposed parking spaces meet the minimum requirement of 180 sq. ft stated in the Zoning Ordinance.

- 3.2 Loading – Article 4, section 4.24 LD-01 of the Zoning Ordinance requires one usable loading space for commercial uses between 5,001-20,000 square feet. The applicant is proposing 7,000 square feet of commercial use at 909 Haynes Street, therefore must provide one loading space, or obtain a variance from the Board of Zoning Appeals. The plans do not indicate a designated loading space, but the parking lot area on the north side of the building exceeds the minimum dimensions of 40 feet long, 12 feet wide and 14 feet high, and does not stop the flow of parking traffic. [The plans now include the previously approved loading space directly to the east of the Porsche building.](#)
- 3.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered. The existing vehicular access is via two curb cuts, both on Haynes on the east and west side of the building.
- 3.4 Pedestrian Access & Circulation –Pedestrian access is via sidewalks along Haynes and Elm. City sidewalks will connect to a pedestrian walkway along the front of the building.
- 3.5 Streetscape – This site is located within the Triangle District, and in accordance with Article 3, section 3.06, the new use proposed on the site requires the site to be brought into compliance with the requirements of the Triangle Overlay District to the maximum extent practical. Walkability and streetscape are key elements within the Triangle District Urban Design Plan. The Triangle District Plan states that the sidewalk environment should accommodate ample space for pedestrians, street furniture and prominent storefronts. The Plan also states that there should be ample space for sidewalk cafés, street trees, pedestrian scale lights, benches and other elements in order to create a comfortable pedestrian experience.

[The applicant is not proposing any changes to the existing streetscape. The current streetscape in front of the subject building does not match the Triangle District standard as installed on the Porsche site. The proposed use is proposed to be temporary, and the current proposal doesn't not have any implications on](#)

the long term implementation of the Triangle plan. **However, the Planning board may want to consider whether the applicant should be required to bring the sidewalk up to the current standard that exists along the frontage of the Porsche dealership and Walgreen's across the street.**

4.0 Lighting

The applicant is not proposing any changes to the existing lighting on site. However, the Planning Division observes that the existing wall packs on the east and west side of the building do not comply with the light standards of the Zoning Ordinance as they are not full cut-off fixtures. **The Planning Division suggests that the applicant replace the existing fixtures with cut-off fixtures as required by the Birmingham Zoning Ordinance. The applicant is now proposing to replace the existing wall packs with cut-off 400w metal halide light fixtures.**

5.0 Departmental Reports

- 6.1 Engineering Division – No concerns were reported by the Engineering Division.
- 6.2 Department of Public Services – No concerns were reported from DPS.
- 6.3 Fire Department – No concerns were reported from the Fire Dept.
- 6.4 Police Department - No concerns were reported from the Police Dept.
- 6.5 Building Division –Standards Comments were provided by the Building Department.

6.0 Design Review

Facade

No changes to the façade are proposed.

7.0 Signage Review

The applicant has applied to add four signs to the west wall of 909 Haynes Street. This includes a 23.28 sq. ft. Audi symbol, a 6.83 sq. ft "Audi" sign, a 17.27 sq. ft. "Fred Lavery" sign, and a 20 sq. ft. "Spa Mariana" sign. On the east facing wall, one 20 sq. ft "Spa Mariana" sign is proposed. The total amount of signage proposed is 87.38 sq. ft. The 909 Haynes Street building has 40 ft. of street frontage, therefore a cumulative of 40 sq. feet of signage is allowed on site as per The City of Birmingham's Sign Ordinance, Business Sign Standards, Table B. **The applicant has been informed that they will be required to reduce the total amount of signage on the site to no more than 40 sq. ft. They have indicated that they intend to comply with the requirements of the Sign Ordinance and have asked permission to apply for sign approval administratively. The Planning Division suggests that the Planning Board require that the applicant submit a proposal that is compliant with the Sign Ordinance prior to appearing before the City Commission for final approval. The applicant has revised their signage proposal to bring the**

amount of signage down to 40 square feet. The sign proposal now complies with the regulations of the sign ordinance.

8.0 Birmingham Triangle District

The site is located within the MU-7 zone of the Triangle District. The MU-7 zone encourages mixed use, seven to nine story buildings. Auto sales agency and showrooms are permitted under within the Triangle land use matrix. The area of Elm at Haynes where this site is located is identified in the Triangle Plan as a gateway from Woodward Ave (E). The plan states *"Several small open spaces are proposed along Woodward Avenue to provide relief from the building mass and serve as gateways to the Triangle District ... These open space gateways must be carefully designed with landscaping and wayfinding signage to create a welcoming effect"* (pg. 10).

As the proposed use is to be temporary, the current proposal doesn't not have any implications on the long term implementation of the Triangle plan. However, the Planning board may want to consider whether the applicant should be required to bring the sidewalk up to the current standard that exists along the frontage of the Porsche dealership and Walgreen's across the street.

9.0 Approval Criteria for Final Site Plan

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

10.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the **City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed** for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

11.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board RECOMMEND APPROVAL of the applicant's request for Final Site Plan and a SLUP amendment allow the expansion of the Auto sales agency and showroom at 835 Haynes to include 909 Haynes with the following conditions:

- (1) Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.

12.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board RECOMMEND APPROVAL of the applicant's request for Final Site Plan and a SLUP amendment allow the temporary expansion of the Auto sales agency and showroom for up to one (1) year at 835 Haynes to include 909 Haynes with the following conditions:

- (1) Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.

OR

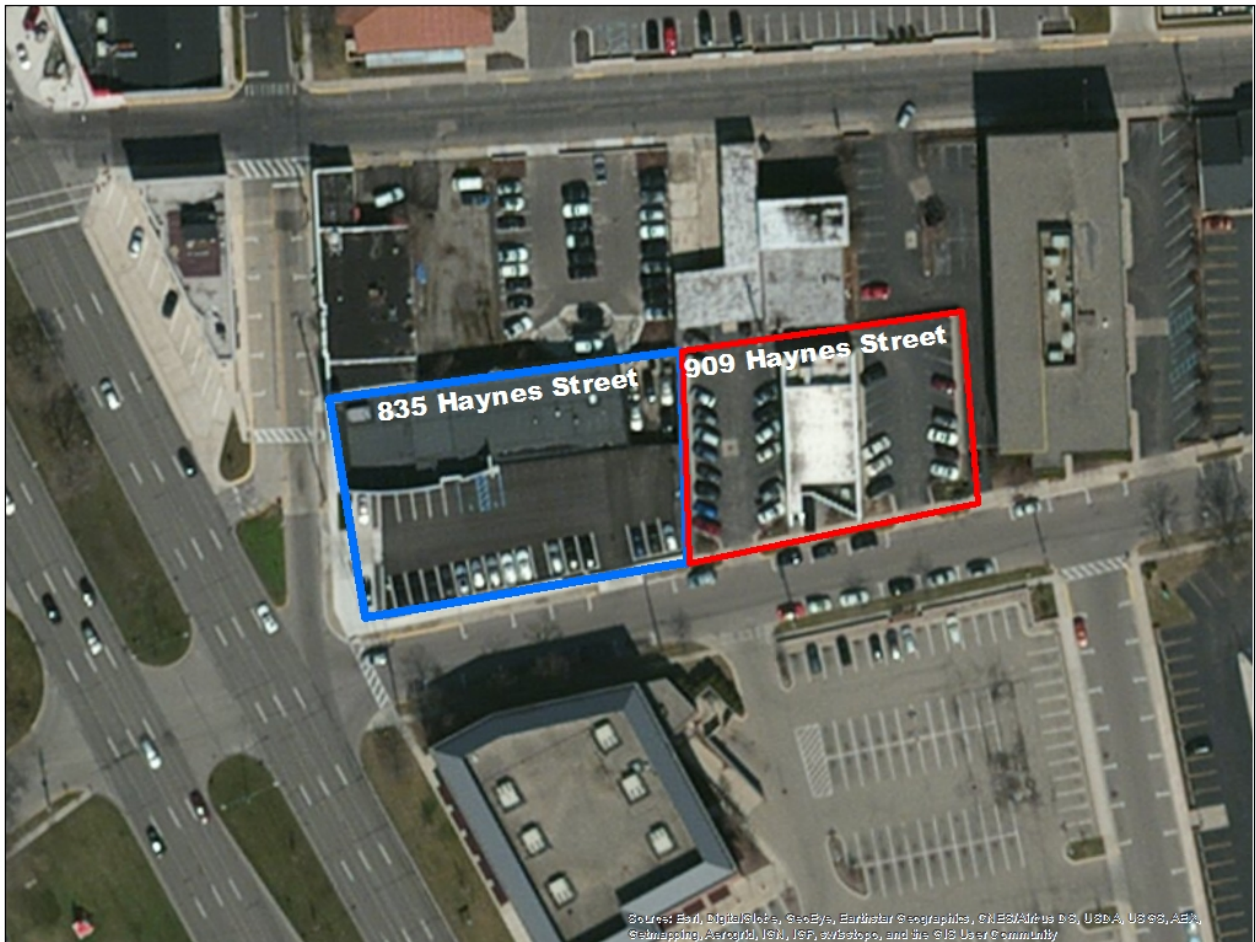
Motion to recommend DENIAL of the Final Site Plan and SLUP amendment to the City Commission for Lavery Porsche at 835 & 909 Haynes for the following reasons:

1. _____
2. _____
3. _____
4. _____
5. _____

OR

Motion to POSTPONE the Final Site Plan and SLUP amendment to the City Commission for Lavery Porsche at 835 & 909 Haynes, with the following conditions:

Aerial Image of 909 Haynes Street, Birmingham, MI 48009



Photos Submitted by Luckenbach Ziegelman Architects PLLC indicating car storage at 909 Haynes Street.



LOOKING WEST ON HAYNES ST.



VIEW FROM HAYNES ST.

Google Street View Images from August, 2015 indicating car storage at 909 Haynes Street.





**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 22, 2010
Commission Chamber, City Hall
151 Martin Street, Birmingham, Michigan**

09-170-10

SPECIAL LAND USE PERMIT ("SLUP") REVIEW

835 Haynes St., Porsche Showroom and Sales

Request approval of a SLUP to allow an automobile sales agency in an existing building

FINAL SITE PLAN REVIEW

835 Haynes St., Porsche Showroom and Sales

Request approval of a SLUP to allow an automobile sales agency in an existing building

Mr. Baka explained the subject site is located on the east side of Woodward Ave., on the northeast corner of Haynes and Elm. The parcel is zoned B-2 Business-Residential and MU-7 in the Triangle Overlay District. The applicant, Fred Lavery Company, is seeking approval of an auto sales agency and showroom. The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP and approval from the City Commission to operate an auto sales agency and showroom in the MU-7 District. ***Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan and SLUP.***

Mr. Baka explained that the applicant is planning minimal changes to the actual site. They are basically looking at some improvements to the screening, lighting and also landscaping. The parking lot is over 7,500 sq. ft., which would kick in the 5 percent landscaping rule. However, because this area is identified as one of the gateways to the Triangle District, the Planning Division thought it would be more beneficial to pedestrians to locate the landscaping at the west end of the site on the outside of the screenwall.

The materials board was passed around for viewing.

The applicant proposes to install two name letter signs and one two-sided ground sign. The total linear building frontage is 165 ft. This permits 165 sq. ft. of sign area per the requirement of Article 1.0, section 104 (B) of the Birmingham Sign Ordinance, Combined Sign Area. The total area of all signs will be 128.59 sq. ft. which meets this requirement.

The proposed Porsche and Fred Lavery sign letters will be constructed of silver finished fabricated aluminum. The proposed Porsche ground sign will be a fabricated aluminum cabinet with an internal aluminum frame.

The Porsche name letter sign will be internally lit with 15mm red neon lamps.

The Fred Lavery name letter sign will be halo backlit with 15mm white neon tubes.

The Porsche ground sign is proposed to be internally backlit with fluorescent tubes.

Mr. Robert Ziegelman, Luckenbach Ziegelman Architects, PLLC, was present with Messrs. Lavery and Lavery; Mr. Pat Taylor from his office; along with Mr. Mark Daringowski, representing Porsche Cars North America. Mr. Ziegelman indicated they are not touching the

footprint of the building. Mr. Koseck observed that floor plans would help to understand why the entry points are where they are.

Ms. Lazar arrived at this time.

Ms. Whipple-Boyce received clarification that the applicant is proposing roughly 700 sq. ft. of landscaping in the parking lot. 600 sq. ft. is required. Moving the screenwall to the inside of the landscaping would take the requirement down significantly.

Chairman Boyle suggested a Porsche display in the parking lot would be astonishingly attractive.

Mr. Fred Lavery, the owner and operator of the Porsche dealership, said they did not consider a car display because it wouldn't be seen as a result of the screenwall requirement.

Mr. Williams was not in favor of the display because it is not easy to negotiate out onto Woodward Ave. from Haynes and the display might be a distraction.

Mr. Koseck noted the existing aisles in the parking lot are 24 ft. wide and they exceed the required width by 4 ft. He thought the width could be reduced and that would allow additional room for landscaping. Further, he expected the main entrance to the building would be at the southwest corner so a pedestrian would not be forced to walk through the parking lot to enter. Mr. Lavery explained there are two pedestrian entrances. The second pedestrian entrance is also used for vehicles. He noted they adhere to the Porsche standards which they have no control over. The entire inside of the showroom is oriented towards the main entrance. Mr. Koseck then pointed out that the upper left hand section shows a thin wall that extends up, as opposed to wrapping around. The elevation that faces to the north is even thinner yet and they both look as though they were glued onto the building.

Ms. Lazar thought perhaps Porsche could offer the applicant some latitude given the fact that they are rehabbing the building.

Mr. Lavery went on to state that parking is an important part of their operation. His experience has been that the parking standards are minimal for a car dealership. They have always utilized other parking spaces in addition to those that have been required on-site.

Mr. Daringowski explained the Porsche concept of a jewel box with all of the Porsches illuminated inside that box. Their flexibility for change is minimal, but they will work with the comments that have been made tonight.

The chairman took the discussion to members of the public at 8:25 p.m.

Mr. James Ellsman, owner of the building immediately to the north, expressed his concern that this building offers no consistency with the concept of the Triangle District. At the entrance point to the Triangle District only a one-story renovated building is being considered. He asked about the longevity of the project.

Mr. Ted Mitchell, the owner of the building, verified that the term of the lease is five years.

Mr. Williams noted this is an area of at times very high traffic congestion and people driving too fast. So he is not troubled by moving access to the building away from Elm, far away from the intersection, He doesn't think that many people will actually walk to the Porsche car dealership.

Mr. Clein was not in favor of giving up on the pedestrian. Rather, implementing the streetscape improvement standards in conjunction with moving the screenwalls should be considered.

Ms. Whipple-Boyce thought that Mr. Koseck's proposal makes a lot of sense; but that said, the main entrance is further east where the interior of the building is oriented. She thinks Mr. Lavery made it clear that rather than turning the three extra parking spots that aren't required into landscaping, he needs the parking. However, she agrees that the screenwall should be moved to the interior of the parking lot so that the pedestrian side gets all of the greenery. Landscaping might look better than benches along the sidewalk.

Chairman Boyle said he is glad to see that the applicant is coming in to improve this property. A little trees and grass doesn't really help the attractiveness of this particular piece of property. Benches are to be encouraged. This dealership should be vibrant, colorful, lit at night, and have a red, shiny Porsche on display.

Mr. Williams thought the reality is that a five-story building is not going to be built on that site right now. This proposal is a significant improvement over what exists.

Motion by Mr. Williams

Seconded by Mr. Clein that the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP to permit an auto sales agency and showroom at 834 Haynes with the following conditions:

- 1) The applicant adds a canopy tree to each of the two landscaped areas;**
- 2) The applicant moves the west facing screenwalls to expose the landscaped areas to the street; and**
- 3) The applicant install tree grates around street trees and implement sidewalk standards along Haynes and Elm.**

Mr. Koseck reiterated that the extended fascia doesn't return on itself and he thinks it will look weird from two vantage points. Mr. Lavery indicated they will certainly suggest that to Porsche. He thinks the return on Elm St. is more critical than the return on Haynes because the building to the east screens that side of the façade. Mr. Daringowski is sitting in the audience and will ultimately be involved in that decision. Mr. Williams was not inclined to make the return on the parapets a condition of his motion.

Mr. Koseck said he will not approve the motion because there are subtle things that can be done that would make huge improvements to the plan.

Ms. Whipple-Boyce expressed her feeling that it is important for the parapets to become part of the motion because as proposed they are unlikely to be attractive to the community. She cannot support the motion without that addition.

The chairman opened discussion to the audience at 9 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, said that as a resident of the City of Birmingham she hopes that the motion will include the suggestions that have been discussed in great detail tonight. Shame on the board if it doesn't.

Motion failed, 3-3.

VOICE VOTE

Yeas: Williams, Clein, Boyle

Nays: Koseck, Lazar, Whipple-Boyce

Absent: DeWeese

Motion by Ms. Whipple-Boyce

Seconded by Ms. Lazar based on review of the site plan submitted the Planning Board recommends approval of the applicant's request for Final Site Plan and SLUP to permit an auto sales agency at 835 Haynes with the following conditions:

- 1) The applicant adds a canopy tree to each of the two landscaped areas;**
- 2) The applicant moves the west facing screenwalls to expose the landscaped areas to the street;**
- 3) Install tree grates around street trees and implement sidewalk standards along Haynes and Elm; and**
- 4) Create returns on the parapet wall on both Haynes and Elm to disguise the bracing.**

Mr. Williams indicated he would vote in favor of the motion because he thinks the project needs to move forward. Mr. Koseck did not see the urgency. He was uncomfortable because the board has not been provided with readings or a floor plan.

There were no final comments from members of the public at 9:05 p.m.

Mr. Ziegelman said they would be more than happy to discuss improvements with staff.

Motion carried, 5-1.

VOICE VOTE

Yeas: Whipple-Boyce, Lazar, Boyle, Clein, Williams

Nays: Koseck

Absent: DeWeese

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 23, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 23, 2016. Board Member Robin Boyle convened the meeting at 7:33 p.m.

Present: Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Lisa Prasad, Daniel Share

Absent: Chairman Scott Clein; Board Members Bert Koseck, Gillian Lazar; Student Representative Colin Cusimano

Administration: Matthew Baka, Senior Planner
Brooks Cowan, Planning Intern
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

03-52-16

**SPECIAL LAND USE PERMIT ("SLUP") REVIEW
FINAL SITE PLAN REVIEW**

835 - 909 Haynes St., Fred Lavery Porsche/Audi

Request for a SLUP Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes St. to include 909 Haynes St. to allow an Audi sales facility for a maximum of one year.

The subject site is located on the north side of the street between Woodward Ave. and Elm St. The parcel is zoned B-2 General Business and MU-5 in the Triangle Overlay District. The applicant, Fred Lavery Co., owns the adjacent property to the west, 835 Haynes St., which received a SLUP in 2010 to operate a Porsche car dealership within the B-2 Zone and in the MU-7 Triangle District Overlay.

Mr. Baka advised that the applicant is conducting renovations to the existing Audi dealership at 34602 Woodward Ave., and wishes to amend its existing SLUP at 835 Haynes St. to temporarily include 909 Haynes St. The applicant is requesting temporary use of the first floor of 909 Haynes St. for office space and business operations for their Audi car dealership for no more than 12 months. Along with the proposed auto dealership sales office, there is an existing beauty spa on the second floor of 909 Haynes St.

Auto sales agencies require a SLUP to operate in the B-2 District. The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP Amendment and approval from the City Commission to expand the auto sales agency and showroom to temporarily include the property at 909 Haynes St. Accordingly, the applicant will be

required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP Amendment, and then obtain approval from the City Commission for the Final Site Plan and SLUP Amendment.

No new screening is proposed. The applicant is proposing to utilize the existing landscaping along the front property line as screening for the parking lot. All parking facilities must be screened in accordance with Article 4, section 4.53 of the Zoning Ordinance. A minimum 32 in. masonry screenwall is required. The ordinance does grant the Planning Board authority to approve landscaping in place of a screenwall.

Article 04 section 4.20 LA-01 states that the interior planting areas shall be located in a manner that breaks the expanse of paving throughout the parking lot interior. Each interior planting area shall be at least 150 sq. ft. in size, and not less than 8 ft. in any single dimension. Current landscaping is only located at the front of the property, and does not break up the expanse of the parking lot interior. ***The applicant must place landscaping plantings no smaller than 150 sq. ft., and not less than 8 ft. in any single dimension throughout the parking lot in a manner that breaks the expanse of paving throughout the parking lot interior, or obtain a variance from the Board of Zoning Appeals ("BZA").***

Article 04 section 4.20 LA-01 also states there shall be at least one canopy tree for each 150 sq. ft. or fraction thereof of interior planting area required. ***The applicant is required to plant five canopy trees ($745 / 150 = 4.9$) within the parking lot area, or obtain a variance from the BZA.***

Design Review

No changes to the facade are proposed.

Signage Review

The applicant has applied to add four signs to the west wall of 909 Haynes St. This includes a 23.28 sq. ft. Audi symbol, a 6.83 sq. ft "Audi" sign, a 17.27 sq. ft. "Fred Lavery" sign, and a 20 sq. ft. "Spa Mariana" sign. On the east facing wall, one 20 sq. ft "Spa Mariana" sign is proposed. The total amount of signage proposed is 87.38 sq. ft. The 909 Haynes St. building has 40 ft. of street frontage; therefore a cumulative of 40 sq. ft. of signage is allowed on site as per the Birmingham Sign Ordinance, Business Sign Standards, Table B. **The applicant has been informed that they will be required to reduce the total amount of signage on the site to no more than 40 sq. ft.** They have indicated that they intend to comply with the requirements of the Sign Ordinance and have asked permission to apply for sign approval administratively. **The Planning Division suggests that the Planning Board require that the applicant submit a proposal that is compliant with the Sign Ordinance prior to appearing before the City Commission for final approval.**

Mr. Share indicated he is having trouble conceptualizing where interior plantings would go in a parking lot with this configuration, other than perhaps in the far right corner. Mr. Baka responded that requirement is part of Article 4 Development Standards. Chairman Boyle did not think landscaping in the middle of the parking lot makes sense; but he did think screening, preferably a wall, would be appropriate.

Mr. Bob Ziegelman, Luckenbach Ziegelman Architects, clarified that the temporary use is for office space for the dealership. He assumed the SLUP itself would be permanent. Mr. Baka responded the request was for a 12 month temporary SLUP. Ms. Ecker added that right now the SLUP only includes the Porsche site. This request would expand it to include the 909 Haynes St. building only for a period for up to one year. Mr. Lavery had told the City he only needed to use that site for a period of approximately nine months while renovations are going on at the Woodward Ave. site. Mr. Ziegelman explained that his belief was that Mr. Lavery was seeking a permanent SLUP and the board should consider that request. Mr. Baka replied that the application form did not request approval for a permanent SLUP. Ms. Ecker also stated that the request was noticed as a temporary SLUP and thus could not be amended to a request for a permanent SLUP without be renoticed in the newspaper and to the surrounding property owners.

Chairman Boyle said that in order to grant a permanent SLUP the Planning Board would need to see a site plan indicating the permanent use of the building. Mr. Ziegelman indicated there is nothing planned now. Mr. Share explained they cannot have a permanent SLUP in the abstract. It must be linked to a permanent use. If they have no idea what the permanent use is, there is no reason to apply for a permanent SLUP.

Consensus was that Mr. Ziegelman should talk to Mr. Lavery in order to clarify his intention.

Motion by Mr. Williams

Seconded by Mr. Share to postpone consideration of the Special Land Use Permit Review and Final Site Plan Review for 835 - 909 Haynes St., Fred Lavery Porsche/Audi to April 27, 2016.

There were no comments from the public at 9:10 p.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Clein, Koseck, Lazar

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 27, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 27, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Lisa Prasad, Janelle Whipple-Boyce; Student Representative Colin Cusimano

Absent: Board Member Bryan Williams; Alternate Board Member Daniel Share

Administration: Matthew Baka, Senior Planner
Brooks Cowan Asst. Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

04-73-16

UNFINISHED BUSINESS

Special Land Use Permit ("SLUP") Review

Final Site Plan Review

835-909 Haynes

Fred Lavery Porsche/Audi

Request for a SLUP Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes to include 909 Haynes to allow an Audi sales facility for a maximum of one year. (postponed from March 23, 2016)

Mr. Baka noted the subject site is located on the north side of the street between Woodward Ave. and Elm St. The parcel is zoned B-2 General Business and MU-5 in the Triangle Overlay District. The applicant, Fred Lavery Co., owns the adjacent property to the west, 835 Haynes St., which received a SLUP in 2010 to operate a Porsche car dealership within the B-2 Zone and MU-7 in the Triangle District Overlay.

The applicant is conducting renovations to the existing Audi dealership at 34602 Woodward Ave., and wishes to amend its existing SLUP at 835 Haynes St. to temporarily include 909 Haynes St. while the building on Woodward Ave. is being renovated. The applicant is requesting temporary use of the first floor of 909 Haynes St. for office space and business operations for their Audi car dealership for no more than 12 months. Along with the dealership, there is an existing beauty spa on the second floor of 909 Haynes St., Spa Mariana.

The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP Amendment and approval from the City Commission to expand the auto sales agency and showroom to temporarily include the property at 909 Haynes St.. Accordingly, the applicant will be required to receive a recommendation from the Planning Board on the Final Site Plan and SLUP Amendment, and then obtain approval from the City Commission for the Final Site Plan and SLUP Amendment.

On March 23, 2016 the Planning Board reviewed the proposal to temporarily expand the SLUP to include 909 Haynes for one year. However, at that time the architect indicated that the property owner would like the expansion to be permanent. The Planning Board and Planning Staff indicated that a permanent expansion would not be considered without the level of details normally provided for a SLUP Amendment. The applicant was postponed until the April 27, 2016 meeting to allow them time to consider how they wished to proceed. The applicant has now indicated that they intend to proceed with the temporary proposal and apply at a later date for a permanent expansion of the SLUP.

The applicant is now proposing to install the five (5) required canopy trees and create three (3) new landscaped areas in the interior of the parking lot. The applicant must provide the dimensions of the landscaped areas to determine if they meet the size requirements mandated by the Zoning Ordinance.

The applicant is not proposing any changes to the existing streetscape. The current streetscape in front of the subject building does not match the Triangle District standard as installed on the Porsche site.

The design for the building on Woodward Ave. has been approved by the Design Review Board and the applicant is getting ready to start the renovations.

Design Review

No changes to the facade are proposed.

Signage Review

The 909 Haynes St. building has 40 ft. of street frontage; therefore a total of 40 sq. ft. of signage is allowed, per the City of Birmingham's Sign Ordinance. The applicant has revised their signage proposal to bring the amount of signage down to 40 sq. ft. so that it complies with the regulations of the Sign Ordinance.

Ms. Ecker explained that because there were violations going on with the storage of vehicles, Code Enforcement went out, but enforcement activities have been put on hold until it is determined if the temporary SLUP is feasible.

Mr. Fred Lavery noted they will not display cars in the building; it will only contain offices for the sales staff and sales manager. They will probably park their demonstrators in the spaces that are not required to meet the parking requirement for

the building. The Audi building on Woodward Ave. is being renovated to Audi's current corporate image.

Chairman Clein called for public comments at 8:32 p.m.

Mr. James Ellsman business owner at 635 Elm, asked if the approval of an amended SLUP is a guarantee that the Triangle District restrictions against car dealerships is waived. Ms. Ecker clarified the Triangle District doesn't prohibit the use for car sales agencies, but it only allows it with the strict control and regulation of a SLUP because of the potential impact on the neighborhood. In this case the car dealership is only requesting approval for a period of one year.

Mr. Koseck commented that this is not his vision for the Triangle District. By granting this request it takes the property out of contention for other developments over the next 12 months. After the temporary SLUP amendment has expired he will not support this because the property has a higher and better use. Mr. Lavery responded that a seven story building cannot be constructed on this property without public parking. Only when public parking becomes available will there be a higher and better use for this property. Therefore, the proposed use bridges the gap so he doesn't have a \$7 or \$8 million investment that produces no visible revenue stream until public parking gets approved and constructed.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP Amendment to the City Commission to allow the temporary expansion of the auto sales agency and showroom for up to one (1) year at 835 Haynes to include 909 Haynes with the following condition:

- **Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.**

There were no comments on the motion from members of the audience at 8:40 p.m.

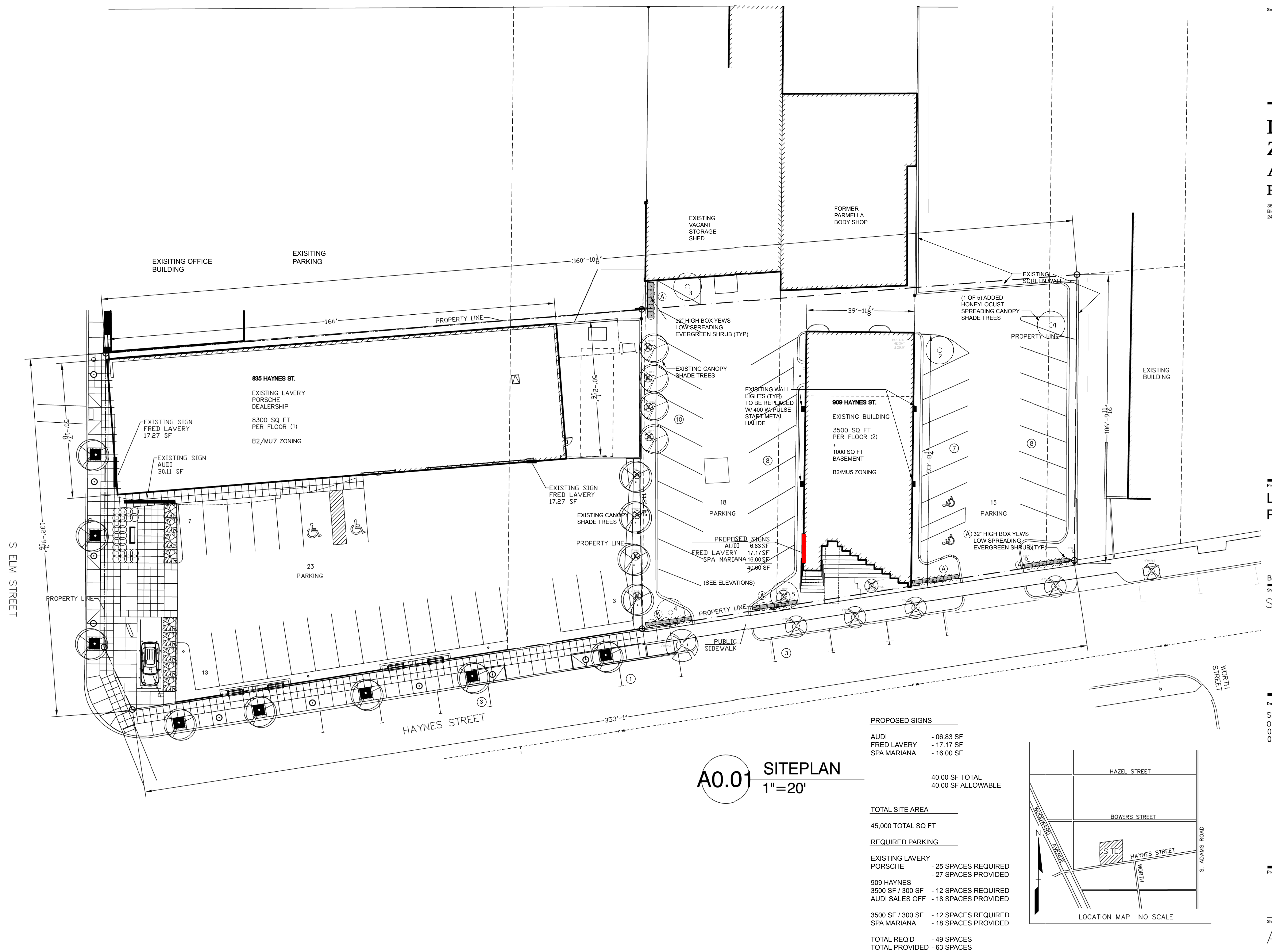
Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Whipple-Boyce, Boyle, Clein, Jeffares, Koseck, Lazar, Prasad

Nays: None

Absent: Williams



STRUCTURE TABLE

- 1 STORM CATCH BASIN
RIM = 758.14
6" VCP W INV = 755.58
- 2 STORM CATCH BASIN
RIM = 758.13
6" VCP INV E = 754.93
- 3 WATER MH
RIM = 757.99
TOP OF PIPE = 754.64
- 4 SANITARY MH
RIM = 757.83
48" CONC N INV = 746.13
48" CONC S INV = 745.83
48" CONC W INV = 746.23
- 5 STORM CATCH BASIN
RIM = 757.51
12" PVC S INV = 754.88
- 6 STORM MH
RIM = 757.86
12" PVC N INV = 754.56
12" CONC W INV = 752.71
12" CONC S INV = 752.76
- 7 STORM CATCH BASIN
RIM = 757.57
12" CONC N INV = 753.32
- 8 COMBINED S/ST MH
RIM = 758.86
48" CONC N INV = 747.41
48" CONC S INV = 746.66
8" VCP NE INV = 751.51
12" CONC W INV = 753.26

SITE BENCHMARK NGVD 88 DATUM

- SBM 201 = 760.84
TOP OF IRON IN
4" CONC MON
NE COR BOWERS &
ELM
- SBM 200 = 760.79
TOP OF IRON IN
4" CONC MON
NE COR BOWERS &
ELM

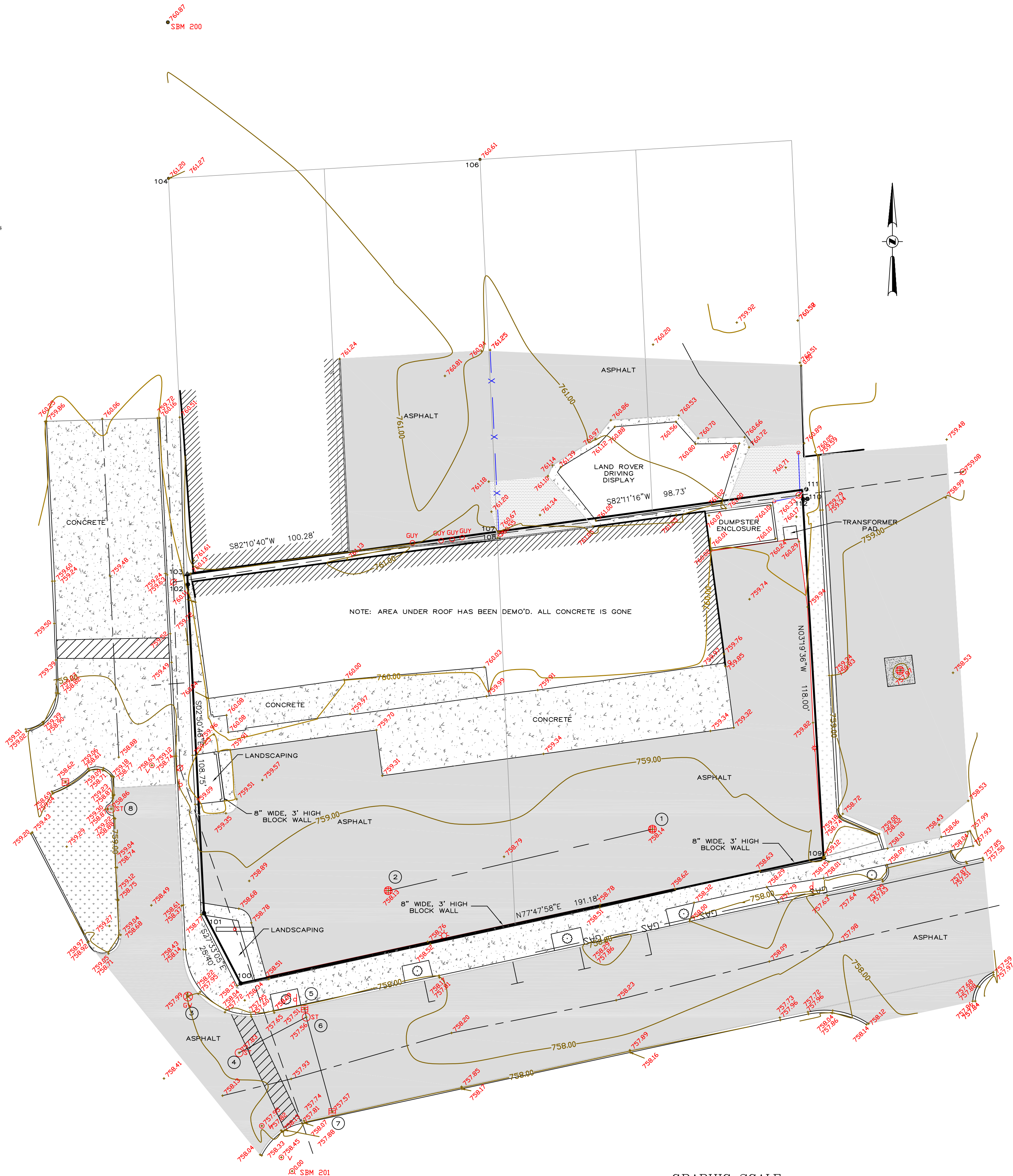
PROPERTY CORNER TABLE

- 100 = 1/2" FIR
MAHIDA 17806
101 = 1/2" FIR IN
WALK
102 = 1/2" FIR
MAHIDA 17806
103 = 1/2" FIR
TIGHE 27462
104 = 1/2" FIR
TIGHE 27462
105 = 1/2" FIR
TIGHE 27462
106 = 1/2" FIR
MAHIDA 17806
107 = 1/2" FIR
TIGHE 27462
108 = 1/2" FIR
MAHIDA 17806
109 = 1/2" FIR
TIGHE 27462
110 = 1/2" FIR
MAHIDA 17806
111 = 1/2" FIR
MAHIDA 17806
112 = 1/2" FIR
TIGHE 27462

EXISTING FEATURES LEGEND

- MAH - MAH NAIL
SIR - SET IRON ROD & CAP PLS 44284
FIR - FOUND IRON ROD
MON - MONUMENT
DECIDUOUS TREE
CONIFER TREE
SOIL EVALUATION DIG
SURVEY TRVERSE POINT
SIGN
UTILITY POLE
LIGHT POLE
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
STORM SEWER ROUND CATCH BASIN
STORM SEWER SQUARE CATCH BASIN
TELEPHONE PEDESTAL
HYDRANT
GATE VALVE
GATE VALVE & WELL
CLEANOUT
GAS RISER/VALVE
GUY ANCHOR
GUY METER
ELECTRIC METER
GAS VALVE
MONITORING WELL
MAIL BOX
BOLLARD
WATER VALVE
UNDERGROUND GAS
ATT - UNDERGROUND TELEPHONE
ST - STORM SEWER
W - WATER MAIN
S - SANITARY SEWER
E - OVERHEAD ELECTRIC
C - OVERHEAD CABLE
T - OVERHEAD TELEPHONE
TOP OF SLOPE
SITE BENCH MARK

- ASPHALT
CONCRETE
GRAVEL
GRASS



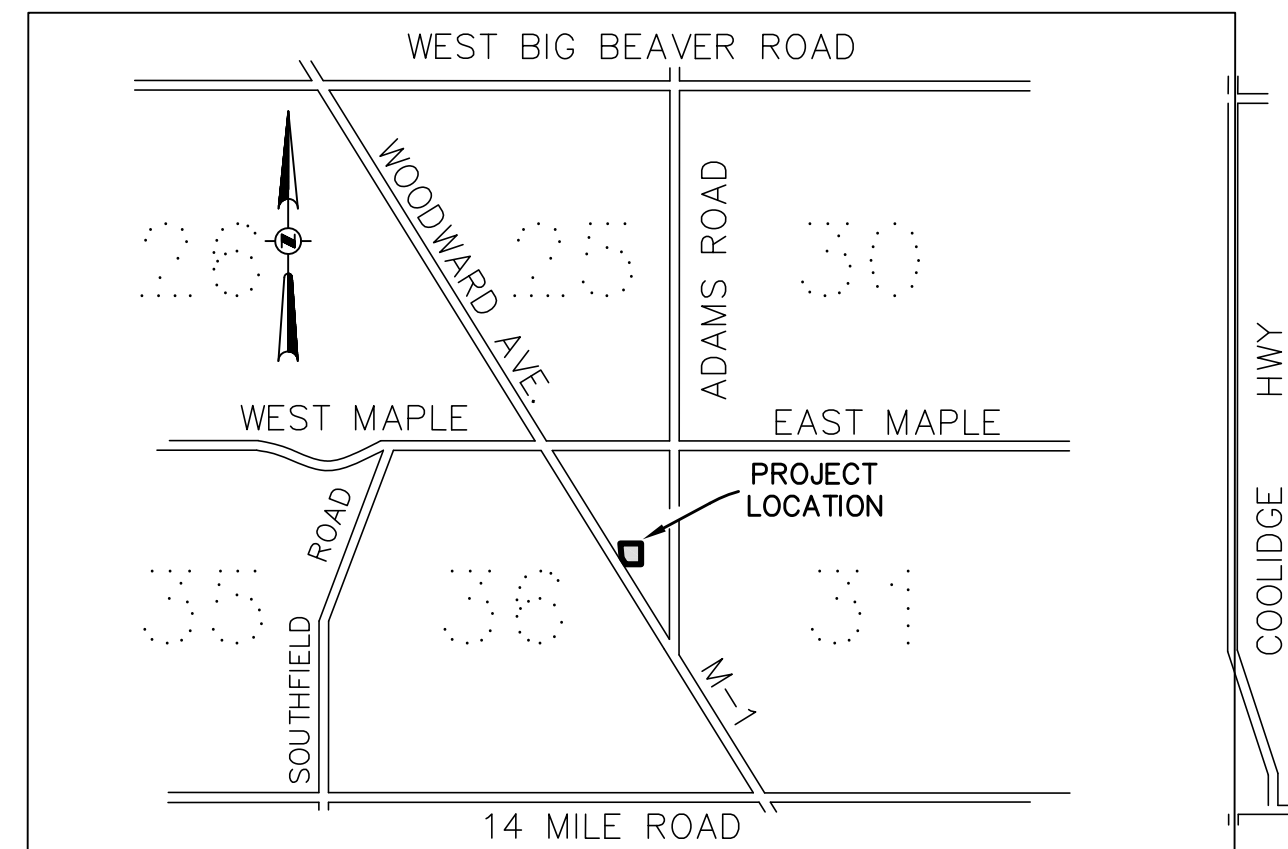
ZONING CLASSIFICATION

THE SUBJECT PROPERTY IS CLASSIFIED AS
B2/MU-7 - GENERAL BUSINESS MIXED USE
7.
ZONING INFORMATION SHOWN BELOW
WAS TAKEN FROM:
**BIRMINGHAM, MICHIGAN, TRIANGLE
DISTRICT OVERLAY - ARTICLE 3.08,
PARAGRAPH C.**
SETBACKS:
FRONT - 0' MINIMUM
SIDE - A ZERO SIDE SETBACK WITH WALLS
FACING SIDE LOT LINE THAT DO NOT
CONTAIN WINDOWS.
SIDE - 10' FOR WALL THAT CONTAIN
WINDOWS
REAR - N/A

MAXIMUM HEIGHT OF BUILDINGS:
34' AND 3 STORIES MINIMUM.
90' AND 7 STORIES MAXIMUM.
FOR SLOPED ROOFS, THE EAVE LINE SHALL
BE NO MORE THAN 82 FEET AND THE ROOF
PEAK SHALL BE NO MORE THAN 94 FEET.
ADDITIONAL 24 FEET AND/OR 2 STORIES OF
BUILDING HEIGHT ALLOWED IF REQUIREMENTS
OF SUBSECTION E ARE MET.
THE FIRST STORY SHALL BE A MINIMUM OF
14 FEET IN HEIGHT, FLOOR TOPLOOR.

LEGAL DESCRIPTION

Lot 3 EXCEPT that part taken for HIGHWAY, all
of Lot 4 and 5, Also Lot 6 EXCEPT Ely, part
beginning at the N.E. Lot Corner, thence West
1.35 ft. along North Lot Line, thence S'ly 65.50
ft. parallel to the East Lot Line, thence S.E.ly
52.89 ft. to the S.E. Lot Corner, thence N'ly
along Lot Line to the point of beginning;
BOWER'S ADDITION to the City of Birmingham,
Oakland County, Michigan, Plat recorded in
LIBER 8, PAGE 26, Oakland County, Michigan.
SUBJECT to easements and restrictions of
record. Said property is not within the limits of
a flood plain.



LOCATION MAP
NOT TO SCALE

ENGINEERS - SURVEYORS - CONSULTANTS -
LANDSCAPE ARCHITECTS - LAND PLANNERS
P.O. BOX 1039
SOUTH GRAND AVE.
BIRMINGHAM, MI 48206
(OFFICE) 313-223-3512
(FAX) 313-223-9887
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CLIENT :
LUCKENBACH/ZIEGLMAN ARCH, PLLC
36800 WOODWARD AVE
SUITE 1000
BLOOMFIELD HILLS, MI 48304
248-644-0600

TOPOGRAPHICAL SURVEY

835 HAYNES
BIRMINGHAM, MICHIGAN

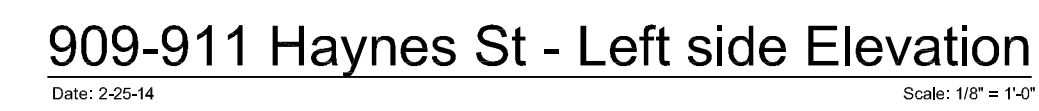
DATE	
REVISIONS	

CONT. INT.: 1 FOOT
FIELD : ND-MB
V. SCALE : NA

SCALE: 1"=20'

JOB# : 11-016

DRWG. by : AWP
CHECK : AP
DATE : 3-31-11
FILE : 11-016TOPO.DWG
SHEET : 1 OF 1



Sheet Number

A0.02



VIEW FROM HAYNES ST.



VIEW FROM BOWERS ST.



VIEW FROM HAYNES ST.



LOOKING WEST ON HAYNES ST.



LOOKING EAST FROM PORSCHE BUILDING TO BARDHA BUILDING

**Luckenbach
Ziegelman
Architects
PLLC**

3080 Woodward Suite 100
Birmingham, AL 35204
(205) 944-0500

Project
**LAVERY
PORSCHE**

BIRMINGHAM, AL

Date Issued
SLUP SUBMISSION
02.01.16
04.13.16

Project Number
1007

Sheet Number
A0.03



HAYNES STREET



LOOKING NORTH ON HAYNES STREET



Howard Lighting LFL-400-PS-4T-A - 400 Watt Pulse Start Metal Halide Flood Light W/ U-Bracket



Product Overview

- Die-Cast Housing With Hinged Door Frame For Easy Re-Lamping
- Refined Bronze Finish
- Tempered Glass Lens
- UL Listed 0W Location
- 2 Year Warranty & Made in USA

Specifications

Manufacturer	Howard Lighting
Model Number	LFL-400-PS-4T-A
Voltage	Quick Tap (120, 208, 240, 277V) Volts
Lamp Capacity	400 Watt Pulse Start Metal Halide (included)
Lamp Hours	75,000
Lumens	40,000
Housing	Refined Bronze Die-Cast Housing With Hinged Door Frame For Easy Re-Lamping
Lens	Tempered Glass
Listing	UL Listed 0W Locations
Mounting Type	U-Bracket
Ballast Type	PS-CDS
AKS	AKS-DL
Depth	6.89"
Width	10.3"
Height	46.3"
Weight	33.0 lbs
Warranty	2 Year

Luckenbach
Ziegelman
Architects
PLLC

30802 Woodward Suite 100
Birmingham, AL 35244
(205) 944-0800

Project
LAVERY
PORSCHE

BIRMINGHAM, AL

Sub Number
SLUP SUBMISSION
02.01.16
04.13.16

Project Number
1007

Sub Number
A0.04



MEMORANDUM

Planning Division

DATE: May 12, 2016

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: To set a Public Hearing for 404 Park, Parcel #1925451021, lots 66 and 67 of Oak Grove Addition – Application for Rezoning from R-2 Single Family Residential to TZ-1 Transitional

On April 27, 2016, the Planning Board conducted a public hearing to discuss a request by the applicant to rezone the property located at 404 Park Street, Parcel #1925451021, lots 66 and 67 of Oak Grove Addition from R-2 Single Family Residential to TZ-1 Transitional. The subject site is currently vacant, and has been since 1989 when a single family home was demolished by the previous owner. The applicant proposes to construct a new attached single family building on the site, and is seeking the rezoning to allow attached single family based on the recommendations of the Oakland/Park Subarea Plan. After much discussion regarding the history of this site, the Planning Board voted unanimously to recommend approval of the rezoning to the City Commission.

Accordingly, the Planning Division requests that the City Commission set a public hearing date for **June 27, 2016** to consider the rezoning of the property at 404 Park Street, Parcel #1925451021, lots 66 and 67 of Oak Grove Addition from R-2 Single Family Residential to TZ-1 Transitional. Please find attached the staff report presented to the Planning Board, along with a history of prior rezoning applications for this property, and meeting minutes from recent hearings on the subject property. In addition, please find attached letters received from surrounding property owners, and a letter from the City Attorney on spot zoning.

SUGGESTED ACTION:

To set a public hearing date for **June 27, 2016** to consider rezoning the property at 404 Park Street, Parcel #1925451021, lots 66 and 67 of Oak Grove Addition from R-2 Single Family Residential to TZ-1 Transitional.



MEMORANDUM

Planning Division

DATE: April 19, 2016

TO: Planning Board

FROM: Jana L. Ecker, Planning Director

SUBJECT: 404 Park, Parcel #1925451021, lots 66 and 67 of Oak Grove addition – Application for Rezoning from R-2 Single Family Residential to TZ-1 Transitional Zone.

In accordance with the requirements of the Zoning Ordinance the property owner of Parcel #1925451021, being lots 66 and 67 of Oak Grove addition, commonly known as 404 Park, is requesting that the Planning Board hold a public hearing to consider the rezoning of said property from R-2 (Single-Family Residential) to TZ-1 (Transitional Zone). 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.

The subject property is currently vacant. The property has been vacant since 1989 when a previously existing single family home was razed.

History of Planning Board Review

The subject parcel has been considered for rezoning three times; in 1960, 1988, and 2013. The application was denied on all three occasions. Relevant meeting minutes and City records from previous applications have been included with this report.

Most recently, the subject property was discussed by the Planning Board on September 19, 2012 for a proposed contract rezoning request to allow development of a multi-family residential building with 14 units on the existing vacant site. After much discussion, the Planning Board voted to postpone the matter to give the applicant time to amend the plans to address the comments of the Planning Board and to meet with the neighbors to address their comments as well. Comments from the neighbors including requesting an Oakland Avenue access drive, a reduction in density, an increase in the front and north side setbacks, a concern regarding guest parking and concerns over renters living in the neighborhood. Specifically, the Planning Board agreed there was strong support for residential uses on the site, but board members identified the following concerns with the proposed building design:

- (1) Access to the site for residents should be located on Oakland Avenue, not Park Street;
- (2) The height of the building should be reduced, and the applicant should consider designing the building with the tallest portions for the loft spaces facing Oakland, not the rental home to the north;
- (3) The applicant should consider reducing the density of the proposed building; and
- (4) The applicant should meet with the neighbors to address their concerns.

After September 19, 2012, the applicant met with the neighbors on two occasions, and amended their site plan and building design to address the concerns of the neighbors and the comments of the Planning Board. On November 14, 2012, the applicant appeared again before the Planning Board. The applicant continued to propose contract rezoning to B2C, with the voluntary restriction to allow only residential uses on the site. If approved, no commercial uses would be permitted on the site now or in the future unless the property was rezoned. The applicant had amended the original plans to address all of the concerns addressed by the Planning Board at the September meeting. Specifically, the applicant:

- (1) Relocated resident vehicular access to the site to Oakland Avenue from Park Street as requested by both the neighbors and the Planning Board;
- (2) Reduced the height of the building from 42.6' to 36' in height and removed the proposed loft spaces entirely to reduce the height and mass of the building as requested by the Planning Board;
- (3) Reduced the density of the building from 14 units to 11 units as requested by both the neighbors and the Planning Board;
- (4) Added two on-site guest parking spaces under the building to address the issue of guest parking as requested by the neighbors;
- (5) Increased the front setback along Park Street adjacent to the rental house to the west from 3' to 15' as requested by the neighbors; and
- (6) Increased the northern side setback adjacent to the rental house to the north from 14' to 15'.

In addition, the Planning Division provided a Draft Zoning Summary Sheet based on a request of one of the Planning Board members, in order to determine if any variances would be needed should this rezoning be approved.

When the applicant appeared at the November 14, 2012 meeting, they presented further revised plans detailing a 6 unit row house concept. After much discussion, and extensive public input, the Planning Board voted to continue the public hearing to January 9, 2013. The following items were requested by the Planning Board to be provided for the January 9, 2013 meeting:

- (a) A draft of the terms of the contract volunteered by the applicant as reviewed by Mr. Currier;
- (b) A rendering of the proposal with elevations showing how it would fit on the site with the adjacency to the neighbors to the south, to the north, and to the west;
- (c) A meeting with residents so they know what is being proposed.
- (d) A letter of opinion from the city attorney outlining the nature of contract zoning and what precedent it creates for similarly situated properties within the neighborhood;
- (e) A review of residential zoning in other zone districts and what they would generally allow; and
- (f) A history of rezoning to R-7 and R-8 on Brown St.

The applicant conducted another meeting with the neighbors on the evening of January 3, 2013. This meeting was originally scheduled for December 2012, but was postponed at the request of the neighbors.

Accordingly, on January 9, 2013, the applicant again appeared before the Planning Board, with a revised 2.5 story row house design (with a total of 6 units) showing the relationship of the proposed building with the surrounding buildings. The Planning Board voted 4 to 2 in favor of recommending the conditional rezoning request to the City Commission (one Planning Board member recused themselves from voting on this matter).

On February 25, 2013, the City Commission held a public hearing on the proposed conditional rezoning of the subject property from R-2 to B2C, with the condition that only residential uses would be permitted on the site. After much discussion by members of the public and the City Commissioners, the City Commission denied the rezoning request without prejudice, and directed the Planning Board to study the site as it should be addressed as it is an unusual transition zone. The City Commission asked the Planning Board to study both the vision for this area in the future, and whether or not contract zoning should be permitted.

Accordingly, the Planning Board sought approval for and hired a planning consultant to conduct a study of the Oakland and Park area to study existing conditions, and to develop a vision and plan for the future. The Oakland/Park Subarea Study was completed by LSL Planning in the spring/summer of 2013 (please see attached plan). With regards to 404 Park Street, the study found that attached, owner-occupied residential units, with approximately 4 units per building, would be the most appropriate use for the site which acts as a transition from the high density, mixed use central business district on the south side of Oakland and the residential neighborhood to the north. Several other parcels within this subarea were identified as transitional parcels as well between the central business district and the Little San Francisco neighborhood.

After reviewing the LSL study, the Planning Board determined that 404 Park was only one of many transitional parcels in need of further study throughout the city. Accordingly, over the next several years, the Planning Board embarked on a study to identify all of the transitional parcels located within the City, and to create new transitional zoning districts to address the unique characteristics of these sites, and corresponding development standards.

On June 24, 2015, the Planning Board conducted a public hearing on the proposed transitional zoning ordinance amendments, as well as the potential rezoning of numerous parcels throughout the City to TZ-1, including 404 Park Street. After much discussion on all of the proposed zoning amendments and properties considered for rezoning, the Planning Board voted to recommend approval of the creation of TZ-1, TZ-2 and TZ-3 Transitional Zoning districts to the City Commission, and voted to recommend approval of many properties for rezoning to these new districts. Specifically, the Planning Board voted to recommend to the City Commission that 404 Park Street be rezoned to TZ-1 Transitional Zone to allow development of the property with attached single-family units.

Finally, on September 21, 2015, the City Commission approved the creation of both the TZ-1 and TZ-3 Transitional Zoning districts, and approved the rezoning of several properties into these new zoning classification. With regards to 404 Park, the City Commission discussed rezoning the site to TZ-1 as recommended by the Planning Board, but a motion to do so failed as several commissioners felt that adjacent properties along both Oakland and Park Street should also have been included for consideration of rezoning to TZ-1.

Current Request for Rezoning from R-2 to TZ-1

At this time, the applicant is seeking a rezoning of the subject property from R-2 Single Family Residential to TZ-1 Transitional Zone, as originally recommended by the Planning Board on June 24, 2015.

The requirements for a request for the rezoning of a property are set forth in Article 07 section 7.02 B 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.**

Response

- Rezoning to TZ1 would allow the Subject Property to be developed in a manner consistent with the 2016 Plan goals.*
- The Planning Department has previously advised the Planning Board that development of the Subject Property as a single family home "has proven improbable."*
- The Subject Property is bound by three major streets.*
- The side facing Woodward does not have screening.*

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

Response

- The existing Zoning should be updated so that a residential use can be built that complies with TZ-1 District Intent and the 2016 Plan.*
- The development of the Subject Property would be pursuant to an ordinance that was enacted to establish, encourage and foster buffers between commercial and residential areas.*
- Redevelopment of Subject Property as a single family residence does not accomplish any of the important goals of the TZ-1 Zoning District or the goals of other land use plans which are the basis for the Zoning Ordinance.*

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

Response

- It will protect the single family neighborhood to the north by providing a clear buffer between traditional single family uses and commercial uses.*
- It will allow for the development of a modern and attractive residential structure.*
- The contemplated plans for the Subject Property are at a height, density, and aesthetic that coordinates with the surrounding properties.*

- *The intended use developed in a modern way is a great improvement over its current vacant condition.*

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

The Applicant has submitted a plot plan as a part of their application package including all of the necessary requirements.

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 current master plan and the City's 2016 Plan.
- b. Existing uses of property within 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.

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.

Departmental Reports

1. Engineering Division – No concerns were reported by the Engineering Division.
2. Department of Public Services – No concerns were reported from DPS.
3. Fire Department – No concerns were reported from the Fire Dept.
4. Police Department - No concerns were reported from the Police Dept.
5. Building Division – No comments have been provided by the Building Department at this time.

Planning Division Analysis and Recommendations

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

The Birmingham Plan, 1980 identifies the R-2 area surrounding the subject parcel in the Birmingham Future Land Use plan as a "Sensitive Residential Area" that should be protected against non-residential encroachment. Specifically, The Birmingham Plan states:

"Because of its proximity to the downtown area and the fact that it is surrounded by Hunter Boulevard and Woodard Avenue, **the neighborhood may be under repeated pressure for piecemeal rezoning to non-residential use.** Such rezoning could destroy the area's sound residential character and result in a deterioration of property values for remaining homes. **(Emphasis added.)**

Thus, The Birmingham Plan advises that the residential area north of Oakland remain as residential, and should be protected from commercial encroachment.

Portions of the Downtown Birmingham 2016 Vision Statement relevant to the proposed rezoning of 404 Park state:

The Downtown Birmingham 2016 Master Plan must:

- Strengthen the spatial and architectural character of the downtown area and ensure buildings are compatible, in mass and scale, with their immediate surroundings and the downtown's traditional two to four story buildings.
- Ensure good land use transitions and structural compatibility in form and mass to the traditional, residential neighborhoods surrounding downtown.

The proposed TZ-1 Transition Zone would only allow attached single family residential uses, and would not allow any commercial uses if the rezoning was approved.

The TZ-1 Transition Zone was established to provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single family residential areas or

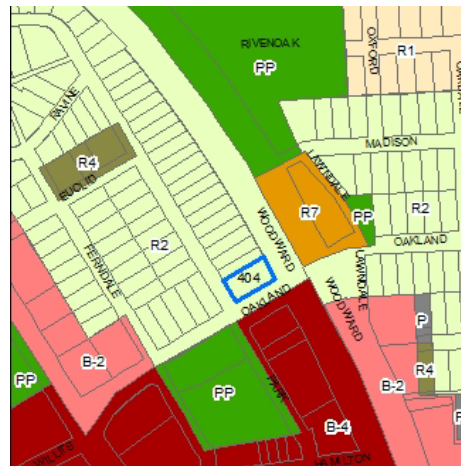
for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single family residential areas. The subject property has direct access to a major traffic road and is located between major streets and the residential neighborhood to the north.

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

The existing uses within the general area of the Subject Property include Single-Family Residential and Multiple-Family Residential to the north, Single-Family Residential and General Business to the west, Public Parking and Business-Residential to the south and General Business, Single-Family Residential, and Multiple-Family Residential to the east.

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

The current zoning classifications of the property in the general area are R-2 and R-4 to the north, R-2 and B-2 to the west, B-4 and PP to the south, and B-2, R-2, and R-7 to the east.



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

The existing zoning of the property is R-2, Single-Family Residential. The vacant subject parcel is situated with frontage on three streets, two of which carry significant amounts of traffic, Woodward and Oakland. While a single family home can be built on the property, the applicant makes the case that having the side yard and rear yard exposed to the two high traffic streets is a detriment to the safety and privacy of any single family home that may be built there. This is evidenced by the fact that the parcel has been vacant since 1989 and available for purchase yet a willing buyer has not come forward to develop the property as a single family home.

As discussed above, the subject property was a part of the Oakland/Park Subarea Study completed by LSL Planning in 2013. The Oakland/Park Subarea Study stated the following with regards to 404 Park Street:

While Birmingham has a strong single family market, we do not believe this site can be expected to redevelop as a single family home due to site factors (location, shallow lot depth along Oakland, lack of screening along Woodward, views of multi-story buildings across Oakland, and traffic volumes along Oakland). These site characteristics are unique only to this lot. Under these conditions, attached, owner-occupied residential units (approximately 4 units per building) seem to be the most appropriate use.

Thus, the most recent study of the Oakland/Park Subarea found that 404 Park was a unique site with numerous challenging conditions that would not be favorable for the development of a single family home. Rather, this study recommends attached single-family residential uses to protect the residential neighborhood to the north, to minimize impacts from parking facilities and to strengthen Oakland as a gateway into Downtown.

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.

The general area in question is currently fully developed and unlikely to be re-developed in the near future. The single family homes to the north and west are stable and unlikely to change in the future. The adjacent area in the overlay to the south is zoned to go up to 5 stories. The existing office buildings and parking structure are well maintained and unlikely to be redeveloped in the immediate future.

Recommendations

The Oakland/Park Subarea Study completed by LSL Planning in 2013 provided the following specific recommendations for the site at Oakland and Park known as 404 Park:

The dimensional characteristics, parcel configurations, proximity to the downtown and location along higher volume streets will influence the potential development. **Our recommended approach would be to allow modest density, attached residential types (4-unit buildings) at a density higher than what is allowed in the R-2 district, to be offset to some degree with higher quality screening and overall development quality.** The following discuss the various ways that this could be achieved and our suggested approach:

1. **Grant Variances.** The City has the authority to grant variances of the dimensional and use restrictions in the Zoning Ordinance. Use and dimensional variances should only be issued in extremely unusual cases, and should be avoided where the desired redevelopment is expected to require several variances. In this case, the shape of the parcel alone does not prevent development into single-family homes according to the requirements of the R-2 district. However, there are some physical factors that make development of a single family home questionable. We believe an alternative development option, attached single-family units, is more reasonable and can serve as a buffer for the adjacent residences. A use variance, along with dimensional variances, is an

option. Even if the property owner can demonstrate there is a “demonstrated hardship” to warrant a use variance, such a procedure is often not viewed as a good policy approach.

2. Rezone the Property. Rezoning of the site from R-2 to a higher intensity designation, such as the R-8 zoning district would allow additional uses including multiple-family uses, but not commercial uses, which can help alleviate concern from the neighborhood residents. In addition, the dimensional requirements are less than those in the R-2. Particularly, the minimum lot size is reduced to 3,000 s.f., the rear setback is reduced to 20', and open space and lot coverage requirements are eliminated, which could accommodate more intense uses. They could also, however, create a development that, without performance standards, may not achieve the compatibility, transitions and buffers desired for this site.

3. Establish a New District or Overlay. The recommended approach is to develop a new, urban residential district that could be applied to select sites in anticipation of redevelopment. The provisions could apply if sites are rezoned, or it could be applied as an overlay. The primary benefit of this option is that the City can establish the provisions it feels appropriate for these sites rather than trying to force them into an existing district. Key aspects of this district could include:

a. Shifting of the approval focus from the dimensional requirements to a set of performance based standards. If chosen, standards including but not limited to the following should be included:

1) The development includes building heights, screening and landscaping that consider adjacent land uses and development patterns to ensure proper transition to nearby residential neighborhoods; and

2) The development provides an alternative housing type not typically found in the City, such as senior housing, attached single-family, or other targeted types.

b. Because the conditions of the 404 Park Area are not specific to that study area, applicability provisions could be included to allow this district to be applied to other sites that either:

1) Abut both a single-family residential district and a non-residential district, or

2) Are located along a major non-residential road that abuts a single family district.

c. Specific standards of the district should include design considerations such as:

1) Additional screening standards for transitional sites, such as inclusion of additional landscaping, building step-backs, and other provisions that we expect will be needed;

2) Additional parking location options, which are limited to on-site facilities in the R-2 district; and

3) Maximum illumination levels, limits on late-night activity, noise restrictions or other standards that may help protect nearby residents.

- 4) Incentives or other market-based zoning approaches that are more likely to result in the development activity that is desired.
- d. A development agreement should be required with each approval, to detail the parameters for development relative to the specific conditions and factors for each site.

In accordance with the recommendations contained in the Oakland/Park Subarea Study noted above, the Planning Board conducted a study of 404 Park and other such transitional properties throughout the City, and developed three new transitional zoning classifications limiting use, mass, scale and hours of operation, as well as incorporating specific development standards to address buffering issues, landscaping, lighting and screening. Specifically, the intent of the TZ-1 Transition Zone is outlined in Article 2, Section 2.41 of the Zoning Ordinance is as follows:

- A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.
- B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
- C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.
- D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
- E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.
- F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

The property at 404 Park Street clearly has direct access to a major traffic road, and is located between major traffic roads and a residential area, and thus qualifies as a transitional property that should be zoned TZ-1 to protect and preserve the integrity of the residential area to the north by allowing a graduated attached single family use to transition from the mixed use downtown to the adjacent neighborhood. On June 24, 2015, the Planning Board followed the recommendation of the Oakland/Park Subarea Study and recommended approval of 404 Park Street for rezoning to the newly created TZ-1 Transitional Zone as part of the transitional zoning study. The TZ-1 Transitional Zone allows only residential uses, and limits the height, mass and density permitted in accordance with the recommendations of the Oakland/Park Subarea Study.

The Planning Division finds that the proposed rezoning of the subject property at 404 Park from R-2 to TZ-1 would create an appropriate transition from the five story central business district to the south to the two and a half story residential neighborhood to the north. Such a buffer would not adversely affect the surrounding property and would provide a suitable transition from the commercial zone to the south, while protecting the stable neighborhood to the north.

404 Park Street Aerial and Surrounding Zoning



404 404 Park

0 150 300 Feet



Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, GeoMapping, AeroGRID, IGN, IGP, Swirephoto, and the GIS User Community

**Planning Board Minutes
September 19, 2012**

REZONING REQUEST

404 Park St. Parcel ID#1925451021

Lots 66 and 67 Oak Grove Addition (currently vacant land at Park, Oakland and Woodward Ave.)

Ms. Ecker explained that in accordance with the requirements of the Zoning Ordinance, the property owner of parcel #1925451021, being lots 66 and 67 of Oak Grove addition (vacant property on the corner of Park, Oakland, and Woodward), commonly known as 404 Park, is requesting that the Planning Board hold a public hearing to consider the rezoning of said property from R-2 (Single-Family Residential) to B-2C (General Business). The applicant included a letter from the property owner in the application package indicating that there is a binding purchase agreement in place.

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.

The Planning Division finds that the proposed rezoning of the subject property at 404 Park from R-2 to B-2C would not adversely affect the surrounding property. When considering the existing development in the area, development of this parcel as a single-family home has proven improbable and would result in a home that is less desirable than the neighboring homes. The development of the parcel as a multi-family building provides a strong buffer for the single-family homes if property executed. Considering the applicant's proposal to offer contract zoning providing exclusively residential uses, the Planning Division has concluded that the proposed rezoning would provide a suitable transition from the commercial zone to the south, while protecting the stable neighborhood to the north.

Mr. Williams was not clear why the applicant applied for this particular zoning designation rather than some other. Ms. Ecker said it had to do with development standards for other zoning districts that didn't seem to work with what they wanted to do. Mr. Koseck observed that the criteria in terms of how the board evaluates this contract rezoning is probably different than with a regular rezoning. Chairman Boyle noted this contract rezoning gives the board an indication of footprint, bulk, height, etc. Ms. Ecker added with contract zoning the applicant volunteers to restrict their uses.

Discussion considered whether the applicant would be likely to get a variance from the Board of Zoning Appeals ("BZA") for their setbacks with a regular rezoning. Ms. Ecker said they would have to show a hardship before the BZA. They would be better with contract rezoning as opposed to wondering how the BZA would rule. The proposal is to lock the development down to residential only; no commercial.

Ms. Ecker advised the subject parcel has been considered for rezoning twice before, once in 1960 and once in 1988. The application was denied on both occasions. The property has been vacant since 1989 when a previously existing single-family home was razed. The applicant's letter indicates the property has been for sale since 2006. Mr. Williams thought it is part of the Planning Board's task to understand the history of surrounding properties as well as the property in question. Mr. Clein wanted to see a complete site plan analysis of the proposal. Ms. Ecker explained the setbacks are zero and there isn't a specific standard for parking in the B-2C Zoning District.

Mr. Chuck DiMaggio from Burton Katzman; Mr. Tom Phillips, Architect from Hobbs & Black; and Mr. Frank Flynn, the broker representing the property owners, were present. Mr. DiMaggio listed a number of Burton Katzman developments in Birmingham and gave a PowerPoint that showed the site layout, floor plans, and conceptual elevation of the proposed project. With this request for contract zoning the petitioner is offering to restrict the site to multi-family housing that the board will approve. The B-2C classification allows the building to be sited on the property so the applicants don't have to go before the BZA and show a hardship for a setback variance. The proposal is for 14 units w/grade-level parking.

Mr. DiMaggio listed reasons why a rezoning is necessary for the preservation and enjoyment of the rights of usage associated with property ownership, as the current R-2 Single-Family Residential zoning does not provide the owner with a reasonable use of its property. The long-time vacancy of the property, negative land use and traffic impacts, and similar placement to other adjacent property zoned for high density multiple-family purposes exacerbate the difficulty of the current zoning.

Mr. DiMaggio maintained the existing zoning classification is no longer appropriate because of the non-residential land use changes which have occurred on adjacent properties. The premises are no longer ingrained within an established neighborhood, but have become an edge property.

The proposed rezoning will not be detrimental to surrounding properties because it will not be harmful to the Downtown properties to its south or the five-story apartment building to its east. It will form the narrowest and least intrusive edge to the south side of the Ravines Neighborhood and offer it protection from non-residential uses and encroachments. Lastly, the conditional rezoning assures the residential use of the premises.

Mr. Williams inquired why they constructed the higher portion of the building to the north rather than to the south. Mr. DiMaggio responded that is something that could be changed as they move through the process. Mr. Williams inquired further whether they developed alternate plans with ingress and egress off of Oakland rather than Park, because he would not like to see more traffic on Park than necessary. Mr. DiMaggio's reply was they had concerns about the difficulty of achieving a curb cut on Oakland because there would be safety considerations with turning.

Ms. Whipple-Boyce said the height of this building concerns her.

Mr. Koseck asked if the property has been marketed as a single-family home since 2006. Mr. Flynn replied it has been marketed as a single 80 ft. lot that could be split into two 40 ft. parcels. The asking price today is in the mid-\$300s. Mr. Koseck then questioned if one family doesn't want to live there, why would 14 families? Mr. Flynn explained this is a gateway parcel conveniently located just steps from Downtown. He has had no single-family inquiries for the property. Mr. Koseck concluded that he understands the challenges of this property, but doesn't see that 14 units with all the associated parking is an attempt to be sensitive to the neighbors.

Mr. DiMaggio explained the proposal is for a multiple-family apartment building with for rent units. There are many people who would like to live in such a high quality neighborhood close to Downtown.

Chairman Boyle took comments from the public at 8:53 p.m.

Ms. Enid Livingston who lives in the Ravines neighborhood said the proposed rezoning serves to maximize the footprint. She hopes the board would have setback requirements that will not annihilate the property to the north of the proposal.

Ms. Catherine Gates, 343 Ferndale, was not in favor of an entrance on Park. She was cautious about an environment with 14 families moving in and out every year.

Ms. Debby Frankovich, 467 Park, listed concerns for the community:

- Having the entrance on Park really adds to the traffic there;
- The property on Poppleton is isolated and not comparable to this property;
- The project should not be a 14-unit apartment building with people living there who are not invested in the neighborhood. The applicant should take others living in the neighborhood into consideration.

Ms. Dorothy Conrad, 2252 Yorkshire, spoke to support a single-family development. This proposal is not single-family residential and she encouraged the board to hold to the single-family classification because of the need to preserve that neighborhood.

Ms. Kate Safford, 211 Ravine, hoped the Planning Board would consider that people need guest parking passes. There is no place for those cars to go. Additionally, the entrance and exit to the parking is a concern to her.

Mr. Michael Shuck, 247 Oakland, spoke in opposition to the rezoning because it is too dense for the neighborhood. Even townhouses would be a better transition. This will really change the neighborhood. The problem they are having with selling the property is the price.

Mr. Paul Gillen, the owner of three duplexes in the neighborhood, thought the tallest portion of the building should be on Oakland. People will use Park to cut through. There needs to be retention of all the water that would come down Park and flood the lower area. Also, he was not in favor of an entrance on Park.

Mr. Matt Wimble, the owner of 452 Park, was opposed to the rezoning. The lot was priced at \$380 thousand which is too high and that is why it didn't sell. He had concerns about parking, sewers, and traffic. People don't take care of rentals as well as homeowners.

Mr. Brad Host, owner of 416 Park next door, said the rezoning request is an attempt that will compromise the integrity of their family-oriented neighborhood by allowing a looming structure as the entrance to the neighborhood and by creating a traffic nightmare. If the property were appropriately priced, it could be sold.

Mr. Jim Wilhite, 376 Ferndale, agreed that the property would sell if they would price it suitably.

Mr. Hab Chan, 330 Ferndale, observed that rental apartments aren't well taken care of by their occupants.

Ms. Ecker noted for the record that the Planning Division has received five letters with the same format that are against the rezoning request. Four other letters also expressed opposition.

Mr. Clein said he doesn't see the proposed building as being appropriate and he is not comfortable with this level of density on the site.

Mr. Williams shared those concerns. Fourteen apartment units is too many for the site and he won't support that or anything that has ingress and egress on Park. Also, three stories is too high for the parcel.

Chairman Boyle said the elephant in the room is the current market that provides opportunity for rentals of this type. The question is whether the proposed rezoned building is too big or too high or too intrusive to fit into this neighborhood. He suggested that the developer has come forward with something that doesn't fit the neighborhood. He urged them to explore less density, less height, access off of Oakland, and ownership.

Mr. Williams concurred. The extent of the development and the height concerns him. Mr. Koseck indicated this proposal seems wrong to him.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams to postpone the rezoning request for 404 Park St. Parcel ID#1925451021 to November 14.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese, Lazar

Mr. DiMaggio appreciated the opportunity to work on this further with the board.

Mr. Williams suggested that the developer meet with the neighborhood association officers before coming back.

Chairman Boyle summed up that there is strong support for this site to be developed for residential use.

The board took a brief recess at 9:35 p.m.

**Planning Board Minutes
November 14, 2012**

OLD BUSINESS

404 Park St.

Request to rezone property from R-2 Single-Family Residential to B-2C General Business

Ms. Ecker summarized that in accordance with the requirements of the Zoning Ordinance the property owner of parcel #1925451021, being lots 66 and 67 of Oak Grove addition (vacant property on the corner of Park, Oakland, and Woodward Ave.), commonly known as 404 Park, is requesting that the Planning Board hold a public hearing to consider the rezoning of said property from R-2 (Single-Family Residential) to B-2C (General Business). The applicant included a letter from the property owner in the application package indicating that there is a binding purchase agreement in place. The subject parcel has been considered for rezoning twice before, once in 1960 and once in 1988. The application was denied on both occasions.

The subject property has been vacant since 1989 when a previously existing single family home was razed. The applicant's letter indicates the property has been for sale since 2006.

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.

The applicant appeared before the Planning Board on September 19, 2012 to discuss the proposed contract rezoning request to allow development of a multi-family residential building on the existing vacant site. Under the contract zoning that the applicant is proffering, the property would be deed restricted as well as zoning restricted to residential uses only, and no commercial uses would be permitted at the site. The suggestions of the Planning Board included relocating access to the site from Park St. to Oakland Ave.; reducing the proposed building height; and reducing the density of the building.

After much discussion, the Planning Board voted to postpone the matter to give the applicant time to amend the plans to address the comments of the Planning Board and to meet with the neighbors to speak to their comments as well. Comments from the neighbors included requesting an Oakland Ave. access drive, a reduction in density, an increase in the front and north side setbacks, a concern regarding guest parking and concerns over renters living in the neighborhood. Numerous neighbors have signed a petition based on their concerns for the area.

Thus, since September 19, 2012, the applicant has met with the neighbors on two occasions, and has amended their site plan and building design to address the concerns of the neighbors and the comments of the Planning Board.

Mr. DeWeese said it bothers him to have a business classification even with a residential restriction because this is a sensitive neighborhood. Ms. Ecker replied that classification was selected by the applicant based on the setbacks.

Mr. Koseck inquired what the applicant would be held to with the rezoning. Ms. Ecker said basically they are committing to a footprint, the number of units, and the agreement outlining those particulars for the contract rezoning. If the City Commission decides the rezoning can go through, then the proposal would come back to the Planning Board with plans and layouts and the board would do a full Preliminary and Final Site Plan Review on it.

Mr. Chuck DiMaggio with Burton Katzman recalled at the conclusion of the last meeting they indicated that through this rezoning process they wanted to strike a balance between what they think is appropriate for the site and what respects the neighborhood.

At that meeting a number of concerns were voiced about the project. Through meetings with the neighbors on two occasions they have attempted to address the concerns. They have now come up with a row house type of project with six units, three on the ground floor and three on the upper floor. The bulk has been reduced 40 percent from what was originally proposed. Height is residential in scale – 26 - 28 ft. Access is off of Park St., two parking spaces/unit, two guest parking spaces, a 15 ft. setback off of Park St., a 20 ft. setback from Woodward Ave., and a 7 ft. setback off of Oakland Ave. They believe the price points this rental will demand will bring in residents of the caliber this City would desire to have.

Ms. Ecker noted the applicant is exceeding the nine space parking requirement by five spaces. Mr. Williams observed the previous proposal required traffic from 30 cars out onto Park, and now there will only be 14.

Mr. DiMaggio presented several slides showing residences in the Ravines neighborhood built in the shadow of office buildings, or against Woodward Ave.

The chairman invited comments from the audience at 8:48 p.m.

Ms. Michelle Irwin, 356 Ferndale, said she doesn't know how the board could consider rezoning when they don't understand what the building will look like. She had concerns about the potential increase in density to their neighborhood. If this proposal goes through, it would set a precedent for other homeowners that back up to Woodward Ave. to level their homes and then apply for rezoning. That would really change the flavor of the area. She presented more petitions from neighbors opposing commercial rezoning.

Mr. Benjamin Gill, 520 Park St., observed there is a whole row of houses along Woodward Ave. Six units is way too much density. It is hard to get through on Park St. when people are parked on both sides of the street. A fire engine could not get through to go behind the building. The applicant can work within the zoning as it is now to develop the property. Lastly, Mr. Gill expressed his opinion that staff is biased towards the developer.

Mr. Jason Yert, 490 Park St., said the developer wants to rezone to commercial because it will make him more money. It is not better for the community or for the residents. Unless the developer can prove why the property should be rezoned, Mr. Yert doesn't think the board should consider it.

Mr. John Gleason, 356 Ferndale, described beautiful homes that have been developed in his neighborhood despite the surroundings. He feels rental apartments have the

potential to tank the property values for the rest of the area. They are simply not appropriate.

Mr. Matt Wimble, 452 Park St., said the applicant bought the property as a single-family zoned lot, raised the price, and that created the problem being used as a justification for this project. Mr. Wimble did not think people should be allowed to create a problem and then benefit from it. He cautioned the board not to rezone until they actually have a plan.

Mr. Brad Host, owner of 416 Park St., the rental house next door to the property in question, believes the square footage of this property only allows three units if it is rezoned. Commercial entrances to the Ravines neighborhood were there before new houses were built.

Ms. Dorothy Conrad, 2252 Yorkshire, commented this is a special neighborhood and it needs to be protected. Taking the proposed action isn't helping to protect it. The proposal is spot zoning that would create a special zoning classification for someone to come in and overbuild on a piece of property. She objects to it and is sure a beautiful house can be built there.

Mr. Reed Bennett, 271 Euclid, said the neighbors have a high standard for what they expect to go in on the subject property. He doesn't see the burden of proof for rezoning. A high quality single-family residence can be constructed there. He went on to say the opinion of staff is going to look like it is the opinion of the City. The chairman told him that the Planning Board makes the decisions. Ms. Ecker added the previous decisions that were made with regards to two rezoning requests were in the initial report that was given to the board and discussed at the presentation.

Ms. Bev McCotter, who owns the house at 287 Oakland, said she opposes any multifamily zoning. She thinks it would forever change the character of the Little San Francisco area of Birmingham. It would add extra traffic and put people in there who are not financially tied to the neighborhood. She knows of a party who is interested in the property to build a single-family home, but their offer was not accepted.

Mr. Frank Flynn spoke to represent Mr. Richard Lambert, the property owner. The parcel is on the market for \$379 thousand and he does not think the price is too high. A vacant property less than one-half the size recently closed for \$299 thousand. The offer that was mentioned earlier was low ball and not considered. He concluded by saying high-end rental properties are extremely rare.

Mr. Jim Wilheight, 376 Ferndale, noted the property is very valuable. If the price is right, it will sell.

Ms. Whipple-Boyce received clarification that if a developer were to build a two, three, or four unit development there, rezoning would be necessary.

Mr. Williams wanted to see a history of how Brown St. was rezoned.

Mr. DeWeese did not see a compelling case for rezoning without looking at the whole area. There is considerable opposition from the neighbors.

Mr. Clein pointed out that contract zoning is a legal land use tool in this state. This contract rezoning has been requested for a classification where no variances are required because they may not be granted on the basis of self-created hardship. Discussion centered on the contract for rezoning. Consensus was that it would be tough to support the proposal tonight without seeing the terms of the agreement. Chairman Boyle did not think enough progress has been made for the board to make a decision. Enormous progress has been made; however the board still does not have enough information to make a decision.

Motion by Mr. Williams

Seconded by Mr. Koseck to continue the hearing for 404 Park St. to January 9, 2013.

No comments from the public were voiced at 9:46 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Clein, DeWeese, Whipple-Boyce

Recused: Lazar

Nays: None

Absent: None

Board members listed the information they would need for the January 9 meeting:

From the applicant –

- (g) A draft of the terms of the contract volunteered by the applicant as reviewed by
Mr. Currier;
- (h) A rendering of the proposal with elevations showing how it would fit on the site
with the adjacency to the neighbors to the south, to the north, and to the west;
- (i) A meeting with residents so they know what is being proposed.

From staff –

- (j) A letter of opinion from the city attorney outlining the nature of contract zoning and what precedent it creates for similarly situated properties within the neighborhood;
- (k) A review of residential zoning in other zone districts and what they would generally allow;
- (l) A history of rezoning to R-7 and R-8 on Brown St.

Ms. Ecker noted the complete agenda information is posted on the City's website the Friday before the meeting. Additionally, it was affirmed the protest petition from the property owners remains active as long as the public hearing continues.

The board took a short recess at 10:03 p.m.

Planning Board Minutes
January 9, 2013

01-04-13

REZONING APPLICATION

404 Park St.

Request for Contract Zoning (continued from the meetings of September 19 and November 14, 2012).

Ms. Lazar recused herself because of a relationship with the listing company.

A petition to deny the rezoning application and signed by the seven 100 ft. neighbors has been received by the Planning Dept.

Ms. Ecker re-introduced the rezoning application. In accordance with the requirements of the Zoning Ordinance, the property owner of parcel #1925451021, being lots 66 and 67 of Oak Grove addition (vacant property on the corner of Park St., Oakland Ave., and Woodward Ave.), commonly known as 404 Park St., is requesting that the Planning Board hold a public hearing to consider the rezoning of said property from R-2 (Single-Family Residential) to B-2C (General Business). With the existing Single-Family Zoning the building envelope is very restrictive. The petitioner has selected B-2C Zoning because it offers a significant enough floor plate to allow the multi-family development they are looking for. The subject parcel has been considered for rezoning twice before, once in 1960 and once in 1988. The application was denied on both occasions.

The subject property has been vacant since 1989 when a previously existing single-family home was razed. The applicant's letter indicates the property has been for sale since 2006.

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.

Under the contract zoning that the applicant is proffering, the property would be deed restricted as well as zoning restricted to residential uses only.

After appearing before the Planning Board on September 19 and November 14, 2012, the petitioner's application was continued to January 9, 2013. They are now proposing a six-unit row house concept designed to complement the neighborhood's "Little San Francisco" image by modeling the units after the symbolic row houses for which San Francisco, CA is known. All of the information requested by the Planning Board at the last meeting has been provided. Further, the applicant has advised that a meeting with the neighbors was held on the evening of January 3, 2013.

A Conditional Rezoning Agreement has been voluntarily offered by the developer as required for conditional rezoning. They propose to rezone the property to a limited specific use, six units of multi-family residential. The Agreement binds them to that use and ties them to all other standards particular to that zone district. The City Attorney has stated that any development beyond those limitations, such as a commercial use, would require further approval from the City.

Mr. Chuck DiMaggio with Burton Katzman presented slides depicting the site plan and building elevations showing three units on the first floor and three units on the second floor. The units are 1,376 sq. ft. on the first-floor and 1,620 sq. ft. on the second floor.

He explained there are four points of access to the Ravines neighborhood which are dominated by office buildings. The properties immediately behind have very nice residential construction despite the office buildings and their size. By extension, their row house project would fit into the area without a detrimental impact. They chose elevations that begin to project the San Francisco image to the district. It is felt this will help enhance the property values and provide a tangible benefit. Signage is proposed for the corner of Oakland Ave. and Park St. announcing the Little San Francisco District.

Mr. DiMaggio indicated the City Engineer was very positive towards the idea of having parking along Oakland Ave. One lane can be turned into on-street parking. That would provide an additional six or seven parking spaces. Also, they have thought about adding a diverter marked "No Right Turn" at Park St. to divert the traffic towards Oakland Ave. Through interaction with the City and the neighborhood they have hopefully arrived at a product that can work for everybody.

Chairman Boyle announced this will be the beginning of a site plan review process. The discussion tonight will evaluate to what extent the petitioner's proposal fits into this particular part of the City. If they move forward, this board will look at a proper site plan in much more detail. He took comments from the public at 8:10 p.m.

Mr. Benjamin Gill, 520 Park St., had a problem with the zoning. He felt the two lots should continue to be zoned Single-Family. Two single-family homes can be built there with the right setbacks. He is not in favor of accommodating the seller in getting more money for the lots because of what the developer can or cannot do.

Mr. Randy Stafford, 211 Ravine, said he is one of the directors of the newly formed Little San Francisco Neighborhood Assoc. The reason the neighborhood has its name is because of the hills and not the architecture. He doesn't think the proposed elevations are necessarily consistent with the architecture in the neighborhood. He urged the board to consider requiring the petitioner to downscale their development even further. He noted the Neighborhood Assoc. was formed in part to be a party to the Conditional Zoning Agreement. The developer has offered to deed restrict the property and he asked that be put into the Agreement to provide additional protection to the property owners.

Mr. Brad Host said that he and his wife own the Brown house to the north. He represented the seven property owners within 100 ft. of the subject property. He stated the design has too much density, lot coverage, height, traffic, and water runoff. One of the seven nearby residents attended one of the public meetings. Otherwise they have had no contact with the developer. Thirty-nine other families have offered to sign their petition. In conclusion, the landowner has had a problem selling his property; but that is not the neighborhood's problem.

Mr. Matt Wendel, 452 Park St., said if the lots are left as-is, a single-family house will go there. The property owner tore the original house down instead of refurbishing it. Then he set a commercial price for the parcel and claimed his other offers were low-ball. Special privileges should not be given to people who create empty lots in order to increase their value. The concern about conditional rezoning is that if it is not done correctly it turns into spot zoning.

Ms. Dorothy Conrad, 2252 Yorkshire, did not think that developers who claim they cannot get their money back should be rewarded. She believes that a single-family home or homes are what belong on this property. She urged the board to reject the idea of a conditional rezoning classification for these lots.

Mr. Hon Chen, 330 Ferndale, spoke to say he does not support the rezoning because he doesn't want any negative effect on the neighborhood.

Mr. Benjamin Gill spoke again to add that the six units will make a huge impact on parking along Park St. even with possible parking on Oakland Ave. He feels condominiums should be offered rather than apartments because renters don't care about the property.

Mr. Randy Stafford said he forgot to mention that Mr. DiMaggio has agreed to include as part of the proposal that the tenants in the six units will not be issued parking permits. They will be required to park in the Parking Structure.

Ms. Sharon Self, owner of the duplex at 227 and 229 Euclid, said the value of her property is comparable to the single-family values in that community. She thinks applicant's proposal is a sorry, sad thing to do to their very small 90-home community. It is a permanent solution to what could be a very temporary economic problem. She hopes the board will carefully consider the impact of their decision.

Mr. Williams said his view is that the City Commission should look at the general proposition of conditional rezoning before the specifics go to the Planning Board.

Mr. DeWeese agreed. He was uncomfortable with supporting a favorable motion. The applicant has stated the current zoning classification is no longer appropriate, but that is due at least in part to the action of taking the houses down and clearing the property. There is also the question of increasing density in this sensitive neighborhood. Finally, he was uncomfortable with taking one little piece of property without looking at the whole context and how it fits overall. The issue of conditional rezoning will not go away and it should be added to the Planning Board's Priority List.

Mr. Clein emphasized that contract zoning is a legal tool in the State of Michigan. The board should at least give fair consideration to it. The only question he thinks should be discussed is density of the project.

Ms. Whipple-Boyce thought a multi-family development is the right thing for this location. However, the density does concern her a little. She thinks there is a need for rental units, and does not necessarily agree that renters or landlords don't take care of their property. Neither does she agree that too much traffic or too tall buildings are very relevant in this case, particularly given the news from the Engineering Dept. that they could potentially add seven spaces along the street. There is a parking structure across the street, and everything surrounding this neighborhood is taller than this proposed residential building. Further, water runoff is not a concern for her because she doesn't think the Engineering Dept. will allow a project that would cause the surrounding homes to flood.

Mr. Koseck tended to think contract zoning is generally a good thing because it allows people to negotiate about what is in their best interest as a group. He thinks the petitioner has done a pretty good job of analyzing the neighborhood and making a case for their development. He

agreed that Little San Francisco is not about the architecture or the proposed sign. However, that would be for another meeting.

Ms. Whipple-Boyce commented it is better to have something there than to have empty lots.

Mr. Williams said his sense is that the whole effort on Brown St. with multiple parcels up-scaled the development in the area. The neighbors were generally supportive because the investment would enhance the value of the properties to the south. In his view, what is generally being proposed here doesn't increase the value of adjoining properties.

Motion by Mr. DeWeese

Seconded by Mr. Williams to recommend denial of the proposed rezoning of 404 Park St. from R-2 to B-2C to the City Commission.

Ms. Whipple-Boyce thought this possibly should not be approved because of the density issue and everything that will be going on in the space. Some of that was alleviated for her tonight when she learned about the possibility to increase parking spaces and the fact that these people won't be issued parking permits.

Mr. DeWeese said he is uncomfortable with the precedent the rezoning sets as far as getting around other zoning classifications in terms of setbacks, etc.

Chairman Boyle felt the question here is whether this development is compatible and fits in with the neighborhood, and whether it will have a detrimental impact on the neighborhood. His opinion is that in each case this is a compatible use in an area that is deemed residential. There will be some impact on the area, but compared to the office developments that line the neighborhood, the impact is small. For those reasons he was in favor of moving this forward.

The chairman took comments on the motion from members of the audience at 9:03 p.m.

Mr. DiMaggio noted that under many other zoning classifications they could achieve more units than what they are proposing tonight. Their biggest constraint is complying with the setback requirements. They are attempting to pull the building away from the north property line and put it up on the street where it really belongs. This not an effort to get around the Zoning Ordinance in order to achieve a greater density than permitted.

Mr. Gill said the main reason his development on Brown St. went through was because they had the endorsement of the community to the south. In this case, at least half of the homeowners have said "no," and he hopes the board will take that into consideration.

Mr. Stafford commented that if the petitioner used alternate zoning such as R-5 or R-7 he would be denied by the Board of Zoning Appeals because of the required setbacks.

Motion failed, 2-4.

ROLLCALL VOTE

Yeas: DeWeese, Williams

Nays: Boyle, Clein, Koseck, Whipple-Boyce

Recused: Lazar

Absent: None

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to recommend approval of the proposed rezoning of 404 Park St. from R-2 to B-2C to the City Commission.

The chairman opened up further discussion by the audience at 9:08 p.m.

Mr. Randy Stafford noted there is unanimous opposition to the proposal by all of the residents within 100 ft. of the location. He was advised by Ms. Ecker that a three-quarters vote in favor is required by the City Commission in order to pass the rezoning request. Tonight the Planning Board is just making a recommendation to the City Commission, and they will make the final decision.

Motion carried, 4-2.

ROLLCALL VOTE

Yeas: Boyle, Clein, Koseck, Whipple-Boyce

Nays: DeWeese, Williams

Recused: Lazar

Absent: None

Chairman Boyle recalled the Planning Board has reviewed and debated on three separate occasions this proposal to develop the site for contract residential zoning. He feels the board has done its job. If this goes through the City Commission successfully, it will come back to this board for further site plan and design review.

The board took a short recess at 9:15 p.m.

City Commission Minutes
January 28, 2013

01-32-13 SET PUBLIC HEARING
404 PARK

Dorothy Conrad stated that the state zoning law requires a 2/3 vote when abutting property owners are opposed. She noted that the Planning Board approved this by a 4-2 vote.

Mr. Carrier explained that the Planning Board makes recommendations to the City Commission. To adopt a rezoning would require a super majority vote of the City Commission.

Ms. Conrad expressed concern with conditional zoning. She objected to the Public Hearing. She asked when the Commission had passed an ordinance regarding conditional zoning. Mr. Carrier explained that conditional zoning is allowed under state law.

MOTION: Motion by Rinschler, seconded by Nickita:

To set a public hearing date for February 25, 2013 to consider approval of a Conditional Rezoning request for the rezoning of the vacant property at 404 Park Street from R-1 (Single- Family Residential) to B2C (General Business), with the voluntary restriction of the applicant to allow only residential uses on the site.

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

City Commission Minutes
February 25, 2013

**01-62-13 PUBLIC HEARING TO CONSIDER REZONING
404 PARK STREET**

Mayor Dilgard opened the Public Hearing to consider approval of a Conditional Rezoning request for the rezoning of the vacant property at 404 Park Street from R-2 (Single-Family Residential) to B2C (General Business), with the voluntary restriction of the applicant to allow only residential uses on the site at 7:38 PM.

Ms. Ecker presented the request to rezone the property at 404 Park to B2C as requested by the applicant. She pointed out that the applicant has voluntarily agreed to enter into an agreement limiting the site to residential use only. Ms. Ecker explained the proposal is for a six unit multi-family, two story building. She confirmed for Mayor Dilgard that each unit contains a two car garage.

Commissioner Rinschler noted that the proposal is a preliminary site plan that would still have to go for final approval. He stated the contract would limit the site to six units.

Chuck DiMaggio, Burton Katzman, presented the proposed development. He explained that each unit is approximately 1500 square feet. He discussed the transitional function of the property and the other rental properties in the neighborhood. The traffic pattern was discussed. Mr. DiMaggio stated that they have agreed to install a no right turn sign.

Commissioner Hoff questioned what type of buffer will be utilized between the rear of the building and the residential home next door. Mr. DiMaggio explained that there will be an access drive, a screening wall and landscaping.

The Commission discussed conditional rezoning. Ms. Ecker confirmed that the Planning Board review of conditional rezoning would take a minimum of three to four months. Mr. Currier explained that the Michigan Zoning Enabling Act allows for conditional rezoning and explained the process.

Mayor Pro Tem Moore and Commissioner Sherman agreed stated that this is a policy decision and that the City should develop its standards first. Commissioner McDaniel suggested the Planning Board review the appropriate zoning for the property in question.

The following individual spoke in opposition:

Benjamin Gill, 520 Park

Frida Gill, 520 Park

Gordon Nelson, 576 Park4 February 25, 2013

Richard Nadjarian, 439 Park
Dorothy Conrad
Randy Safford, 211 Ravine
Brad Host, owner of house next door
Kristen Tait, 692 Brookside
Paul Gillin, 391 Ferndale
Hong Jiang, 330 Ferndale

David Bloom agreed transition areas need additional review.

Bob Ziegelman, Ziegleman Architects, stated that there are many options to integrate the area with what is currently there and what it should grow to.

The Mayor closed the Public Hearing at 9:21 PM.

Commissioner Nickita expressed that the site should be addressed as it is an unusual transition zone. He stated this needs to be handled proactively, not reactive. He stated that the two issues that need to be discussed are contract zoning and the vision of this area in the future.

MOTION: Motion by Hoff, seconded by McDaniel:

To deny the conditional rezoning request without prejudice and to ask the Planning Board to consider in the short term zoning for this particular area and in the long term the overall plan on conditional rezoning.

Carroll Deweese, 923 Purdy and member of the Planning Board, commented that the motion gives the Planning Board direction and they will work with due diligence on both issues.

VOTE: Yeas, 7
Nays, None
Absent, None

The Commission received communications opposed to the proposed conditional rezoning.

Planning Board Minutes
June 24, 2015

PUBLIC HEARINGS

Chairman Clein re-opened the public hearing at 7:35 p.m. (continued from May 27)

1. An ordinance to amend Chapter 126, Zoning, of the Birmingham City Code as follows:

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE)

DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE)

DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE)

DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;

TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;

TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;

TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;

TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;

TO ADD ARTICLE 4, SECTION 4.69, STREETSCAPE STANDARDS, ST-01, TO CREATE STREETSCAPE STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;

TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;

TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;

TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO

CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
TO ADD **ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3**, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

AND

TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, **ARTICLE 4, ALL SECTIONS NOTED BELOW**, TO APPLY EACH SECTION TO THE NEWLY CREATED TZ1, TZ2 AND/OR TZ3 ZONE DISTRICTS AS INDICATED:

Ordinance Section Name Section Number Applicable Zone to be Added

Accessory Structures
Standards (AS)

4.2	TZ1, TZ2, TZ3
4.3	TZ1
4.4	TZ1, TZ2, TZ3

Essential Services
Standards (ES)

4.09	TZ1, TZ2, TZ3
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Fence Standards (FN)

4.10	TZ1, TZ2, TZ3
4.11	TZ1

Floodplain Standards (FP)

4.13	TZ1, TZ2, TZ3
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Height Standards (HT)

4.16	TZ1, TZ2, TZ3
4.18	TZ1, TZ2, TZ3

Landscaping Standards
(LA)

4.20	TZ1, TZ2, TZ3
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Lighting Standards (LT)

4.21

4.22

TZ1, TZ2, TZ3

TZ1, TZ2, TZ3

Loading Standards (LD) 4.24	TZ1, TZ2, TZ3
Open Space Standards (OS) 4.30	TZ1, TZ2, TZ3
Outdoor Dining Standards (OD) 4.44	TZ2, TZ3
Parking Standards (PK) 4.45 4.46 4.47 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3	
Screening Standards (SC) 4.53	TZ1, TZ2, TZ3
Setback Standards (SB) 4.58	TZ1, TZ2, TZ3
Structure Standards (SS) 4.69	TZ1, TZ2, TZ3
Temporary Use Standards (TU) 4.77	TZ1, TZ2, TZ3
Utility Standards (UT) 4.81	TZ2, TZ3
Vision Clearance Standards (VC) 4.82	TZ1, TZ2, TZ3
Window Standards (WN) 4.83	TZ2, TZ3

AND

TO AMEND **ARTICLE 9, DEFINITIONS, SECTION 9.02** TO ADD
DEFINITIONS FOR BOUTIQUE, PARKING, SOCIAL CLUB,
TOBACCONIST, INDOOR RECREATION FACILITY AND SPECIALTY
FOOD STORE.

3. To consider a proposal to rezone the following transitional parcels that are adjacent to residential zones throughout the City as follows:

300 Ferndale, 233, 247, 267 & 287 Oakland, 416 & 424 Park, Parcel # 1925451021, Birmingham, MI.

Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

191 N. Chester Rd. Birmingham, MI.

Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

400 W. Maple Birmingham, MI. - O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

564 and 588 Purdy, 115, 123, 195 W. Brown, 122, 178 E. Brown Birmingham, MI.

Rezoning from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

1221 Bowers & 1225 Bowers Birmingham, MI.

Rezoning from O1- Office/ P - Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

1111 & 1137 Holland; 801, 887, 999, 1035 & 1105 S. Adams Rd.; 1108, 1132 & 1140 Webster; 1137 & 1143 Cole St.; 1101 & 1120 E. Lincoln. Birmingham, MI.

Rezoning from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

500, 522 & 576 E. Lincoln; 1148 & 1160 Grant; 1193 Floyd; Parcel # 1936403030, Birmingham, MI.

Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI.

Rezoning from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI.

Rezoning from O1- Office to TZ2 - Mixed Use to allow Commercial and Residential

uses which are compatible with adjacent Single-Family Residential uses.

**100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd.
Parcel #1936379020, Birmingham, MI.**

Rezoning from B1-Neighborhood Business, P-Parking, R5-Multi-Family Residential to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

**880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd.
Birmingham, MI.**

Rezoning from B1-Neighborhood Business, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI.

Rezoning from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

2483 W. Maple Rd. Birmingham MI.

Rezoning from B1-Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

151 N. Eton, Birmingham MI.

Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI.

Rezoning from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ1 – Attached Single-Family Residential to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

Ms. Ecker advised that a typo has been corrected in the draft ordinance amendments for the TZ-2 development standards, and that is the only change to the draft ordinance language from the last meeting.

Mr. Baka recalled last time he covered the basics of each zone and started to get into each individual parcel. At the board's request, his presentation tonight will focus much more on individual properties and how each individual location would be affected by the proposed amendments as far as use and density. He briefly described the TZ-1, residential zone, and the TZ-2 and TZ-3 zones that are mixed-use. Any currently existing use or building would be grandfathered in as long as it doesn't close for six months or the building is destroyed more than 75%. When a new use is established within an existing building the new zoning regulations would go into effect. The new zoning will apply to any expansion of an existing use

or a building that requires site plan approval from the Planning Board. Where a new building is proposed the new proposed ordinance would apply.

TZ-1 Properties

➤ **E. Frank - R-3/B-1/B-2B to TZ-1**

Total property area - approximately 15,000 sq. ft.

of residential units currently permitted - 1 unit on R-3 parcel

0 units on B-1 parcel

No limit on B-2B parcel

of units permitted under TZ-1 zoning - 5

It was discussed that if Frank St. Bakery goes out of business they would be allowed to establish another bakery within 6 months or go to a residential use.

- 412 E. Frank - R-3 to TZ-1
- 420 E. Frank (Frank St. Bakery) - B-1 to TZ-1
- E. Frank Parking - B-2B to TZ-1

➤ **Park and Oakland - R-2 to TZ-1**

Property area per lot on Oakland - approximately 7,500 ft.

of residential units currently permitted - 1

of residential units permitted under TZ-1 zoning - 2

Property area of 404 Park - approximately 14,000 sq. ft.

of residential units currently permitted - 2

of residential units permitted under TZ-1 zoning - 4

Property area per lot on Park - approximately 7,200 sq. ft.

of residential units currently permitted - 1

of residential units permitted under TZ-1 zoning - 2

It was discussed that TZ-1, three stories, would have a similar impact as the current R-2 three story structures.

➤ **Willits and Chester - R-2 to TZ-1 (Church of Christ Scientist)**

Total property area - approximately 17,000 sq. ft.

of residential units currently permitted - 2

of residential units permitted under TZ-1 zoning - 5

➤ **Bowers/Post Office - O-1/P to TZ-1**

Total property area - approximately 125,000 sq. ft.

of residential units currently permitted - no limit

of residential units permitted under TZ-1 zoning - 41

At 8:10 p.m. Chairman Clein invited the public to come forward and comment on anything related to the potential rezoning of the TZ-1 parcels.

Ms. Patti Shane who lives on Purdy did not understand why there has to be a major overhaul of all the zones when every issue could be approved by the Planning Board as it comes through. The neighborhood is thrilled with the little bakery at the corner of Frank and Ann and they don't want it to go away.

Mr. Benjamin Gill, 520 Park, received confirmation this is a continuation of the public hearing that began May 27 to discuss whether the Planning Board will recommend approval to the City Commission of the ordinance changes including the rezonings. The City Commission would consider the recommendation and hold a public hearing before making its decision.

Mr. Salvatore Bitonti, 709 Ann, said he is the owner of the Frank St. Bakery building. He asked for reassurance that if the bakery moves out he will not have to pay taxes on an empty space. Ms. Ecker observed this is a difficult site with the three parcels that all allow different things. The parcels are not big enough to develop each one separately.

Mr. Brad Host said he and his wife own the house next to 404 Park which under this proposal could be developed into four condo units. They see this as an expansion of the city. If TZ-1 is enacted, it would take away part of their neighborhood. The only advocate for this is the developer. Everyone else has said they don't want it. Density has always been their biggest issue and the TZ-1 proposal will exacerbate that problem.

Ms. Ann Stolcamp, 333 Ferndale, echoed what Mr. Host said. People in her neighborhood have asked not to be rezoned. Parking is an issue there. The suggestion that her neighborhood is a transition zone is disturbing to her.

Ms. Bev McCotter, the owner of 287 Oakland, urged the board to remove Little San Francisco from the TZ-1 zoning recommendation. Under TZ-1, future property owners could join together and sell their properties to a developer of multi-family residences. That would change the whole flavor of this neighborhood of single-family homes.

Ms. Gina Russo, 431 Park, said she also would appreciate a recommendation for removal of Little San Francisco from TZ-1. It would be a shame for their neighborhood to increase 100% in density.

Mr. Paul Reagan thought the problem isn't with crowding in Little San Francisco; the problem is with the principles of zoning that are being considered, which do not fit across the town. It is not an appropriate buffer concept anywhere in town.

Mr. Larry Bertolini, 1275 Webster, had concerns about traffic on Bowers if the Post Office moves out. Forty-one units seems dense for that small area. He received clarification that if the Post Office wants to make modifications to their building there are no restrictions because they are the Federal Government.

Mr. David Bloom said it looks to him like there has been an attempt to simplify zoning. Each of the properties has unique differences and presents a challenge with trying to fit it into TZ-1 zoning. He thinks more research is needed to maybe take each area and find some zoning for it that is individualized rather than crammed into TZ-1.

Mr. Michael Shook, owner of 247 and 267 Oakland, said it seems to him the only reason they are talking about rezoning is because of the vacant lot between Park and Ferndale. When the issue came up about rezoning the empty lot, the initial reaction of the board was they did not want to do spot zoning. So it looks like they got around spot zoning by rezoning the

neighborhood. Theirs isn't a transitional zone; there is no reason to rezone them. The neighbors oppose it and therefore, he asked that they be removed from that consideration.

Ms. Sharon Self, 227 Euclid, observed that it is such a small neighborhood that anything that is done along Oakland or anywhere else in the area affects everyone.

Mr. Benjamin Gill noted theirs is a neighborhood and not a commercial place where people invest and just sell houses.

Mr. DeWeese expressed his opinion that area is clearly inappropriate for rezoning.

TZ-2 Properties

- **Brown at Pierce/Purdy - O-2 to TZ-2; P to TZ-2; R-3 to TZ-2**
- **S. Adams, Adams Square to Lincoln - O-2 to TZ-2**
- **Lincoln at Grant - B-1 to TZ-2**
- **E. Fourteen Mile Rd. east of Woodward - O-1 to TZ-2**
- **Fourteen Mile Rd. at Pierce - B-1, P, and R-5 to TZ-2**
- **Market Square and Pennzoil - B-1 to TZ-2**
- **Southfield at Fourteen Mile Rd. - O-1 to TZ-2**
- **Mills Pharmacy Plaza/W. Maple Rd. and Larchlea - B-1, O-1, P to TZ-2**
- **W. Maple Rd. and Cranbrook - B-1 to TZ-2**
- **N Eton - B-1 to TZ-2**

Mr. DeWeese received clarification that when single-family residential is developed, it falls under the R-3 specifications in all of the zones.

The chairman called for comments from the public on TZ-2 properties at 9:13 p.m.

Ms. Patti Shane talked about the density in her area on Purdy and reiterated that it seems every case is unique. Again, she does not understand why parcels cannot be considered on a case-by-case basis and then determine what the community thinks. She doesn't know what the development of the Green's Art Supply property will do to her neighborhood, let alone adding all the new allowances.

Mr. David Bloom received clarification that for the Market Square property, if it were to change to TZ-2, the use could continue but if they ever came up for site plan review they would have to do it under a Special Land Use Permit ("SLUP").

Mr. Paul Reagan stated with respect to the north side of Purdy there is no apparent reason to rezone residential into TZ-2. The best he can tell is someone is planning to have a large, multi-family apartment building going in there. This looks like it is developer driven. It is completely unacceptable to that neighborhood.

Mr. Harvey Salizon, 564 Purdy, said he understands if the owner of the corner building at Pierce and Brown did not get a two-level building approved he could put up a four-story structure at the south side of the parking lot. Mr. Baka explained under the R-7 standards the P Zone allows multi-family. Mr. Salizon thought putting up a four-story building would literally block off the neighborhood.

Mr. Larry Bertolini saw some inconsistency with the streetscape when commercial development is allowed on Adams along with residential. In response to Mr. Bertolini's question, Ms. Ecker advised there is no annual review for SLUPs. If there is a complaint and a violation is found the SLUP could be revoked.

TZ-3 Properties

- **W. Maple Rd. and Chester - O-1 to TZ-3**
- **Quarton and Woodward - O-1 to TZ-3**

There were no comments from the audience on TZ-3 at 9:28 p.m.

Mr. Williams was comfortable with the concepts of TZ-1, TZ-2, and TZ-3 and thought they should remain.

- He did not think there is any dispute over the TZ-3 classifications on both properties.
- For TZ-2 it is pretty clear they tried to go to more neighborhood type uses. Where there may be questions a SLUP is attached. The only properties that raise a concern for him are the two residences on Purdy. The intent for including them is because the parcel to the west (P) could be developed to four stories.
- From his perspective in most instances TZ-1 is an improvement from what currently exists. The only area where there is a significant increase in density from what exists presently is at Park and Oakland. He is inclined not to include that parcel.
- The only properties he would leave out of the recommendation are the parcels along Oakland.

Ms. Whipple-Boyce agreed with a lot of what Mr. Williams said.

- TZ-3 seems not to be controversial; however, she would add veterinary clinic to uses with a SLUP.
- At Fourteen Mile and Pierce it may be a mistake to include the parking lot directly behind it. Given the conditions that surround it, it would be more appropriate as an R-2 classification and leave the others as TZ-2.
- A lot of problems might be solved if Frank St. was zoned TZ-2.
- She is not sure that the entire area at Oakland and Park should be removed from the consideration of TZ-1. Brownstones would be a real benefit to the community directly behind it.

Mr. Koseck said he is in support of what he has heard. He doesn't mind pulling properties out of the bundle because there are no advocates. Mr. Williams thought this ordinance language should permit development but not prohibit what is there now. The existing uses in some cases are there and are acceptable to the neighborhood and the owners. It seems to him to be a mistake that if an existing use disappears for 181 days it can't come back. He is troubled by the language being mandatory, it should be voluntary.

Chairman Clein agrees with the TZ-1, TZ-2, and TZ-3 concepts in general.

- He agrees that TZ-3 is a simple thing.
- He has no issue with the Parking designation at Fourteen Mile and Pierce being removed.
- He thinks the R-3 designation at Purdy should be removed. It is an example of good intention to square off a block.
- At Oakland and Park, remove the parcels between Park and Ferndale. Keep 404 on the corner in. Remove the two properties to the north that he thinks were added to square off a block.
- As to the parcel at Frank and Ann, he supports TZ-2. If that is done, the whole question of mandatory and voluntary might go away. He thinks mandatory makes more sense.

Mr. Jeffares said condos for empty nesters are very scarce. At Woodward and Oakland Woodward is loud and busy and not palatable for someone building a single-family house; it is suitable for a four unit condo.

Ms. Lazar agreed with Ms. Whipple-Boyce. TZ-1 zoning for Frank and Ann is a little more passive than it needs to be.

Mr. DeWeese thought everyone agrees they have the right form in these places. There has been some question that the uses are not appropriate. But looking at the uses, in most instances either stronger controls are recommended, or the uses have been cut back. Also there is the possibility of developing residential in every location. He agrees with the Chairman that the property on Purdy should remain residential and not be rezoned to TZ-2.

Ms. Whipple-Boyce felt the language needs to be mandatory and not optional and she wouldn't support it if it was optional. In her opinion If the overlay is allowed to be optional the board would not be doing its job, which is to find a way to protect the residents that are adjacent to all of these properties.

Mr. Williams advocated looking at all the parcels again to make sure the same mistake hasn't been made of putting them in the wrong classification. The chairman felt comfortable going forward with the modifications that have been discussed, knowing there will be a public hearing at the City Commission.

Motion by Ms. Whipple-Boyce

Seconded by Ms. Lazar to adopt the package as written with the exceptions of:

- **404 Park in only; the two parcels north and the parcels between Ferndale and Park are out.**
- **The three properties on Frank that are triple-zoned, switch from TZ-1 to TZ-2 which would allow some of the commercial uses to continue.**

- **Take out the parking lot zoned P on Pierce near Fourteen Mile and Pierce that was previously proposed to be TZ-2.**
- **Add veterinary clinic as a permitted use with a SLUP in TZ-3.**

The chairman called for discussion from the public on the motion at 10:12 p.m.

Mr. Brad Host said should this be put through on 404 Park he is the real victim because he lives next door and it will lower his property values. He doesn't want to live next door to a four unit condo project.

Mr. Salvatore Bitonti said he wants to be able to rent his property if the bakery moves out. Chairman Clein explained the TZ-2 recommendation would allow him to build single-family and a small amount of multi-family and also keep the limited commercial uses that are there now.

Mr. Larry Bertolini still had concerns about the post office site on Bowers and the amount of units that could be permitted there.

Mr. Harvey Salizon asked for clarification about the parcel at Purdy and Brown. If the residences are eliminated, the land is too valuable to develop a two-story structure on that limited parcel. The owner will probably construct a four-story building at the south side of the parking lot. Chairman Clein clarified that tonight's motion would not allow the four-story building to be built.

Mr. Michael Shook thought if four units are allowed at the Woodward and Oakland corner parcel there is no way a developer will put up anything as nice on that corner as along Brown.

Mr. David Bloom did not understand the reasoning for leaving the Pierce parking section off. He thought the reason for rezoning that whole area was so no one could put a four-story parking deck there. Ms. Whipple-Boyce explained she omitted the parking area on Pierce because she believes R-2 zoning is more appropriate than TZ-2. The board can come back to that at a later date.

Mr. Frank Gill, 520 Park, commented on the property at 404 Park. If the property wasn't selling it was probably priced too high. If it is unique as far as its location at Woodward and Oakland then the price should reflect that. Some developer could build a single-family house or a duplex and still come out with a profit. He hopes the board will understand that the market, if it is allowed to, will take care of it and develop a building that is appropriate for that corner.

Ms. Patti Shane spoke about Purdy again, The biggest nightmare to her would be if someone would put up multiple dwelling units on the property at the corner of Brown and Purdy. They have a density issue and it would impact their neighborhood.

Mr. Chuck Dimaggio with Burton Katzman spoke to represent the owners of 404 Park. He urged the board to recommend to the City Commission that they keep 404 Park in the Transitional Overlay. He assured that when they come back for site plan approval the board will be very pleased with the four unit building they will propose, and it will become a real asset for the City as one enters off of Park.

Ms. Ann Stolcamp said the people here from Little San Francisco are all homeowners that are representing themselves and what they care about. The developer sent a representative.

Mr. DeWeese commented he will not be supporting the motion. He supports the concept but thinks the Park area should be removed; Purdy at the minimum should be 588; and he agrees that Frank should not be optional but still have flexibility somehow.

Motion carried, 4-3.

ROLLCALL VOTE

Yeas: Whipple-Boyce, Lazar, Clein, Jeffares

Nays: DeWeese, Koseck, Williams

Absent: Boyle

Chairman Clein thanked the public for their comments which are definitely taken to heart. This is not the last hearing on the rezoning, as it will go to the City Commission and there will be more opportunities to provide further input. He closed this public hearing at 10:26 p.m.

**City Commission Minutes
September 21, 2015**

**09-204-15 CONTINUED PUBLIC HEARING TO CONSIDER ZONING ORDINANCE
AMENDMENTS TRANSITIONAL ZONING**

Mayor Sherman reopened the Public Hearing to consider amendments to Chapter 126, Zoning, of the Code of the City of Birmingham at 7:44 PM.

Planner Baka explained the recent revision to TZ1 requested by the City Commission prohibits garage doors on the front elevation. Commissioner Rinschler pointed out the previous discussion to eliminate all non-residential uses from TZ1. City Manager Valentine noted that any modifications to TZ1 could be addressed tonight.

Mr. Baka explained that TZ1 allows for attached single-family or multi-family two-story residential and provides transition from low density commercial to single family homes. He noted the maximum height is thirty-five feet with a two-story minimum and three-story maximum.

Commissioner McDaniel questioned why other properties on Oakland Street were removed from the original proposal. Mr. Baka explained that it was based on the objections from the homeowners as the current residents did not want their properties rezoned. Commissioner Rinschler pointed out that the rezoning is not about what is there currently, but what could be there in the future.

Mayor Pro Tem Hoff commented that the setback in TZ1 is required to have a front patio or porch which is very limiting with the five foot setback. She questioned why one-story is not allowed. Planner Ecker explained that two-stories will allow for more square footage and it is intended to be a buffer from the downtown to residential.

Commissioner Rinschler suggested that post office, social security office, school, nursing center, and church be removed from the list of uses so it is only residential use. He noted that the City is trying to create a buffer so there are no businesses abutting residential. He suggested a future Commission review the residential standards. Commissioners Dilgard and McDaniel agreed.

Ms. Ecker commented on the front setback requirement. She noted that the development standards include a waiver which would allow the Planning Board to move the setback further if a larger patio or terrace is desired.

Commissioner Nickita commented on the additional uses in TZ1. He noted that this is a zoning designation which is essentially residentially focused allowing for multi-family. He stated that those uses which stand out to be residential are independent senior living and independent hospice which are aligned with multi-family residential uses. The Commission discussed the intensity of each use including assisted living.

Mayor Sherman summarized the discussion from the Public Hearing at the previous meeting. He explained that the three ordinances were presented to the Commission – TZ1 which is strictly

residential; TZ2 which is residential, but allows for some commercial; and TZ3 which does allow for residential, but is more commercial in nature. At the hearing, people were comfortable with the language in TZ2 and TZ3. There were concerns and questions with TZ1 and the Commission requested staff make revisions to TZ1. The Commission then discussed the parcels that were proposed to be rezoned into the TZ2 and TZ3 categories. Discussion was not held regarding the TZ1 parcels at that time.

Commissioner Nickita suggested that in considering the commercial permitted uses and the Special Land Use Permit (SLUP) uses that several uses would be better served with a SLUP such as convenience store, drug store, and hardware store. Commissioners Rinschler and Hoff agreed.

Commissioner Rinschler noted the trouble with defining uses. He questioned why not let all the uses require SLUP's. Commissioner McDaniel suggested developing standards to evaluate SLUP's. Commissioner Nickita noted that it is not a one size fits all.

Mayor Sherman summarized the discussion that TZ1 would be restricted to solely residential; in TZ2 residential would be allowed, but any commercial uses would require a SLUP; in TZ3 would remain as drafted.

Bill Finnicum, 404 Bates, stated that having zero to five foot setbacks is impractical. He suggested that the biggest danger is losing the character and rhythm of the streets.

Michael Murphy, 1950 Bradford, stated that the suggestion to require a SLUP is an acceptable compromise.

In response to a question from Commissioner Moore regarding parking, Ms. Ecker explained that commercial entities must provide for their own parking on-site if they are not in the parking assessment district. On-street parking can only be counted if the property is located in the triangle district.

Reed Benet, 271 Euclid, stated that changing the zoning from single family residential to protect single family residential is illogical.

Ms. Ecker confirmed for David Crisp, 1965 Bradford, that the parcels on 14 Mile would not be able to count the on-street parking unless they came through a separate application process and tried to get approval of the City Commission.

A resident at 1895 Bradford stated that the more uses which are subject to a SLUP would decrease the predictability of the neighborhood in the future and the value of the zoning effort.

Benjamin Gill, 520 Park, stated that the height of the buildings should be controlled by the neighborhood.

Irving Tobocman, 439 Greenwood, questioned the restriction on the depth of a porch relative to the setback on the street.

David Kolar, commercial real estate broker, expressed concern with the unintended consequences of making everything a SLUP. He noted that a SLUP is a high barrier of entry for small businesses. He suggested defining the appropriate uses in the TZ1, TZ2, and TZ3 districts.

Erik Morganroth, 631 Ann, expressed support of the idea of limitations and commented that the SLUP is most appropriate.

Mr. Baka discussed the parcels proposed in TZ1. He noted the proposal increases the number of units currently permitted at 404 Park from two to four, increase the number of units currently permitted on the parcel at Willits and Chester from two units to a maximum of five, and set the number of units currently permitted on the post office parcel from no limit to one unit for every 3,000 square feet. He discussed the lot area and setbacks.

Mr. Baka confirmed for Mayor Pro Tem Hoff that if the post office moved, a single family residential would be permitted.

Commissioner Rinschler expressed concern that only one lot was included in the 404 Park area. He suggested either extend it to the other parcels on Oakland Street or direct the Planning Board to reopen the hearing to redo the process including all three parcels.

Commissioner Moore stated that there is still a strong potential of economic viability to having those remain single family residential. The purpose of the ordinance is not to invade or lessen a neighborhood, but to enhance the neighborhood by protecting it and ensuring it will be contextual and there are building standards. Commissioner McDaniel agreed.

Commissioner Dilgard stated that the Planning Board was correct with the proposed zoning on 404 Park.

Mayor Sherman pointed out that Commission Nickita recused himself from 404 Park as he was involved with a project with someone who has an interest in 404 Park.

Mayor Sherman agreed with Commissioner Rinschler and noted that the zoning that is suggested does not make a lot of sense.

The following individuals spoke regarding 404 Park:

- Debra Frankovich expressed concern with sectioning out one double lot as it appears to support one property owners best interest.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that to single out one parcel is not appropriate.
- Benjamin Gill, 525 Park, expressed opposition to the rezoning of this parcel.
- Bill Finnicum, 404 Bates, commented that the rezoning will only benefit the property owner and will harm the adjacent property owner.
- Chuck DiMaggio, with Burton Katzman Development, explained the history of the property and noted that the Planning Board has spent thirty months studying 404 Park and the other transitional properties.
- Brad Host, 416 Park, stated that the residents are not interested in being rezoned.

- Kathryn Gaines, 343 Ferndale, agreed that Oakland is the buffer. She questioned what four units on that corner bring to the neighborhood that two could not.
- Bev McCotter, 287 Oakland, stated that she does not want the development of this lot into four units.
- Jim Mirro, 737 Arlington, stated that Oakland is the buffer and stated that the parcel should not be rezoned as proposed.
- Ann Stallkamp, 333 Ferndale, stated that she is against the TZ1 rezoning on Park and stated that 404 Park should be taken off the list.
- David Bloom questioned the number of units which would be allowed on the Bowers property.
- Reed Benet, 271 Euclid, commented that it is illogical that this has gone on for three years.
- Chuck DiMaggio, with Burton Katzman Development, noted that they want to do something that benefits the community and provide the proper transition and lead in to the downtown and is compatibility with the neighborhood.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that this is not a transition zone and there are ways to put more than one unit on the parcel.

The Mayor closed the Public Hearing at 9:21 PM.

MOTION: Motion by Rinschler, seconded by Dilgard:

To adopt the ordinances amending Chapter 126, Zoning, of the Code of the City of Birmingham as suggested with the following modifications: **to modify TZ1 with the changes presented plus the elimination of all non-residential uses;** to modify TZ2 that all commercial uses require a SLUP, and TZ3 would remain as proposed: **(TZ2 RESCINDED)**

- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;

- TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

Commissioner Moore commented that an important part of this package is the building standards for the transitional areas where commercial abuts residential. Requiring SLUP's in the TZ2 district will be more cumbersome for the small proprietor. There may be some unintended consequences.

VOTE: Yeas, 7

Nays, None

Absent, None

MOTION: Motion by Rinschler, seconded

.....

MOTION: Motion by Dilgard, seconded by Moore:

To approve the rezoning of Parcel # 1925451021, Known as **404 Park Street**, Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

Commissioner Rinschler stated that if a buffer zone is being created, it should include properties further down Oakland. He stated that he considers rental properties as commercial development.

Mayor Pro Tem Hoff stated that she will not support the motion. She noted that the plans look good, however she has heard from residents who are very unhappy about this.

Mayor Sherman noted that he will not support the motion. If a buffer zone is going to be created, it should be the entire side of the street. He noted that Oakland is an entranceway into the City. Eventually, there may be that transition, but now is not the time.

VOTE: Yeas, 3 (Dilgard, McDaniel, Moore)
Nays, 3 (Hoff, Rinschler, Sherman)
Absent, None
Recusal, 1 (Nickita)

**April 27, 2016
Planning Board Minutes**

REZONING APPLICATION

404 Park St., Parcel No. 19-25-451-021, lots 66 and 67 of Oak Grove Addition (vacant)

Request to rezone from R-2 Single-Family Residential to TZ-1 Transition Zone

Chairman Clein recused himself from this appeal because presently his firm has a business relationship with an entity related to the applicant. Vice-Chairperson Lazar took over the gavel.

Ms. Ecker advised the property owner is requesting that the Planning Board hold a public hearing to consider the rezoning of said property. The property has been vacant since 1989 when a previously existing single-family home was razed.

Ms. Ecker advised that over the past several years, the Planning Board embarked on a study to identify all of the transitional parcels located within the City, and create new transitional zoning districts to address the unique characteristics of these sites and corresponding development standards. The board hired a planning consultant to conduct a study of the Oakland and Park area to study existing conditions and to develop a vision and plan for the future. The Oakland/Park Subarea Study was completed by LSL Planning in the spring/summer of 2013. With regards to 404 Park, the study found that it was unlikely to be developed as single-family residential due to site factors: location, shallow lot depth along Oakland, lack of screening along Woodward Ave., views of multi-story buildings across Oakland, and traffic volumes along Oakland. Attached single-family uses are recommended for this site to provide a buffer zone between the lower density neighborhood to the north and the higher density Downtown to the south.

On June 24, 2015 the Planning Board voted to recommend to the City Commission that 404 Park St. be rezoned to TZ-1 to allow development of the property with attached single-family units.

Finally, on September 21, 2015, the City Commission approved the creation of both the TZ-1 and TZ-3 Transitional Zoning Districts, and approved the rezoning of several properties into these new zoning classifications. With regards to 404 Park, the City Commission discussed rezoning the site to TZ-1 as recommended by the Planning Board, but a motion to do so failed as several commissioners felt that adjacent properties along both Oakland and Park St. should also have been included for consideration of rezoning to TZ-1.

At this time, the applicant is seeking a rezoning of the subject property from R-2 Single Family Residential to TZ-1 Transitional Zone, as originally recommended by the Planning Board on June 24, 2015.

The Planning Division finds that the proposed rezoning of the subject property at 404 Park from R-2 to TZ-1 would create an appropriate transition from the five-story Central Business District to the neighborhood.

Mr. Rick Rattner, 380 N. Old Woodward Ave., appeared for the property owner and presented a PowerPoint that offered a chronology of the rezoning history of the subject property. The property has been vacant for 27 years and the people in the neighborhood have not been buffered for 27 years. They can construct a building that will in fact use the Transitional Zoning in that area as it is intended and protect the residential neighborhood by providing a clear buffer between traditional single-family uses and commercial uses. They believe that TZ-1 is a reasonable regulation under which they can operate and that complies with the Master Plan.

Mr. Rattner went on to explain why this is not spot zoning because it is a use that is consistent with surrounding uses.

Mr. Jeffares noted this parcel has been vacant for one-third of the City's existence. What is being proposed is a density of two units/40 ft. lot. The applicant is asking for something that already exists in the neighborhood. Also proposed are rental units and there are rentals in that area. What is there now is either 90% commercial or an eight-lane highway. He knows four people in the neighborhood who think it would be fine to have four rental units on the property, but they are reticent to speak in favor of the project because of the backlash. This parcel, if it were built as proposed, would have a lot of scrutiny by the Planning Board to make sure it fits in, provides the buffer, and lives up to everything that the applicant has proposed. Further, Mr. Jeffares believes it would increase property values.

Vice Chairman Lazar took discussion to the public at 9:30 p.m.

Mr. Michael Shuck said he lives at 247 Oakland, and also owns 267 Oakland. Changes in the neighborhood have shown that people are willing to buy a house that backs to Woodward Ave. The subject parcel contains two 40 ft. lots that back to Woodward Ave. and two houses could be built there with plenty of buffer zone. The applicant's argument is that no one wants to live there, but they expect four families to live there. The neighbors want two houses there; not four. Property values will decrease with the multi-family use. The reason the property has remained vacant is because developers would not do anything with it without a rezoning.

Mr. Louis Meldman, 1825 Yosemite, said they are dealing with a question that has already been answered. People in the neighborhood don't want multi-family. It is irrational for the applicant to say there cannot be a single-family residence but they can build four residences there.

Ms. Catherine Gains, 343 Ferndale, had questions about the proposed rendering. It doesn't depict that the building will be 5 ft. from the sidewalk. Also one of the neighbors' biggest concerns is the burden on parking in the neighborhood. There is nowhere to park on Park. There is no reason there can't be screening along Woodward Ave., so she doesn't agree with that as an argument. Also, if one or two families don't want to live on this parcel, why would four families want to live there. That seems like an odd argument to her.

Mr. Benjamin Gill, 520 Park, said most of the neighbors have indicated they don't want a multiple dwelling type of building or changes to the zoning. They all want the zoning as it is now. Mr. Brad Host owns the house just behind this development, and the applicant wants to put up a building and not care about his rights. In essence, the side of his house will face a parking lot, back doors, garages, traffic and noise. He suggested making the parcel into two

duplexes so that the harmony of the street is not changed. The problem is the developer paid too much for the property and now is trying to get his money out.

Mr. Paul Gillen said he owns 273 and 271 Euclid. He suggested a lovely single-family home across the two lots with opportunity for landscaping. He thinks the requirement for the transition is already met by the boulevard.

Mr. Brad Host, 416 Park, said he has yet to find one single-family resident in the neighborhood who thinks this is a good idea. The reason the four residents in the area that Mr. Jeffares said will never speak is because they already spoke and everybody took care of them.

Motion by Ms. Prasad

Seconded by Mr. Koseck to include into the record the letter from Hafeli Staran & Christ, PC, Attorneys at Law delivered to the Birmingham City Commission and dated September 16, 2015.

Motion carried, 6-0.

VOICE VOTE

Yeas: Prasad, Koseck, Boyle, Jeffares, Lazar, Whipple-Boyce

Nays: None

Recused: Clein

Absent: Williams

Mr. Brad Host thought that all letters from past hearings should be included in the packets.

Mr. Jeffares questioned if a single family didn't want to live on the property, why would several families want to live on the property. Mr. Rattner answered that the structures are not the same. In further response to Mr. Jeffares, Mr. Chuck DiMaggio with Burton Katzman Development Co., the owners of the property said they have always seen this as a rental property. Their target market for this parcel is people who want to sell their homes and move some place close to the amenities that Downtown Birmingham has to offer. These are 3 and 4 thousand sq. ft. units that will lease to very high end renters.

Mr. Boyle noted that in 1929 Wallace Frost built six connected homes in the single-family residential Poppleton neighborhood. It worked marvelously and the neighborhood loves it, and property values have continued to escalate.

Mr. Koseck said he will expect quality in what would be developed and that all of the TZ-1 standards would play out. If the development is beautifully done he would think it will favorably impact the neighborhood and be a good thing for that piece of land.

Ms. Whipple-Boyce indicated she doesn't believe this property should be anything other than TZ-1.

Mr. Benjamin Gill thought the neighborhood would not be against TZ-1 if the developer built two duplexes or a single home. The residents don't want a four-plex.

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to recommend to the City Commission that the application to rezone from R-2 Single-Family Residential to TZ-1 Transition Zone be approved for 404 Park St., Parcel No. 19-25-451-021, lots 66 and 67 of Oak Grove Addition.

There were no comments on the motion from members of the public at 10:20 p.m.

Motion carried, 6-0.

ROLLCALL VOTE

Yeas: Boyle, Whipple-Boyce, Jeffares, Koseck, Lazar, Prasad

Nays: None

Recused: Clein

Absent: Williams

	Min. Area (sq/unit)	Lot	Min. Open Space (%)	Max. Lot Coverage (%)	Min. Front Setback (ft.)	Min. Rear Setback (ft.)	Min. Combined Front & Rear Setback	Min. Side Setback (ft.)	Min. Floor Area (sq/unit)	Max. Building Height (ft.)	Max Floor Area (%)
R1A	20,000		40	30	Average within 200' or 25	30	55	5' (9' or 10% of lot width for 1 side)	1,500	30 (to midpoint for sloped roofs)*	-
R1	9,000		40	30	Average within 200' or 25	30	55	5' (9' or 10% of lot width for 1 side)	1,500	30 (to midpoint for sloped roofs)*	-
R2	6,000		40	30	Average within 200' or 25	30	55	5' (9' or 10% of lot width for 1 side)	1,000 (1 story) 1,200 (> 1 story)	30 (to midpoint for sloped roofs)*	-
R3	4,500		40	30	Average within 200' or 25	30	55	5' (9' or 10% of lot width for 1 side)	1,000 (1 story) 1,200 (> 1 story)	30 (to midpoint for sloped roofs)*	-
R4	3,000		-	-	25	30	-	5' (9' or 25% of lot width for 1 side)	800	35' & 2.5 stories	40
R5	1,500 bed), 2,000	(1 - (2	-	-	25	30	-	5' (9' or 25% of lot width for 1 side)	600 (1 bed), 800 (2 bed),	30 & 2 stories	40

	bed), 2,500 bed)	(3						1 side)	1,000 bed)	(3				
R6	1,375 bed), 1,750 bed), 2,250 bed)	(1 (2 (3	- 	- 	25	30	-	5' (9' or 25% of lot width for 1 side)	600 bed), (2 bed), 1,000 bed)	(1 800 (3	40 & 3	stories	-	
R7	1,280	-	-		Average within 200' or 25	30	-	½ building height per side yard	500 bed), (2 bed), 900 bed)	(1 700 (3	50 & 4	stories	-	
R8	3,000	-	-		Average within 200' or 25	20	-	7 (interior lots) 10 (corner lots) 14' or 25% of lot width between residential buildings on adjacent lots	900		30 & 2.5	stories	-	

Zoning Summary Sheet
404 Park St.
R-2 / TZ-1 Development Standards

Existing Site: 404 Park Street

Zoning: R-2, Single-Family Residential, proposed for rezoning to TZ-1 Transitional

Land Use: Vacant lot

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Residential	Commercial/ Office	Multi-Family Residential	Single Family Residential
Existing Zoning District	R2 Single - Family Residential	B4 – Business Residential	R7 – Multi- Family Residential	R2 Single- Family Residential

Land Area: existing: 0.29 acres (12,480 sq. ft).
proposed: same as above

Land Use: existing: Vacant
proposed: Attached single-family residential

Minimum Lot Area: R-2: 6,000 sq. ft. per unit
TZ-1: 3,000 sq. ft. per unit

Minimum Floor Area: R-2: 1,000 sq. ft. (one story), 1,200 sq.ft. (>one story)
TZ-1: N/A

Floor Area Ratio: R-2: N/A
TZ-1: N/A

Open Space R-2: 40% Minimum
TZ-1: N/A

Front Setback: R-2: Average of homes within 200 ft.
TZ-1: 0-5 ft.

Side Setbacks: R-2: 5 ft., 9 ft.
TZ-1: 0 ft. from interior side lot line
10 ft. from side street on corner lot

Rear Setback:	R-2:	30 ft.
	TZ-1:	10 ft. 20 ft. abutting single-family zoning district
Max. Bldg. Height &	R-2:	30 ft. to the midpoint for sloped roofs, 24 feet to the eaves for flat roofs
Number of Stories:	TZ-1:	3 stories, 35 ft. maximum 2 stories minimum
Parking:	R-2:	2 or less room unit = 1.5 spaces per unit 3 or more room unit = 2 spaces per unit
	TZ-1:	2 spaces per unit, cumulative total of all frontages occupied by parking shall be no more 60 ft.
Loading Area:	R-2:	N/A
	TZ-1:	N/A
Screening:	R-2:	32-inch masonry screen wall where abutting a street or alley to be located on front setback line, PB may altered location
	TZ-1:	Where off street parking is visible from a street, it shall be screened by a 3 foot tall screenwall located between the parking lot and sidewalk. Where a parking lot is adjacent to a single family residential district, a 6 foot tall brick screenwall shall be provided between the parking lot and residential use. Screenwall must meet all requirements of section 4.54 of the Zoning Ordinance.
Roof-top Mech Units:	R-2:	Screen walls to fully obscure all mechanical units constructed with building materials compatible with building
	TZ-1:	Screen walls to fully obscure all mechanical units constructed with building materials compatible with building



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March 11, 2016

Richard D. Rattner
rdr@wwrplaw.com

Hand-Delivered

Planning Board
City Commission
City of Birmingham
151 Martin St.
Birmingham, MI 48009

Re: Application to Include 404 Park St., Birmingham, MI ("Subject Property" or "Property") in the TZ1 Zoning District ("Application") – 404 Park, LLC ("Applicant")

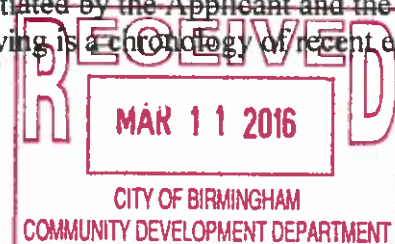
Dear Members of the Planning Board and City Commission:

This letter supplements the Application filed by the Applicant on February 4, 2016. In filing the Application, the Applicant requests the rezoning of the Subject Property from R-2 Single-Family to TZ1. The rezoning requested in the Application is intended to allow the long-time vacant Subject Property to be redeveloped into an attractive, 4 unit residential structure, consistent with the 2016 Master Plan.

The Subject Property and Chronology of Rezoning History

The Subject Property is located on the north side of Oakland Avenue between Woodward Avenue and Park Street, just to the north of "Downtown Birmingham" as identified in the 2016 Plan. The Property has approximately 80 feet of frontage on Woodward Avenue, 80 feet of frontage on Park Street and 155 feet of frontage on Oakland Avenue. It contains approximately 12,560 square feet. The Property has been vacant since 1989, when the then-owner razed a deteriorating single family structure. See survey, attached hereto and incorporated by reference as Exhibit 1, and aerial photographs, attached hereto and incorporated by reference as Exhibits 2A and 2B.

Applicant seeks to rezone the Subject Property to permit its development as a four (4) unit residence pursuant to the TZ1 zoning classification. Two recent attempts have failed to rezone the Subject Property to permit either a multiple-family dwelling or such uses as permitted under the new TZ1 zone. One such rezoning attempt was initiated by the Applicant and the other attempt to rezone was initiated by the City itself. The following is a chronology of recent events



regarding the Subject Property:

- August 30, 2012, Burton-Katzman Manager LLC, an affiliate and on behalf of Applicant, makes application to the City for a “Conditional Rezoning” of the Property from R-2 Single Family Residential to B2C General Business for the sole and express purpose of entering into a conditional zoning agreement with the City to permit construction of a 14 unit apartment building. In its September 13, 2012 memorandum to the Planning Board, the City’s Planning Department concludes that the rezoning “would not adversely affect the surrounding property”, that “development of this parcel as a single family home has proven improbable” and that the proposed conditional rezoning “would provide a suitable transition from the commercial zone to the south while protecting the neighborhood to the north.”
- January 9, 2013, the Planning Board, after an extensive 5 month study of the Conditional Zoning Request, recommended to the City Commission that it approve a Conditional Rezoning of the Property to permit a 6 unit residence.
- February 25, 2013, the City Commission denied the Conditional Rezoning, but in its motion to deny, the City Commission requested that the Planning Board “...consider in the short term...” which zoning would be proper for this Property, and, “... in the long term, the overall plan on conditional rezoning.”
- February 27, 2013, the Planning Board began the planning and zoning task assigned to it by the City Commission. As part of its work, the Planning Board retained a planning consultant company, LSL Planning, Inc. to prepare the Oakland/Park Subarea Study (the “Study”).
- May 8, 2013, LSL Planning, Inc. presented its study, attached as Exhibit 3, to the Planning Board. In part and specifically as to the Subject Property, the Study, at Pg. 11, provides:

“While Birmingham has a strong single-family market, we do not believe this site can be expected to redevelop as a single family home due to site factors (location, shallow lot depth along Oakland, lack of screening along Woodward, views of multi-story buildings across Oakland, and the traffic volumes along Oakland). **These site characteristics are unique only to this lot. Under these conditions, attached, owner occupied residential units (approximately 4 units per building) seem to be the most appropriate use.**” (Emphasis added)

The Study further provides, at Pg. 13:

“We were asked to explore zoning options for the 404 Park area in more detail, to provide more specific guidance to the City for the site at Oakland and Park. The dimensional characteristics, parcel configurations, proximity to downtown and location along higher volume streets will influence the potential development. **Our recommended approach would be to allow modest density, attached residential types (4-unit buildings) at a density higher than what is allowed in the R-2 district, to be offset to some degree with higher quality screening and overall development quality.**” (Emphasis added)

- May 8, 2013 to April 23, 2014, the Planning Board continued to work on the task assigned by the City Commission.
- April 23, 2014, the Planning Board recommended to the City Commission that it establish and apply various Transitional Overlay Zones to numerous properties through the City. The Planning Board concurred with the recommendation of LSL Planning, Inc. and recommended a Transitional Overlay Zone that would, among other things, permit development of a 4 unit residence on the Property.
- June 9, 2014, the City Commission received the Planning Board Transitional Zoning Overlay recommendations, but postponed action, referring the matter back to the Planning Board due to concerns regarding legal noticing of public hearings and changes to be recommended by the City Administration.
- October 8, 2014 to June 24, 2015, the Planning Board held additional public hearings and deliberations on transitional zoning. During these deliberations the Planning Board determined that transitional zoning districts should not be in the form of optional overlays, but rather in the form of new zoning districts. The Planning Board also determined that 7 additional properties in the Oakland/Park area should be included in its transitional zoning recommendations to the City Commission. These consist of 2 properties north of the Subject Property and 5 properties immediately west of the Subject Property along Oakland Avenue.
- June 24, 2015, the Planning Board adopted transitional zoning recommendations for approximately 80 properties, including the Subject Property. As to the Subject Property, the Planning Board again recommended that it be rezoned to permit a 4 unit residence; i.e. TZ1 Attached Single Family. However several of the 7 property owners that had their properties included in the transitional zoning recommendations for the Oakland/Park area during the October 8 to June 24 study period, requested to have their properties removed. The Planning Board obliged, leaving 404 Park as the sole property in the Oakland/Park

area recommended for transitional zoning; i.e. TZ1 Attached Single Family.

- July 13, 2015, the City Commission received the Planning Board recommendations and set a public hearing for August 24, 2015.
- August 24, 2015, during the public hearing several property owners in the area of the Subject Property objected to the rezoning, and alleged a rezoning to TZ1 was “spot zoning” on the basis that the Property was the sole property in the Oakland/Park area recommended to be rezoned to TZ1. To correct this misuse of the term “spot zoning”, the Birmingham City Attorney opined that the rezoning of 404 Park **does not** constitute “spot zoning,” citing the Planning Board’s 3-year long comprehensive planning process which preceded its recommendation. The City Commission adjourned the public hearing on September 21, 2015.
- September 21, 2015, the City Commission voted on rezoning the Property. A motion is made to approve the rezoning of 404 Park from R-2 Single Family to TZ1, which failed on a 3-3-1 vote. The result of the vote is a denial of the Planning Board’s recommendation to rezone the Subject Property. In reviewing the meeting minutes and video it should be noted that while the Mayor and Commissioner Hoff were opposed to the rezoning, they each spoke well of the proposed 4 unit residence.

Section 1.04 – Compliance with the Goals, Objectives and Strategies of the Master Plans

Section 1.04 of the Birmingham Zoning Ordinance (“Zoning Ordinance”) 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 (“Birmingham Plan”), and Downtown Birmingham 2016 Plan (“2016 Plan”).” A review of the Birmingham Plan (1980) and the 2016 Plan (1996) reveals that the request in the Application to rezone the Subject Property to TZ1 meets the spirit and intent of the Zoning Ordinance as well as “The Downtown Birmingham Vision Statement” (“Vision Statement”) of the 2016 Plan (See p. 181 of the 2016 Plan). A copy of the Vision Statement is attached hereto and incorporated by reference as Exhibit 4. This rezoning will provide for residential uses and encourage an updated pedestrian friendly development to coordinate a transitional buffer zone between the higher density office and commercial uses to the south and the mature single family uses to the north, as provided for in the 2016 Plan Vision Statement

Although the 2016 Plan does not specifically include the Subject Property, the proposed rezoning of the Property is consistent with the Vision Statement from that Plan. It is also consistent with recently enacted planning objectives of the City regarding transitional areas as set forth in the “District Intent” for the TZ1 Transitional zone (See, Section 2.41) of the Zoning Ordinance.

One of the applicable bullet points of the Vision Statement is to “[e]nsure good land use transitions and structural form and mass to the traditional residential neighborhoods surrounding downtown.” The new TZ1 Transitional Zone was created, in part, to accommodate this concept as expressed in the Vision Statement. A TZ1 zoning for the Property is clearly appropriate as it fulfills the planning principal of buffering and providing orderly “good land use” transitions and structural form and mass between the higher density office, commercial and public (a parking structure) uses, on the one hand, and the “...traditional residential neighborhoods...” on the other.

A second part of the Vision Statement is to “[c]reate and reinforce identifiable districts within the downtown to provide a sense of place and a variety of experiences.” Although the Property sits just north of Downtown Birmingham, the rezoning of the Property and its transitional location respects and protects the identifiable residential neighborhood to the north. Said another way, it acts as a protection for that residential neighborhood as it creates a natural transitional buffer that shields those residents from higher density uses to the south.

Further, the Vision Statement encourages “...a diverse mix of uses...especially residential.” The 2016 Plan deals mainly with the Property to the south (across Oakland). However, this rezoning will accomplish a goal of the 2016 Plan by allowing, as a permitted use, a structure that is obviously intended for use in a transitional area.

Simply stated, the proposed rezoning complies with the spirit and intent of the Vision Statement regardless of the fact that the 2016 Plan does not specifically study the Property. The principals of the 2016 Plan, together with the District Intent of the TZ1 Zoning District (discussed below) give clear and convincing guidance for the planning vision of Birmingham. The rezoning of this Property to TZ1 accomplishes the City’s carefully created Master Plan for land use.

The TZ1 Zoning District

Transitional zoning districts were the result of the planning consultant’s (LSL Planning, Inc.) Study of the Oakland/Park subarea. As the project proceeded from a general discussion of the use and zoning of the properties in that area to a TZ1 zoning district, the Planning Board created a statement of the District Intent. Section 2.41 of the Zoning Ordinance contains the stated intent of the TZ1 Zoning District (the “District Intent”). The pertinent provisions of Section 2.41 provide as follows:

- (a) Provide for a **reasonable and orderly transition from, and buffer between** commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.

- (b) **Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts** by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
- (c) **Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.**
- (d) **Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.**
- (e) **Regulate building and site design to ensure compatibility** with adjacent residential neighborhoods.
- (f) **Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.**
(Emphasis added)

The rezoning of the Subject Property to TZ1 from R-2 fulfills each of the six part statement of the “District Intent” adopted by the City. This statement of District Intent provides a solid foundation and plan for zoning and rezoning property in those areas designated as transition zones. The rezoning of this Property will: (a) provide a reasonable and orderly transition, and a buffer between commercial use to the south and the mature single family residential to the north; (b) provide a fully integrated, mixed-use, pedestrian environment between residential and commercial districts; (c) provide for future growth of transitional uses and thereby serve to “...protect and preserve...” the single family use to the north; (d) “...achieve an appropriate scale along streetscapes...”; (e) “...regulate building and site design to ensure compatibility ...” with residential neighborhoods to the north; and (f) create a “...distinction between less intense residential areas and more intense commercial areas...”.

In summary the rezoning of the Property is in compliance with all principals of the relevant portions of the City’s Master Plans and Zoning Ordinance statements of intent for land use. Further a specific planning study and three years of hard work on the part of the Planning Board and the City Commission have clearly identified this Property as one that should be rezoned to TZ1, as was originally recommended. This Application is an opportunity to amend the Zoning Ordinance so that this Property is allowed to enjoy the uses that the Master Plan and District Intent statement clearly anticipated was a fair, just and reasonable zoning that would benefit of the health, safety and welfare of this community..

Rezoning Amendment – Sec. 7.02B.2.b.i.–iii.

The Zoning Ordinance, at Sec. 7.02, requires that as part of an application for rezoning,

the petitioner address certain issues to be considered by the Planning Board and the City Commission, in addition to the unambiguous guidance set forth in the City Master Plans. Please consider the following comments with respect to these issues.

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

The Applicant has been unable to develop the Subject Property in accordance with the Master Plan and the 2016 Plan, depriving the Applicant of the enjoyment of a right commonly associated with property ownership. The rezoning of the Subject Property from R-2 to TZ1 would result in the preservation and enjoyment of such rights of property ownership. These rights of usage include, among others, the right to develop the Subject Property in a manner consistent with the 2016 Plan. The Planning Department has advised the Planning Board that development of the Subject Property as a single family home “has proven improbable.” During the first attempt to rezone the Property with conditions the Planning Department also advised that the then-proposed conditional zoning “would provide a suitable transition from the commercial zone to the south while protecting the neighborhood to the north.”

The other properties in the area of the Subject Property are not similarly situated. None of them are bounded by three major streets. None of them are located on a shallow lot (from north to south). None of them have a side facing Woodward with no screening. In fact, the development Applicant intends to build, once the Subject Property is rezoned TZ1, is not only in total accord with the District Intent but also with the 2016 Plan. The rezoning to TZ1 zoning allows the Applicant the preservation and enjoyment of the rights and usage commonly associated with property ownership.

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

After reviewing the 2016 Plan, the Zoning Ordinance and the minutes of the Planning Board during the three years of transitional zoning deliberations, it is clear that the existing zoning should be updated so that a residential use can be built that complies with the TZ1 District Intent and the 2016 Plan. The TZ1 zoning allows the contemplated use. The development of the Subject Property would be pursuant to an ordinance that was enacted to establish, encourage and foster buffers between commercial and residential areas. A vacant lot cannot effectively buffer or protect the residential neighborhood to the north. Redevelopment of the Subject Property as a single family residence does not accomplish any of the important goals of the TZ1 Zoning District or the goals of other land use plans which are the basis for the Zoning Ordinance.

Redevelopment as a single family residence does not: provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas; develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts; plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas; regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods; regulate building and site design to ensure compatibility with adjacent residential neighborhoods; or encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas. The current zoning of the Property is not in compliance with the City's master plan and is no longer appropriate. A rezoning to TZ1 would remedy this problem.

It is fair and reasonable that the Subject Property should be able to enjoy the same benefits that other properties in the surrounding areas enjoy. The simple R-2 zoning is no longer appropriate because of the incredibly sophisticated development that has occurred to all properties in the area of the Subject Property. The use of the Subject Property for a single family residence is not only inconsistent with the Zoning Ordinance and 2016 Plan, but it limits the use of the Subject Property so that its value to the community and to the Applicant is unfairly diminished.

Inclusion of the Subject Property in the TZ1 Zoning District will enhance the form based zoning that has reinvigorated Birmingham. The R-2 zone is simply no longer appropriate in this area as a part of this dynamic mixed use, pedestrian friendly, urban setting.

Sec. 7.02B.2.b.iii. – An Explanation of Why the Proposed Zoning will not be Detrimental to the Surrounding Properties

Rezoning the Subject Property to TZ1 will not be detrimental to the surrounding properties, in fact, it will protect the single family neighborhood to the north by providing a clear buffer between traditional single family uses and commercial uses. Therefore this rezoning will be a positive development for all the citizens of Birmingham. The rezoning of the Subject Property will allow for the development of a modern and attractive residential structure which will be enjoyed by all of the residents of Birmingham. The contemplated plans for the Subject Property, which comply with the TZ1 requirements, are at a height, density and aesthetic that coordinates with the surrounding properties. Certainly the intended use developed in a modern way is a great improvement over its current vacant condition.

Conclusion

All of these facts taken together with the coordination of streetscape and use of future development lead to the conclusion that the rezoning of the Subject Property from R-2 to TZ1 will be a clear benefit to the health, safety and welfare of all the citizens of Birmingham.

Applicant respectfully requests that this Petition for rezoning the Subject Property from R-2 to TZ1 be approved.

Respectfully submitted,

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

By:  
Richard D. Rattner
Attorney for Applicant

EXHIBIT 1

SURVEY

**PROFESSIONAL
ENGINEERING
ASSOCIATES**
2400 Piedmont □ Suite 100
Troy, MI 48063-1071
Phone: (313) 486-1000
Fax: (313) 486-1001

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REVISIONS		DATE	BY	APP
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2	Revised Design			
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DONALD E. SPENCER
 1001 CLAYTON HILL AVENUE
 JACKSON, MISS. 39203-1311-021
 AND ALL RELATED IN THE CITY OF BIRMINGHAM, COUNTY OF DADELAW, STATE
 OF ALABAMA, DESCRIBED AS FOLLOWS:

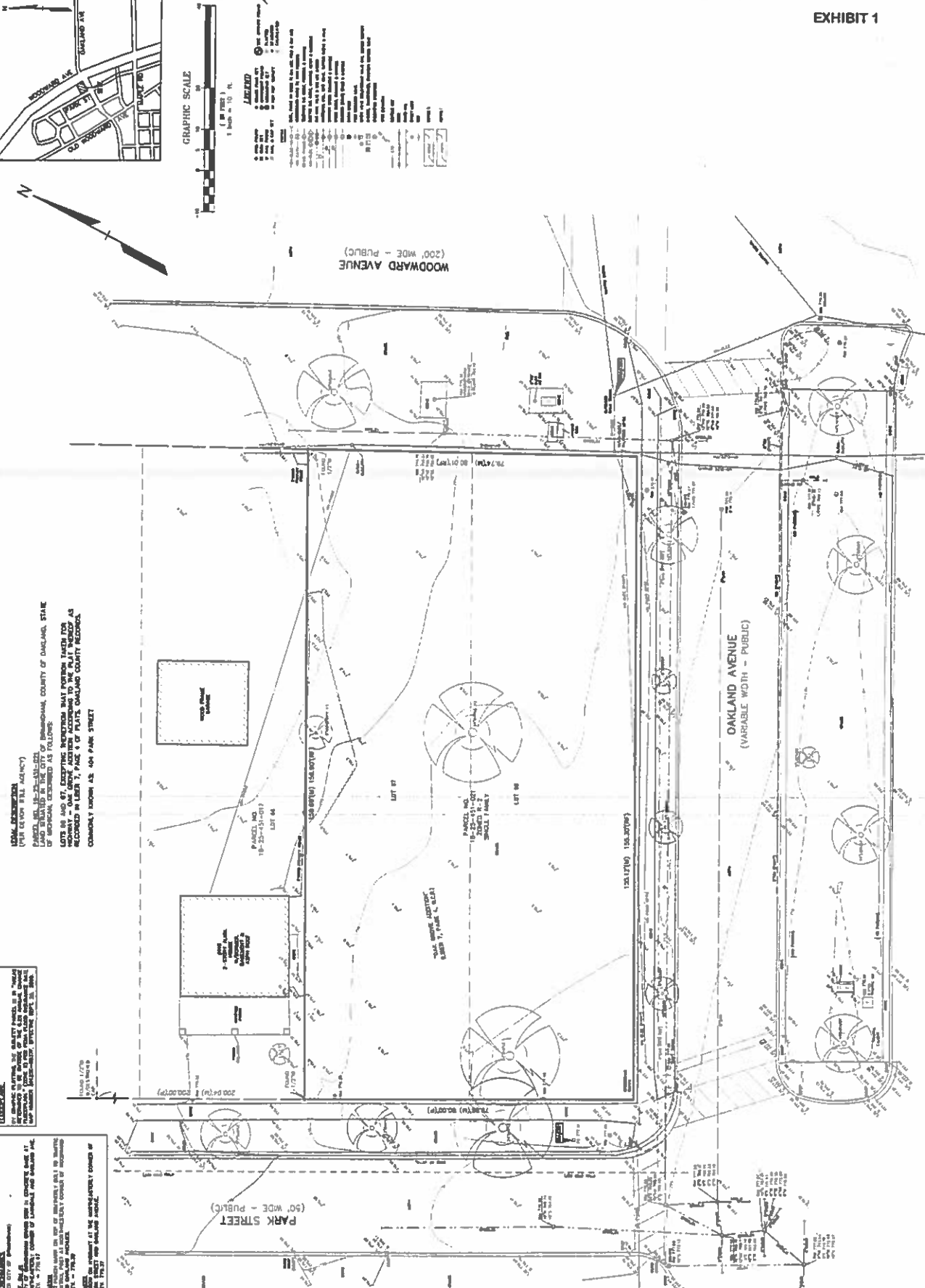
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EXHIBIT 2A

AERIAL PHOTOGRAPH

Exhibit 2A



Property

Rockaway Ave

Park St

Fence Ave

EXHIBIT 2B

AERIAL PHOTOGRAPH



Woodward Ave

Park St

Property

Oakland Ave

Wendale Ave

© 2012 Google

43° 22' 58.33" N 83° 42' 59.02" W elev 775 ft

Imagery Date: 5/9/2010 1959

EXHIBIT 3

LSL PLANNING, INC. STUDY

Oakland/Park Subarea Study

Purpose

The Oakland/Park area in Birmingham, like much of the city, has some unique features. Tucked behind wooded views along Woodward and the shops and offices along Old Woodward and Oakland is a tightly knit historic neighborhood. Most passersby do not even realize there is a quality historic neighborhood. Woods along Woodward Avenue provide an effective screen along the neighborhood's east edge. Other edges between the mostly single-family neighborhood and non-residential uses are generally fairly well buffered, through landscaping, walls and setbacks. There are, however, some lots adjacent to the neighborhood "edges" that are not as well buffered or have distinct site conditions that make them candidates for a possible land use change. Those parcels are the focus of this study.

One such lot, at the northeast corner of Park and Oakland Streets, was recently the topic of a rezoning request. The applicant proposed a conditional rezoning to B2C to allow a reduced front yard setback for a set of six attached residential units. In response to extensive neighborhood comments voicing opposition to the rezoning, and feeling any zoning action on an individual parcel would be premature, the City Commission recommended that the area first needed an overall planning study.

Scope and Methodology

LSL Planning, Inc. was retained by the City of Birmingham to create a subarea analysis for the study area illustrated below. The subarea is bounded by Oakland to the south, N. Old Woodward to the west, Woodward Avenue to the east and the neighborhood south of Oak Street. This study evaluates the types of land uses, views, transition areas, traffic, access, pedestrian conditions, building heights and setbacks, and zoning.

Our technical analysis also considered the ideas and concerns of the neighborhood expressed at public meetings. While there were a variety of comments, all of which were thoughtfully considered, the key topics emphasized are listed below:

1. Protecting the integrity of the neighborhood and property values;
2. Strong preferences for single-family development on the vacant lot at Oakland/Park and a belief that it is a reasonable use;



Study area



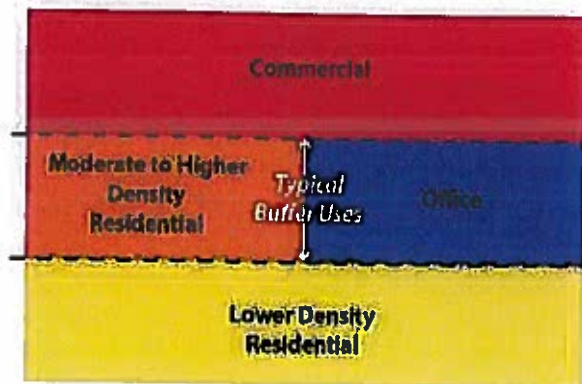
3. Desire by some to retain the Brookside Terrace condominiums;
4. Ideas or support for traffic calming and pedestrian crossing improvements; and
5. Concern about rental housing especially if there are more than four units (which the City Assessor stated is classified as "commercial").

We also considered information from the City Assessor on factors that influence property values. Typically, assessed values are based on standard factors such as comparable sales in the vicinity. When a single family home is adjacent to another use, there can be a 5 to 15% drop in the assessed value. The extent of the impact depends on factors such as, condition of the structure, traffic, and adjacent uses (type, condition, buffering, views). Different types of adjacent land uses can be made more compatible through site design and buffering aimed at reducing or avoiding negative impacts on assessed values.

Edges and Transitions

In land use planning, an important consideration is to manage land use arrangements to minimize conflicts. Land use conflicts may occur when incompatible uses are adjacent. The result can be short- and long-term consequences or nuisances that can influence the desirability and value of one or more properties. In a downtown or mixed use district, the buyers are aware that the array of uses is part of the appeal. But in single-family neighborhoods near the downtown or mixed use district, there is an expectation of solidarity among uses in the neighborhood.

Typical Land Use Transition Pattern



There are a number of factors that influence the extent of the conflict and its impacts. A key factor is the intensity of the use. Certain more intense uses are generally directed to be separated from other uses. This is one reason why in planning and zoning communities have a series of land use classes or zoning districts that specify the permitted uses.

Due to the impacts of non-single-family uses (views, noise, traffic, parking, late-night hours, etc.) single-family neighborhoods are often separated from retail, entertainment, and service businesses by uses transitioning the intensity between the districts – higher density housing or offices are typical applications of these transitional buffer uses (see diagram at right). In more urban/mature cities like Birmingham, residential uses often abut commercial uses with little room for transitional uses. In such cases, the uses can be more compatible by incorporating design features such as setbacks, landscaping, parking and access location,

Typical Transitional Land Uses between Single-Family and Commercial

- Single-family detached homes (with suitable buffers as defined below)
- Attached single-family homes
- Multiple-family residential at an appropriate scale and density (see design considerations below)
- Single-family homes converted to offices
- Offices (with suitable buffers as defined below)
- Parks/open space
- Institutional uses (schools, libraries, etc)
- Buffers: setbacks, walls, landscape, etc.

lighting, or building design. Typically, the buffering is provided on the lot of the more intense use.

Where single-family or lower density residential neighborhoods directly abut higher intensity uses, the edges of districts (on both the commercially zoned side and residential side) are often the focus of a city's master plan and zoning regulations. These lots are scrutinized to ensure a suitable transition between the districts exists. Properties on the edges of districts may feel development pressures from adjacent zoning districts typically from the more intense district. Having well-defined transitional uses or design buffers can preserve the integrity of single-family neighborhoods from encroachment of unwelcome uses. Birmingham has dozens of examples where single-family has long remained stable when abutting non-single-family. But there are also other examples where former owner-occupied single-family homes have been converted to rentals, duplexes, or offices. In many cases, these non-single-family uses have long served as a transitional use.

Design Considerations for Transitions

One of the objectives of the City is to protect its neighborhoods. Changes in use and zoning can potentially erode that character. But the City also has goals for vibrant, mixed use districts, a walkable city and a diversity of land uses for fiscal security. In the neighborhood edge area where the single or two-family abut other uses, the non-residential use should be designed so that it provides a transition but also forms a solid demarcation for a zoning boundary.

These design considerations were taken into account when analyzing the subarea's key parcels susceptible to change in the next section.

Typical site design buffers between residential and non-residential uses

- Landscaping
- Attractive, well-maintained walls and fences
- Some additional setbacks especially for buildings with more height or mass than neighbors
- Low lighting impact

Site Analysis of Key Parcels Susceptible to Change

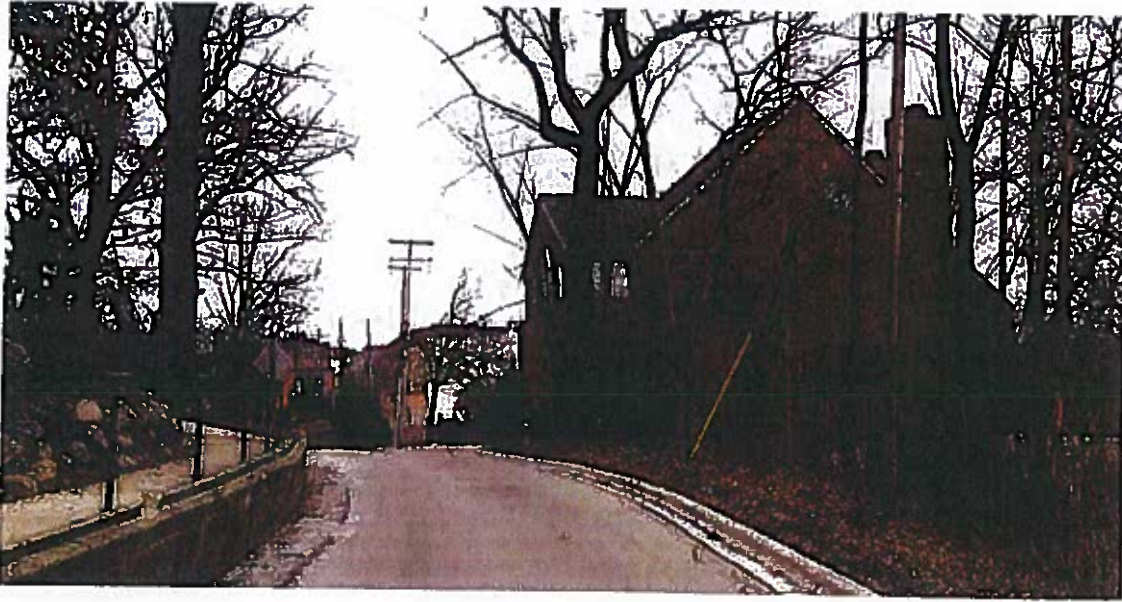
The areas in the Oakland/Park Subarea that front or are adjacent to commercial uses are defined on the following map (titled "Adjacency Analysis") in green as parcels most susceptible to change. This does not mean a change is necessary, just that those are the parcels that should be focused on in a land use evaluation such as this report. Seven properties were identified for further study to determine if on-site design considerations provide sufficient buffers to support long-term viability of the uses, or if a change in land use, zoning, or site design may be appropriate to provide an appropriate buffer between the uses. These properties were evaluated for buffering design considerations, as described above, to determine what can be done to prevent change or what might be changed to protect the adjacent uses.

Each parcel classified as susceptible to change was evaluated and classified as follows:

1. Buffering sufficient, no change in land use is warranted or recommended;
2. Generally the uses are compatible and some buffering exists, but could be greatly enhanced; or
3. Conditions unique to the parcel (traffic, views, lot size, etc) warrant a consideration of a change in the land use; the condition may be beyond a buffering solution.

The findings for each such parcel are provided on the following pages.

① Brookside/Ravine Area



Existing Conditions

The attached condos on the north side of Ravine at N. Old Woodward are a good transitional use between the retail uses on N. Old Woodward and the single-family homes in the subarea. The condos are buffered from the retail by the wooded area adjacent to the Rouge River. This wooded area also does a very good job of buffering between the shops along N. Old Woodward and the homes on Brookside, but ends at the lots edge.

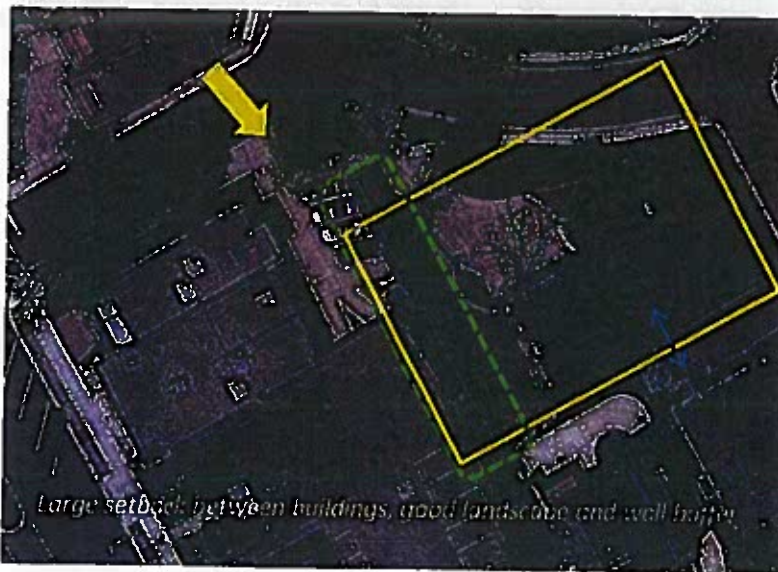
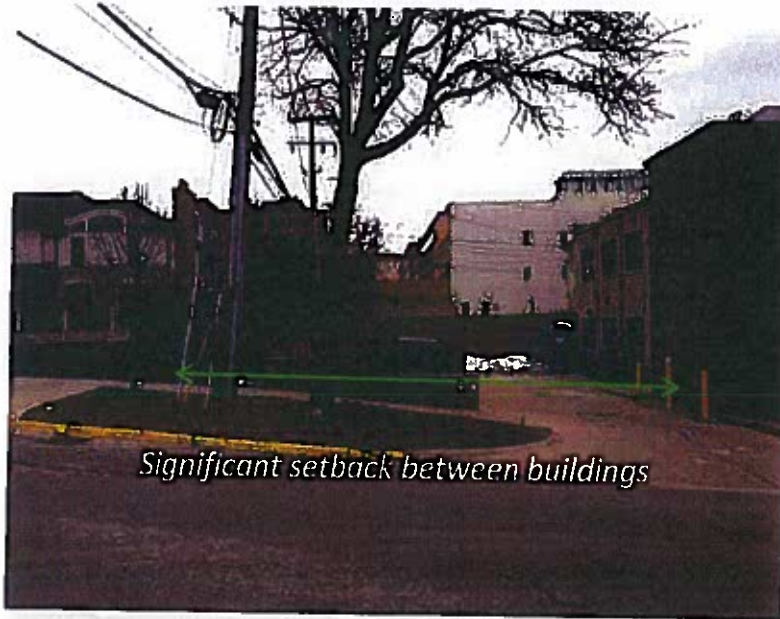
Recommendation

- There is no reason to support any change of land use or zoning in this area.



While the views from homes on Brookside to the businesses along N. Old Woodward are less obstructed in winter months with less foliage, what remains of the vegetation decently screens the rear loading/parking areas of the businesses.

② Ravine/Ferndale Area



Existing Conditions

The site contains a brick wall and depressed parking lot. It is well landscaped, contains a substantial setback, and is closely tied to adjacent residential.

Recommendation

- There is no reason to consider land use changes in this area.
- Additional landscaping along Ravine would help with views of the parking/loading from the street.

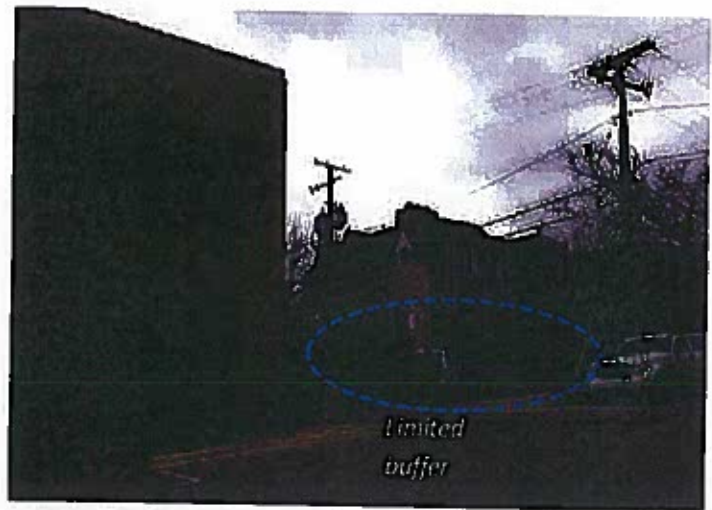
③ Euclid Area

Existing Conditions

This site has a shallow setback with parked cars adjacent to the front yard. Minimal buffers do not include a wall or significant landscaping, as is ideally desired.

Recommendations

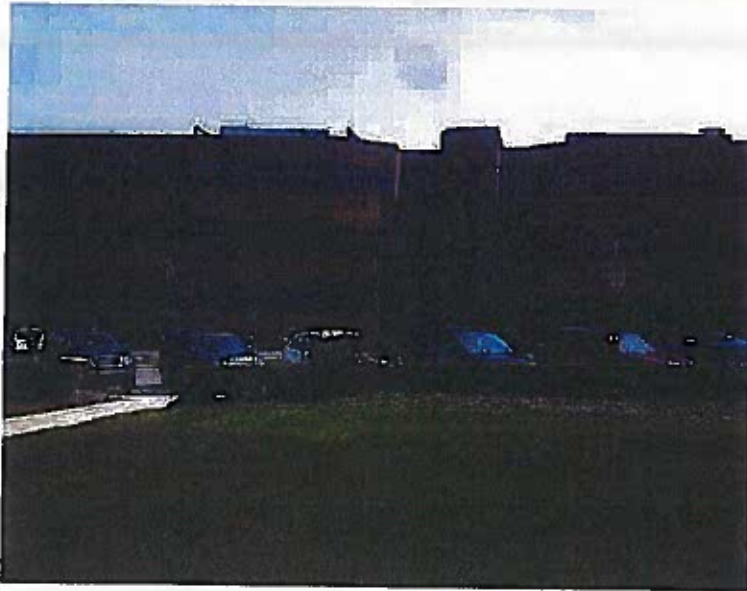
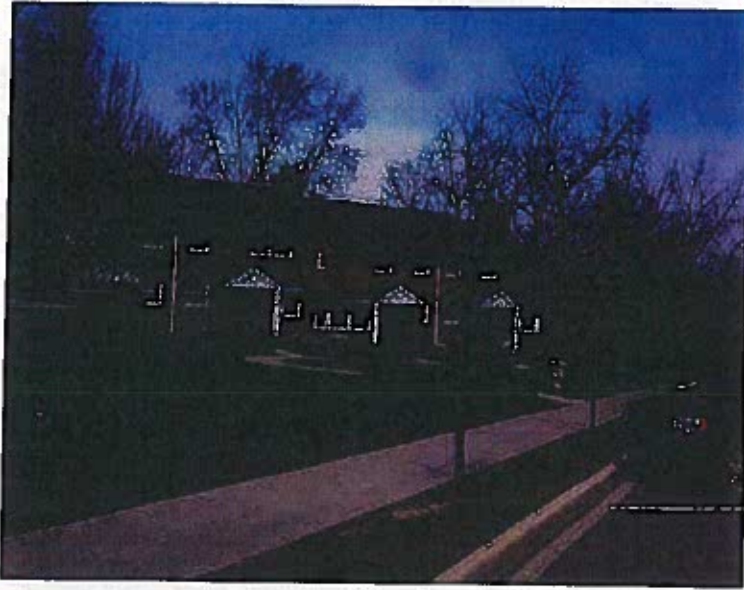
- No change in land use is suggested.
- Work toward additional buffer with larger parking setback with landscaping and/or screen wall.
- Consider traffic calming treatments, such as curb bump outs to better distinguish office from residential street.



Consider improvements to Euclid that will help calm traffic. See the Complete Streets and Traffic Calming Concepts section of our report for more information:

1. Curb-bump outs
2. Speed table
3. Clearly marked crossings
4. Signage

④ Brookside Terrace Area



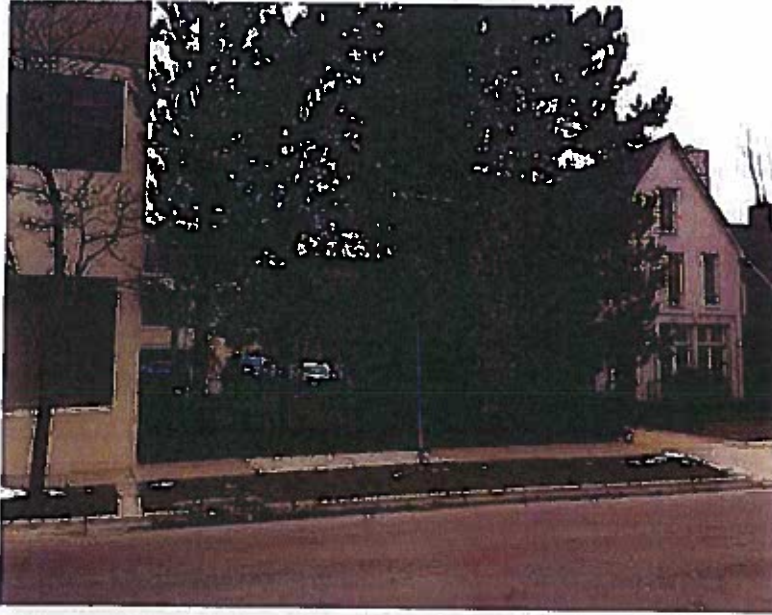
Existing Conditions

The Brookside Terrace condominiums front onto N. Old Woodward, with a large setback from the street, which provide a nice greenspace along N. Old Woodward. The site backs onto the river, providing nice vistas, both of the river and residential homes on the other bank. Parking, via a structure and on-street facilities are provided to accommodate the moderate density on the site.

Recommendations

- Plan for redevelopment into office or mixed-use.

⑤ Ferndale Area



Existing Conditions

This site includes an office building. A substantial landscaped area and setback separates the residential from the office. Rear yard parking, located adjacent to the garage/drive, includes a hedgerow buffer.

Recommendation

- No changes are recommended in this area.

⑥ Oakland Area



Existing Conditions

The properties fronting Oakland are somewhat buffered from the parking deck across the street by the width of the right-of-way and the landscaped median. Unlike most of the homes in the neighborhood, the views from those lots look onto a four story office building and multi-story parking deck. These properties have historically been residential (2 are rentals) but the traffic volumes on Oakland are high for residential uses.

Recommendations

As a key entrance to downtown from Woodward, Oakland Avenue could support more intense uses along its frontage, similar to those on the westernmost block of Oakland at N. Old Woodward. From an urban design perspective, this street could benefit from shallow setbacks on both sides of the street to better frame Oakland as a gateway to downtown. Should the current single-family houses (a mixture of renter- and owner-occupied homes) redevelop, a logical extension of that zero-foot front yard setback characteristic would be acceptable at the other borders of the neighborhood and across Oakland, with deeper rear yard setbacks adjacent to single-family residential. Similar to those office/commercial and attached residential buildings fronting Old Woodward, businesses or attached residential units (no more than 3 stories) would complement the character of other conditions located at the periphery of downtown while protecting the established single-family neighborhood behind. This would provide a better transition to the neighbors to the rear than the current houses fronting Oakland have as a transition. Some additional zoning suggestions are provided later in this report.



While the median contains some landscaping, the tall trees are insufficient to fully block the view of the imposing parking deck across the street.



Consider marked pedestrian crossings with "Failure to Yield to Pedestrians, minimum \$50 fine" signs

⑦ 404 Park Area



Existing Conditions

This vacant property is located at the corner of busy Woodward Avenue and Oakland. The views across Oakland of the office building and parking structure are not well shielded by the landscaped median. Unlike the other lots along the east side of Park Street, there are no woods to help screen views and noise from Woodward Avenue. The addition of screening along Woodward may be limited in order to protect sight distance along eastbound Oakland given the skewed intersection angle.

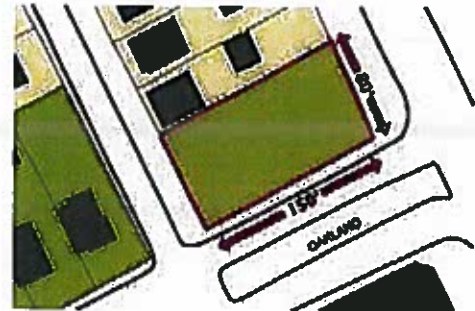
Recommendations

While Birmingham has a strong single family market, **we do not believe this site can be expected to redevelop as a single family home due to site factors** (location, shallow lot depth along Oakland, lack of screening along Woodward, views of multi-story buildings across Oakland, and the traffic volumes along Oakland). These site characteristics are **unique** only to this lot. **Under these conditions, attached, owner-occupied residential units (approximately 4 units per building) seem to be the most appropriate use.** If designed to complement the existing neighborhood architecture and housing types, this site could have more potential to redevelop into a more complementary development.

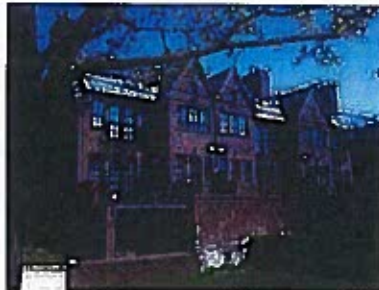
Development that can present a residential façade along both Oakland and Park, parking located closer to Woodward, and setbacks consistent with established development, could help accomplish two important goals in this area to protect the single-family neighborhood; minimize impacts from associated parking facilities; and strengthen Oakland as a gateway into downtown.



While the median contains some landscaping, the tall trees do not fully block the view of the office building across the street.



This study area measures 150' wide by 80' deep, which is a challenge to redevelopment.



Examples of 3- and 4-unit buildings at Brown and Bates shows how attached single-family residential types can be compatible with residential. Materials and buildings would need to be revised to fit on the study site, but these images illustrate the type of quality that can be achieved.

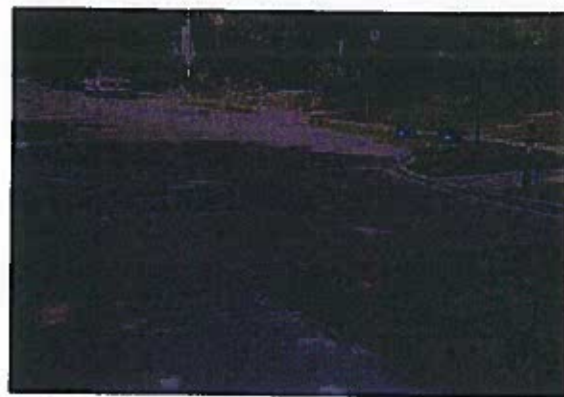
Complete Streets and Traffic Calming Concepts

Generally the neighborhood streets are designed for appropriate low speed auto travel. Sidewalks are provided along both sides of the streets. To help prevent non-residents from parking in the neighborhood, on-street parking requires a permit. The City has made many improvements to calm traffic and improve the environment for pedestrians, especially along North Ole Woodward. The angled parking, medians and signalized pedestrian crosswalks have helped transform this district into another City asset. We did hear or see some comments from the neighborhood about cut-through traffic, but traffic speeds do not seem to be a problem. There are some additional enhancements that could help meet the City's objectives for "Complete Streets" designed for all types of users, and also to better distinguish the residential and non-residential segments.

- **Curb-bump outs.** At critical neighborhood entry points, where commercial uses end, curb bump-outs and perhaps a band of different pavement could help better mark the neighborhood and discourage cut-through traffic. Some of the streets, such as Park, are too narrow for a bump out, but others, such as Euclid, can accommodate a shallow bump-out.
- **Improved crossings.** An additional pedestrian crossing of Oakland at Ferndale could be evaluated by the City's Engineering Department. This could include a marked crosswalk and a sign to yield to pedestrians.
- **Speed tables.** A speed table is a slightly raised (2 to 3 inches) segment of pavement that combined with a change in pavement or a bump out can help distinguish the residential part of the street. These traffic calming measures can help discourage cut-through traffic and slightly lower speeds. A differentiation in pavement color and levels requires the motorist to notice their speed and reduce it to drive over the tables.



Curb-bump outs, such as the one recommended along Euclid Avenue, can help distinguish the entry into the neighborhood. It may also allow installation of a tree to improve screening for the adjacent home. This could also include some type of decorative pavement or a speed table as shown below.



Zoning Analysis and Recommendations

Current Zoning and Dimensional Requirements. With the exception of the Brookside/Ravine parcel (①), which is zoned B-1, Neighborhood Business, and the Brookside Terrace (④) which is zoned R-6, Multiple-Family Residential, parcels evaluated are zoned R-2, Single Family Residential. Key dimensional standards for these districts are as follows:

	Allowed Uses	Min. Lot Size	Min. Front Setback	Minimum Side Setback	Min. Rear Setback	Max Height
R-2	<ul style="list-style-type: none"> SF Residential Adult Care Limited Institutional 	6,000 s.f.	Average along block or 25'	<ul style="list-style-type: none"> One side = 9' or 10% of lot width Both sides = 14' or 25% of lot width 	30'	26' to 30'
R-6	<ul style="list-style-type: none"> SF Residential Duplexes Multi-Family 	1,375 s.f. to 2,500 s.f.	25'	<ul style="list-style-type: none"> Lots over 100' wide = 10' for one side and 25' for both Minimum 5' 	30'	30' / 2 stories
B-1	<ul style="list-style-type: none"> Institutional Uses Offices Limited retail & service uses 	N/A	0	0	20'	30' / 2 stories

Current Buffer Requirements. As noted, required setbacks, screening, building height, and other design can influence a development's compatibility with adjacent uses. The following summarize the key requirements in the Birmingham Zoning Ordinance as they might relate to the evaluated parcels:

- **Screening.** Section 4.05 requires screening around waste receptacles and mechanical equipment, and a six foot tall masonry screen wall between parking lots and abutting single-family residential zoning districts.
- **Landscaping.** Section 4.20 requires multiple family projects to provide one deciduous and one evergreen tree for each two units proposed, in addition to one street tree for each 40 feet of road frontage.
- **Lighting.** There is very little regulation for parking lot lighting in the Zoning Ordinance that would relate to redevelopment within the study area.

Recommendations

We were asked to explore zoning options for the 404 Park Area (②) in more detail, to provide more specific guidance to the City for the site at Oakland and Park. The dimensional characteristics, parcel configurations, proximity to the downtown and location along higher volume streets will influence the potential development. Our recommended approach would be to allow modest density, attached residential types (4-unit buildings) at a density higher than what is allowed in the R-2 district, to be offset to some degree with higher quality screening and overall development quality. The following discuss the various ways that this could be achieved and our suggested approach:

1. **Grant Variances.** The City has the authority to grant variances of the dimensional and use restrictions in the Zoning Ordinance. Use and dimensional variances should only be issued in extremely unusual cases, and should be avoided where the desired redevelopment is expected to require several variances.

In this case, the shape of the parcel along does not prevent development into single-family

homes according to the requirements of the R-2 district. However, there are some physical factors that make development of a single family home questionable. We believe an alternatives development option, attached single-family units, is more reasonable and can serve as a buffer for the adjacent residences. A use variance, along with dimensional variances, is an option. Even if the property owner can demonstrate there is a "demonstrated hardship" to warrant a use variance, such a procedure is often not viewed as a good policy approach.

2. **Rezone the Property.** Rezoning of the site from R-2 to a higher intensity designation, such as the R-8 zoning district would allow additional uses including multiple-family uses, but not commercial uses, which can help alleviate concern from the neighborhood residents. In addition, the dimensional requirements are less than those in the R-2. Particularly, the minimum lot size is reduced to 3,000 s.f., the rear setback is reduced to 20', and open space and lot coverage requirements are eliminated, which could accommodate more intense uses. They could also, however, create a development that, without performance standards, may not achieve the compatibility, transitions and buffers desired for this site.
3. **Establish a New District or Overlay.** The recommended approach is to develop a new, urban residential district that could be applied to select sites in anticipation of redevelopment. The provisions could apply if sites are rezoned, or it could be applied as an overlay. The primary benefit of this option is that the City can establish the provisions it feels appropriate for these sites rather than trying to force them into an existing district. Key aspects of this district could include:
 - a. Shifting of the approval focus from the dimensional requirements to a set of performance-based standards. If chosen, standards including but not limited to the following should be included:
 - 1) The development includes building heights, screening and landscaping that consider adjacent land uses and development patterns to ensure proper transition to nearby residential neighborhoods; and
 - 2) The development provides an alternative housing type not typically found in the City, such as senior housing, attached single-family, or other targeted types.
 - b. Because the conditions of the 404 Park Area are not specific to that study area, applicability provisions could be included to allow this district to be applied to other sites that either:
 - 1) Abut both a single-family residential district and a non-residential district, or
 - 2) Are located along a major non-residential road that abuts a single family district.
 - c. Specific standards of the district should include design considerations such as:
 - 1) Additional screening standards for transitional sites, such as inclusion of additional landscaping, building step-backs, and other provisions that we expect will be needed;
 - 2) Additional parking location options, which are limited to on-site facilities in the R-2 district; and
 - 3) Maximum illumination levels, limits on late-night activity, noise restrictions or other standards that may help protect nearby residents.
 - 4) Incentives or other market-based zoning approaches that are more likely to result in the development activity that is desired.
 - d. A development agreement should be required with each approval, to detail the parameters for development relative to the specific conditions and factors for each site. The agreement should address issues such as maximum density, buffer quality, architecture, etc.

EXHIBIT 4

VISION STATEMENT

**THE DOWNTOWN BIRMINGHAM
VISION STATEMENT**

Because downtown Birmingham plays such an integral part in the lives of its residents and serves as a regional destination for so many others, those determining the course of our downtown must continue to build on our treasured heritage when addressing the challenges of the future.

The Downtown Birmingham 2016 Master Plan must:

- Ensure the economic viability of the downtown business community.
 - Be designed for the safety, comfort, convenience, and enjoyment of pedestrians, rather than vehicular traffic.
 - Strengthen the spatial and architectural character of the downtown area and ensure buildings are compatible, in mass and scale, with their immediate surroundings and the downtown's traditional two- to four-story buildings.
 - Ensure good land use transitions and structural compatibility in form and mass to the traditional, residential neighborhoods surrounding downtown.
 - Recognize Birmingham's unique past through architecture, landscape, signage, lighting, and/or public art.
 - Create and reinforce identifiable districts within the downtown to provide a sense of place and a variety of experiences.
 - Encourage a diverse mix of uses including retail, commercial, entertainment, cultural, civic, and especially residential.
 - Encourage first floor retail businesses, services, and other activities which are required for everyday living.
- Enhance the natural environment and integrate park land and green space into the downtown experience.
- Create a strong identification for civic buildings and public spaces and contextualism in the design of public projects.
 - Strengthen residents' civic life by promoting private and public cultural and civic events, and providing sites for civic and public buildings.
 - Cultivate the development of cultural and artistic resources, both public and private, and create appropriate and contextually designed spaces for the integration of art and music into the downtown area.
 - Provide easily accessible, identifiable, and convenient parking in an amount to support downtown density and use.
 - Recognize the types of vehicular traffic, both regional and destination, circulating in and around downtown and attempt to facilitate that vehicular traffic without sacrificing downtown's pedestrian experience.
 - Provide for the future by maintaining and enhancing the infrastructure for necessary services and future technologies.
 - Develop plans and set strategies for the downtown's success by utilizing the resources of Birmingham's business, civic, and governmental organizations.
 - Strive to achieve a downtown for people of all ages, ethnic backgrounds, and incomes.

Adopted by the Downtown Planning Advisory Committee on October 10, 1996.

Oakland/Park Subarea Study

Purpose

The Oakland/Park area in Birmingham, like much of the city, has some unique features. Tucked behind wooded views along Woodward and the shops and offices along Old Woodward and Oakland is a tightly knit historic neighborhood. Most passersby do not even realize there is a quality historic neighborhood. Woods along Woodward Avenue provide an effective screen along the neighborhood's east edge. Other edges between the mostly single-family neighborhood and non-residential uses are generally fairly well buffered, through landscaping, walls and setbacks. There are, however, some lots adjacent to the neighborhood "edges" that are not as well buffered or have distinct site conditions that make them candidates for a possible land use change. Those parcels are the focus of this study.

One such lot, at the northeast corner of Park and Oakland Streets, was recently the topic of a rezoning request. The applicant proposed a conditional rezoning to B2C to allow a reduced front yard setback for a set of six attached residential units. In response to extensive neighborhood comments voicing opposition to the rezoning, and feeling any zoning action on an individual parcel would be premature, the City Commission recommended that the area first needed an overall planning study.

Scope and Methodology

LSL Planning, Inc. was retained by the City of Birmingham to create a subarea analysis for the study area illustrated below. The subarea is bounded by Oakland to the south, N. Old Woodward to the west, Woodward Avenue to the east and the neighborhood south of Oak Street. This study evaluates the types of land uses, views, transition areas, traffic, access, pedestrian conditions, building heights and setbacks, and zoning.

Our technical analysis also considered the ideas and concerns of the neighborhood expressed at public meetings. While there were a variety of comments, all of which were thoughtfully considered, the key topics emphasized are listed below:

1. Protecting the integrity of the neighborhood and property values;
2. Strong preferences for single-family development on the vacant lot at Oakland/Park and a belief that it is a reasonable use;



Study area

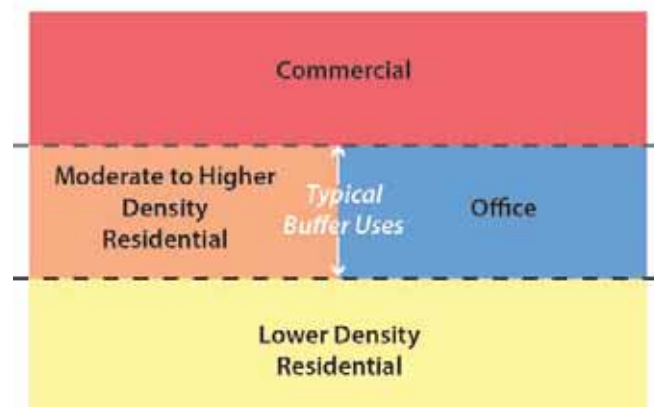
3. Desire by some to retain the Brookside Terrace condominiums;
4. Ideas or support for traffic calming and pedestrian crossing improvements; and
5. Concern about rental housing especially if there are more than four units (which the City Assessor stated is classified as "commercial").

We also considered information from the City Assessor on factors that influence property values. Typically, assessed values are based on standard factors such as comparable sales in the vicinity. When a single family home is adjacent to another use, there can be a 5 to 15% drop in the assessed value. The extent of the impact depends on factors such as, condition of the structure, traffic, and adjacent uses (type, condition, buffering, views). Different types of adjacent land uses can be made more compatible through site design and buffering aimed at reducing or avoiding negative impacts on assessed values.

Edges and Transitions

In land use planning, an important consideration is to manage land use arrangements to minimize conflicts. Land use conflicts may occur when incompatible uses are adjacent. The result can be short- and long-term consequences or nuisances that can influence the desirability and value of one or more properties. In a downtown or mixed use district, the buyers are aware that the array of uses is part of the appeal. But in single-family neighborhoods near the downtown or mixed use district, there is an expectation of solidarity among uses in the neighborhood.

Typical Land Use Transition Pattern



There are a number of factors that influence the extent of the conflict and its impacts. A key factor is the intensity of the use. Certain more intense uses are generally directed to be separated from other uses. This is one reason why in planning and zoning communities have a series of land use classes or zoning districts that specify the permitted uses.

Due to the impacts of non-single-family uses (views, noise, traffic, parking, late-night hours, etc.) single-family neighborhoods are often separated from retail, entertainment, and service businesses by uses transitioning the intensity between the districts – higher density housing or offices are typical applications of these transitional buffer uses (see diagram at right). In more urban/mature cities like Birmingham, residential uses often abut commercial uses with little room for transitional uses. In such cases, the uses can be more compatible by incorporating design features such as setbacks, landscaping, parking and access location,

Typical Transitional Land Uses between Single-Family and Commercial

- Single-family detached homes (with suitable buffers as defined below)
- Attached single-family homes
- Multiple-family residential at an appropriate scale and density (see design considerations below)
- Single-family homes converted to offices
- Offices (with suitable buffers as defined below)
- Parks/open space
- Institutional uses (schools, libraries, etc)
- Buffers: setbacks, walls, landscape, etc.

lighting, or building design. Typically, the buffering is provided on the lot of the more intense use.

Where single-family or lower density residential neighborhoods directly abut higher intensity uses, the edges of districts (on both the commercially zoned side and residential side) are often the focus of a city's master plan and zoning regulations. These lots are scrutinized to ensure a suitable transition between the districts exists. Properties on the edges of districts may feel development pressures from adjacent zoning districts typically from the more intense district. Having well-defined transitional uses or design buffers can preserve the integrity of single-family neighborhoods from encroachment of unwelcome uses. Birmingham has dozens of examples where single-family has long remained stable when abutting non-single-family. But there are also other examples where former owner-occupied single-family homes have been converted to rentals, duplexes, or offices. In many cases, these non-single-family uses have long served as a transitional use.

Design Considerations for Transitions

One of the objectives of the City is to protect its neighborhoods. Changes in use and zoning can potentially erode that character. But the City also has goals for vibrant, mixed use districts, a walkable city and a diversity of land uses for fiscal security. In the neighborhood edge area where the single or two-family abut other uses, the non-residential use should be designed so that it provides a transition but also forms a solid demarcation for a zoning boundary.

These design considerations were taken into account when analyzing the subarea's key parcels susceptible to change in the next section.

Typical site design buffers between residential and non-residential uses

- Landscaping
- Attractive, well-maintained walls and fences
- Some additional setbacks especially for buildings with more height or mass than neighbors
- Low lighting impact

Site Analysis of Key Parcels Susceptible to Change

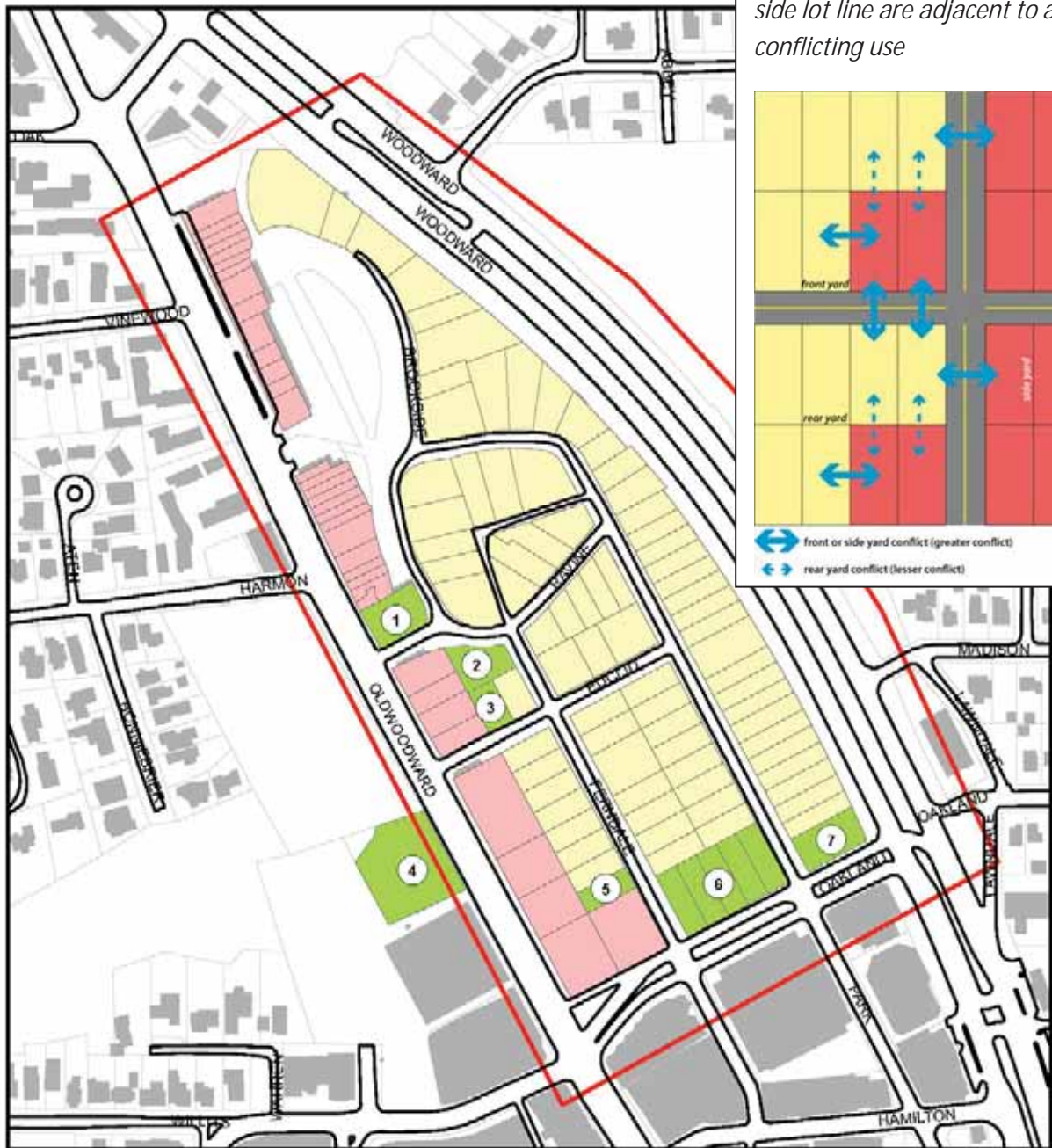
The areas in the Oakland/Park Subarea that front or are adjacent to commercial uses are defined on the following map (titled "Adjacency Analysis") in green as parcels most susceptible to change. This does not mean a change is necessary, just that those are the parcels that should be focused on in a land use evaluation such as this report. Seven properties were identified for further study to determine if on-site design considerations provide sufficient buffers to support long-term viability of the uses, or if a change in land use, zoning, or site design may be appropriate to provide an appropriate buffer between the uses. These properties were evaluated for buffering design considerations, as described above, to determine what can be done to prevent change or what might be changed to protect the adjacent uses.

Each parcel classified as susceptible to change was evaluated and classified as follows:

1. Buffering sufficient, no change in land use is warranted or recommended;
2. Generally the uses are compatible and some buffering exists, but could be greatly enhanced; or
3. Conditions unique to the parcel (traffic, views, lot size, etc) warrant a consideration of a change in the land use; the condition may be beyond a buffering solution.

The findings for each such parcel are provided on the following pages.

Generally, when a rear lot line abuts a conflicting use it is of less concern than if a front or side lot line are adjacent to a conflicting use



- Core Residential
- Office/Commercial
- Parcels Susceptible to Change

Transitional parcels are defined by either fronting or being adjacent to a non-residential use (front or side yard) or fronting a non-local street.

<p>Oakland/Park Subarea Adjacency Analysis Map Created 4-5-13</p>	<p>— Road Edges ■ Building Footprints □ Tax Parcel</p>	<p>Data Sources: City of Birmingham, Michigan CGI, LSL Planning, Inc.</p> <p>0 125 250 500 Feet</p>	<p>City of Birmingham LSL Planning, Inc.</p>
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① Brookside/Ravine Area



Existing Conditions

The attached condos on the north side of Ravine at N. Old Woodward are a good transitional use between the retail uses on N. Old Woodward and the single-family homes in the subarea. The condos are buffered from the retail by the wooded area adjacent to the Rouge River. This wooded area also does a very good job of buffering between the shops along N. Old Woodward and the homes on Brookside, but ends at the lots edge.

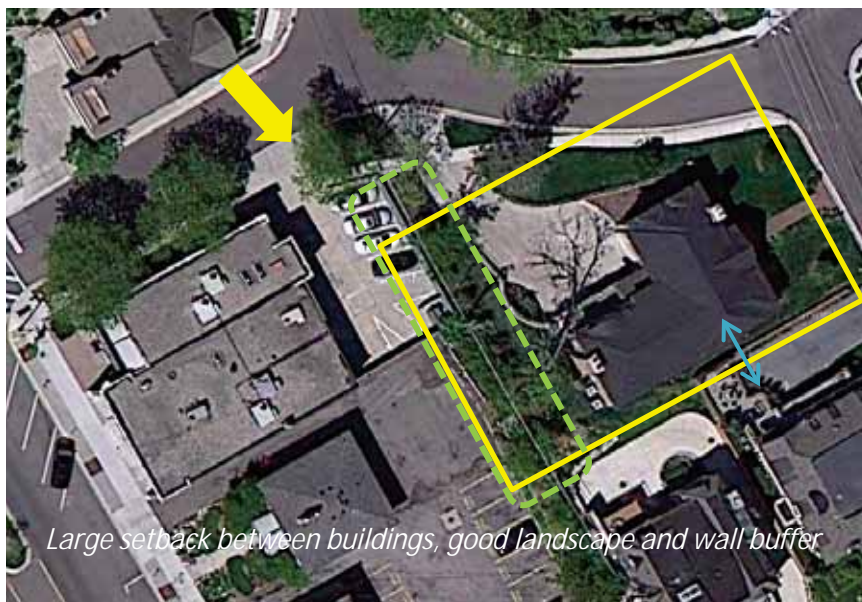
Recommendation

- There is no reason to support any change of land use or zoning in this area.



While the views from homes on Brookside to the businesses along N. Old Woodward are less obstructed in winter months with less foliage, what remains of the vegetation decently screens the rear loading/parking areas of the businesses.

② Ravine/Ferndale Area



Existing Conditions

The site contains a brick wall and depressed parking lot. It is well landscaped, contains a substantial setback, and is closely tied to adjacent residential.

Recommendation

- There is no reason to consider land use changes in this area.
- Additional landscaping along Ravine would help with views of the parking/loading from the street.

③ Euclid Area

Existing Conditions

This site has a shallow setback with parked cars adjacent to the front yard. Minimal buffers do not include a wall or significant landscaping, as is ideally desired.

Recommendations

- No change in land use is suggested.
- Work toward additional buffer with larger parking setback with landscaping and/or screen wall.
- Consider traffic calming treatments, such as curb bump outs to better distinguish office from residential street.



Consider improvements to Euclid that will help calm traffic. See the Complete Streets and Traffic Calming Concepts section of our report for more information:

- 1. Curb-bump outs*
- 2. Speed table*
- 3. Clearly marked crossings*
- 4. Signage*

④ Brookside Terrace Area



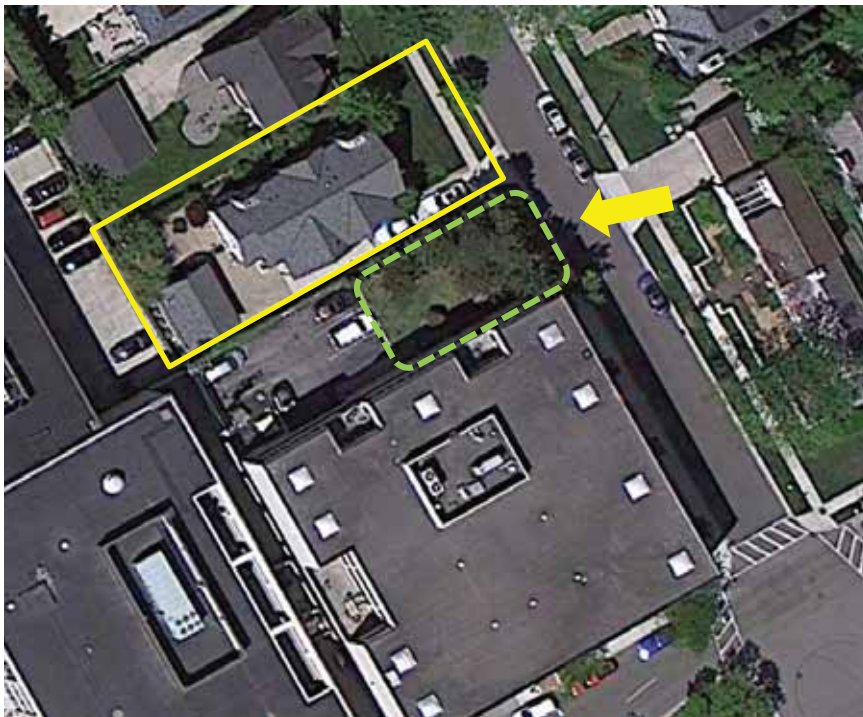
Existing Conditions

The Brookside Terrace condominiums front onto N. Old Woodward, with a large setback from the street, which provide a nice greenspace along N. Old Woodward. The site backs onto the river, providing nice vistas, both of the river and residential homes on the other bank. Parking, via a structure and on-street facilities are provided to accommodate the moderate density on the site.

Recommendations

- Plan for redevelopment into office or mixed-use.

⑤ Ferndale Area



Existing Conditions

This site includes an office building. A substantial landscaped area and setback separates the residential from the office. Rear yard parking, located adjacent to the garage/drive, includes a hedgerow buffer.

Recommendation

- No changes are recommended in this area.

⑥ Oakland Area



Existing Conditions

The properties fronting Oakland are somewhat buffered from the parking deck across the street by the width of the right-of-way and the landscaped median. Unlike most of the homes in the neighborhood, the views from those lots look onto a four story office building and multi-story parking deck. These properties have historically been residential (2 are rentals) but the traffic volumes on Oakland are high for residential uses.

Recommendations

As a key entrance to downtown from Woodward, Oakland Avenue could support more intense uses along its frontage, similar to those on the westernmost block of Oakland at N. Old Woodward. From an urban design perspective, this street could benefit from shallow setbacks on both sides of the street to better frame Oakland as a gateway to downtown. Should the current single-family houses (a mixture of renter- and owner-occupied homes) redevelop, a logical extension of that zero-foot front yard setback characteristic would be acceptable at the other borders of the neighborhood and across Oakland, with deeper rear yard setbacks adjacent to single-family residential. Similar to those office/commercial and attached residential buildings fronting Old Woodward, businesses or attached residential units (no more than 3 stories) would complement the character of other conditions located at the periphery of downtown while protecting the established single-family neighborhood behind. This would provide a better transition to the neighbors to the rear than the current houses fronting Oakland have as a transition. Some additional zoning suggestions are provided later in this report.



While the median contains some landscaping, the tall trees are insufficient to fully block the view of the imposing parking deck across the street.



Consider marked pedestrian crossings with "Failure to Yield to Pedestrians, minimum \$50 fine" signs

⑦ 404 Park Area



Existing Conditions

This vacant property is located at the corner of busy Woodward Avenue and Oakland. The views across Oakland of the office building and

parking structure are not well shielded by the landscaped median. Unlike the other lots along the east side of Park Street, there are no woods to help screen views and noise from Woodward Avenue. The addition of screening along Woodward may be limited in order to protect sight distance along eastbound Oakland given the skewed intersection angle.

Recommendations

While Birmingham has a strong single family market, we do not believe this site can be expected to redevelop as a single family home due to site factors (location, shallow lot depth along Oakland, lack of screening along Woodward, views of multi-story buildings

across Oakland, and the traffic volumes along Oakland). These site characteristics are unique only to this lot. Under these conditions, attached, owner-occupied residential units (approximately 4 units per building) seem to be the most appropriate use. If designed to complement the existing neighborhood architecture and housing types, this site could have more potential to redevelop into a more complementary development.

Development that can present a residential façade along both Oakland and Park, parking located closer to Woodward, and setbacks consistent with established development, could help accomplish two important goals in this area to protect the single-family neighborhood; minimize impacts from associated parking facilities; and strengthen Oakland as a gateway into downtown.



While the median contains some landscaping, the tall trees do not fully block the view of the office building across the street.



This study area measures 150' wide by 80' deep, which is a challenge to redevelopment.

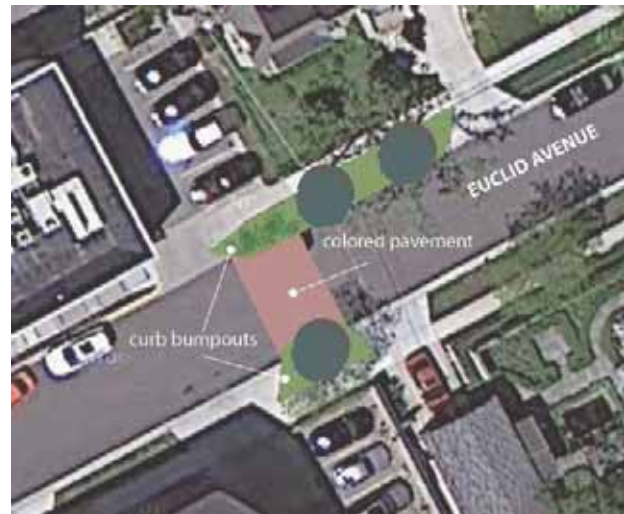


Examples of 3- and 4-unit buildings at Brown and Bates shows how attached single-family residential types can be compatible with residential. Materials and buildings would need to be revised to fit on the study site, but these images illustrate the type of quality that can be achieved.

Complete Streets and Traffic Calming Concepts

Generally the neighborhood streets are designed for appropriate low speed auto travel. Sidewalks are provided along both sides of the streets. To help prevent non-residents from parking in the neighborhood, on-street parking requires a permit. The City has made many improvements to calm traffic and improve the environment for pedestrians, especially along North Ole Woodward. The angled parking, medians and signalized pedestrian crosswalks have helped transform this district into another City asset. We did hear or see some comments from the neighborhood about cut-through traffic, but traffic speeds do not seem to be a problem. There are some additional enhancements that could help meet the City's objectives for "Complete Streets" designed for all types of users, and also to better distinguish the residential and non-residential segments.

- **Curb-bump outs.** At critical neighborhood entry points, where commercial uses end, curb bump-outs and perhaps a band of different pavement could help better mark the neighborhood and discourage cut-through traffic. Some of the streets, such as Park, are too narrow for a bump out, but others, such as Euclid, can accommodate a shallow bump-out.
- **Improved crossings.** An additional pedestrian crossing of Oakland at Ferndale could be evaluated by the City's Engineering Department. This could include a marked crosswalk and a sign to yield to pedestrians.
- **Speed tables.** A speed table is a slightly raised (2 to 3 inches) segment of pavement that combined with a change in pavement or a bump out can help distinguish the residential part of the street. These traffic calming measures can help discourage cut-through traffic and slightly lower speeds. A differentiation in pavement color and levels requires the motorist to notice their speed and reduce it to drive over the tables.



Curb-bump outs, such as the one recommended along Euclid Avenue, can help distinguish the entry into the neighborhood. It may also allow installation of a tree to improve screening for the adjacent home. This could also include some type of decorative pavement or a speed table as shown below.



Zoning Analysis and Recommendations

Current Zoning and Dimensional Requirements. With the exception of the Brookside/Ravine parcel (①), which is zoned B-1, Neighborhood Business, and the Brookside Terrace (④) which is zoned R-6, Multiple-Family Residential, parcels evaluated are zoned R-2, Single Family Residential. Key dimensional standards for these districts are as follows:

	Allowed Uses	Min. Lot Size	Min. Front Setback	Minimum Side Setback	Min. Rear Setback	Max Height
R-2	<ul style="list-style-type: none"> SF Residential Adult Care Limited Institutional 	6,000 s.f.	Average along block or 25'	<ul style="list-style-type: none"> One side = 9' or 10% of lot width Both sides = 14' or 25% of lot width 	30'	26' to 30'
R-6	<ul style="list-style-type: none"> SF Residential Duplexes Multi-Family 	1,375 s.f. to 2,500 s.f.	25'	<ul style="list-style-type: none"> Lots over 100' wide = 10' for one side and 25' for both Minimum 5' 	30'	30' / 2 stories
B-1	<ul style="list-style-type: none"> Institutional Uses Offices Limited retail & service uses 	N/A	0	0	20'	30' / 2 stories

Current Buffer Requirements. As noted, required setbacks, screening, building height, and other design can influence a development's compatibility with adjacent uses. The following summarize the key requirements in the Birmingham Zoning Ordinance as they might relate to the evaluated parcels:

- **Screening.** Section 4.05 requires screening around waste receptacles and mechanical equipment, and a six foot tall masonry screen wall between parking lots and abutting single-family residential zoning districts.
- **Landscaping.** Section 4.20 requires multiple family projects to provide one deciduous and one evergreen tree for each two units proposed, in addition to one street tree for each 40 feet of road frontage.
- **Lighting.** There is very little regulation for parking lot lighting in the Zoning Ordinance that would relate to redevelopment within the study area.

Recommendations

We were asked to explore zoning options for the 404 Park Area (⑦) in more detail, to provide more specific guidance to the City for the site at Oakland and Park. The dimensional characteristics, parcel configurations, proximity to the downtown and location along higher volume streets will influence the potential development. Our recommended approach would be to allow modest density, attached residential types (4-unit buildings) at a density higher than what is allowed in the R-2 district, to be offset to some degree with higher quality screening and overall development quality. The following discuss the various ways that this could be achieved and our suggested approach:

1. **Grant Variances.** The City has the authority to grant variances of the dimensional and use restrictions in the Zoning Ordinance. Use and dimensional variances should only be issued in extremely unusual cases, and should be avoided where the desired redevelopment is expected to require several variances.

In this case, the shape of the parcel along does not prevent development into single-family

homes according to the requirements of the R-2 district. However, there are some physical factors that make development of a single family home questionable. We believe an alternatives development option, attached single-family units, is more reasonable and can serve as a buffer for the adjacent residences. A use variance, along with dimensional variances, is an option. Even if the property owner can demonstrate there is a “demonstrated hardship” to warrant a use variance, such a procedure is often not viewed as a good policy approach.

2. **Rezoning the Property.** Rezoning of the site from R-2 to a higher intensity designation, such as the R-8 zoning district would allow additional uses including multiple-family uses, but not commercial uses, which can help alleviate concern from the neighborhood residents. In addition, the dimensional requirements are less than those in the R-2. Particularly, the minimum lot size is reduced to 3,000 s.f., the rear setback is reduced to 20', and open space and lot coverage requirements are eliminated, which could accommodate more intense uses. They could also, however, create a development that, without performance standards, may not achieve the compatibility, transitions and buffers desired for this site.
3. **Establish a New District or Overlay.** The recommended approach is to develop a new, urban residential district that could be applied to select sites in anticipation of redevelopment. The provisions could apply if sites are rezoned, or it could be applied as an overlay. The primary benefit of this option is that the City can establish the provisions it feels appropriate for these sites rather than trying to force them into an existing district. Key aspects of this district could include:
 - a. Shifting of the approval focus from the dimensional requirements to a set of performance-based standards. If chosen, standards including but not limited to the following should be included:
 - 1) The development includes building heights, screening and landscaping that consider adjacent land uses and development patterns to ensure proper transition to nearby residential neighborhoods; and
 - 2) The development provides an alternative housing type not typically found in the City, such as senior housing, attached single-family, or other targeted types.
 - b. Because the conditions of the 404 Park Area are not specific to that study area, applicability provisions could be included to allow this district to be applied to other sites that either:
 - 1) Abut both a single-family residential district and a non-residential district, or
 - 2) Are located along a major non-residential road that abuts a single family district.
 - c. Specific standards of the district should include design considerations such as:
 - 1) Additional screening standards for transitional sites, such as inclusion of additional landscaping, building step-backs, and other provisions that we expect will be needed;
 - 2) Additional parking location options, which are limited to on-site facilities in the R-2 district; and
 - 3) Maximum illumination levels, limits on late-night activity, noise restrictions or other standards that may help protect nearby residents.
 - 4) Incentives or other market-based zoning approaches that are more likely to result in the development activity that is desired.
 - d. A development agreement should be required with each approval, to detail the parameters for development relative to the specific conditions and factors for each site. The agreement should address issues such as maximum density, buffer quality, architecture, etc.

January 12, 1960

Planning Board
Birmingham, Michigan

SUBJECT: Zone Change Request - Archie Addison - 404 Park

Gentlemen:

At the December 21, 1959 City Commission meeting a communication was received requesting a zone change for the property described as 404 Park by Mr. Archie Addison from R-2 Single Family Zone District to commercial classification. The subject property comprises lots 66 and 67, Oak Grove Addition, and is located on the northeast corner of Park and Oakland. The zone change request was referred to the Planning Board for report and recommendation. Mr. Addison advises in the petition that the property is no longer suitable for residential dwelling due to heavy traffic and noise.

It is suggested that the matter be scheduled for an informal public discussion with the abutting property owners and subject property owner at the meeting of Wednesday, January 20, 1960 at 8 p.m. in Room 200 of the Municipal Building.

Respectfully submitted,


Herbert Herzberg
City Planner

HH/sf

February 11, 1960

Planning Board
Birmingham, Michigan

SUBJECT: Zone Change Request - Archie Addition, 404 Park

Gentlemen:

At the December 21, 1959, City Commission meeting a communication was received requesting a zone change for the property described as 404 Park by Mr. Archie Addison, from R-2 Single Family Residential Zone District to a commercial classification. The subject property comprises Lots #66 & #67, Oakgrove Addition and is located on the northeast corner of Park and Oakland. The zone change request was referred to the Planning Board for report and recommendation.

In Mr. Addison's zone change request he states that, in his opinion, the property is no longer suitable for residential dwelling due to the heavy traffic and noise.

The Planning Board considered the zone change request at the regular meeting of Wednesday, February 3, 1960. Mr. Addison was represented by Mr. Harry Wise, Legal Counsel. Mr. Wise advised that Mr. Addison requests a rezoning to B-1 Non-Retail Business Zone District. Several property owners in the immediate area and Mr. George W. Talburt, representing the subdivision group north of Oakland west of Hunter Blvd. and east of Woodward, submitted a petition of property owners opposed to the subject rezoning.

The Planning Board decided to take the matter under advisement and consider the zone change request at a later date.

Respectfully submitted,


Herbert Herzberg
City Planner

HH/br
cc: Harry Wise

May 18, 1960

City Commission
Birmingham, Michigan

SUBJECT: ZONE CHANGE REQUEST - MR. ARCHIE ADDISON

Gentlemen:


At the City Commission meeting of December 21, 1959, Mr. Archie Addison submitted a petition dated December 14, 1959, requesting that Lots 66 and 67, Oak Grove Addition (404 Park Street), be changed in zoning from the present R-2 Single Family Residential zone district to a commercial classification. The petition was referred to the Planning Board for report and recommendation.

The subject property is generally described as being located on the northeast corner of Oakland and Park. The Planning Board has held several informal public discussions with the property owner and the abutting property owners. As a result of these meetings, it has been determined that the property owner desires a B-1 Non-Retail Business zone district classification.

The Planning Board has just concluded its study on the need for additional B-1 Non-Retail Business zone district properties in the City of Birmingham and, as a result of this survey, recommends to the City Commission that the subject zone change request be denied.

Based upon the B-1 Non-Retail Business zone district needs study, properties to be considered for rezoning to B-1 Non-Retail Business would have to abut an existing retail business zone district classification. All abutting zone classifications are Single Family Residential.

Respectfully submitted,



Robert W. Page, Chairman
Planning Board

5/23/60

Larry

March 28, 1988

Planning and Historic District Commission
Birmingham, Michigan

From: Larry L. Bauman, City Planner

Re: Proposed Rezoning of 404 Park Street from R-2, Single-Family Residential to R-8, Attached Single-Family Residential

Dear Commissioners:

The petitioner is seeking to rezone the parcel referenced above from R-2, single-family residential to R-8, Attached single-family residential. The purpose of the proposed rezoning is to permit development of two-story townhouses at the higher density permitted in the R-8 district. The 14,120 square foot lot would yield four dwelling units, based upon the 3,000 square feet of lot area per unit required in the R-8 district.

EXISTING LAND USE

The subject parcel is the site of an existing single family home. This existing frame structure is in relatively poor repair, compared to other single family homes in the immediate vicinity, both north and west. The lots are flanked on the east by Hunter Boulevard and on the south by two large-scale office buildings (300 Park and the Great American Building) and a city parking structure.

FUTURE LAND USE PLAN

The Birmingham Future Land Use Plan designates the neighborhood, of which the subject parcel is a part, as a Sensitive Residential Area. The Future Land Use Plan observes:

The City of Birmingham contains no declining neighborhoods. In fact, many of the older residential areas of the city have experienced dramatic reinvigoration due to the substantial improvements made by private homeowners. However, there are certain residential areas of the city which merit special attention from the Planning Board and the city administration in order to ensure continued preservation and enhancement of residential quality. These areas are delineated on the map entitled "Sensitive Residential Areas."

The plan goes on to note that "the residential area between Hunter Boulevard and Woodward Avenue, north of Oakland contains many fine old homes." The Plan, however, cautions that

because of its proximity to the downtown area and the fact that it is surrounded by Hunter Boulevard and Woodward Avenue, the neighborhood may be under repeated pressure for piecemeal rezoning to non-residential use. Such rezoning could destroy the area's sound residential character and result in a deterioration of property values for remaining homes.

It should be noted that one block north of the subject parcel on the north side of Euclid, between Ferndale and Park, there are three existing two-family dwellings on a site currently zoned R-4, two-family residential. The City is considering rezoning this site to R-2 to bring it into conformance with the Future Land Use Plan. This rezoning is being considered in an effort to maintain the single-family character of the surrounding neighborhood, including the subject parcel.

ZONING MAP

The subject parcel is currently zoned R-2, Single-Family Residential, as are other single-family homes in the neighborhood. The only non-single-family zoning in the interior of the neighborhood is the two-family site on Euclid which was discussed earlier. The neighborhood's Woodward frontage is zoned B-2, General Business, as is the Oakland Street frontage, between Woodward and Ferndale. Zoning of parcels on the south side of Oakland, across from the subject parcel consists of B-4, Business-Residential and Public Property.

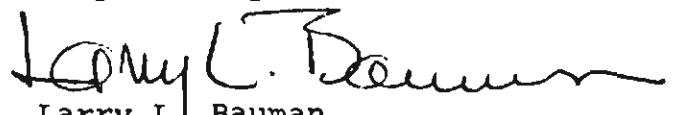
RECOMMENDATION

The analysis above documents that the subject parcel is currently developed and zoned single-family and is part of a "sensitive" neighborhood.

The analysis also documents that the City's intent has been to effect rezonings only in conformance with Future Land Use Plan recommendations.

With these facts and conditions in mind, we recommend that the present R-2 Single-Family Residential zoning of the subject parcel be maintained. We further recommend that the request for rezoning to R-8, Attached Single-Family Residential be denied.














Respectfully submitted,

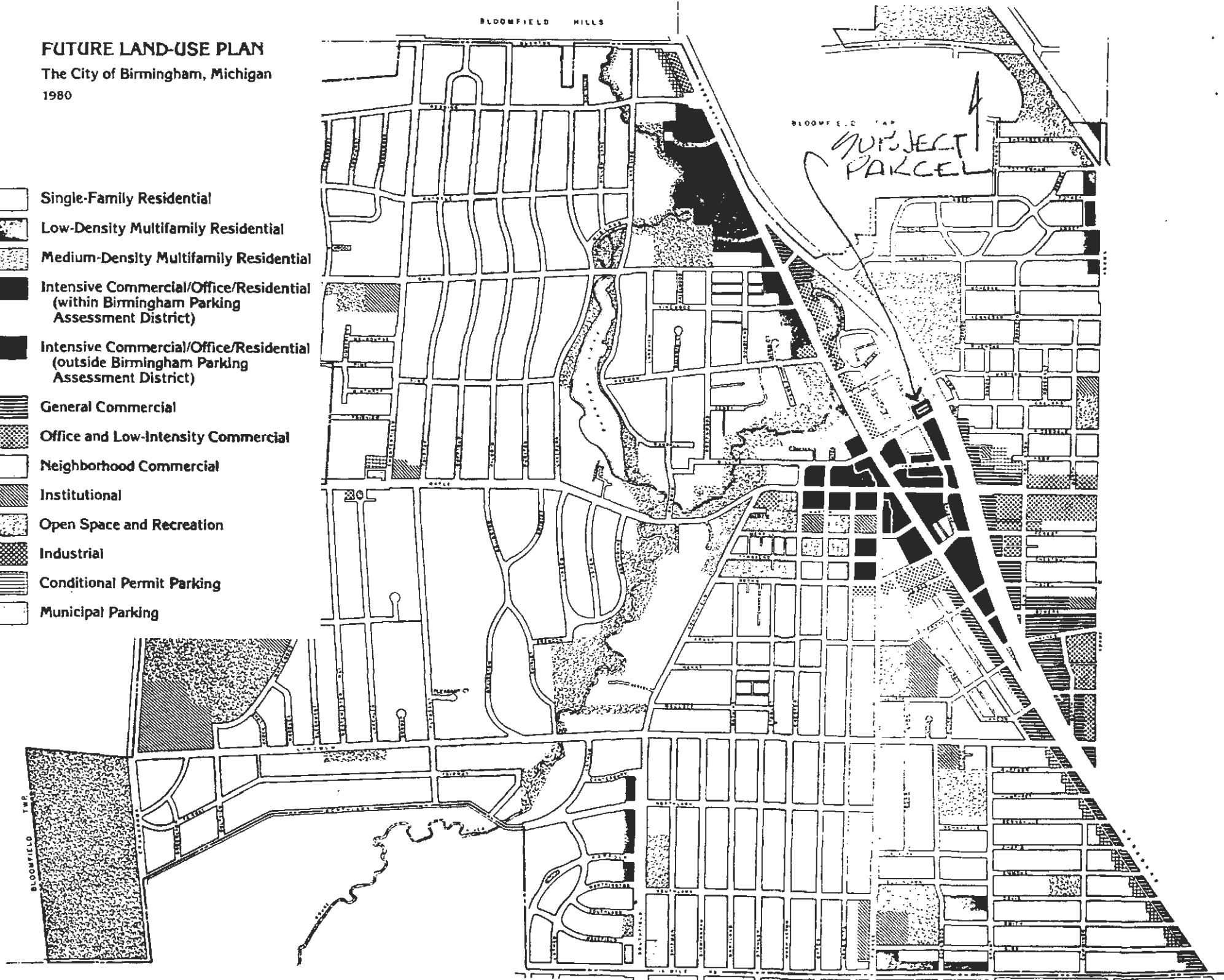

Larry L. Bauman
City Planner

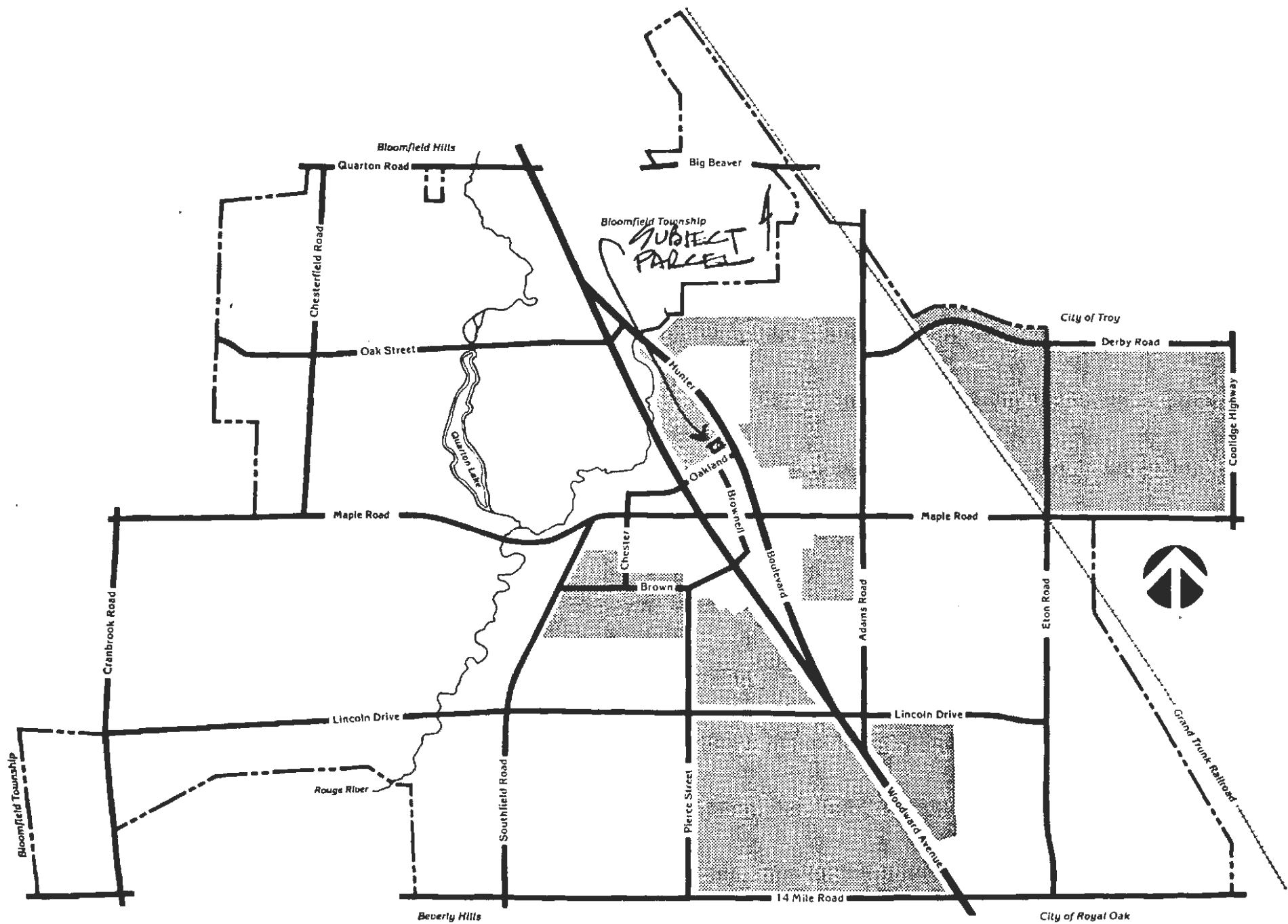
W. 1/2 S.E. 1/4 S.L.C. 25 T.2N. R.10E.

FUTURE LAND-USE PLAN

The City of Birmingham, Michigan
1980

-  Single-Family Residential
-  Low-Density Multifamily Residential
-  Medium-Density Multifamily Residential
-  Intensive Commercial/Office/Residential (within Birmingham Parking Assessment District)
-  Intensive Commercial/Office/Residential (outside Birmingham Parking Assessment District)
-  General Commercial
-  Office and Low-Intensity Commercial
-  Neighborhood Commercial
-  Institutional
-  Open Space and Recreation
-  Industrial
-  Conditional Permit Parking
-  Municipal Parking





SENSITIVE RESIDENTIAL AREAS

The City of Birmingham, Michigan

LPR PROPERTIES
404 Park

Summary Sheet - R-8 Attached Single Family Residential
Regulations.

Total Lot Area - 14,120 sq. ft.

Minimum Lot Area - required: 3,000 sq. ft./1 dwelling unit
- permitted: 14,120 sq. ft./4 dwelling units

Maximum Building Height - permitted: 28 ft., 2 stories

Front setback - required: 25 ft. or ave. of neighbors
(Park St.) within 200 ft.

Side setback - required: 10 ft.
(Oakland Ave.)

Side setback - required: 7 ft.

Rear setback - required: 20 ft.
(Hunter Blvd.)

Parking - required: 2 spaces per unit or 8 space total to be
supplied in a garage or carport or in the principal building.

*Rear Open Space - required: 180 sq. ft. private open space
enclosed with a wood/masonry fence
of at least 6 ft.

Required Conditions:

A variation of front setbacks of at least 4 feet is required.

Front yard screening shall be provided to shield parking from the
street.

No accessory buildings/structures other than a garage or carport
shall be placed in the rear yard setback.

Parking, other than driveways, shall not be permitted in the
required front or side open space.

*Each dwelling unit shall have on the same lot and immediately
accessible to the living area a usable enclosed private open
space.

PM/nn
3/28/88

May 19, 1988

MEMORANDUM

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

From: Larry L. Bauman, City Planner

Approved: R.S. Kenning, City Manager

Subject: Proposed Rezoning of 404 Park Street from R-2, Single-Family Residential to R-8, Attached Single-Family Residential

Dear Mr. Kenning:

The Planning Board recommendation regarding the proposed rezoning referenced above is outlined in the attached letter dated May 18 from Mr. Blaesing, the Planning Board Chairman.

We have also attached the following items for the City Commission's information:

- Public Hearing notice
- Approved April 27, 1988 Planning Board minutes
- March 28, 1988 Planner's review letter
- Various letters from nearby residents

Respectfully submitted,



Larry L. Bauman
City Planner

LLB/nn

May 18, 1988

City Commission
Birmingham, Michigan

From: Brian L. Blaesing, Chairman Planning Board

Re: Proposed Rezoning of 404 Park Street from R-2, Single-Family
Residential to R-8, Attached Single Family Residential

Dear Commissioners:

The Planning Board convened a public hearing regarding the proposed rezoning referenced above on April 27, 1988.

During the hearing, several single-family homeowners from the neighborhood spoke against the rezoning, citing the fragile nature of the neighborhood, erosion of the environment by intense land use and increased traffic, and non-compliance with the development guidelines established in the Master Plan. In addition, several letters opposing the rezoning were filed with the Planning Department.

One neighborhood property owner did not object to the idea of the rezoning, but was concerned with the potential on-street parking burden. He thought that the proposed townhouses would improve neighborhood property values.

The petitioner noted that the proposed rezoning would provide a land use buffer between the residential neighborhood to the north and the non-residential uses located on the south side of Oakland Avenue. It was also pointed out that there are several areas fronting the Ring Road which had been developed with townhouses, similar to those proposed on the subject parcel.

Following an extensive discussion among the members, the Planning Board voted as follows:

- Moved by Tholen, Seconded by Kendall to recommend to the City Commission that the present R-2, Single-Family Residential zoning classification be retained.
- Vote on the Motion: Yeas 5 (Tholen, Kendall, Barr, Rattner, Gienapp) Nays 2 (Blaesing, Steffy). Motion passes.

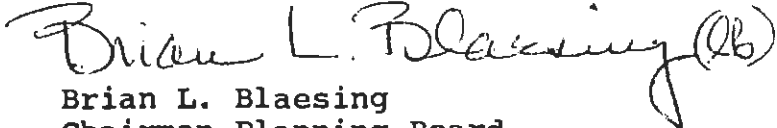
Calculation of protest petitions reveals that a 5/7 vote will not be required on the part of the City Commission.

The adoption of this ordinance does not require a public hearing by the City Commission. The statutory requirement for a public

Page Two - Proposed Rezoning of 404 Park from R-2, Single-Family Residential to R-8, Attached Single-Family Residential

hearing was met by the Planning Board. The City Commission, however, may hold a public hearing on this issue if it is deemed desirable.

Respectfully submitted,


Brian L. Blaesing
Chairman Planning Board

BLB/LLB/nn

Attachments

- Public Hearing Notice/Area Map
- Planner's letter
- Public Hearing Minutes
- Protest Letters

P.H. 4/27/88

LETTERS OF PROTEST

404 Park .

Opposed:

Hartland Smith

Bruce Thal

Mr. Wetsman

Address:

467 Park
(19-25-452-011)

300 Ferndale
(19-25-452-025)

233 Oakland
(19-25-452-026)

Dr. Marc Lindy 343 Ferndale
C/o 340 John Cushman

Samela Livingston-Hardy Ann St.

Steve Ike 348 Park

Nick Briite Ferndale (letter)

Beet Dwight 452, 430, 436 Park

LPR Property

Mr. Lambert - partner.

- currently rental structure
- Georgetown Style Attached housing
- property owner to N. does not object to proposed
- many R-8 developments along Ring Road,

HARTLAND B. SMITH
467 PARK AVENUE
BIRMINGHAM, MI 48009

March 19, 1988

RECEIVED

MAR 21 1988

CITY of BIRMINGHAM
PLANNING DEPARTMENT

Planning And Historic District Commission
City of Birmingham
P.O. Box 3001
Birmingham, MI 48012

Gentlemen:

I wish to express my opposition to the proposed Zoning Classification change from R-2 to Attached Single Family Residential for lots 66 and 67, "Oak Grove Addition".

The small residential enclave north of Oakland and East of Woodward has, through the years, been under pressure from non-residents who have sought financial gain by making changes in this pleasant neighborhood.

An amendment to the Zoning Classification north of Oakland will be a signal to outsiders that all they need do is purchase property, beg for a Zoning Change and then they'll be able to proceed with whatever project they may envision.

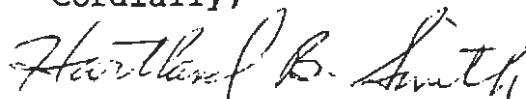
Numerous City Administrations and City Plans have sought to maintain the section north of Oakland as Residential. This will be more difficult to accomplish in the future, once a Zoning Change has been approved here.

To demonstrate that the present R-2 Classification is entirely adequate, for those who care to construct new housing units, I would point to the home presently under construction at the corner of Euclid and Park as well as to the home at 460 Park which was built a few years ago. These two structures definitely show that if someone desires to erect residential housing in the area, they can do so within the present R-2 Zoning Classification.

The recent fiasco at the NW corner of Oakland and Ferndale should be proof enough that the residents north of Oakland desire no further speculative incursions into the area. A Zoning Change, even a minor one, can only serve to further endanger the precarious existence of the neighborhood.

Your decision AGAINST the proposed Zoning Amendment will be appreciated.

Cordially,



Hartland B. Smith

BRUCE E. THAL
200 Renaissance Center - 16th Floor
Detroit, Michigan 48243

RECEIVED

APR 25 1988

CITY OF BIRMINGHAM
PLANNING DEPARTMENT

Patt

Re: 404 Park

April 22, 1988

Ms. Patricia McCullough
Assistant City Planner
City of Birmingham
151 Martin Street
Birmingham, MI 48011

Dear Ms. McCullough:

Unfortunately, neither my wife nor I will be able to attend the Birmingham Planning Board public hearing on Wednesday, April 27, 1988. However, we wish to express our very strong objection to the change from R-2 Single Family Residential to S-8 Attached Single Family Residential for the property known as 404 Park that is being considered at that meeting.

The residential areas on Park and Ferndale are small and any intrusion on them will lead to the erosion of the nature of the community. As a consequence, we are unalterably opposed to this proposed change.

We reside at 300 Ferndale. Thank you for your consideration in this matter.

Very truly yours,

Bruce E. Thal

Bruce E. Thal
BET/mak

Phones: 564-6800
642-5100

WILLIAM M. WETSMAN



WISPER and WETSMAN Inc.

132 N. WOODWARD • BIRMINGHAM, MICHIGAN 48011

MAILING ADDRESS: P.O. BOX 2086-282 • BIRMINGHAM, MICHIGAN 48012

April 12, 1988

Mr. Larry Bauman
Planning Department
City of Birmingham
151 Martin Street
Birmingham, MI 48012

Dear Mr. Bauman;

This letter is in response to your notice of Public Hearing with regard to the possible rezoning of Lots 66 and 67, "Oak Grove Addition", commonly known as 404 Park St.

I am very much against the rezoning of this parcel. Our small community is a compact neighborhood of single family (R-2) dwellings. Any inroads into the existing single family (R-2) zoning, I fear, will be just the beginning of the end for our community. There is little enough land in the central city for single family (R-2) dwellings now and to further erode this would, in my opinion, be a major mistake.

Sincerely,
William M. Wettsman
William M. Wettsman
233 Oakland
Birmingham, MI 48009

April 27, 1988

4-2-88

Public Hearing.

Lots 66 and 67, "Oak Grove Addition" commonly known as 404 Park Street - LPR Properties. These properties are located north of Oakland Avenue between Park Street and Hunter Boulevard.

Mr. Bauman noted 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, by amending Section 5.7, the Zoning Map to rezone these properties from R-2 Single Family Residential to R-8 Attached Single Family Residential. Petitioner is seeking to rezone this so that four two-story townhouses could be constructed there. Existing land use on the site is a single family home that is in relatively poor repair. The Birmingham Future Land Use Plan designates the neighborhood as a Sensitive Residential Area.

Mr. Blaesing noted in his packet three letters in opposition to the rezoning: Hartland Smith, 467 Park, William M. Westman, 233 Oakland, and Bruce Thal, 300 Ferndale. A fourth letter was passed around this evening from C. Nicholas Kriete and Ellen Kock, 367 Ferndale.

Dr. Marc Lindy spoke in opposition for himself, 343 Ferndale, the Wetsmans at 233 Oakland, the Thals, and John Kasujian at 340 Ferndale. This is a sensitive neighborhood and a zoning change would set precedent.

Ms Pamela Livingston Hardy, 887 Ann Street was opposed. She wanted the Board to consider the importance of maintaining the neighborhood.

Mr. Nick Kriete read his letter of opposition. This neighborhood is being slowly eroded by intense land use and increased traffic.

Mr. Bill Dwight, owner of the properties at 430, 436 and 452 Park did not object to the change in principal. He was concerned that the future tenants not be allowed parking permits on Park Street, however. He thought the proposed structures would improve the value of the neighborhood.

Mr. Steve Ike, 439 Park was opposed because there is a parking problem on the street already.

Mr. Lambert represented LPR Properties and stated they purchased the home a number of years ago and have rented it out with the idea there was a better use, such as Georgetown style single family attached structures with their own parking. The zoning change would provide a clear definition between the existing residential on Park and the commercial immediately across the

street. They believe denial of their petition would not be consistent with what has taken place over recent years. They feel specific problems associated with that corner were not adequately addressed at the time the Master Plan was drawn up.

Dr. Lindy thought the highest and best use of the land in this neighborhood is set down by the Master Plan. The property value can still be improved by keeping a single family home on each lot.

Ms Steffy determined this house lies on two buildable lots.

Mr. Rattner said that when there is a close call as to whether or not a property should be rezoned, you have to look at undue hardship. Traffic and the close proximity to commercial would be the closest we would get to undue hardship for this particular property. He could not support the petition.

Mr. Blaesing said he is a strong believer in buffers. This is not a departure to some other use, it would remain residential. To remain a viable downtown we have to have as many residents living close to downtown as possible. He could support a change in zoning in this location.

Mr. Tholen feels this property could be developed on an economically viable basis in its present zoning classification. He supports the present zoning.

Moved by Mr. Tholen

Seconded by Mr. Kendall to recommend to the City Commission that the present zoning be retained in its present zoning classification of R-2 Single Family Residential.

Dr. Lindy thought the only hardship on these lots is an economic hardship on the owners who cannot make as much money from two single houses as they could off of four residences. The welfare of this neighborhood should not be based on economic developers' pockets.

Ms Steffy said we are looking at a very difficult site and felt the proposed zoning would offer a buffer zone between the commercial and the single family area immediately adjacent.

All were in favor of the motion with the exception of Mr. Blaesing and Ms Steffy.

Motion passes 5-2 - The Planning Board recommends to the City Commission that the current zoning of R-2 Single Family Residential be upheld.



LPR Properties

300 Park Street
Suite 215
Birmingham, Michigan 48010
Telephone (313) 644-8973

April 5, 1988

Mr. Larry Bouman
Engineering/Planning
City of Birmingham
Birmingham, MI

Dear Mr. Bouman:

As you probably know from notices mailed to you by the City of Birmingham, LPR Properties is attempting to rezone 404 Park Street from single residential to attached single family. We are attempting to construct two residential structures consisting of two units each. These two structures will be of Georgetown architecture and the construction materials will consist largely of brick, with some siding, and an upgraded shingle roof. (See attached drawings)

LPR Land Company has been involved in the construction of custom single family residential houses, apartments, and office buildings. The Company's principals own outright and a major portion of all projects it builds. The units contemplated on Park Street will be no exception. Two of the units will be retained by the owners and the other two will be sold as residential units for owner occupancy.

We would like the opportunity to meet with all parties concerned and outline our intentions for this project. This will enable us to hear your views and incorporate those ideas into our plans. We would appreciate your setting aside the evening of April 21st so as we can meet as a group and discuss this development.

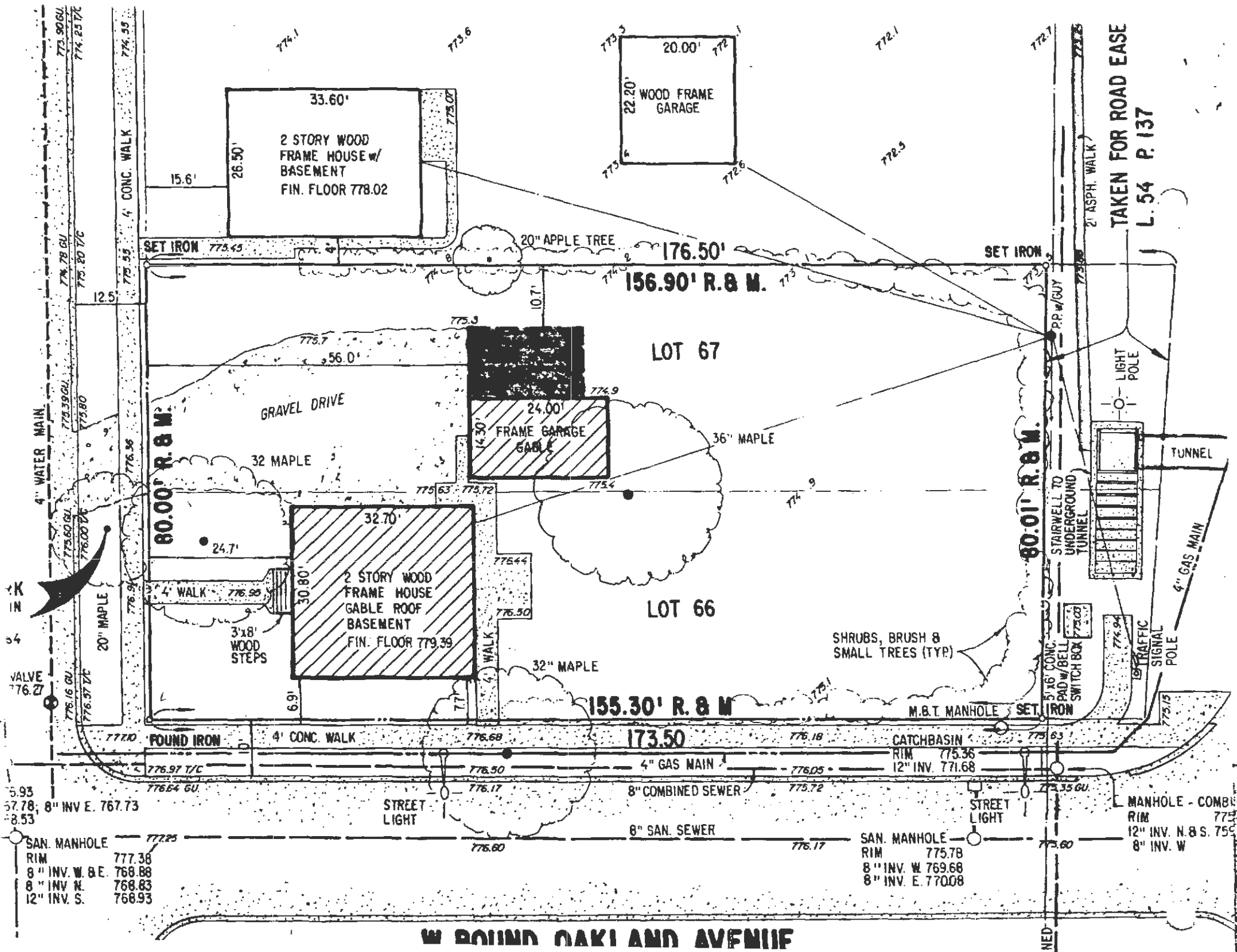
Please call the undersigned before April 15th so as we can accommodate those attending. For those unable to attend the meeting, please call our office and we will gladly meet with you at a time which is convenient for your schedule.

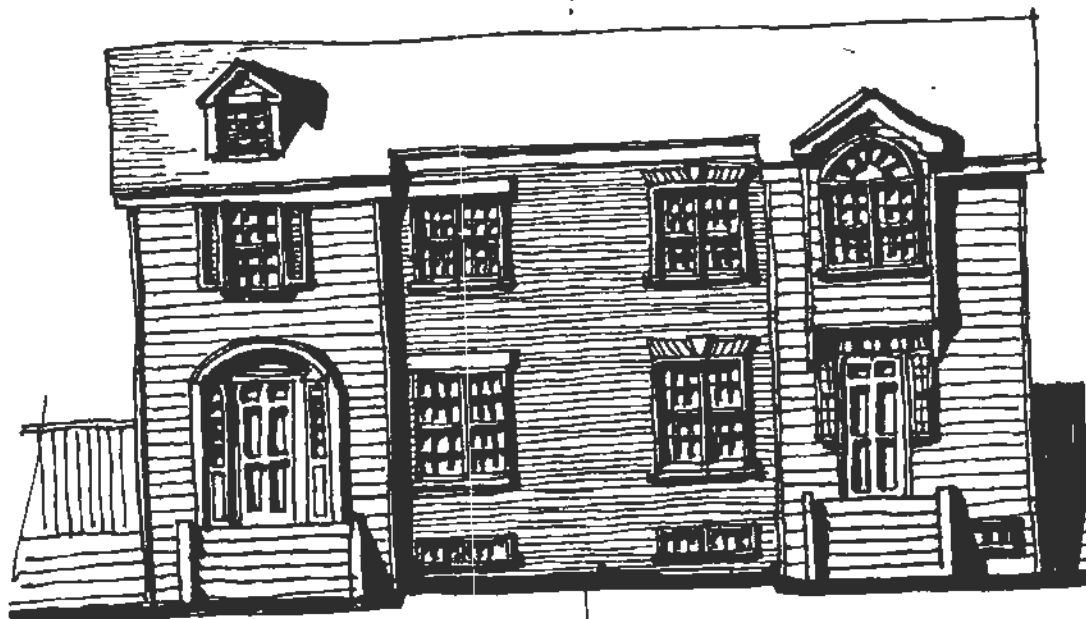
Thank-you once again for your time and we hope to meet you personally on April 21st.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Richard L. Lambert', written over a horizontal line.

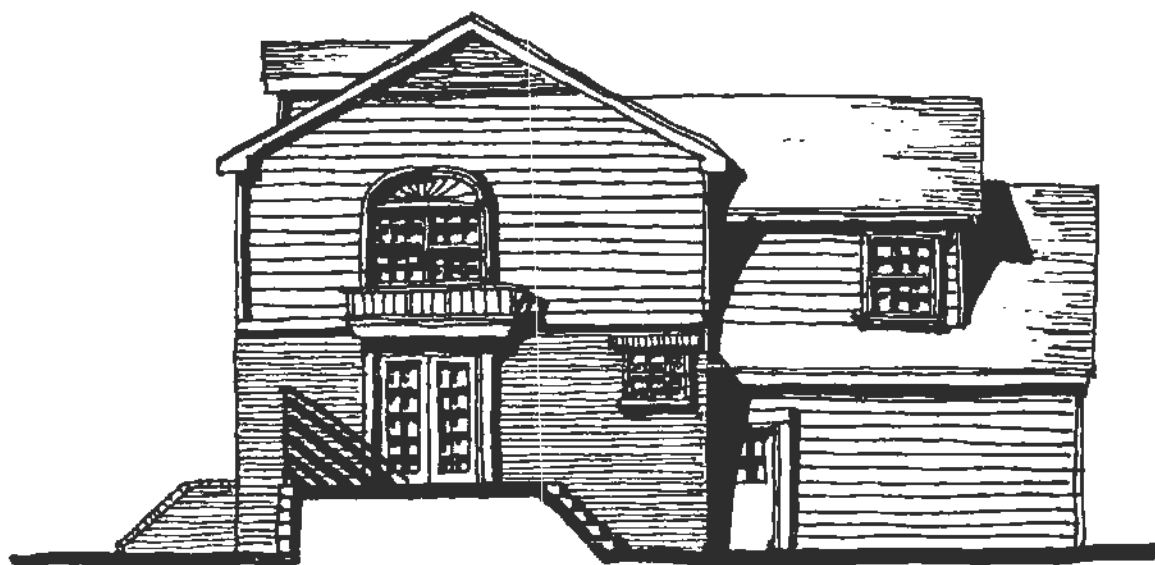
Richard L. Lambert





SCHEME V

SCHEME VI



SIDE ELEVATION

APPLICATION FOR ZONING MAP CHANGE

Birmingham, Michigan

1988 FEB 25 AM 10:20
CITY OF BIRMINGHAM

Date Feb. 25, 1988

TO THE CITY COMMISSION:

The undersigned hereby make application to the City Commission to:

Change premises described as 404 Park Street; Lots 66 and 67, "Oak Grove Addition,"
(No.) (Street)

recorded in Liber 7, pages 4 and 5 of plats, Oakland County; Park Street and Oakland
(Legal Description)

_____ from its present zoning
(Location)

classification of Single Family to Attached Single Family

A plot plan 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 having a direct bearing on the request.

The growth of commercial building located in area of said property, and best use as a barrier between commercial and residential. The requested zoning change corresponds to format used along Oakland, Ring Road, and Brown Street.


Signature of Applicant

Name of Owner LPR Properties, Ltd.

Address of Owner 300 Park Street; Suite 215 Tel. No. 644-8973

A letter of authority, or power of attorney, shall be attached in case the appeal is made by a person other than the actual owner of the property.

Date Received _____

Delivered by _____

Resolution No. _____ Disposition _____

APPLICATION FOR ZONING MAP CHANGE

Birmingham, Michigan

Date Feb. 1, 1988

TO THE CITY COMMISSION:

The undersigned hereby make application to the City Commission to:

Change premises described as 404 Park Street; Lots 66 and 67, "Oak Grove
(No.) (Street)

Addition," recorded in Liber 7, pages 4 and 5 of plats, Oakland County,
(Legal Description)

Park St. and Oakland from its present zoning
(Location) B-2 Attached SF.
classification of Single Family to Multiple Family

A plot plan 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 having a direct bearing on the request.

The growth of commercial building located in area of said property, and best use as a barrier between commercial and residential. The requested zoning change corresponds to format used along Oakland, Ring Rd., and Brown Street.

[Signature]
Signature of Applicant

Name of Owner LPR Properties, Ltd.

Address of Owner 300 Park St.; Suite 215 Tel. No. 644-8973

A letter of authority, or power of attorney, shall be attached in case the appeal is made by a person other than the actual owner of the property.

Date Received 2-2-88 - pd. \$250.00

Delivered by _____

Resolution No. _____ Disposition _____

1988 FEB -2 AM 8:58
CITY OF BIRMINGHAM

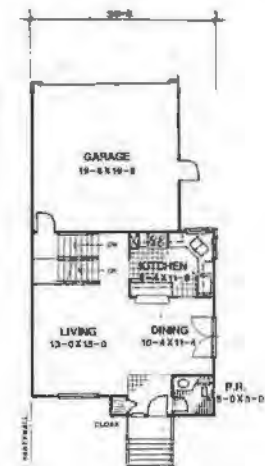
NOTES



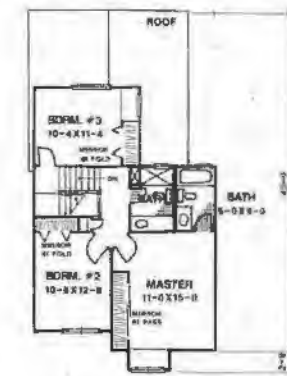
SIDE ELEVATION



BASEMENT



1ST FLOOR



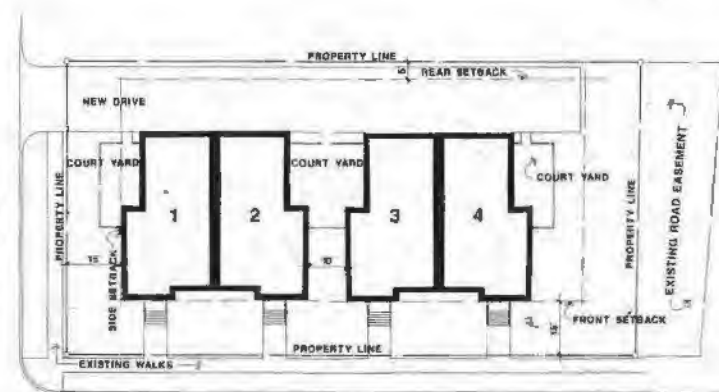
2ND FLOOR



FRONT ELEVATION



LOCATION MAP



PRELIMINARY SITE PLAN

SCHEMATIC SUMMARY

BASEMENT	528 Sq. Ft.
1ST FLOOR	888 Sq. Ft.
2ND FLOOR	748 Sq. Ft.
GARAGE	418 Sq. Ft.

TOTAL HVAC 1584 Sq. Ft.

NO.	DESCRIPTION	AMOUNT
1	FOUNDATION	
2	CONCRETE	
3	BRICK	
4	ROOF	
5	MECHANICAL	
6	ELECTRICAL	
7	PLUMBING	
8	PAINT	
9	LANDSCAPE	
10	OTHER	
TOTAL		

PERKINS ARCHITECTS
 12345 Main Street, Suite 100, Atlanta, GA 30303
 (404) 555-1234

BIRMINGHAM TOWNHOUSES	3-24-88
LPR LAND COMPANY	1200.00
SCHEMATIC CONCEPT	1.1

BASE
 KEY
 OVERLAYS

1. These drawings are prepared for the purpose of engineering only. They are not to be used for any other purpose without the written consent of the engineer. Any reproduction, copying, or modification of these drawings without the written consent of the engineer is prohibited.

August 20, 2015

Birmingham City Commission
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re: Spot Zoning

Dear Mayor and Commissioners:

The Commission will be considering the proposed transitional zoning amendments to the Birmingham Zoning Ordinance. Questions have been raised as to whether this constitutes some form of “Spot Zoning.” This letter is intended to give an overview of the Spot Zoning concept.

What actually constitutes “Spot Zoning” was stated by the Michigan Supreme Court in *Penning v Owens*, 340 Mich 355 (1954) to be:

“A small zone of inconsistent use within a larger zone.”

Contrary to widespread belief, Spot Zoning is not per se illegal.

In the comprehensive work of “Zoning and Land Use Controls” Volume VI Dean Emeritus and Professor of Law Patrick J. Rohan, and Professor of Urban Planning, Eric Damian Kelley provided the following excellent overview:

“Spot zoning is the rezoning of a parcel—usually small—to a zoning classification that is dissimilar to the zoning of the surrounding property. Although small area zoning can be sustained as valid, particularly when supported by the comprehensive plan, ‘spot zoning’ is most often a shorthand used by the courts to refer to a small area rezoning that is struck down....

‘Spot zoning’ is exactly what it sounds it like-the zoning (usually rezoning) of a ‘spot’ of land in a way that is significantly different from the zoning that surrounds it. There are ‘broad’ and ‘narrow’ definitions of the term ‘spot zoning.’ Both state that spot zoning involves amendments to existing zoning ordinances singling out a small area for a use classification which is different—whether more or less restrictive—from that of the surrounding area. The narrow definition, however, limits the meaning of spot zoning to those amendments that are per se invalid. In contrast, an amendment that results in spot zoning under the broad definition can be either a valid or invalid legislative enactment.

In the narrow sense of the term, spot zoning is the arbitrary and unreasonable reclassification of a small area within a zoning district to a use which is inconsistent with the surrounding district, where the rezoning does not conform to a comprehensive plan, serves no public purpose and is solely for private gain. Spot zoning, in this sense, has been used almost as a kind of epithet to condemn a zoning amendment. It is a judicial doctrine used to challenge or invalidate a zoning ordinance amendment on the grounds that it arbitrarily and capriciously violates a community's comprehensive or well-considered zoning plan. Used in the narrow sense of the term, spot zoning is impermissibly inconsistent with the legitimate purpose of zoning, i.e., the furtherance of the public health, safety, morals or general welfare.

.....

Typically, an amendment to a zoning ordinance is adopted at the request of a land owner who wishes to use the land for a use prohibited by the existing zoning scheme... The courts have found impermissible spot zoning in instances where the amendment is designed to relieve a particular property from applicable zoning restrictions for the benefit a particular property owner or specifically interest party, to the detriment of other owners in the vicinity, and the community as a whole.

....

Two elements must be satisfied before spot zoning can be said to exist. **First, the zone change must concern a small area of land.** Second, the **change must be out of harmony with the comprehensive plan** for zoning adopted to serve the needs of the community as a whole. **The comprehensive plan is to be found in the scheme of the zoning regulations themselves.**

Thus has evolved the doctrine, which generally holds that:

Spot zoning has come to mean arbitrary and unreasonable zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land, and not in accordance with the comprehensive plan. Spot zoning is a zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole.

Do the roots of the doctrine make a difference? Absolutely. There are a great many instances in which the zoning of a small area differently from what

surrounds it makes a great deal of sense, a fact that many courts have acknowledged by recognizing that spot zoning is not invalid per se. Consider these examples:

- Zoning to allow a small neighborhood shopping center in a residential area;
- Zoning to allow a small hospital in an area surrounded by apartments and offices in a small town;
- Zoning to allow a grain elevator and chemical supply store in an area otherwise restricted to production agriculture and residential uses;
- Zoning to allow a truck stop, motel or restaurant at an Interstate highway interchange in a rural, agricultural area; or
- Zoning for a jail, powerplant or other unique, free-standing use.

All of these are examples of uses that are likely to be surrounded by dissimilar uses. Is that necessarily undesirable? No. A good comprehensive plan should provide for such uses and should indicate the circumstances in which they will be allowed. For example, without mapping such uses, the plan might suggest that:

- Neighborhood shopping centers be allowed at the intersection of a collector street with an arterial street;
- Grain elevators and agricultural chemical supply dealers should be located near major rail stops, along a state or federal highway;
- Truck stops, motels and other highway-service uses should be located along arterial roads within a specified distance of the intersection of the arterial road with an Interstate or other federal or state highway.

Such planning policies are logical, rational and necessary. Each of those policies suggests that it may be appropriate and necessary to create small ‘spots’ of zoning that differ from the surrounding zoning.

.....

The relationship between comprehensive planning and zoning is one that has long been the subject of thoughtful commentary. It is at the heart of the spot-zoning doctrine, well represented by the leading case of *Rodgers v. Village of Tarrytown*, in which New York’s highest court held, ‘If, therefore an ordinance is enacted in

Beier Howlett

Birmingham City Commission
August 20, 2015
Page 4

accordance with a comprehensive zoning plan, it is not 'spot zoning,' even though it (1) singles out and affects but one small plot...or (2) creates in the center of a large zone small areas or districts devoted to a different use.' The Main Supreme Court has noted the relationship between the consistency doctrine and the concept of spot zoning and suggested that, as local planning becomes universal (by state mandate) in that state, the doctrine of spot zoning will be less significant.

This holding in *Rodgers* has been followed in numerous cases. The majority rule is that the litmus test of the validity of a zoning amendment is whether it has been enacted in accordance with a comprehensive or well-considered plan. Indeed, several courts have expressly labeled invalid spot zoning as the very antithesis of planned zoning, treating the two concepts as obverse sides of the same issue. Some courts, moreover, have harmonized zoning reclassifications with comprehensive plans by viewing reclassifications as constituting concomitant and proper amendments of the comprehensive plan." (Emphasis Added)

* * * * *

The amendments which the Commission is considering are part of the comprehensive plan for transitional zoning. Simply stated, the plan is to make an appropriate transition from one zoning classification to another where the two different districts are next to each other. The Planning Board has considered this matter for several years and has heard the comments from many individuals. The Planning Board has taken into account the health, safety and welfare of the entire community and the adjacent owners and occupants of nearby properties. They have presented a plan for the gradual transition of uses between bordering zone districts. It is, therefore, our opinion that the proposed transitional zoning amendments do not constitute "spot zoning."

If you have any questions, please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.

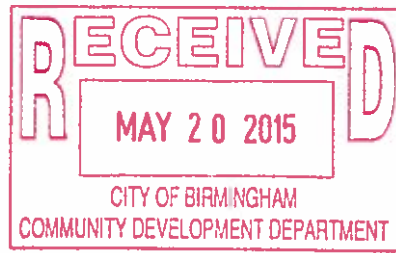
Timothy J. Currier
Birmingham City Attorney

TJC/jc

May 20, 2015

Planning Board

City of Birmingham



RE: Proposed Rezoning of 404 Park

Dear Planning Board,

The major issues currently being considered are density, parking, and height. On density, LSL recommended "a modest increase in density" and four units is overwhelming and a 100% increase; on parking, four units is a minimum of 8 cars on a tiny lot and—by pushing the building up to Oakland—too much traffic will be abutting our house. If you allow said property 35 feet height, the building will loom over our 28.5 feet height as well as 287 Oakland's 30.5 feet height.

All these issues have been beaten to death in the last 2.5 years of your minutes, and please consider throughout this discussion the SOLE rezoning advocate has been the owner/developer. 100% of the 100 footers have been against this rezoning with each new proposal. The Oakland boulevard feature serves as a perfect barrier separating the Downtown from our neighborhood.

Respectfully submitted,

A handwritten signature in dark ink that reads "Brad & Laura Host". The signature is written in a cursive, flowing style.

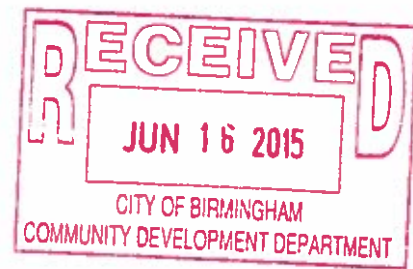
Brad and Laura Host

416 Park Street

Birmingham, Michigan 48009

June 15, 2015

The Planning Board
City of Birmingham



RE: Proposal Rezoning Oakland/Park from R2 to TZ1

Dear Planning Board,

We, the undersigned owners, are 100% of the aforementioned single family residences you are considering rezoning. We fervently believe you should remove Oakland/Park from your rezoning considerations for the following reasons:

- 1) We have been part of The Little San Francisco neighborhood for over a Century and bought/built our homes believing we are part of a cohesive neighborhood.
- 2) Little San Francisco is close to the Downtown but not part of the Downtown.
- 3) Oakland Street has long been a natural buffer for our neighborhood. The lush, spacious boulevard with four traffic lanes has afforded us an expansive separation from the Downtown.
- 4) We have always been a part of a very close—both figuratively and literally—neighborhood.
- 5) Any increase in density will only exacerbate existing traffic and parking problems.
- 6) Any application of TZ1 Classification in The Little San Francisco neighborhood will adversely affect property values as well as degrade the comprehensive clarity of our single family residences neighborhood.

This rezoning proposal is an issue of grave concern, and we believe intensifying our density is unwanted, imprudent, and unwarranted. Historically, Little San Francisco has been single family residences within a very well defined perimeter imparting a very cohesive neighborhood close to the Downtown, and we have withstood the test of time. All of us steadfastly oppose any rezoning of our neighborhood.

Respectfully submitted,

416 Park	<u>Laurie Mont</u>	424 Park	<u>[Signature]</u>
287 Oakland	<u>Beverly McTear</u>	267 Oakland	<u>[Signature] / Susan Smith</u>
247 Oakland	<u>[Signature] / Susan Smith</u>	233 Oakland	<u>Wesley Victor Jones</u>
300 Ferndale	<u>[Signature]</u>		

Contact person for above property owners: Brad Host 248-219-2249 or 248-357-1000



Jana Ecker <jecker@bhamgov.org>

Re: Vacate Lot between Woodward, Oakland and Park

1 message

Joe Valentine <jvalentine@bhamgov.org>

Wed, Jul 29, 2015 at 4:35 PM

To: Little San Francisco <littlesanfran@gmail.com>

Cc: "sdm984@sbcglobal.net" <sdm984@sbcglobal.net>, "gdilgard@hotmail.com" <gdilgard@hotmail.com>, "rackyhoff@hotmail.com" <rackyhoff@hotmail.com>, "mcdaniel_tom@hotmail.com" <mcdaniel_tom@hotmail.com>, "markforbirmingham@yahoo.com" <markforbirmingham@yahoo.com>, "gordon4bham@aol.com" <gordon4bham@aol.com>, "stuart.sherman@sbcglobal.net" <stuart.sherman@sbcglobal.net>, Jana Ecker <Jecker@bhamgov.org>

Ms. Erwin,

Thank you for your email to the City Commission concerning potential plans for the vacant lot between Woodward, Oakland and Park. I will share your comments with the Planning Department so they can be made available to the Planning Board when further discussion on their plans occur. Their plan has been amended several times and may be revisited following discussions on Transitional Zoning, which includes this parcel. The discussion on Transitional Zoning is planned for August 24th City Commission meeting.

Thank you again for sharing your suggested stipulations for this parcel for consideration.

Regards,
Joe Valentine

On Wed, Jul 29, 2015 at 7:01 AM, <littlesanfran@gmail.com> wrote:

To: Birmingham City Council

The developer shared their preliminary drawings for this property. I think the following:

- Overall plan will be a nice addition to the area
 - It's size appropriate for the lot and location
 - Design is in keeping and similar to other new homes built in the area
 - Setbacks and height are appropriate for the area
- I prefer to have the lot developed with this size appropriate building versus staying vacate

The developer's representative, Chuck DiMaggio with Buton Katzman, has stated the following, and I would request the City Council stipulate these provisions if they approve this plan:

- Angel driveway as shown on renderings to force traffic onto Park going east toward Oakland Avenue
 - This would limit additional traffic onto Park Street going into neighborhood

- Do not offer neighborhood parking passes to this property
 - Chuck DiMaggio consistently stated they would have appropriate parking and additional needs would be serviced by the parking structure at Park and Oakland

Thanks you for your consideration.

Michelle Erwin
356 Ferndale Ave

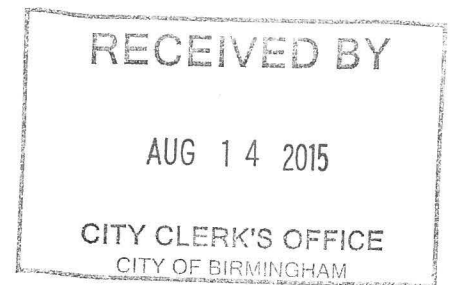
Sent from Windows Mail

—
Joseph A. Valentine
City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1809 Office Direct
(248) 530-1109 Fax
jvalentine@bhamgov.org

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August 14, 2015

Birmingham City Commission,
151 Martin,
Birmingham, Michigan 48009



RE: Spot Rezoning from R2 to TZ1, Parcel 1925451021, Lot 66 and 67 of
Oak Grove Addition, commonly known as 404 Park

Dear City Commissioners,

404 Park's transitional rezoning discussion started three years ago as spot zoning, and now three years later it ends up as spot zoning. It is possibly the purest SPOT ZONING ever attempted in our City. Little San Francisco neighborhood has enjoyed over a Century as a cohesive neighborhood, and this proposed rezoning is truly a leap across Oakland from the Downtown, an obvious attempt to expand the Downtown into our neighborhood. This is wrong.

On June 24th, the Planning Board 4-3 vote includes some noteworthy statements not reflected in the minutes. All three dissenters are in favor of transitional zoning in concept, BUT believe it should not be implemented at 404 Park. Also, on three separate occasions the Planning Board's Bert Koseck said in these three years of hearings NOT ONE PERSON--- excepting the developer--- has said anything positive about 404 Park's proposed rezoning. Lastly, Planning Board member Stuart Jeffares stated rezoning to a four unit apartment building was a more acceptable alternative to having two houses built like the ones on the west side of Telegraph, just south of Square Lake; his analogy is a huge conceit since no one can legislate aesthetics, and --more importantly---he is asserting he knows what is best for the neighborhood despite our neighborhood's persistent, unanimous disapproval.

You all bought single family residences in Birmingham to live here and had certain expectations when purchasing your home. If you had a choice, would you live next door to a four unit apartment building? Your immediate answer is NO. Laura and I purchased our single family residence 416 Park Street twenty five years ago and are delighted to be so close to town and plan to expand our house someday for our retirement. We enjoy being in a single family, close knit neighborhood, and took it for granted there would be single family residence on either side. 404 Park's rezoning will DOUBLE the density, and we will be looking at four two-car garages with ten cars running close by our living room. As the most directly affected single family residence, this spot zoning is unnecessary, unwarranted, and unwanted. You should expunge 404 Park's from your transitional rezoning parcels as this spot zoning would be a detriment to our whole neighborhood.

Respectfully,

A handwritten signature in black ink that reads "Brad & Laura Host". The signature is stylized and cursive.

Brad and Laura Host

416 Park St.

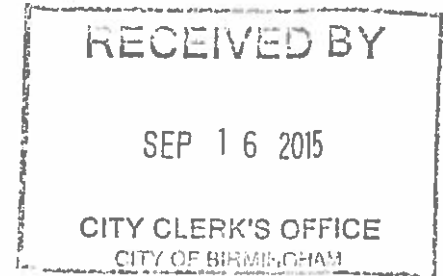
248-219-2249 or 248-357-1000

September 16, 2015

Birmingham City Commission,

151 Martin Street,

Birmingham, Michigan 48012



Re: Proposed rezoning of 404 Park from R2 to TZ1

Dear Commissioners,

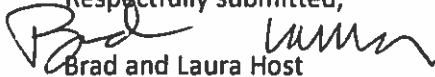
Having been involved in this process for over three years, we agree there is a need for transitional/buffer zoning classifications, but any application of these zoning classifications to 404 Park is inappropriate.

These two vacant residential lots could be built as a single family residence similar to 505 West Brown. Additionally, these two vacant residential lots could be built as two single family residences similar to the white houses addressed as 233 Oakland and 300 Ferndale. Why are these alternatives not advantageous? Because the developer wants to maximize his profit by increasing the vacant lot's density.

If this rezoning is approved, what happens when the developer sells this four unit apartment building or switches management? Approval of this rezoning is unneeded and unwarranted and would eventually lead to more rezoning applications, sending our neighborhood down a slippery slope which is unnecessary.

Lastly, as our elected representatives, you are the stewards of our neighborhoods and should endeavor to protect us from exploitation by commercial interests. Further, the outcry of single family residents' directly affected by this rezoning has been unanimous. You should see this rezoning as an expansion of the Downtown and as an unwanted intrusion into our neighborhood. We ask you to honor the neighborhood and remove 404 Park from rezoning consideration.

Respectfully submitted,


Brad and Laura Host

416 Park

Birmingham, Mi. 48009

248.219.2249

248.357.1000



Attorneys at Law
2055 Orchard Lake Road
Sylvan Lake, Michigan 48320
www.hsc-law.com

Main (248) 731-3080
Fax (248) 731-3081

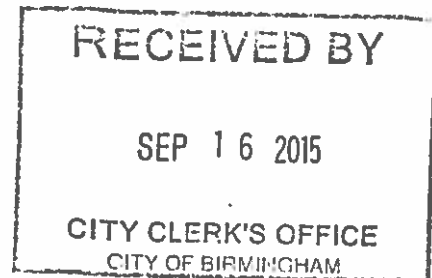
John D. Staran
Direct (248) 731-3088
jstaran@hsc-law.com

September 16, 2015

Via Facsimile & U.S. Mail

Birmingham City Commission
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re: *Rezoning 404 Park, Birmingham, MI*



Dear City Commissioners:

We represent Brad and Laura Host, the owners of 416 Park, which is adjacent to the vacant property at 404 Park that is proposed for rezoning from its longstanding R-2 Single-Family Residential District to the new TZ1 Transition Zone district. A divided Planning Commission forwarded the rezoning proposal to the City Commission on a 4-3 vote. Our clients strongly oppose the rezoning, and we urge the City Commission, as elected representatives of the Hosts and the many other residents of their "Little San Francisco" neighborhood, to please deny this proposed rezoning. Denying the rezoning is the right thing to do for a number of reasons grounded in sound planning and zoning principles.

A Transition Zone Is Unnecessary.

The newly created transition zone district is designed to create a use buffer between incompatible land uses or zoning districts by providing separation and protection for less intensive zoning or land uses from incompatible adverse effects of an adjacent more intensive zoning district or land use. Transition zones can be an effective zoning technique when properly implemented, and in some of the areas being considered by the City Commission for rezoning to TZ, it may be appropriate. But, the need for a transition zone or use buffer to achieve zoning compatibility in all instances where a non-residential zoning district or land use is adjacent to single-family residential is a fallacy. Indeed, the modern zoning concept of form-based zoning, which focuses on physical form and layout of structures and improvements rather than separation of uses as its guiding principle, is proof of that. And, in some cases even simple landscaping between land uses can serve as an adequate use buffer. In the case of 404 Park, the proposed transition zone designation is a solution in search of a problem that does not exist.

Oakland Avenue provides a very clear, well-defined, and logical demarcation between the business district to the south and the single-family residential neighborhood to the north. It has an attractive dividing median and provides nearly 100 feet of separation between the parking structure and office buildings on the south side and the subject property on the north side. The business

September 16, 2015

Page 2

properties to the south of Oakland Avenue are at their highest intensity in terms of activity, lights, traffic and noise during weekdays, and much less so on weeknights and weekends when homeowners on the north side are more likely to be affected. Parking restrictions in the neighborhood north of Oakland Avenue further mitigate and protect the residents against adverse effects of traffic and parking problems. The proposed rezoning, on the other hand, will allow a non-single family residential land use to intrude beyond this boundary line and create an undesirable precedent that may lead to future requests of a similar nature affecting the welfare and integrity of the Little San Francisco neighborhood.

The Longstanding R-2 Single Family Residential District Designation Remains Reasonable.

The threshold inquiry for any rezoning proposal should be whether the current zoning is reasonable for the property. Unless the answer to that question is no, then the decision to deny the rezoning proposal is an easy decision to make. The City's planning and legal advisors have undoubtedly advised the City Commission that the law does not require the City to zone every property for its highest and best (i.e., most profitable) use, but rather to allow a reasonable use. In the case of 404 Park, a demonstration that the site cannot be reasonably redeveloped and used for single-family residential has not been convincingly made. We do not doubt that the subject property may be worth more if marketed or developed for multi-family purposes. It may be worth even more for commercial, retail or office. But, that is not the appropriate line of inquiry. The appropriate and threshold inquiry should be is there anything wrong with the current single-family zoning designation, or – asked another way – can the subject property no longer be reasonably used for single family residential? The answer to this question is no. Until razed in 1988, the subject property was improved with a house, and upon information and belief, the commercial owners of the property ever since that time have made no real effort to re-build a house on the site or to market the site at a prevailing residential property price.

As further testament to the validity and continuing vitality of the current R-2 single family zoning, consider the other similarly situated homesteads along Oakland Avenue at 233, 247, 267 and 287 Oakland Ave. and 300 Ferndale. And, of course, the Little San Francisco neighborhood behind them, which they are an integral part of, continues to thrive and prosper.

We have all heard and probably used the expression, "If it isn't broken, don't fix it." That expression is apropos here. The surrounding area is single family residential on three sides, with R-2 to the north and west, and R-7 to the east. The area to the south, across boulevard Oakland Avenue, is zoned PP and B-4. Rather than provide a protective buffer to the residential neighborhood north of Oakland Avenue, this proposed rezoning and proposed redevelopment of 404 Park for an apartment building will have the opposite, adverse impact. It will create a foothold and precedent for non-single family residential uses to intrude into the neighborhood on the north side of Oakland Avenue, where none currently exist in the immediate area. Rather than protect the neighborhood residents from the effects of the parking structure and office buildings located south of Oakland Avenue, the proposed rezoning of 404 Park will expose the neighbors to a new higher intensity, multi-family use with increased density, a larger and taller profile, greater lot coverage, more impervious surfaces, and increased noise, traffic and parking under the guise of a transition zone where none is needed.

September 16, 2015

Page 3

This Is Spot Zoning.

City Attorney Tim Currier recently provided the City Commission with a letter about spot zoning, which the City Attorney explained is often misunderstood. Nevertheless, our Supreme Court has defined spot zoning as the creation of a small zone of inconsistent use within a larger zone. *Penning v Owens*, 340 Mich 355, 367 (1954). We believe that is exactly what will result here if 404 Park is rezoned. Especially noteworthy in the City Attorney's letter is the statement of the doctrine:

Spot zoning has come to mean arbitrary and unreasonable zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land, and not in accordance with the comprehensive plan. *Spot zoning is a zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole.* [Emphasis added]

The City Attorney's letter ultimately concludes the proposed transitional zoning amendments do not constitute spot zoning, but we respectfully disagree. To determine spot zoning requires a case specific analysis of the particular facts and circumstances involved. Although, spot zoning may not be illegal per se, it is universally frowned upon by planners, municipal attorneys, judges zoning scholars alike. It is a disfavored practice. The proposed rezoning of 404 Park will not benefit anyone but the owner of 404 Park. It will definitely not benefit the single-family residential neighborhood it is an integral part of, and it is not needed to buffer or protect those residents from the business district to their south, the proximity to which has not adversely impacted their neighborhood. Instead, the proposed rezoning will create an island of inconsistent zoning and land use amid a larger, well-defined sea of single family residences. Rezoning 404 Park as proposed will serve only to benefit and profit its owner to the detriment of the neighbors and neighborhood.

We commend the City Commission for their thoughtful consideration and approach to the proposed rezoning, and we hope the Commission will take into account our client's serious concerns as the Commission strives to do the right thing to promote the public health, safety and welfare of its taxpaying, voting residents. In closing, we urge and caution the City Commission to not try to fix zoning that is not broken by creating a so-called transition zone that is not needed at this location and will establish an inconsistent land use and precedent in an otherwise cohesive and beloved single family residential neighborhood.

Very truly yours,

John D. Staran

JDS/ijd

cc: Mr. Timothy J. Currier, City Attorney
Thomas J. Ryan, Esq.
Client

09/16/2015

RECEIVED BY

SEP 16 2015

CITY CLERK'S OFFICE

CITY OF BIRMINGHAM

Dear City Commissioners

I am writing to oppose the re-zoning of 404 Park Street, on the corner of Park and Oakland, to multi-family status.

The lot now referred to as 404 Park is a double lot that 25 years ago (+ or -) had a small sturdy craftsman house that the new owner had torn down to prepare for maximizing the use of the space. It was a home identical to the one next door, and similar to several others along Park St that have been remodeled and rehabilitated over the years to accommodate larger families and changing needs of residents. But the new owner of 404 Park had a vision of the potential for development on this site. Politics in Birmingham however were not amenable to his plans. So he waited. At around the same time on the other end of Oakland, at the corner of Ferndale, four houses away, local architects were designing two single family homes as models of what in-town homes could be. These homes stand today as beautiful examples of their efforts. One of the homes in 2010 received a prestigious AIA 25-yr award as an example of a sustainable in-town dwelling that had stood the test of time. Two other homes along Oakland are by any measure "historic" and well maintained properties. One is a Craftsman home; the other is earlier, a Victorian. Either could qualify for inclusion in a coffee table book on historic homes. The owners of all these homes love and care for them. They view Oakland Ave with its wide grassed tree-lined boulevard as a more than adequate buffer to the commercial buildings to the south, and thus not in need of any further 'transition'. In addition to the homes along Oakland there are two beautiful homes on Park across from what would become the parking lot for the proposed 404 Park development.

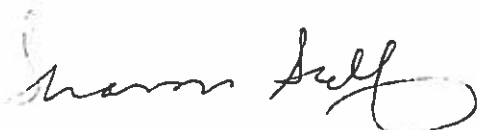
.All of these properties would be negatively affected by the incursion of a multi-family property with the implication that adjoining properties could be next for a zoning change. The anxiety regarding the zoning issue has a direct impact on the value of these surrounding single family homes. The people who own, maintain and live in these homes are universally opposed to a multi-family building on their corner. These homes are not 'tear-downs'.

Beyond the immediately adjoining properties is the impact of a multi-family dwelling on the neighborhood as a whole. The Ravines area is small, with approximately 90 homes. It is two blocks wide and 3-4 blocks long. There are only four entrances/egresses into the neighborhood—at Park, Ferndale, Euclid and Ravine. Increasing the density on any lot in the neighborhood affects everyone to a greater or lesser degree in terms of traffic, parking and drainage issues.

Over the several years that the development of 404 Park has been on the table we have had numerous meetings in neighborhood homes including a discussion of case law as it applies to 'spot zoning' or 'transition zoning'. The classic example is of a large residential development far from commercial services that wish to rezone a parcel for the provision of needed amenities for the surrounding neighborhood—such as a grocery, hardware, drugstore or even a 'big box' store. This qualifying example has no bearing on the discussion of our site. The surrounding neighbors here in large majority see no benefit to the proposed building at 404 Park. Therefore I ask that you reject the applicants request for a multi-family development. There is no 'shared benefit' to this proposal. The only benefit is to the property owner.

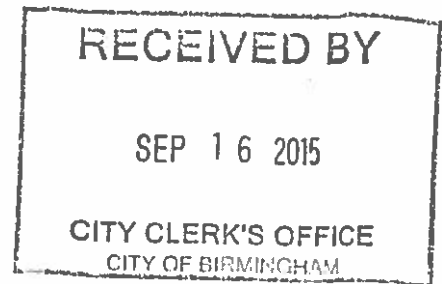
Thank you for your time, energy and consideration.

Sharon Self
227 Euclid



September 16, 2015

Dear Commissioners:



My name is Paul Gillin and I live at 273 Euclid and also own 271 Euclid, properties in what is referred to as the "Little San Francisco" neighborhood. I am writing to you to express my opposition to the proposed rezoning of what has become known as the 404 Park rezoning proposal to TZ1.

I would like to recap the history of this proposal as it relates to the area along Oakland...

A few years ago, the owner/developer of what is referred to as 404 Park met with neighbors to discuss basically an apartment building with 14 units. This was met with opposition for many reasons and, over the course of numerous meetings, was culled down to 4 units - or double the existing density of these two lots. At the same time, the City hired urban planners to study the "fringe" areas of downtown and evaluate properties adjacent to the business district for their "at risk" status. The outcome of that expenditure turned into a major rezoning proposal of numerous "at risk" areas across the City to provide "transition" from business to residential areas. Included in this proposed rezoning was all of Oakland between Woodward and Ferndale and the two houses adjacent to the empty lots at Oakland/Park. After two or three years of discussion and meetings, it is now my understanding only the two empty lots on Oakland/Park are under consideration.

My reasons for opposing the rezoning are as follows:

1. The arguments for the proposal have been to provide transition from the City to the residential area, which the

residents have long argued to be fallacious because the existing wide boulevard provides a beautiful and natural buffer. If the rest of the properties along Oakland are now not at risk and protected from the City by this natural buffer, then it would appear to me that 404 Park remains under consideration for rezoning only for political, tax base or developer interests, which I believe to be abhorrent. It is not the responsibility, duty or obligation of the City or residents to maximize anyone's financial interest and, despite the condescension and belittling to which residents were subjected at the last meeting regarding the definition of spot zoning by counsel, rezoning of these remaining parcels seems to fit the definition of spot zoning even more.

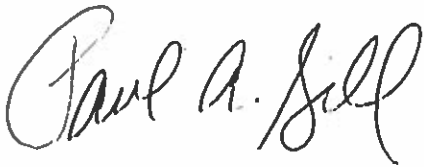
2. In the early 1990s City officials waged a war on properties zoned multifamily (duplexes mostly) and tried converting them all to single-family zoning. I know this because my neighbors and I fought the City and prevailed on the duplexes along Euclid Ave in Little San Francisco. A decade or so later, the City became very concerned about areas throughout town where homes were occupied by multiple unrelated adults and strict rules were put in place on the licensing of landlords regarding how many folks of different ages etc. could occupy a rental. I know this too because I had to provide detailed scaled drawing of my rental to obtain the license and was told how many occupants it could have. My purpose in relating these pieces of history is to remind you that zoning is not a fashion to be changed in reflex to someone's request today due to the prevailing mood at any given point of time. Decisions made today to rezone and allow this project will continue to have ramifications on this neighborhood today and into the future, when the next inevitable proposal is made to develop another property along Oakland for the purpose of providing "a transition" to protect the homeowners from what they currently have and like!

3. The brownstones along Brown are beautiful and often touted as an example of how great this and other projects could be and, though I agree they look great, they do not create a neighborhood feel. They are thoroughly landscaped, walled and moated in the front, with no yard and have little porticos for front entrances. In short, there is nothing about them that is open and conducive to engagement with the neighborhood/neighbors around them. Placing such a structure within Little San Francisco would be at odds to the existing homes and neighborhood feel.

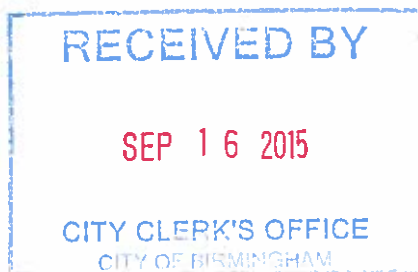
4. Finally, properties adjacent to the proposed development become less desirable/valuable as single family homes because they live in the shadow of a larger structure than would be allowed under single family zoning or find themselves suddenly living next to a parking lot with people coming and going at all hours.

Thank you for your time and I hope you will support the voice of the residents and vote no for this proposed rezoning.

Sincerely,

A handwritten signature in cursive script, reading "Paul A. Gillin". The signature is fluid and stylized, with the first letters of each word being capitalized and prominent.

Paul A. Gillin



September 16, 2015

Birmingham City Commission

Dear Commissioners,

We are writing to you regarding the proposed rezoning of 404 Park Street, Birmingham MI. The City Commission is considering rezoning this property from R-2, single family residential, to TZI. The rationale is that TZI is compatible with the adjacent single family residences.

We respectfully disagree with this philosophy. The neighborhood known as "Little San Francisco" is comprised of 80 single family homes and 5 duplexes. The exception to this is the property on Brookside and Ravine which is a 5 unit condo. It is not a rental property, it is not adjacent to any other residential property, it's elevation is below the homes on the other side of Ravine, and the garages are built underneath the condos and do not impact traffic in the neighborhood.

In the past several years there have been many changes to our neighborhood. On Ferndale Avenue there are 3 new-builds and 2 major renovations to existing homes. There are new-builds on Euclid, a major renovation at the northwest corner of Park St and additional renovations to homes on Euclid. More importantly are the changes taking place on Park Street. Currently there are two new-builds that are occurring on the sites of teardown homes. There is also a home on Park that is undergoing a large addition and renovation. This is particularly noteworthy because these three properties back up to Woodward Ave. This fact reinforces the idea that backing up to Woodward Ave. is not a situation that makes a lot unsaleable.

If a multi-unit property is built on the corners of Woodward, Oakland and Park Streets, this will add traffic congestion to an already over-burdened area. If the garages and driveways of the proposed units exit onto Oakland Ave there will be an increase in traffic to a very short stretch of road that is already bordered by two traffic signals. East bound traffic exiting onto Oakland requires traffic to go west to the Ferndale & Oakland turn. This turn is already a known traffic hazard because of a visibility issue created by the newly added parking spaces on the south side of Oakland. If the garages exit onto Park, east bound traffic will have to go north on Park, turn onto Euclid, turn south onto Ferndale and exit at the already busy intersection.

It is understandable that as the desirability of living in downtown Birmingham becomes more appealing, each neighborhood will be viewed in various ways. However, changing the character of our neighborhood that has existed for over 100 years should not be a viable option.

Thank you for thoughtfully considering this issue.

A handwritten signature in black ink, appearing to read "Ann Stallkamp" and "Tom Stallkamp" in a cursive, overlapping style.

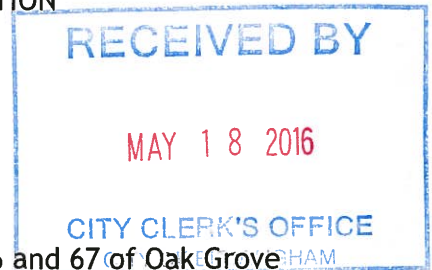
Ann and Thomas Stallkamp

333 Ferndale Avenue

May 9, 2016

ZONING PROTEST PETITION

Birmingham City Commission,
151 Martin Street,
Birmingham, Mich. 48009



RE: 404 Park Rezoning from R2 to TZI, Parcel#1925451021, Lots 66 and 67 of Oak Grove Addition

Dear City Commissioners,

We, the undersigned owners of 100% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed zoning map change, hereby protest, pursuant to MCL 125.3403(1) and the corresponding section of the City Zoning Ordinance, the proposed rezoning of 404 Park Street from R-2 to TZ1. As interested property owners, we also request, pursuant to MCL 125.3401, that the City Commission hold a public hearing on the proposed rezoning.

Respectfully submitted,

Laura W. Host 416 Park Street

5/9/16

Gary B. Smith 424 Park Street

5/10/16

Neil Fichtenberg 430 Park Street

5/11/16

~~B. FICHTENBERG~~

Gina Russo 431 Park Street

5/11/16

5/9/16

Beverly McCotter 287 Oakland

5-14-16

F. Michael Schuck 267 Oakland

5-13-16

F. Michael Schuck 247 Oakland

5-13-16

Susan J. Smith

5-13-16

Contact person for above property owners: Brad Host 248.219.2249 or 248.357.1000



MEMORANDUM

City Clerk's Office

DATE: May 14, 2016

TO: Joseph A. Valentine, City Manager

FROM: Laura M. Pierce, City Clerk

SUBJECT: Special Event Request
Woodward Camera Cruise Event

Attached is a special event application submitted by Woodward Camera requesting permission to place one tent in the parking area in front of 33501 Woodward Ave on August 20, 2016.

The application has been circulated to the affected departments and approvals and comments have been noted.

The following events have either been approved by the Commission to be held August. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Farmers Market	Sundays	Lot 6
In the Park Concerts	August 3, 10, & 17	Shain Park
Movie Night	August 12	Booth Park
Birmingham Cruise Event	August 20	South Old Woodward

SUGGESTED RESOLUTION:

To approve a request submitted by Woodward Camera requesting permission to place one tent in the parking area in front of 33501 Woodward Ave on August 20, 2016, 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.

16-06610715

**CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES**

I. EVENT DETAILS

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

FEES: **FIRST TIME EVENT:** **\$200.00**
 ANNUAL APPLICATION FEE: **\$165.00**

(Please print clearly or type)

Date of Application April 8, 2016

Name of Event Woodward Dream Cruise

Detailed Description of Event (attach additional sheet if necessary) _____

Woodward Camera for the past five years has provided a Hospitality Tent for Veterans to
view the cars as they go by on Woodward Avenue on Saturday during the Dream Cruise.

Location 33501 Woodward Avenue in front of Woodward Camera

Date(s) of Event August 20, 2016 Hours of Event 9 am to 9 pm

Date(s) of Set-up August 19, 2016 Hours of Set-up ~~9 am to 5 am~~ begins at 10:00AM

Date(s) of Tear-down August 21, 2016 Hours of Tear-down ~~9 am to 5 am~~ early morning

Organization Sponsoring Event Woodward Camera

Organization Address 33501 Woodward Avenue

Organization Phone 248-642-6974

Contact Person Bert Weidner

Contact Phone 248-766-7761

Contact Email woodwardcamera@hotmail.com

II. EVENT INFORMATION

1. Organization Type Woodward Camera and Piety Hill Chapter NSDAR
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) _____

3. Is the event a fundraiser? ☐ YES ☒ NO
List beneficiary _____
List expected income _____
Attach information about the beneficiary.
4. First time event in Birmingham? ☐ YES ☒ NO
If no, describe Woodward Camera and Piety Hill Chapter Daughters of the American Revolution held their first Hospitality Tent for Veterans in 2011.

5. Total number of people expected to attend per day 200
6. The event will be held on the following City property: (Please list)
☐ Street(s) on the parking spaces in front of the store.

☐ Sidewalk(s) _____

☐ Park(s) _____

7. Will street closures be required? ☐ YES ☒ NO
8. What parking arrangements will be necessary to accommodate attendance? none.

9. Will staff be provided to assist with safety, security and maintenance? ☒ YES ☐ NO
Describe There will be people at the tent from 9am to 9pm
10. Will the event require safety personnel (police, fire, paramedics)? ☐ YES ☒ NO
Describe _____
11. Will alcoholic beverages be served? ☐ YES ☒ NO
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.
12. Will music be provided? ☐ YES ☒ NO
☐ Live ☐ Amplification ☐ Recorded ☐ Loudspeakers
Time music will begin _____
Time music will end _____
Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.
13. Will there be signage in the area of the event? ☐ YES ☒ NO
Number of signs/banners _____
Size of signs/banners _____
Submit a photo/drawing of the sign(s). A sign permit is required.
14. Will food/beverages/merchandise be sold? ☐ YES ☒ NO
- Peddler/vendor permits must be submitted to the Clerk's Office, at least two weeks prior to the event.
 - All food/beverage vendors must have Oakland County Health Department approval.
 - Attach copy of Health Dept approval.
 - There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location. A background check must be submitted for each employee participating at the event.

III. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables	0	6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	0	\$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	0	\$200.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	0 # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant	NONE	Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO
(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	1	9x40
Portable Toilets	0	
Rides	0	
Displays	0	
Vendors	0	
Temporary Structure (must attach a photo)	0	
Other (describe)	0	

See attached

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
NONE	None	None	NONE

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Dream Cruise Hospitality Tent for Veterans

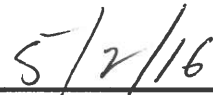
EVENT DATE August 20, 2016

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.



Signature



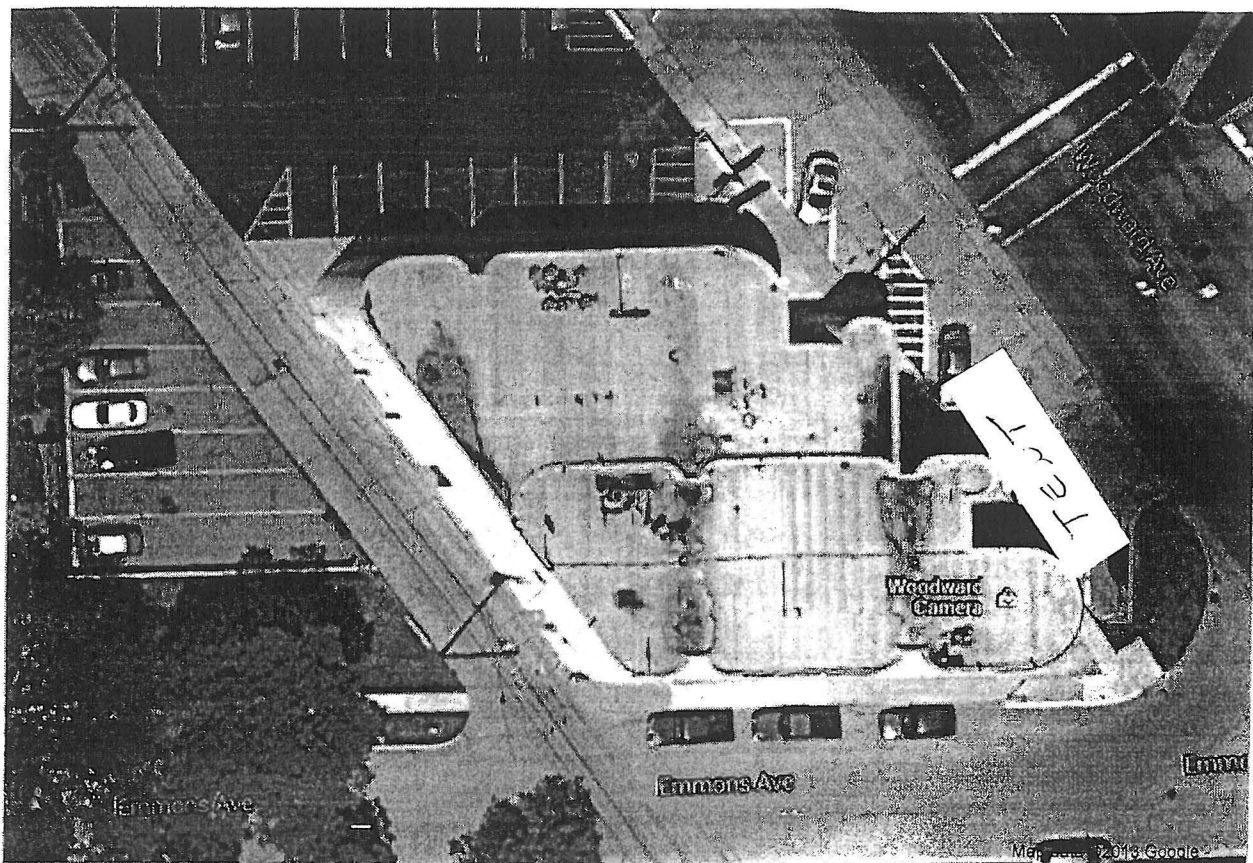
Date

IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. (*Sample letter attached to this application.*)
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.

Google

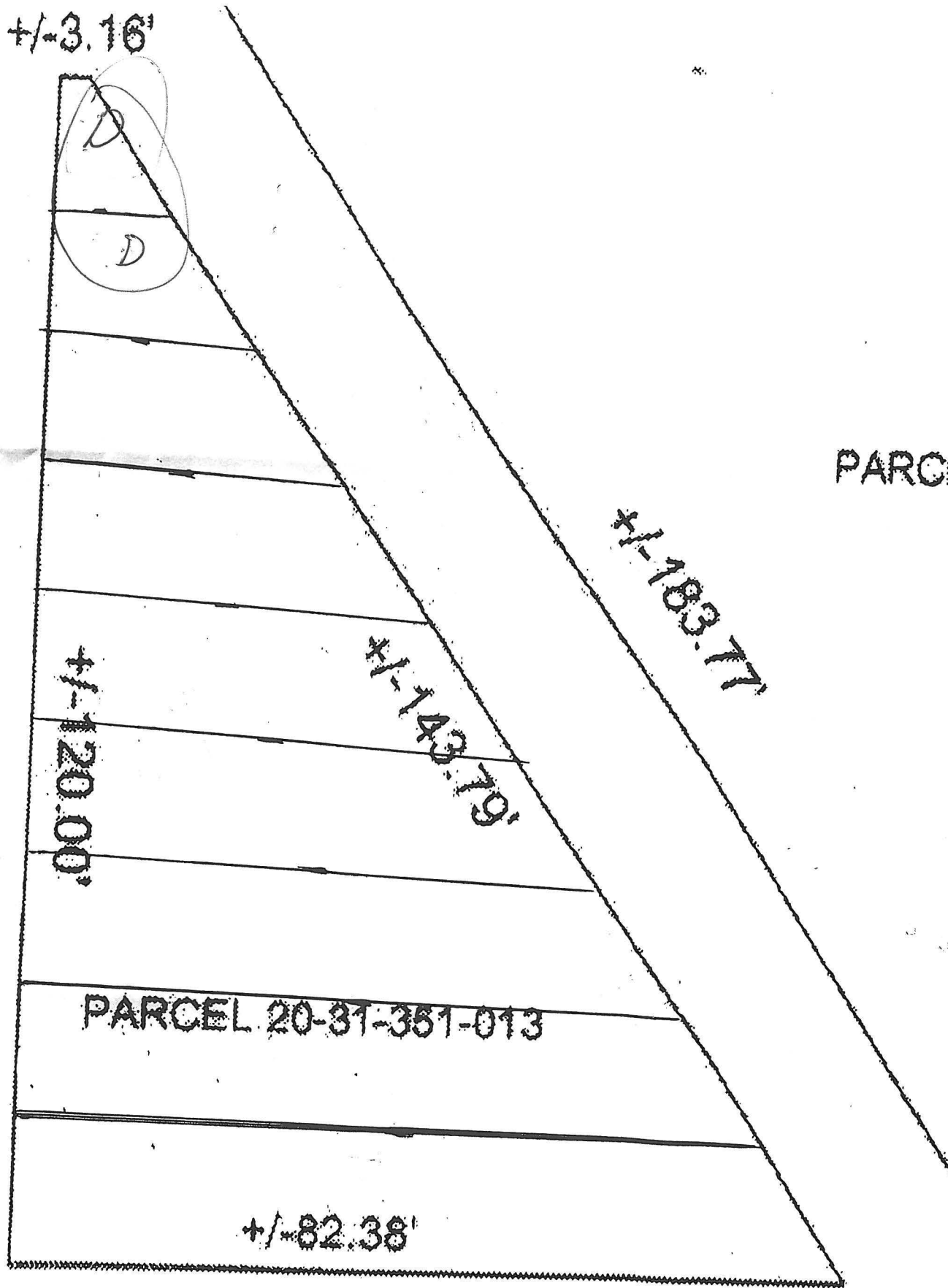
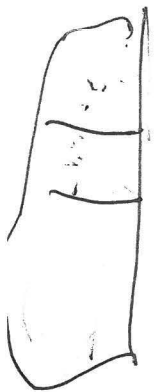
To see all the details that are visible on the screen, use the "Print" link next to the map.



tent 9' x 40'

TENT
location

+/-3.16'



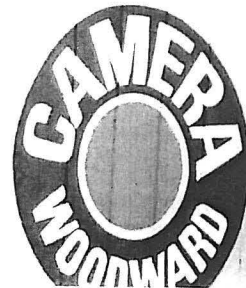
PARCEL

PARCEL 20-31-351-013

+/-82.38'

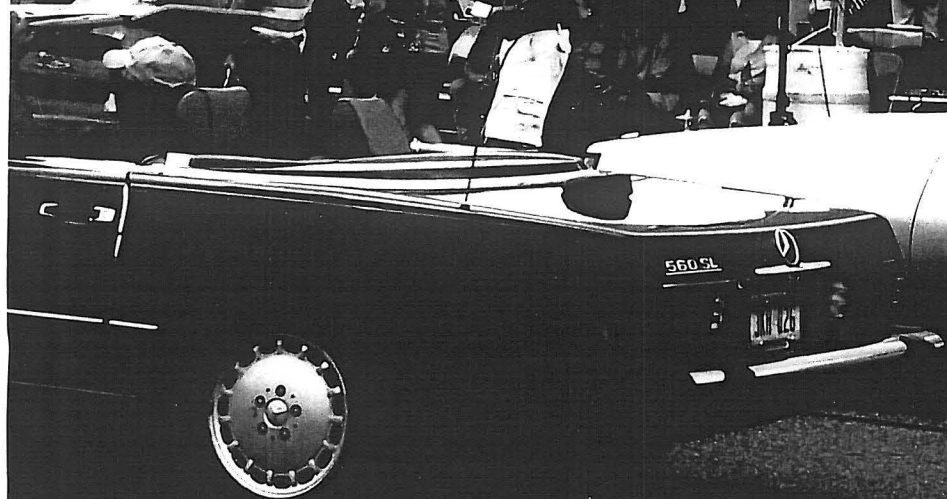
EMMK

#501



TY Hill CHAPTER, National Society Daughters of the American Revolution

Woodward Camera Honors VETERANS



WOODWARD CAMERA

33501 WOODWARD AVENUE
BIRMINGHAM, MICHIGAN 48009

City of Birmingham

No vehicles owned by Woodward Camera will be used at this special event.

A handwritten signature in dark ink, appearing to read "Thomas Weidner" followed by a stylized flourish or initials.

Thomas Weidner

WOODWARD CAMERA
33501 Woodward Avenue
Birmingham, Michigan 48009

April 11, 2016

Bank of Birmingham
33583 Woodward Avenue
Birmingham, Michigan, 48009

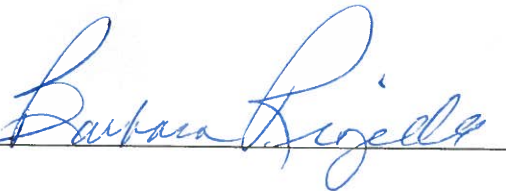
To Whom It May Concern:

This letter is to inform you that during the Dream Cruise Woodward Camera will have a hospitality tent for veterans. The tents will be placed directly in front of Woodward Camera, in the front parking spaces, August 19 through the 21st, 2016.

Very truly yours,

Bert Weidner
Woodward Camera

Bank of Birmingham acknowledgement

 4/11/16

WOODWARD CAMERA
33501 Woodward Avenue
Birmingham, Michigan 48009

April 11, 2016

Brain Balance
33535 Woodward Avenue
Birmingham, Michigan, 48009

To Whom It May Concern:

This letter is to inform you that during the Dream Cruise Woodward Camera will have a hospitality tent for veterans. The tents will be placed directly in front of Woodward Camera, in the front parking spaces, August 19 through the 21st 2016.

Very truly yours,

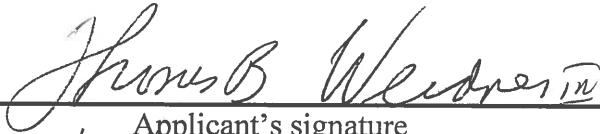
Bert Weidner
Woodward Camera

Brain Balance acknowledgement

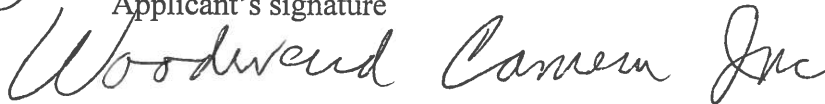
A handwritten signature in blue ink, appearing to read "Frank", is written over a horizontal line.

WOODWARD CAMERA
33501 Woodward Avenue
Birmingham, Michigan 48009

"To the fullest extent permitted by law, Woodward Camera and the Daughters of the American Revolution, Piety Hill Chapter, Birmingham, MI is legally liable and agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed official, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits or loss including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/ or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham."



Applicant's signature



DEPARTMENT APPROVALS

EVENT NAME Woodward Camera Veterans Hospitality Tent

LICENSE NUMBER #16-00010715

COMMISSION HEARING DATE May 23, 2016

NOTE TO STAFF: Please submit approval by **May 10, 2016**

DATE OF EVENT: August 20, 2016

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
BUILDING 101-000.000.634.0005 248.530.1850			A tent permit will be required	\$50	
FIRE 101-000.000-634.0004 248.530.1900	LKB	<ol style="list-style-type: none"> 1. No Smoking in any tents or canopy. Signs to be posted. 2. All tents and Canopies must be flame resistant with certificate on site. 3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents. 4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed. 5. Pre-event site inspection required. 6. Cords, hoses, etc. shall be matted to prevent trip hazards. 7. Exits must be clearly marked in tents/structures with an occupant 	None	\$40	

		<p>load over 50 people.</p> <p>8. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies.</p> <p>9. A permit is required for Fire hydrant usage.</p> <p>10. Do Not obstruct fire hydrants or fire sprinkler connections on buildings.</p>			
POLICE 101-000.000.634.0003 248.530.1870	SG	Attendees must stay out of the roadway. Area patrolled by cruise event officers.		\$0	\$0
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird 5/4/2016	No Costs For DPS		\$0	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	Public Sidewalk to be maintained at all times (5' minimum)	None	\$0	
INSURANCE 248.530.1807	CA	Hold Harmless Agreement and COI on file in Clerk's Office	None	\$0	\$0
CLERK 101-000.000-614.0000 248.530.1803	LP	Notification letters delivered by applicant on 4/11/16. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 5/9/16.	Applications for vendors license must be submitted no later than N/A	\$165 (pd)	
				TOTAL DEPOSIT REQUIRED \$90.00	ACTUAL COST



MEMORANDUM

City Clerk's Office

DATE: May 14, 2016

TO: Joseph A. Valentine, City Manager

FROM: Laura M. Pierce, City Clerk

SUBJECT: Special Event Request
The Lung Run

Attached is a special event application submitted by Seaholm Interact Club and Seaholm Offers Support to hold the Lung Run benefitting the American Cancer Society on September 25, 2016.

The event will start and finish on Seaholm property. The special event application was required because the streets will be closed for the runners. The application has been circulated to the affected departments and approvals and comments have been noted.

The following events have either been approved by the Commission or are anticipated to be held in September and have not yet submitted an application. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Farmers Market	Sundays	Lot 6
Farm to Table Block Party	Sept 10	Streets surrounding the Community House
Run on the Town 5K	Sept 17	Booth Park area
B'ham Street Art Fair	Sept 17-18	South Old Woodward

SUGGESTED RESOLUTION:

To approve a request submitted by Seaholm Interact Club and Seaholm Offers Support to hold the Lung Run benefitting the American Cancer Society on September 25, 2016, 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.

**CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES**

I. EVENT DETAILS

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

FEES: **FIRST TIME EVENT:** \$200.00
ANNUAL APPLICATION FEE: \$165.00



(Please print clearly or type)

Date of Application March 1st 2016

Name of Event The Lung Run

Detailed Description of Event (attach additional sheet if necessary) _____

Attached

Location Seaholm High School- Student Parking lot

Date(s) of Event 9/25/16 Hours of Event 11-1pm

Date(s) of Set-up 9/25/16 Hours of Set-up 6am-10am

Date(s) of Tear-down 9/25/16 Hours of Tear-down 1:30pm-4pm

Organization Sponsoring Event Club SOS & Interact Club

Organization Address 2436 W. Lincoln

Organization Phone 248 203 37002

Contact Person Cneryl Snettel

Contact Phone 248 703 9294

Contact Email CSnettel@birmingham.mt.us

II. EVENT INFORMATION

1. Organization Type Non-Profit
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) Club SOS. Pam Davis,
248 227 1770. Interact Club. Cheryl Shettel 248 703 9294
Additional Sponsors will be determined at a later time.
3. Is the event a fundraiser? ☒ YES ☐ NO
List beneficiary American Cancer Society
List expected income \$25,000
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ ☒ NO
If no, describe Second Annual Lung Run.
5. Total number of people expected to attend per day 350-450
6. The event will be held on the following City property: (Please list)
☒ Street(s) Wellesley, Radnor, Aron, Glenhurst, Midvale,
Larchlea, Lincoln, Shirley, Armingdon, Westchester
☐ Sidewalk(s) _____
☐ Park(s) _____
7. Will street closures be required? ☒ YES ☐ NO
8. What parking arrangements will be necessary to accommodate attendance? Seaton School parking lot

9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO
Describe _____

10. Will the event require safety personnel (police, fire, paramedics)? ☒ YES NO
Describe Police leading route + blocking off streets.

11. Will alcoholic beverages be served? YES ☒ NO
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? ☒ YES NO
_____ Live _____ Amplification _____ Recorded ☒ Loudspeakers
Time music will begin 9:00 am
Time music will end 11:30 am
Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? ☒ YES ☒ NO
Number of signs/banners 4
Size of signs/banners 4' x 8'
Submit a photo/drawing of the sign(s). A sign permit is required.

14. Will food/beverages/merchandise be sold? YES ☒ NO

- Peddler/vendor permits must be submitted to the Clerk's Office, at least two weeks prior to the event.
- All food/beverage vendors must have Oakland County Health Department approval.
- Attach copy of Health Dept approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location. A background check must be submitted for each employee participating at the event.

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
N/A			
N/A	Private Property		

III. **EVENT LAYOUT**

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables	3	6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles		\$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$200.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	___ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? **YES** NO
(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	4	
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME The Lung Run
EVENT DATE September 25 2016

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

Samir Sin 3/6/16
Signature Date

IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. (Sample letter attached to this application.)
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.

SEAHOLM HIGH SCHOOL ATHLETIC DEPARTMENT

Aaron Frank, Athletic Director • af02bps@birmingham.k12.mi.us
2436 W. Lincoln • Birmingham, MI 48009 • Phone (248) 203-3773 • Fax (248) 203-3713



June 5, 2015

To whom it may concern:

To the fullest extent permitted by law, the Lung Run and any entity or person for whom the Lung Run is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

Please contact me if you have any questions.

Sincerely,

Aaron Frank, CAA
Athletic Director

The Lung Run

Date: April 12th 2016

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City commission will consider our request so that an opportunity exists for comments prior to this approval. We are organizing this on behalf of a Interact Club, Seaholm Offers Support and The Humanity Club to benefit The American Cancer Society.

Event Information

Name of Event: The Lung Run

Location: Seaholm High School and neighborhood streets around Seaholm

Date: September 25th 2016

Hours of Event: 9am-12pm

Brief Description of Event: A 5k walk/run held through the streets of Birmingham to benefit the American Cancer Society.

Date Of Set-up: September 25th

Hours of Set-up: 5am-9am

Dates of Tear-down: September 25th

Hours of Tear-down- 12pm-1:30pm

Date of City Commission Meeting: May 23rd 2016

The City commission meets in room 205 of the municipal building at 151 Martin at 7:30 pm. **A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248-530-1880).** Log on to www.bhamgov.org/events for a complete list of special events.

Event organizer: Stephanie Sills, Mary Kate

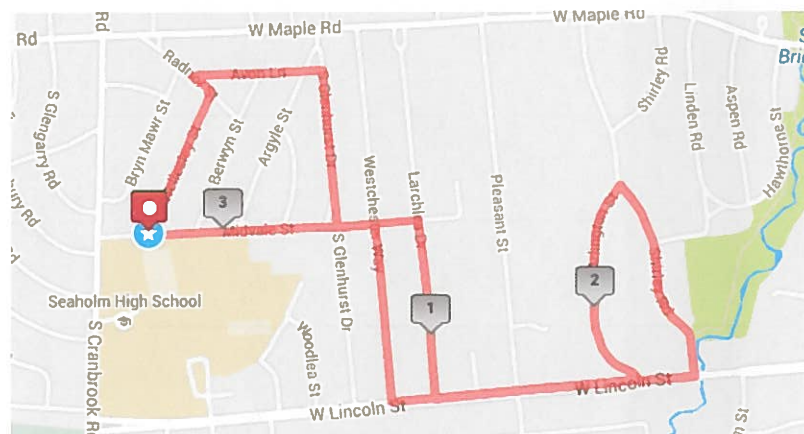
Mullen and Tess Collins

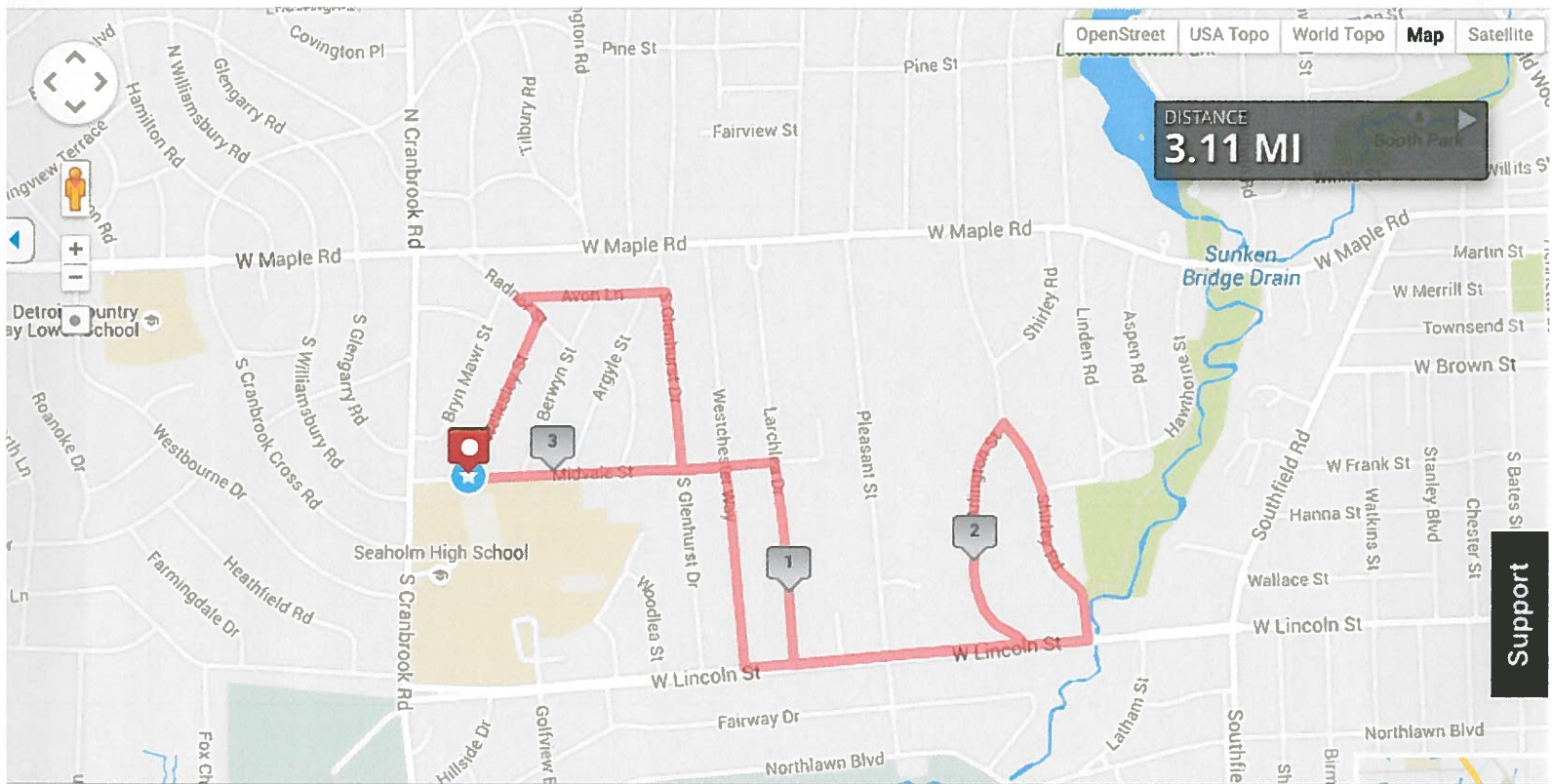
Sponsored by: Seaholm's Interact Club,
Seaholm Offers Support and The Humanity
Club of Seaholm.

Phone: 248-462-4612

If you would like to sign up, donate or learn more about The Lung Run, please visit our website:

www.crowdrise.com/thelungrun





The Lung Run

Written Route

Begin at the intersection of Wellesley and Midvale.
Head Straight down Wellesley
Veer Left onto Radnor
Make a sharp right onto Avon Ln.
Continue on Avon
Turn right on S Glenhurst Dr
Turn Left on Midvale
Continue Straight on Midvale
Turn Right onto Larchlea
Left on West Lincoln
Left on Shirley
Continue on Shirley as it loops around and turns into Arlington
Continue down Arlington back towards Lincoln
Right On Lincoln
Right on Westchester
Left On Midvale
Finish line is at the intersection of Wellesley and Midvale

MIDVALE →

WELLSLEY
Start Finish

Race booth

FENCE

FENCE

Food

Food

PACKET
PICK
UP

DAY OF
REGISTRATION

T-SHIRTS

98.7
TABLE

FOOD

TABLE

TABLE

TABLE

The Lung Run Description

The Lung run is 5k run/walk in Birmingham benefitting the research of Lung Cancer through The American Cancer Society. We will have people sign up on a website through the American Cancer Society to gain donations and recruit participants. Last year we had a little over 200 participants, and this year we are hoping to have 350-500. Our route runs through the neighborhood surrounding Seaholm including Lincoln. Last year we had 33 local volunteers to assist with sign ups and route guidance. We plan to grow our participant count, our volunteers and we hope to raise \$25,000 this year.

Information on the American Cancer Society The Lung Run

The American Cancer Society is a national, voluntary based organization that is dedicated to finding a cure for cancer. This cooperation has saved over 1.5 million lives through prevention education and donations. It is a nonprofit organization that includes over 2.5 million volunteers that support the patients including raising funds to support research, providing transportation for patients , provide lodging for patients (Hope Lodge) and giving one on one support to those who need it. In 2014, Hope Lodge provided 44,000 patients with 276,000 nights of free lodging that is near their treatment center which saved patients approximately 36 million dollars. There are operators around the clock that can provide support for cancer patients that have any questions that range from the type of medicine they take, to the food they can eat and everything in between. The website provides various symptoms, signs, prevention tips, treatment ideas, side effects, statistics and basics about cancer. American Cancer Society has spent more than \$4 billion on cancer research since 1946 and has played a role in nearly every major cancer breakthrough in recent history.

DEPARTMENT APPROVALS

EVENT NAME The Lung Run

LICENSE NUMBER #16-00010711

COMMISSION HEARING DATE May 23, 2016

NOTE TO STAFF: Please submit approval by MAY 2, 2016

DATE OF EVENT: Sept. 25, 2016

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
BUILDING 101-000.000.634.0005 248.530.1850				\$0	
FIRE 101-000.000-634.0004 248.530.1900	LKB	<ol style="list-style-type: none"> 1. No Smoking in any tents or canopy. Signs to be posted. 2. All tents and Canopies must be flame resistant with certificate on site. 3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents. 4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed. 5. Clear Fire Department access of 12 foot aisles must be maintained, no tents, canopies or other obstructions in the access aisle unless approved by the Fire Marshal. 6. Pre-event site inspection required. 7. Cords, hoses, etc. shall be matted to prevent trip hazards. 	None	\$40	

		<p>8. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies.</p> <p>9. Do Not obstruct fire hydrants or fire sprinkler connections on buildings.</p>			
POLICE 101-000.000.634.0003 248.530.1870	SG	Personnel and Barricades		\$775	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird	The City of Birmingham can't deliver picnic tables to private party. Barricades must be placed by DPS staff.		\$350	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	Approved	None	\$0	
INSURANCE 248.530.1807	Pending approval	Certificate of Insurance due no later than 9/9/16. Hold Harmless Agreement on file in Clerk's Office	None	None	\$0
CLERK 101-000.000-614.0000 248.530.1803	LP	Notification letters mailed by applicant on 4/30/16 . Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 9/9/16 .	Applications for vendors license must be submitted no later than N/A	\$165 (pd)	
				TOTAL DEPOSIT REQUIRED \$1,165	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid



MEMORANDUM

Fire Department

DATE: May 23, 2016

TO: Joseph A. Valentine, City Manager

FROM: John M. Connaughton, Fire Chief
John Donohue, Assistant Fire Chief

SUBJECT: 2016 Fireworks Display

On the April 25, 2016 City Commission meeting, City Commissioners authorized the City to enter into a contract with Colonial Fireworks to provide fireworks display on July 3, 2016. Colonial Fireworks has been purchased by Great Lakes Fireworks, LLC to provide firework displays. The cost of the fireworks display will remain the same, as will the number and type of aerial display shells. The same crew used to detonate the fireworks in 2015 will be used in this year's fireworks display. This contract is for the purpose of authorizing the City to enter into a contract with Great Lakes Fireworks, LLC for providing a fireworks display on July 3, 2016.

The 2015 annual Fireworks Display at Lincoln Hills was very successful. There was a large, enthusiastic crowd that enjoyed the show. If the City wants to continue the annual show, we should start planning the event now. I would like to present suggestions for a successful show in the year 2016.

1. Begin the fireworks display at dusk (approximately 10:00 P.M.) on Sunday July 3, 2016 at the Lincoln Hills Golf Course. In the event of undesirable weather conditions a rain date for the event would be scheduled on Tuesday July 5, 2016. The gates will open at approximately 7:30 P.M.
2. Due to the inherent dangers of fireworks displays, I would suggest that we use Great Lakes Fireworks, LLC. Birmingham has worked with this crew since 1990 and have found them to be very safety conscious and willing to work with the various city departments to insure the safety of the viewing public. Great Lakes Fireworks has complied with all of the restrictions and Insurance requirements.
3. In 2015 we again adjusted the safety zone to adapt to the current weather conditions and make sure we did not endanger the public attending the show. We will continue to review this on a yearly basis and will alter it as needed. Even with a large safety zone, we still had plenty of room on the course for safe viewing.
4. The cost of the show in 2015 was \$15,000 for the fireworks and \$4,799.63

for the insurance fee. We raised \$7,780.59 in donations creating a difference of \$12,019.04. The cost of the same show for 2016 will remain at \$15,000 with the insurance estimated at \$5,000.

5. Beier Howlett has reviewed and approved the proposed contract language.

6. Once again, businesses and residents showed their generosity and continued support of this great event. Listed below are major contributors of \$100.00 or more;

BIRMINGHAM COUNTRY CLUB	\$2,500
FULLER CENTRAL PARK	\$1,500
BLOOMFIELD TOWNSHIP	\$500
HUBBELL, ROTH & CLARK	\$500
BIRMINGHAM/BLOOMFIELD ART CENTER	\$100
HUNTER HOUSE HAMBURGERS	\$100
QUALITY COACH COLLISION	\$100
SELF CARE CENTER	\$100
RESIDENTS	\$2,380.59

SUGGESTED RESOLUTION:

To authorize the City to enter into a contract with Great Lakes Fireworks, LLC for providing a fireworks display on July 3, 2016 (July 5 rain date) at Lincoln Hills for the sum of \$15,000, and further authorizing the administration to secure the necessary insurance. This would be contingent upon the vendor meeting all state and local laws, City requirements, and insurance requirements.

CONTRACT WITH GREAT LAKES FIREWORKS, LLC
FOR 2016 FIREWORKS DISPLAY

This Contract is entered into this 16th day of May, 2016, by and between **GREAT LAKES FIREWORKS, LLC**, of Eastpointe, Michigan (hereinafter called the "Contractor") and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48009 ("City").

RECITALS:

WHEREAS, the City wishes to provide a fireworks display at Lincoln Hills Golf Course; and,

WHEREAS, Contractor is a fireworks company willing and able to provide the materials, labor and experience for such a fireworks display;

NOW, THEREFORE, the parties agree as follows:

1. CONTRACTOR agrees to sell, furnish and deliver to the City, products and services as mutually agreed to via written instruments such as program outlines or display synopsis which is incorporated herein and attached hereto as "Exhibit A" on the date of:

Display date: July 3, 2016.

Postponement date: July 5, 2016.

2. CONTRACTOR further agrees to provide the required equipment, trained personnel, product and insurance to properly present the program as defined.

3. **Indemnification.** To the fullest extent permitted by law, the CONTRACTOR and any entity or person for whom the CONTRACTOR is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the CITY OF BIRMINGHAM, its elected and appointed officials, employees and volunteers and others working on behalf of the CITY OF BIRMINGHAM against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the CITY OF BIRMINGHAM, its elected and appointed officials, employees, volunteers or others working on behalf of the CITY OF BIRMINGHAM, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected

or appointed officials, employees, volunteers or others working on behalf of the CITY OF BIRMINGHAM.

4. Insurance. The CONTRACTOR shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the CITY OF BIRMINGHAM.

A. Workers' Compensation Insurance: CONTRACTOR shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

B. Commercial General Liability Insurance: CONTRACTOR shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

C. Motor Vehicle Liability: CONTRACTOR shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if CONTRACTOR will provide service that are customarily subject to this type of coverage.

F. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

G. Proof of Insurance Coverage: CONTRACTOR shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.

1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;

2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;

3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;

5) If so requested, Certified Copies of all policies mentioned above will be furnished.

H. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, CONTRACTOR shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.

I. Maintaining Insurance: Upon failure of the CONTRACTOR to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

5. Nepotism. Subsequent to entering into this Contract, if any City official, his or her spouse, child or parent shall become directly or indirectly interested in the Contract, the City shall have the right to terminate the Contract without further liability if

the disqualification has not been removed within thirty (30) days after the City has given notification of the disqualifying interest.

6. **Settlement of Disputes.** Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

7. **Code Compliance.** The Contractor agrees that it shall comply with all applicable standards of the National Fire Protection Association including specifically, chapters 1123, 1124, of the 1995 edition and the Michigan Compiled Laws, in particular, MCL 750.243a-e, as it relates to the safe operation of a fireworks display.

8. **Subcontracting.** Contractor shall not subcontract any part of this Contract without the prior written approval of the City.

9. **Authority.** The City Fire Chief shall be the authority having jurisdiction on all matters pertaining to spectator locations, fire protection, display site, and shall have the authority to cancel the display at any time it deems necessary to protect life and property.

10. **Grounds.** The Contractor shall be responsible for the dismantling and repair of any holes, trenches or other landscaping modifications arising out of the fireworks display and this Contract. Following completion of the program, the City is solely responsible for all clean-up and policing of the program area, including but not limited to the removal of all trash, sets, lumber, frames and confetti products which may be used during the event.

11. **Laws.** This Contract shall be construed in accordance with the laws of the State of Michigan.

12. **Modification.** No modification of the Contract shall be binding upon the parties unless in writing and signed by both parties.

13. **FAIR PROCUREMENT OPPORTUNITY:** Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

14. The CITY agrees to a contract amount of \$15,000, with 50% due upon signing of this Contract and the balance due within 15 days of the completion of the services. All payments are to be made by purchase order, bank draft or certified check payable to Great Lakes Fireworks, LLC. All payments, notices and other correspondences shall be forwarded to Great Lakes Fireworks, LLC, 24805 Marine, Eastpointe, MI, 48021. If monies due under the terms of this contract become in arrears of 30 days or more, CONTRACTOR is entitled to the recovery of all past due amounts plus 1.5% interest, per month on all amounts past due after 30 days.

15. In the event the program is canceled, in whole or in part, due to force majeure or any other cause beyond the CITY's reasonable control ("Force Majeure"), CONTRACTOR and the CITY shall have good faith negotiations to determine an adjustment of CONTRACTOR'S payment to reflect the services actually provided. However, if the Program is cancelled in its entirety on the display date due to Force Majeure, then Contractor's fee shall be equivalent to services actually incurred. Every effort will be made to conduct all events on the display date and time in the appropriate manner as designed.

16. Should inclement weather prevent the firing of the display on the display date, the parties agree to a mutually convenient rain date as stated above. The determination to cancel the display due to inclement weather shall rest within the sole discretion of Contractor. In the event the City does not choose to reschedule the event or cannot agree to a mutually convenient date with Contractor, the Contractor shall be entitled to thirty percent (30%) of the contract price for full settlement of the Agreement.

17. Prior to, during and following the event, the City agrees to the responsibility of keeping all persons out of the designated display area as defined by Contractor's technicians in conjunction with NFPA 1123 & 1126. This is with exception of Contractor's employees and designees.

18. Contractor solely reserves the right to make minor modifications to the program content, provided that those changes do not adversely affect the material content, pricing level of the program, display performance or character of the event.

19. Contractor holds the right to cancel any program at its discretion due to unforeseen safety issues which may go uncorrected or unattended to. This cancellation will be discussed with the City and every attempt will be made to correct any issues. All final decisions will be made on the side of safety. If cancellation occurs for said reasons, the City will pay Contractor for all reasonable costs for the delivery and return of display.

20. With the exception of paragraph 16, above, in the event of fire, accident, strike, delay, floods, acts of God or other causes beyond the control of Contractor, which prevent the delivery of the program, the parties hereto release each other from any and all performances of the articles contained herein and from damages resulting from the breach of this contract.

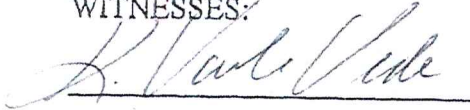
21. To provide a safe and suitable location to display the event. With regard to indoor events, it is also agreed upon that a safe haven, by means of a locked room or secure area, will be provided to prepare the effects to be used during the event. Access will be allowed to Contractor's personnel only during the course of the event. The proper amount of preparatory time will be allowed so the event can be safely set-up, tested and fired as outlined in NFPA 1123 & 1126.

22. CONFORMANCE TO IRAN ECONOMIC SANCTIONS ACT

- A. Pursuant to Michigan law, (the Iran Economic Sanctions Act, 2012 PA 517, MCL 129.311 et seq.), before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Contractor, the CONTRACTOR must first certify that it is not an "IRAN LINKED BUSINESS", as defined by law.
- B. Each Contractor submitting a bid on this project shall include a letter with their bid certifying that they have full knowledge of the requirements and possible penalties under the law MCL 129.311 et seq. that the CONTRACTOR is NOT an "IRAN LINKED BUSINESS" as required by MCL 129.311 et seq., and as such that CONTRACTOR is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the City of Birmingham.

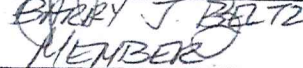
IN WITNESS WHEREOF, the parties execute this Contract.

WITNESSES:



GREAT LAKES FIREWORKS, LLC.

By: 

Its: 

Great Lakes Fireworks, LLC
24805 Marine
Eastpointe, MI 48021

CITY OF BIRMINGHAM


By: _____

Rackeline J. Hoff
Its: Mayor

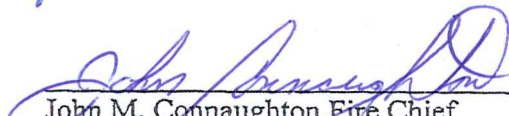
By: _____

Laura M. Pierce
Its: City Clerk

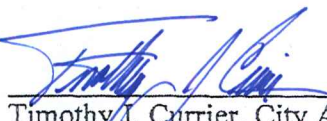
Approved:



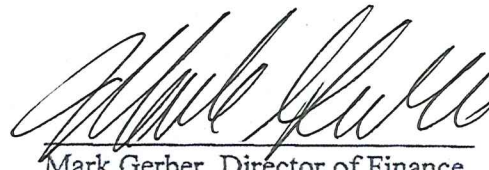
Joseph A. Valentine, City Manager
(Approved as to substance)



John M. Connaughton Fire Chief
(Approved as to substance)



Timothy J. Carrier, City Attorney
(Approved as to form)



Mark Gerber, Director of Finance
(Approved as to financial obligation)

2016

*** FORM IS VALID FOR YEAR SHOWN ONLY ***

Permit for Fireworks Display
Michigan Department of Energy, Labor & Economic Growth
Bureau of Fire Services
Office of the State Fire Marshal
P.O. Box 30700
Lansing, MI 48909
517-241-8847

2016

Authority:	1968 PA 358	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to the agency.
Compliance:	Required	
Penalty:	Misdemeanor	

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

<input checked="checked" type="checkbox"/> Public Display <input type="checkbox"/> Agricultural Pest Control		
ISSUED TO GREAT LAKES FIREWORKS COLONIAL FIREWORKS F/B/O CITY OF BIRMINGHAM, MI		AGE (18 or over)
ADDRESS 6480 TOMER RD CLAYTON, MI		
NAME OF ORGANIZATION, GROUP, FIRM, OR CORPORATION CITY OF BIRMINGHAM, MI		
NUMBER AND TYPES OF FIREWORKS 1350 3" AND 4" AERIAL DISPLAY SHELLS 10 <3" CAKE BARRAGE ITEMS		
EXACT LOCATION OF DISPLAY LINCOLN HILLS GOLF COURSE, BIRMINGHAM, MI		
CITY, VILLAGE, TOWNSHIP BIRMINGHAM	DATE JULY 3, 2016 RD: 7/5/16	TIME DUSK
BOND OR INSURANCE FILED <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No		AMOUNT \$5 MILLION

Issued by action of the			
<input type="checkbox"/> city	<input type="checkbox"/> village	<input type="checkbox"/> council	<input type="checkbox"/> commission
<input type="checkbox"/> board of			
<input type="checkbox"/> township of _____ on the _____ day of _____			
20____			
_____ (Signature and Title of Council/Commission/Board Representative)			

* THIS FORM IS VALID FOR THE YEAR SHOWN ONLY *



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/21/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Allied Specialty Insurance, Inc. 10451 Gulf Blvd Treasure Island, FL 33706-4814	CONTACT NAME: Glenn Harris PHONE (A/C, No, Ext): 727-547-3093 E-MAIL: gharris@alliedspecialty.com ADDRESS: gharris@alliedspecialty.com	FAX (A/C, No):
INSURED	Great Lakes Fireworks, LLC 24805 Marine Eastpointe, MI 48021	INSURER A: T.H.E. Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 12866

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		CPP0100711-06	03/27/2016	03/27/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ N/A PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ 2,000,000 Protection & Indemnity \$ 1,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		CPP0100711-06	03/27/2016	03/27/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE		ELP0010168-06	03/27/2016	03/27/2017	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	WCP0004594-006	06/25/2015	06/25/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Excess Liability GL		ELP0011852-01	03/27/2016	03/27/2017	Each Occurrence \$4,000,000 Aggregate Limit \$4,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Display Date: July 3, 2016 Rain date: July 5, 2016 Location: Lincoln Hills Golf Course, Birmingham, MI

RE: General Liability, the following are named as additional insured in respects to the operations of the named insured only:

City of Birmingham including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees and volunteers thereof; Colonial Fireworks; Lincoln Hills Golf Course.

The above Commercial General Liability policy affords P&I, bodily injury & property damage liability coverage arising directly from a fireworks display, however, no Marine, Hull & Machinery or Pollution Liability coverage is afforded under this CGL policy arising from the use of any barge, docks, piers, wharves or floating platforms.

CERTIFICATE HOLDER

City of Birmingham Fire Dept. (Show No. 2016-025)
572 South Adams
Birmingham, MI 48009

CERT # 1646

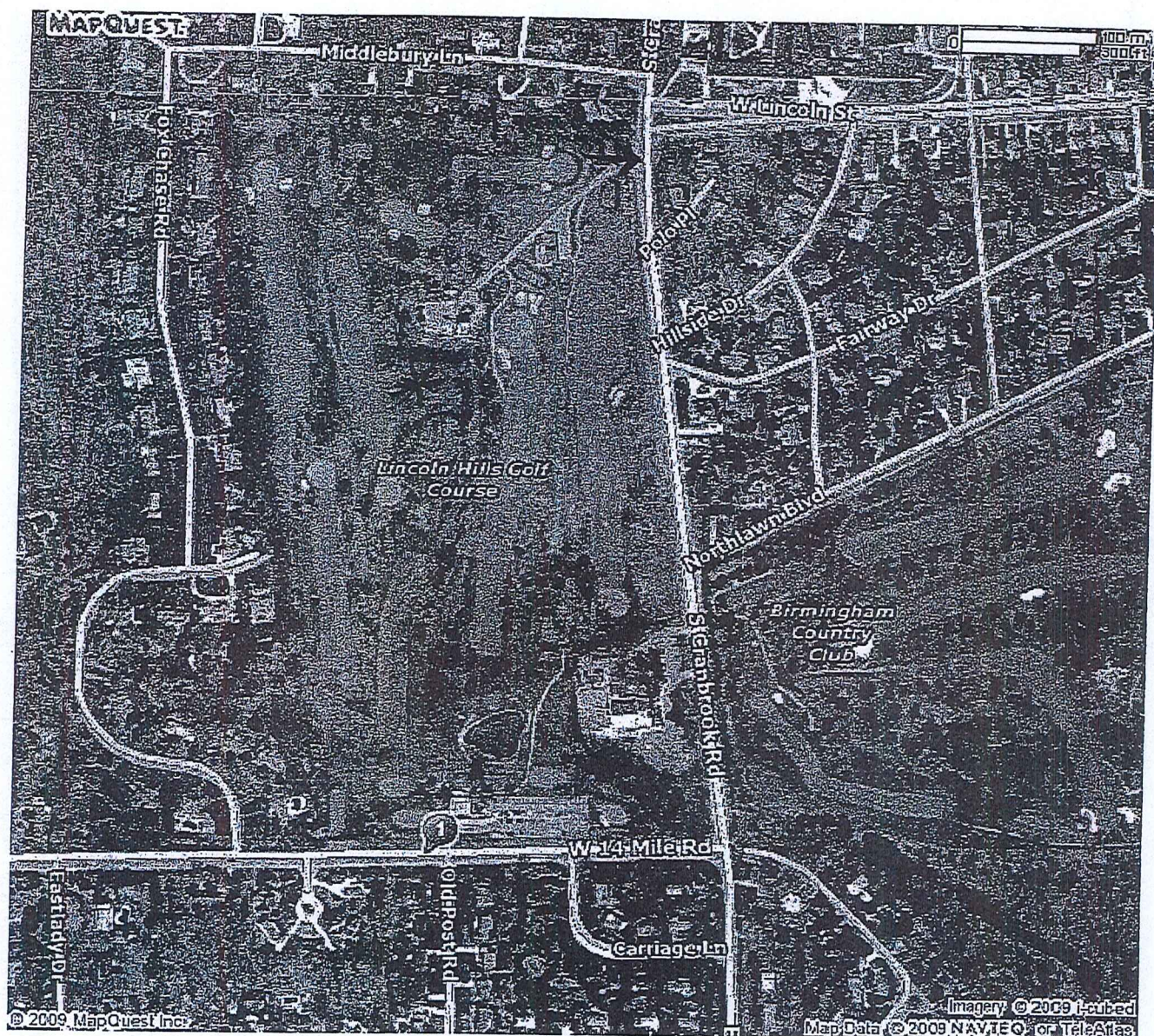
CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Carol A. Serra

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All rights reserved. Use subject to License/Copyright Map Legend

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* SHOOT LOCATION

→ ENTRY GATE

GREAT LAKES FIREWORKS / COLONIAL FIREWORKS

5225 TELEGRAPH ROAD TOLEDO OH 43612

PHONE 877-257-9977 FAX 419-476-0929

DIAGRAM AND FIRING SITE INFORMATION

(to accompany site diagram / map)

At Colonial Fireworks safety is our utmost concern, in order to provide that it is imperative that you supply us with a diagram and/or map of the display area. This will allow us to review the area and see where the spectators, parking areas and buildings will be in relationship to the firing site.

Below is a checklist that will assist you in completing the map and/or diagram. If the item listed does not apply - do not leave the space blank, please insert "N/A" - this will help us in determining if the omission was an oversight or that it really does not apply.

When completing the next section, please use distance in feet from the firing site to the following areas:

- | | |
|--|----------------------|
| 1) Spectators/Audience/Viewing Area | <u>420</u> feet |
| 2) Parking Areas | <u>1500</u> feet |
| 3) Occupied Buildings | <u>500</u> feet |
| 4) Public Buildings (schools, hospitals, etc.) | <u>1500</u> feet |
| 5) Explosive/Toxics, Gasoline Pumps, etc. | <u>2000+</u> feet |
| 6) Temporary Event Set-ups (Tents, rides, etc.) | <u>N/A</u> feet |
| 7) Highways, Streets, Roads | <u>1000</u> feet |
| 8) Obstructions Overhead (Power lines, lights, etc.) <u>CELL TOWER</u> | <u>100</u> feet |
| 9) Active Railroads | <u>>2000</u> feet |

I have completed the above information to the best of my knowledge.

JASON LYNCH
Print Name

Jason Lynch
Signature

CITY OF BIRMINGHAM FIREWORKS
Event Name

5/9/16
Date

Safe shows are a result of proper planning. As always, it is our goal to provide you with the best display for your event dollar, with safety being out number one concern.

GPS or Lats / Longs if known: _____

revised: Apr 2016



Laura Pierce <lpierce@bhamgov.org>

Fwd: S. Syzdek Resignation

1 message

John Heiney <jheiney@bhamgov.org>
To: Laura Pierce <lpierce@bhamgov.org>

Sat, May 14, 2016 at 2:17 PM

Here is Steve's resignation.

John Heiney
Birmingham Shopping District
248-530-1200

Begin forwarded message:

From: "Steven Syzdek" <Steven@BoConceptBirmingham-MI.com>
Date: March 24, 2016 at 6:56:13 AM CDT
To: "John Heiney" <jheiney@bhamgov.org>
Subject: S. Syzdek Resignation

Hi John,

Thanks for the kind reminder. So, after many weeks of trying to remain on the Board for the BSD – I will need to resign my seat. It is with regret that I cannot fulfill the role and it is for that reason, given the two new start-ups I am running, that I cannot add the value or time commitment to be an effective board member. Please let me know if it is appropriate to send something formal to all the members, thanking them for the opportunity to interact with them all. It has been a great learning experience for me and thank you again for all your guidance.

I would still like to be an active member on the marketing committee and serve in that capacity on behalf of the BSD.

Regards,

Steve

SUGGESTED RESOLUTION:

To accept the resignation of Steven Syzdek from the Birmingham Shopping District Board, to thank Mr. Syzdek for his service and to direct the Clerk to begin the process to fill this vacancy.

NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION

PROPOSED LOT SPLIT

Meeting Date, Time, Location:	Monday, May 23, 2016, 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	1525 Chesterfield, Parcel #1926126008, LOT 1, "QUARTON HEATH" A SUBDIVISION OF PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 10 EAST. BLOOMFIELD TOWNSHIP (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIEBER 56 OF PLATS, PAGE 45 OF OAKLAND COUNTY RECORDS.
Nature of Hearing:	To split the existing parcel into three new parcels.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners within 300 feet of subject address.
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.
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.



MEMORANDUM

Planning Division

DATE: May 16, 2016

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

CC: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for a Lot Split of 1525 Chesterfield, Parcel #1926126008, LOT 1, "QUARTON HEATH" A SUBDIVISION OF PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 10 EAST. BLOOMFIELD TOWNSHIP (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIEBER 56 OF PLATS, PAGE 45 OF OAKLAND COUNTY RECORDS.

The owner of the property known as 1525 Chesterfield is seeking approval to split the existing parcel into three separate parcels fronting on Chesterfield. If approved, the proposal would result in three buildable parcels where there was previously one. The application and land survey has been included for your review. An issue was raised with regards to deed restrictions in place that may limit a property owner's rights to subdivide existing parcel, however, the City Attorney has determined that such restrictions are not relevant to the current application as the City does not enforce deed restrictions.

In accordance with the City Code, the Subdivision Regulation Ordinance (Chapter 102, Section 102-53) requires that the following standards be met for approval of a lot division:

(1) *All lots formed or changed shall conform to minimum Zoning Ordinance Standards.*

Attached are copies of the survey provided by the applicant depicting existing and proposed conditions. The proposed split has been reviewed by the Community Development Department. The subject parcels are zoned R1 (Single-Family Residential). The minimum lot size for R1 is 9,000 sq. ft.

The resulting lot sizes proposed for the three (3) parcels will be larger than 9,000 sq. ft. The combined size of the existing parcels is approximately 64,076.49. The size of the new parcels would be 22,301.67 sq. ft. for parcel 1 (south parcel), 18,097.12 sq. ft. for parcel 2 (middle parcel) and 23,677.90 sq. ft. for parcel 3 (north parcel). **Accordingly, the resulting parcels are in compliance with this requirement.**

However, as a result of the proposed lot split, parcel 1 would be in violation of Article 04 section 4.31 OS-02 (open space) requires that 65% of the front open space (front yard) is free of paved surfaces. If the requested lot split is approved as proposed, parcel 1 would then only 52% of the front open space would be free of paved surfaces. In order

to bring the proposed parcel into compliance with this requirement the applicant would need to remove 1,023 sq. ft. of paved surface from the front open space. **Accordingly, the applicant has submitted a letter in writing stating that they are willing to bring the property into compliance with the paved surface limitations of the Zoning Ordinance as a condition of approval for the lot split.**

- (2) *All residential lots formed or changed by the division shall have a lot width not less than the average lot width of all lots on the same street within 300 feet of the lots formed or changed and within the same district.*

The resulting lot width of the proposed residential lots would be 107.93 feet for Parcel 1 (south parcel) and 90 feet for Parcel 2 (middle parcel) and 119.09 feet for Parcel 3 (north parcel). The average lot width for parcels within 300' is 89.56 feet. **Accordingly, the resulting parcels are in compliance with this requirement.**

- (3) *The division will not adversely affect the interest of the public and of the abutting property owners. In making this determination, the City Commission shall consider, but not be limited to the following:*
- a. *The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use of appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.*
 - b. *The effect of the proposed division upon any flood plain areas, wetlands or other natural features and the ability of the applicant to develop buildable sites on each resultant parcel without unreasonable disturbance of such natural features.*
 - c. *The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.*

The parcels as proposed would be developed into three (3) single-family residential homes. **The size of the parcels and the proximity to adjacent structures would not create any Zoning Ordinance non-conformities in relation to the adjacent existing homes.**

The subject property is not located within the floodplain or soil erosion limit of a recognized stream, river, lake or other water body. The site does not appear to exhibit evidence of regulated wetlands or endangered species of flora and fauna.

The proposed lot division will not negatively affect the supply of light and air to adjacent properties. It will not negatively affect the capacity of essential public facilities. **City Departments have no objections to the proposed lot split.**

SUGGESTED RESOLUTION:

- 1) To APPROVE the proposed lot rearrangement at 1525 Chesterfield with the following condition;

- The applicant brings the property into compliance with the paved surface limitations of the Zoning Ordinance prior to the recording of the proposed split.

OR

- 2) Deny the proposed lot rearrangement at 1525 Chesterfield as proposed, based on the following conditions that adversely affect the interest of the public and of the abutting property owners:



City of Birmingham
A Walkable Community



Division of Platted Lots Application

1. Applicant

Name: JASON SCOTT
Address: 1030 LAKESIDE DR.
BIRMINGHAM, MI 48009
Phone Number: 248 343-2962
Fax Number: 248-853-9496
Email Address: JMAGSCOTT@COMCAST.NET

2. Applicant's Attorney/Contact Person

Name: PETE JOELSON
Address: 30065 NORTHWESTERN HWY. STE 200
FARMINGTON HILLS, MI 48334
Phone Number: 248 626-9966
Fax Number: 248 855-9496
Email Address: PWJ@JRIAMP.LC.COM

3. Project Information

Address/Location of Property: 1525 CHESTERFIELD
BIRMINGHAM, MI 48009
Sidwell #: 19 26 12 6008
Current Zoning: R-1

Property Owner

Name: JANE BUCHANAN
Address: 1525 CHESTERFIELD RD.
BIRMINGHAM, MI 48009
Phone Number: _____
Fax Number: _____
Email Address: _____

Survey Company

Name: HORIZON ENGINEERING, LLC
Address: PO Box 182158
Shelby Twp., MI 48318
Phone Number: 586-453-8097
Fax Number: 586-580-0053
Email Address: NROBINSON@HORIZONENG.NET

Legal Description: SEE ATTACHED

4. Attachments

- Proof of ownership
- Written statement of reasons for request
- A letter of authority or power of attorney in the event the application is made by a person other than the property owner
- Other data having a direct bearing on the request
 - Sketches of proposed development (optional)
- One digital copy of plans
- Two (2) copies of a registered land survey showing:
 - all existing and proposed platted lot lines
 - legal descriptions of proposed lots
 - locations of existing/ surrounding structures and setbacks
 - footprints of proposed development

(I), (We), the undersigned, do hereby request to divide lots of record in the City of Birmingham, Oakland County, Michigan. (I), (We), do hereby swear that all of the statements, signatures, and descriptions appearing on and with this request are in all respects true and accurate to the best of (my), (our), knowledge.

Signature of Property Owner: Jane F. Buchanan
Print Name: Jane F. Buchanan
Signature of Applicant: Jason Scott
Print Name: JASON SCOTT

Date: 3/31/16

Date: 3/28/16

Fee: \$200.00 per lot affected, minimum fee \$400

127746

scottqualityhomes
30665 Northwestern Hwy
suite 200
Farmington Hills, MI 48334

To the City of Birmingham,

This letter is to provide intent for the lot split application of 1525 Chesterfield. The purpose of splitting the lot is to provide three parcels of land; two for new construction and the third for the already existing home to remain and be renovated. Thank you for your time and consideration of our proposal.

Sincerely,
Jason and Marlo Scott
scottqualityhomes



Matthew Baka <mbaka@bhamgov.org>

1525 CHESTERFIELD

jmaascott@comcast.net <jmaascott@comcast.net>

Mon, May 16, 2016 at 5:22 PM

To: Matthew Baka <mbaka@bhamgov.org>

scottqualityhomes
30665 Northwestern Hwy
suite 200
Farmington Hills, MI 48334

To whom it may concern,

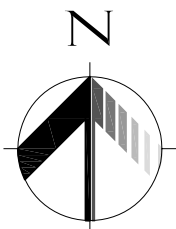
This letter is in acknowledgment that the circular driveway at 1525 Chesterfield will exceed the limit of front yard open space if the lot is approved to be split. The paved area will need to be reduced to meet the open space requirement of 65% thus removing 1023 square feet of the driveway which will be done by making the driveway non-circular.

Thank you,
Jason Scott

CERTIFICATE OF SURVEY

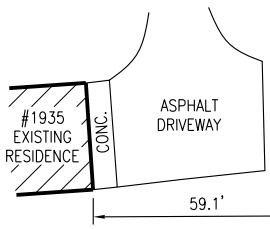
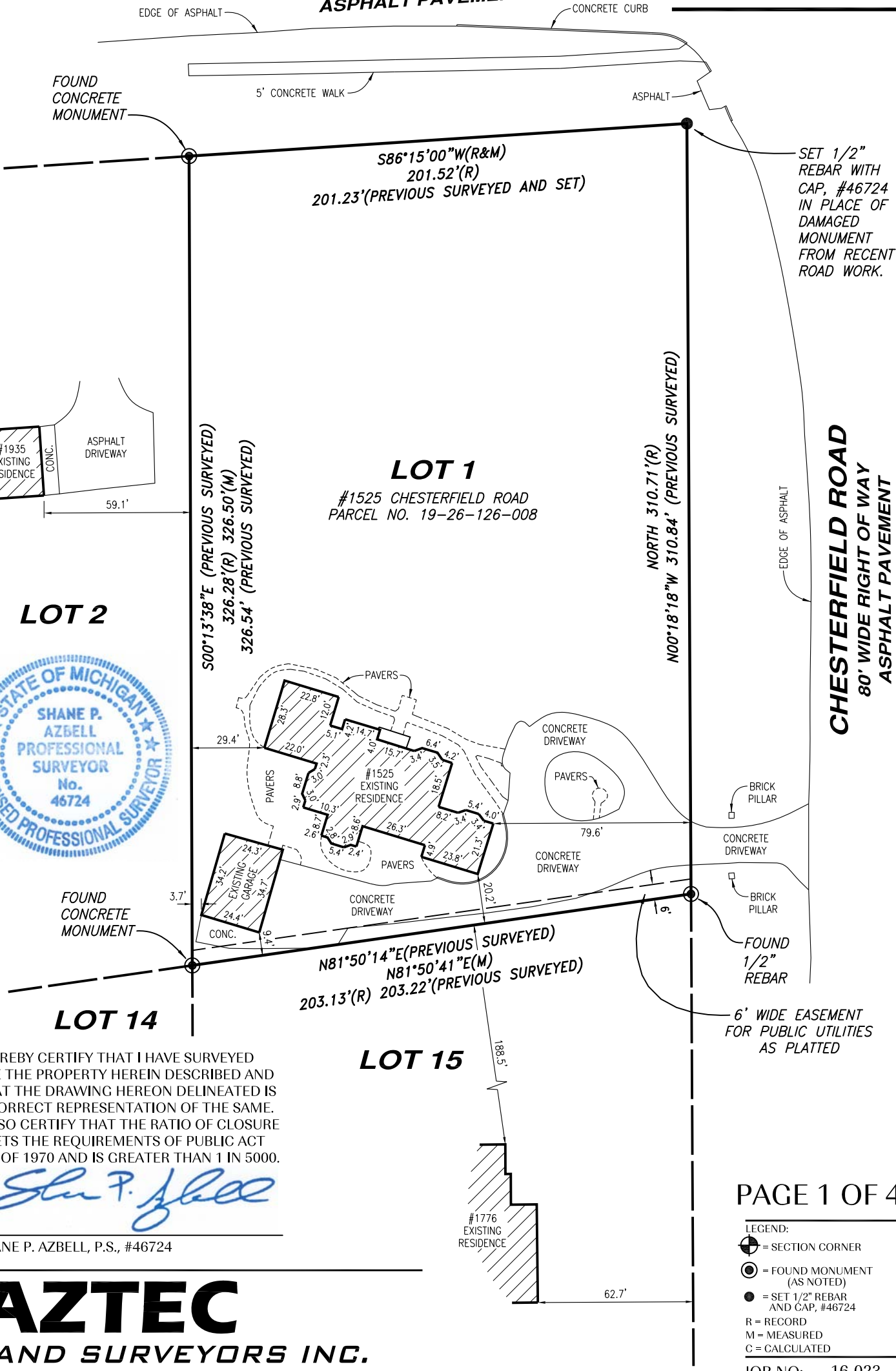
CERTIFIED TO: SCOTT QUALITY HOMES II L.L.C.

CLIENT:
SCOTT QUALITY HOMES II L.L.C.
30665 NORTHWESTERN HWY, STE. 200
FARMINGTON HILLS, MI 48334



SCALE: 1" = 50'

QUARTON ROAD
120' WIDE RIGHT OF WAY
ASPHALT PAVEMENT



I HEREBY CERTIFY THAT I HAVE SURVEYED THE THE PROPERTY HEREIN DESCRIBED AND THAT THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME. I ALSO CERTIFY THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970 AND IS GREATER THAN 1 IN 5000.

Shane P. Azbell

SHANE P. AZBELL, P.S., #46724

AZTEC
LAND SURVEYORS INC.

P.O. BOX 353
HOLLY, MI 48442
PHONE: 586-306-1253 FAX: 480-287-8799

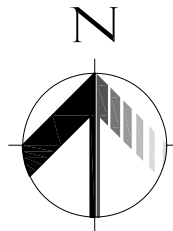
PAGE 1 OF 4

LEGEND:
● = SECTION CORNER
● = FOUND MONUMENT (AS NOTED)
● = SET 1/2" REBAR AND CAP, #46724
R = RECORD
M = MEASURED
C = CALCULATED
JOB NO: 16-023
DATE: 4/7/16
REVISED:
DRAWN BY: SA

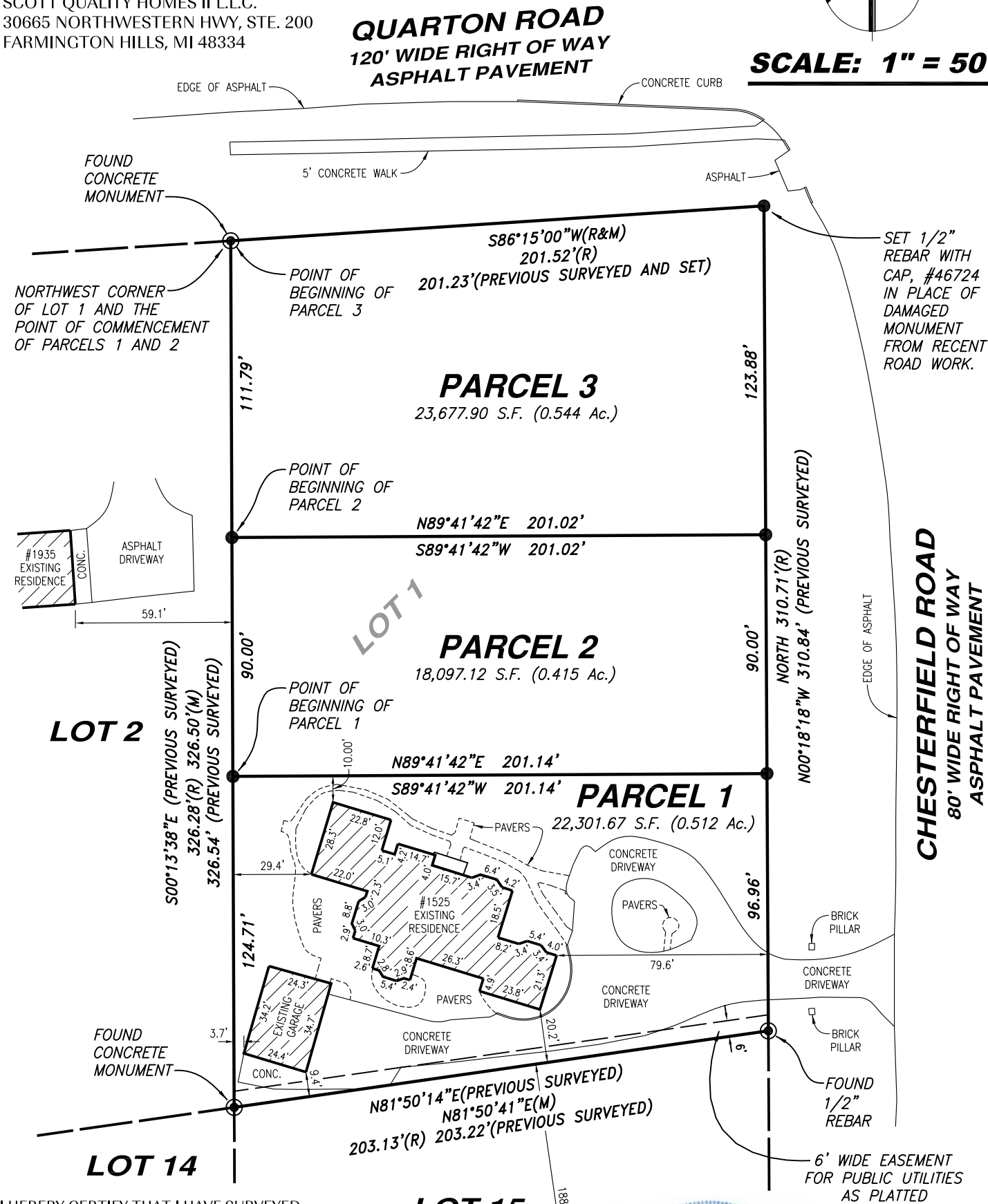
PARCEL DIVISION SURVEY

CERTIFIED TO: SCOTT QUALITY HOMES II L.L.C.

CLIENT:
SCOTT QUALITY HOMES II L.L.C.
30665 NORTHWESTERN HWY, STE. 200
FARMINGTON HILLS, MI 48334



SCALE: 1" = 50'



I HEREBY CERTIFY THAT I HAVE SURVEYED THE THE PROPERTY HEREIN DESCRIBED AND THAT THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME. I ALSO CERTIFY THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970 AND IS GREATER THAN 1 IN 5000.

Shane P. Azbell

SHANE P. AZBELL, P.S., #46724

AZTEC
LAND SURVEYORS INC.

P.O. BOX 353
HOLLY, MI 48442
PHONE: 586-306-1253 FAX: 480-287-8799



PAGE 2 OF 4

LEGEND:
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● = SET 1/2" REBAR AND CAP, #46724
R = RECORD
M = MEASURED
C = CALCULATED

JOB NO: 16-023
DATE: 4/7/16
REVISED:
DRAWN BY: SA

PROPERTY DESCRIPTIONS

CERTIFIED TO: SCOTT QUALITY HOMES II L.L.C.

CLIENT:
SCOTT QUALITY HOMES II L.L.C.
30665 NORTHWESTERN HWY, STE. 200
FARMINGTON HILLS, MI 48334

**PROPERTY DESCRIPTION, PARENT PARCEL
(AS FURNISHED BY CLIENT):**

PARCEL NO. 19-26-126-008
LOT 1, "QUARTON HEATH", A SUBDIVISION OF PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 10 EAST, BLOOMFIELD TOWNSHIP (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 56 OF PLATS, PAGE 45 OF OAKLAND COUNTY RECORDS.

PARCEL AREA

AS SURVEYED:
TOTAL = 64,076.49 SQUARE FEET = 1.470 ACRES

SURVEYOR'S NOTES

- 1. BASIS OF BEARING: SOUTH 86°15'00" WEST, BEING THE NORTH LINE OF LOT 1 AS PLATTED, MONUMENTED AND AS PREVIOUSLY SURVEYED.
- 2. SOME OF THE INFORMATION AS SHOWN ON SURVEY WAS TAKEN FROM A PREVIOUS SURVEY PERFORMED BY TIGHE SURVEYING INC., JOB NO, 04-1951, DATED 2-16-2004.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE THE PROPERTY HEREIN DESCRIBED AND THAT THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME. I ALSO CERTIFY THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970 AND IS GREATER THAN 1 IN 5000.

Shane P. Azbell

SHANE P. AZBELL, P.S., #46724

AZTEC
LAND SURVEYORS INC.

P.O. BOX 353
HOLLY, MI 48442
PHONE: 586-306-1253 FAX: 480-287-8799

SEAL:



PAGE 3 OF 4

LEGEND:
⊕ = SECTION CORNER
⊙ = FOUND MONUMENT (AS NOTED)
● = SET 1/2" REBAR AND CAP, #46724
R = RECORD
M = MEASURED
C = CALCULATED

JOB NO: 16-023
DATE: 4/7/16
REVISED:
DRAWN BY: SA

SHANE P. AZBELL
PROFESSIONAL SURVEYOR NO. 46724

PROPERTY DESCRIPTIONS

CERTIFIED TO: SCOTT QUALITY HOMES II L.L.C.

CLIENT:
SCOTT QUALITY HOMES II L.L.C.
30665 NORTHWESTERN HWY, STE. 200
FARMINGTON HILLS, MI 48334

PROPERTY DESCRIPTIONS, PROPOSED PARCELS (AS SURVEYED):

PARCEL 1
PART OF LOT 1 OF "QUARTON HEATH", A SUBDIVISION OF PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 10 EAST, BLOOMFIELD TOWNSHIP (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 56 OF PLATS, PAGE 45 OF OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF SAID "QUARTON HEATH"; THENCE SOUTH 00 DEGREES 13 MINUTES 38 SECONDS EAST 201.79 FEET ALONG THE WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE OF LOT 1 SOUTH 00 DEGREES 13 MINUTES 38 SECONDS EAST 124.71 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 81 DEGREES 50 MINUTES 41 SECONDS EAST 203.22 FEET ALONG THE SOUTH LINE OF SAID LOT 1 TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES 18 MINUTES 18 SECONDS WEST 96.96 FEET ALONG THE EAST LINE OF SAID LOT 1; THENCE SOUTH 89 DEGREES 41 MINUTES 42 SECONDS WEST 201.14 FEET TO THE POINT OF BEGINNING.

PARCEL 2
PART OF LOT 1 OF "QUARTON HEATH", A SUBDIVISION OF PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 10 EAST, BLOOMFIELD TOWNSHIP (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 56 OF PLATS, PAGE 45 OF OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF SAID "QUARTON HEATH"; THENCE SOUTH 00 DEGREES 13 MINUTES 38 SECONDS EAST 111.79 FEET ALONG THE WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE OF LOT 1 SOUTH 00 DEGREES 13 MINUTES 38 SECONDS EAST 90.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 42 SECONDS EAST 201.14 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE NORTH 00 DEGREES 18 MINUTES 18 SECONDS WEST 90.00 FEET ALONG THE EAST LINE OF SAID LOT 1; THENCE SOUTH 89 DEGREES 41 MINUTES 42 SECONDS WEST 201.02 FEET TO THE POINT OF BEGINNING.

PARCEL 3
PART OF LOT 1 OF "QUARTON HEATH", A SUBDIVISION OF PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 10 EAST, BLOOMFIELD TOWNSHIP (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 56 OF PLATS, PAGE 45 OF OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID "QUARTON HEATH"; THENCE SOUTH 00 DEGREES 13 MINUTES 38 SECONDS EAST 111.79 FEET ALONG THE WEST LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 41 MINUTES 42 SECONDS EAST 201.02 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE NORTH 00 DEGREES 18 MINUTES 18 SECONDS WEST 123.88 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 86 DEGREES 15 MINUTES 00 SECONDS WEST 201.23 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

PARCEL AREAS

PARCEL 1
TOTAL = 22,301.67 SQUARE FEET = 0.512 ACRES

PARCEL 2
TOTAL = 18,097.12 SQUARE FEET = 0.415 ACRES

PARCEL 3
TOTAL = 23,677.90 SQUARE FEET = 0.544 ACRES

SURVEYOR'S NOTES

1. BASIS OF BEARING: SOUTH 86°15'00" WEST, BEING THE NORTH LINE OF LOT 1 AS PLATTED, MONUMENTED AND AS PREVIOUSLY SURVEYED.
2. SOME OF THE INFORMATION AS SHOWN ON SURVEY WAS TAKEN FROM A PREVIOUS SURVEY PERFORMED BY TIGHE SURVEYING INC., JOB NO, 04-1951, DATED 2-16-2004.
3. ALL PROPERTY SPLITS ARE SUBJECT TO CITY, COUNTY AND/OR STATE APPROVAL.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE THE PROPERTY HEREIN DESCRIBED AND THAT THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME. I ALSO CERTIFY THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970 AND IS GREATER THAN 1 IN 5000.



SHANE P. AZBELL, P.S., #46724

AZTEC
LAND SURVEYORS INC.

P.O. BOX 353
HOLLY, MI 48442
PHONE: 586-306-1253 FAX: 480-287-8799

SEAL:



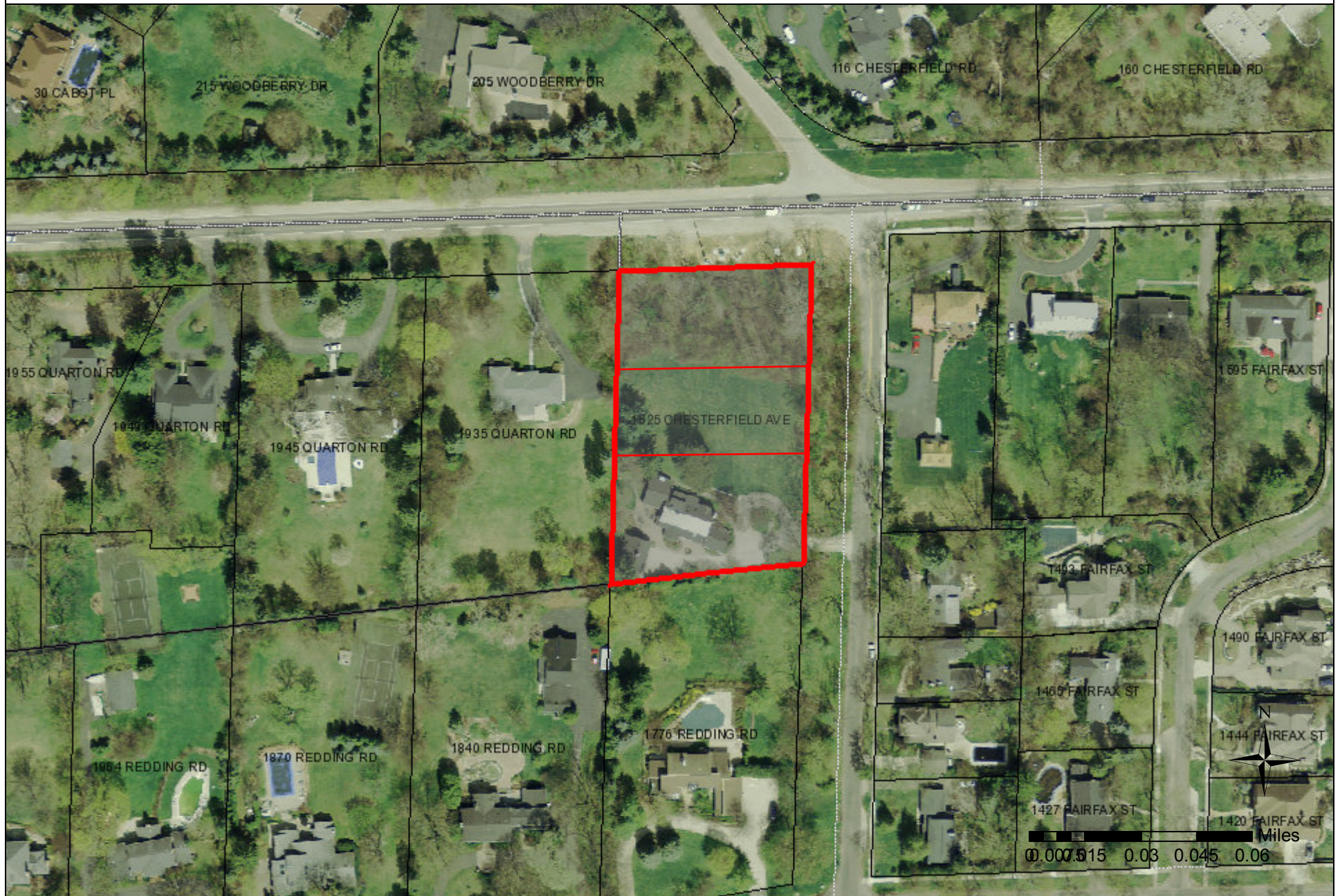
SHANE P. AZBELL
PROFESSIONAL SURVEYOR NO. 46724

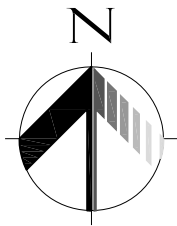
PAGE 4 OF 4

LEGEND:
⊕ = SECTION CORNER
⊙ = FOUND MONUMENT (AS NOTED)
● = SET 1/2" REBAR AND CAP, #46724
R = RECORD
M = MEASURED
C = CALCULATED

JOB NO: 16-023
DATE: 4/7/16
REVISED:
DRAWN BY: SA

1525 Chesterfield



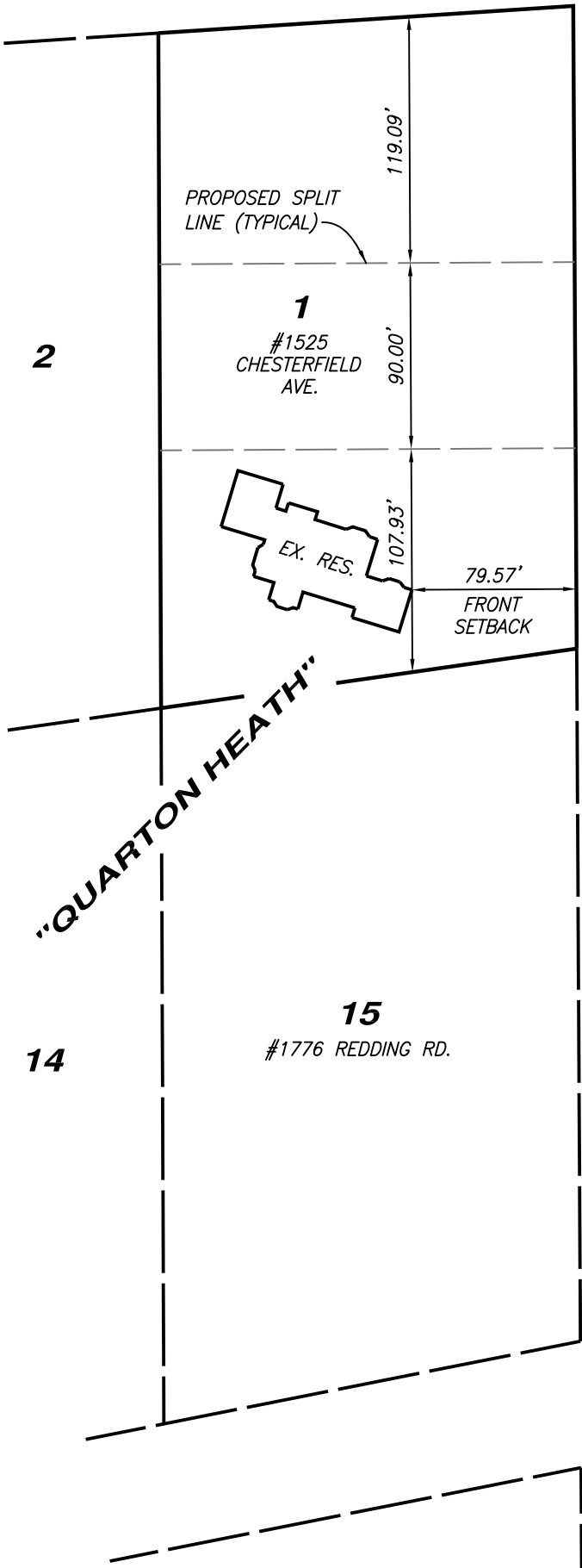


Lot Averaging Plan



SCALE: 1" = 80'

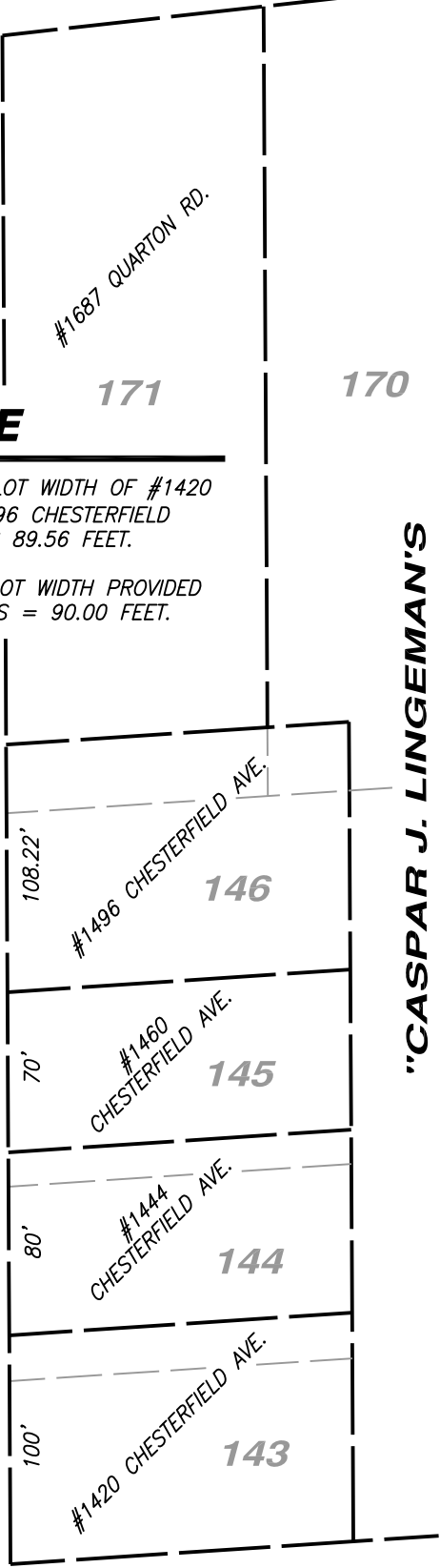
QUARTON ROAD



NOTE

AVERAGE LOT WIDTH OF #1420 THRU #1496 CHESTERFIELD AVENUE IS 89.56 FEET.
MINIMUM LOT WIDTH PROVIDED FOR SPLITS = 90.00 FEET.

CHESTERFIELD AVENUE



REDDING ROAD

**"CASPAR J. LINGEMAN'S
QUARTON ROAD UNIT NO. 1"**

HORIZON
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

Proposed Lot Splits

#1525 CHESTERFIELD AVENUE
PARCEL NO. 19-26-126-008

PART OF THE N.W. 1/4 OF SECTION 26, T.2N., R.10E.,
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JASON SCOTT
SCOTT QUALITY HOMES II LLC.
30665 NORTHWESTERN HWY,
SUITE 200
FARMINGTON HILLS, MI 48334

JOB NO: 16-021

DATE: 4-7-16

REVISED:

CHECKED BY: NPR

LOT SPLIT AUTHORIZATION AGREEMENT
1525 CHESTERFIELD

THIS LOT SPLIT AGREEMENT ("Agreement"), is made as of April 18, 2016, by and between Jason Scott, as Purchaser, and Jane Buchanan, as Seller.

RECITALS

- A. Seller is the fee simple title holder to the subject property located in the City of Birmingham, commonly known as 1525 Chesterfield, Birmingham, Michigan 48009, Property Tax Identification No. 1926126008 ("Property").
- B. The Property is currently comprised of one (1) residential lot.
- C. Seller and Purchaser have jointly submitted an application for lot split of the Property to the City of Birmingham requesting the Property be split into three (3) residential lots.
- D. As part of the application, the parties submitted a survey of the proposed lot split.
- E. To accommodate the request of the City of Birmingham, the Seller has agreed to confirm the Purchaser's authority to seek the lot split described above.

NOW, THEREFORE, the Seller and Purchaser

1. Incorporation of Recitals. The parties acknowledge and represent the foregoing Recitals are true and accurate and are hereby incorporated into this Agreement, to be binding upon the parties.

2. Authorization Approval. By execution below, the Seller empowers, authorizes and consents to the lot split set forth in the recitals and further authorizes Purchaser to execute and deliver the lot split application and to take any and all actions necessary to consummate the transactions contemplated thereby, together with such changes, amendments, or deletions as may be necessary, advisable, or appropriate.

3. Authority. The signers of this Agreement warrant and represent that they have the authority to sign this Agreement and the authority to bind each party to this Agreement according to its terms. Further, each of the parties represent that the execution of this Agreement has been duly authorized and is binding on such party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

"SELLER"

By:

Jane F. Buchanan
Jane Buchanan

"PURCHASER"

By:

Jason Scott
Jason Scott

(2)

LIBER 49093 PAGE 513
\$13.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$0.00 TRANSFER TX COMBINED
02/25/2016 08:50:12 AM RECEIPT# 20764
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

**QUIT CLAIM DEED WITH RESERVED LIFE ESTATE TO GRANTOR**

KNOW ALL PEOPLE BY THESE PRESENTS: That **JAMES M. BUCHANAN and JANE F. BUCHANAN**, husband and wife

whose address is **1525 Chesterfield, Birmingham, Michigan 48009**

Quit Claim to **JAMES M. BUCHANAN and JANE F. BUCHANAN**, husband and wife, for their lifetime coupled with an unrestricted power to convey the property during their lifetime, pursuant to Land Title Standard 9.3. Upon the death of **JAMES M. BUCHANAN and JANE F. BUCHANAN**, if they have not previously conveyed the property, the property shall be conveyed to the **BUCHANAN LIVING TRUST DATED SEPTEMBER 23, 1981**, and any amendments thereto,

whose address is **1525 Chesterfield, Birmingham, Michigan 48009**

Grantor reserves, for and during grantor's lifetime, the exclusive possession and use of the Premises and enjoyment of the rents and profits from the Premises.

Grantor further reserves, for and during grantor's lifetime, the right to sell, lease, encumber by mortgage, pledge, lien, or otherwise, to manage and dispose, in whole or in part or grant any interest therein of the Premises, by gift, sale, or otherwise so as to terminate the interests of the Grantee, as Grantor in his/her sole discretion shall decide, except to dispose of the Premises, if any, by devise on his/her death.

Grantor further reserves the right to cancel this deed by further conveyance, even to Grantor, which may destroy any and all rights the Grantee may possess under this deed.

Grantee shall hold a remainder interest in the Premises and on the death of the Grantor, if the Premises has not been previously disposed of prior to Grantor's death, all right and title to the property remaining shall fully vest in Grantee, subject to such liens and encumbrances existing at that time.

the following described premises situated in the **City of Birmingham, County of Oakland and State of Michigan**, to wit:

Lot 1, Quarton Heath, a subdivision of part of the East half of the Northwest quarter of Section 26, Town 2 North, Range 10 East, Bloomfield Township, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 56 of Plats, Page 45, Oakland County Records.

Commonly known as: 1525 Chesterfield (formerly known as 1725 Quarton Road)

Tax ID: 19-26-126-008

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2016 FEB 22 AM 10:56

OK-LB

2P
R
E
ENV

The Grantor grants to the Grantee the right to make all lawful divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Subject to easements, building and use restrictions, and restrictive covenants of record, if any.

for the full consideration of One Dollar (\$1.00) and no other valuable consideration. This instrument is exempt from transfer tax pursuant to MCLA 207.505 (a) and MCLA 207.526 (a).

Dated this 26 day of January, 2016

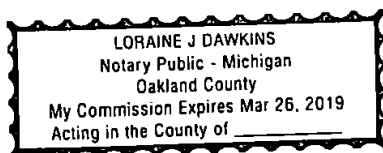
Signed and Sealed:

James M. Buchanan (L.S.)
JAMES M. BUCHANAN

Jane F. Buchanan (L.S.)
JANE F. BUCHANAN

STATE OF MICHIGAN)
COUNTY OF Oakland)§

The foregoing instrument was acknowledged before me this 26 day of January, 2016, by JAMES M. BUCHANAN and JANE F. BUCHANAN, husband and wife.



Loraine J. Dawkins
_____, Notary Public,
_____, County, Michigan
Acting in _____ County, Michigan
My commission expires: _____

Instrument Drafted by: Alan J. Ferrara, Esq. of Finkel Whitefield Selik
Business Address: 32300 Northwestern Hwy., Suite 200, Farmington Hills, Michigan 48334-1567

Recording fee \$17.00

When recorded return to Drafter

State Transfer Tax exempt

Tax Parcel # 19-26-126-008

Send subsequent tax bills to Grantee

U:\WP\DEEDS\BUCHANANLBD.DOCX

LF E0085

CF



STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
CERTIFICATE OF DEATH

STATE FILE NUMBER
206022

DECEDENT	1. DECEDENT'S NAME (First, Middle, Last) James Monroe Buchanan		2. DATE OF BIRTH February 18, 1930		3. SEX Male		4. DATE OF DEATH February 07, 2016	
	5. NAME AT BIRTH OR OTHER NAME USED FOR PERSONAL BUSINESS				6a. AGE- Last Birthday (Years) 85		6b. UNDER 1 YEAR MONTHS DAYS	
	7a. LOCATION OF DEATH William Beaumont Hospital		7b. CITY, VILLAGE OR TOWNSHIP OF DEATH Royal Oak			7c. COUNTY OF DEATH Oakland		
	8a. CURRENT RESIDENCE - STATE Michigan		8b. COUNTY Oakland		8c. LOCALITY Birmingham		8d. STREET AND NUMBER 1525 Chesterfield	
INFORMANT PARENTS	8e. ZIP CODE 48009		9. BIRTH PLACE Cincinnati, Ohio		10. SOCIAL SECURITY NUMBER 283-22-5430		11. DECEDENT'S EDUCATION Bachelor's degree	
	12. RACE White		13a. ANCESTRY English, Scottish				13b. HISPANIC ORIGIN No	
	15. USUAL OCCUPATION Manufacturers' Representative		16. KIND OF BUSINESS OR INDUSTRY Automotive		17. MARITAL STATUS Married		18. NAME OF SURVIVING SPOUSE Carolyn Jane Fredericks	
	19. FATHER'S NAME (First, Middle, Last) Willard John Buchanan				20. MOTHER'S NAME BEFORE FIRST MARRIED (First, Middle, Last) Mary Lucille Williamson			
DISPOSITION	21a. INFORMANT'S NAME Carolyn Jane Buchanan		21b. RELATIONSHIP TO DECEDENT Wife		21c. MAILING ADDRESS 1525 Chesterfield, Birmingham, Michigan 48009			
	22. METHOD OF DISPOSITION Cremation		23a. PLACE OF DISPOSITION Southern Michigan Services			23b. LOCATION - City or Village, State Royal Oak, Michigan		
	24. SIGNATURE OF MORTUARY SCIENCE LICENSEE Gary V. Borg		25. LICENSE NUMBER 4501007274		26. NAME AND ADDRESS OF FUNERAL FACILITY A. J. Desmond & Sons - Vasu, Rodgers & Connell Chapel, 32515 Woodward Ave., Royal Oak, Michigan 48073			
	27a. CERTIFIER <input checked="" type="checkbox"/> Certifying Physician (name) and license number. <input type="checkbox"/> Medical Examiner (name) and license number. Kathryn D. Wease, M.D. Signature and Title		28a. ACTUAL OR PRESUMED TIME OF DEATH 04:47 PM		28b. PRONOUNCED DEAD ON February 07, 2016		28c. TIME PRONOUNCED DEAD 04:47 PM	
CERTIFICATION	27b. DATE SIGNED February 08, 2016		27c. LICENSE NUMBER 4301063278		29. MEDICAL EXAMINER CONTACTED No		30. PLACE OF DEATH Hospital	
	34. NAME AND ADDRESS OF CERTIFYING PHYSICIAN Kathryn D. Wease, M.D., 3601 W. Thirteen Mile Rd., Royal Oak, Michigan 48073		32. MEDICAL EXAMINER'S CASE NUMBER		33. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER			
	35a. REGISTRAR'S SIGNATURE Melanie Halas				35b. DATE FILED February 10, 2016			
	36. PART I. ENTER the chain of events - diseases, injuries or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest or ventricular fibrillation without showing the etiology. Enter only one cause on line.							
CAUSE OF DEATH	17. diabetes was an immediate, underlying or contributing cause of death be sure to record diabetes in either Part I or Part II of the cause of death section, as appropriate.						Approximate Interval Between Onset and Death Days	
	IMMEDIATE CAUSE (Final disease or condition resulting in death) a. Sepsis b. Streptococcal Pneumonia c. d.						Days	
	Sequitally list conditions, IF ANY, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST							
	PART II. OTHER SIGNIFICANT CONDITIONS contributing to death but not resulting in the underlying cause given in Part I							
MEDICAL EXAMINER	39. MANNER OF DEATH Natural		40a. WAS AN AUTOPSY PERFORMED? No		40b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Not Applicable		38. IF FEMALE <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Unknown if pregnant within the past year <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death	
	41a. DATE OF INJURY		41b. TIME OF INJURY		41c. DESCRIBE HOW INJURY OCCURRED			
	41d. INJURY AT WORK		41e. PLACE OF INJURY		41f. IF TRANSPORTATION INJURY		41g. LOCATION	

I, Melanie Halas, Clerk of the City of Royal Oak, Oakland County, Michigan, do hereby certify that the foregoing is a true copy of the record now remaining in my office.

492020

Melanie Halas

Melanie Halas
City of Royal Oak, Michigan

This copy is not valid unless displaying embossed seal and registrar signature.

WARNING! It is illegal to duplicate this copy by Photostat or Photograph. VALID ONLY WITH EMBOSSED SEAL.



MEMORANDUM

Office of the City Manager

DATE: May 18, 2016

TO: Joseph A. Valentine, City Manager

FROM: Joellen Haines, Assistant to the City Manager

SUBJECT: Millrace Rd. Street Name Change Review

A request was received in the form of a petition on November 18, 2015, signed by all five residents of Millrace Road. The request was to change the name of their street from Millrace Road to Lakeside Court. On the request, it read, "Our street is not a road, but a cul-de-sac, and by having it named a 'road' creates confusion for drivers looking to get to Maple Road." (See attached)

The City Commission voted March 14, 2016 to adopt the Street Name Change Review Policy and to submit the Millrace Road street name change request for review. The policy provides a procedure which gives consideration to administrative and historical implications of submitted street name change requests. It also provides a means of review by the City Commission prior to making a decision to either set a public hearing as provided for in the City Charter Chapter XI, Section 7 under Street Names, or to not set a public hearing.

The ordinance language provides for the following:

City Charter: Chapter XI. Section 7 under Street Names: "The commission shall have power to change the name of any street or highway, but before doing so shall set a date for hearing any objections thereto and shall give notice thereof at least once by publication in a newspaper circulating in the city, not less than ten days prior to such hearing."

City Charter Comparative Table: Chapter 98 – Streets, Sidewalks and other Public Places, Article V. – Street Names and Building Numbers. Sec. 98-116. – Street names. "All streets shall be known and designated by the names applied thereto on a map of the city filed with the building official. The naming of any new street or the changing of the name of any street shall be done by resolution, adopted pursuant to the City Charter."

The attached street name change review and supporting minutes from the Museum Board, Historic District Committee, Historic District Study Committee, and the Parks and Recreation Board summarize the findings of the city staff and committees which evaluated the request. (See attached review document and committee minutes).

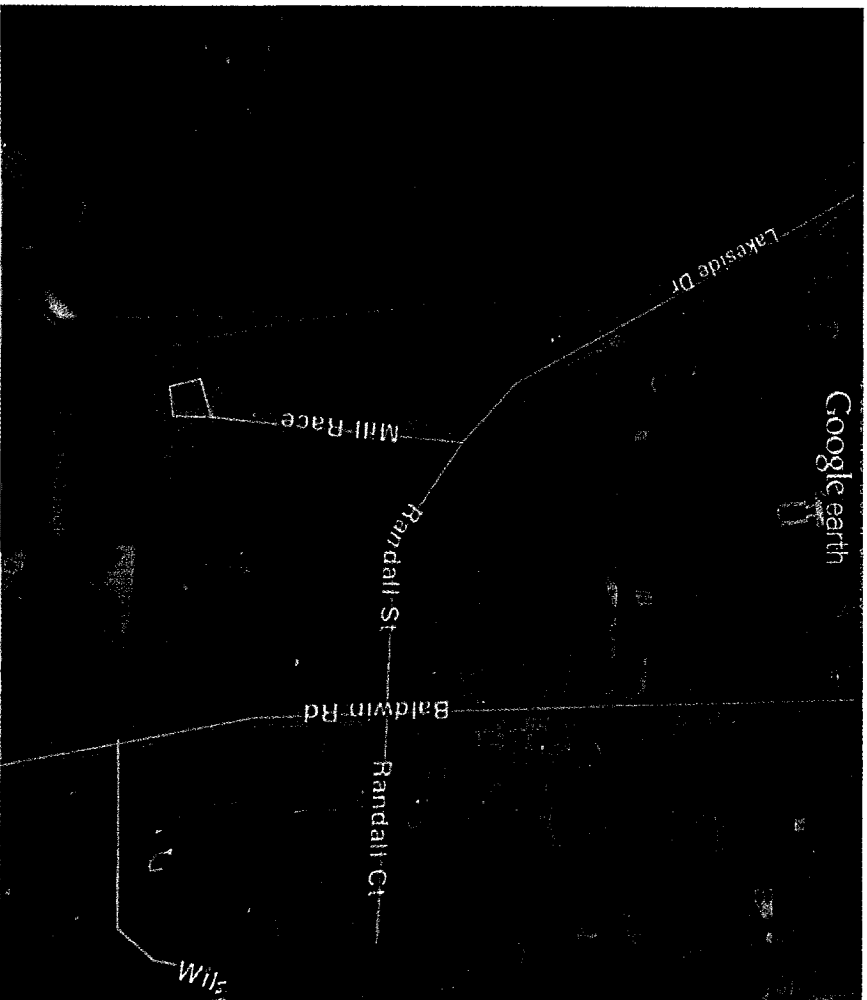
SUGGESTED RESOLUTION:

To set a date of June 6, 2016 to conduct a public hearing in accordance with Chapter XI, Section 7 of the City Charter, to consider the street name change of Millrace Road to Lakeside Court;

Or, to decline a public hearing to consider the street name change of Millrace Road.

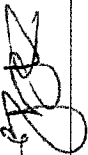
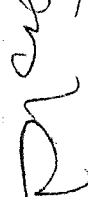
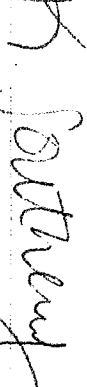

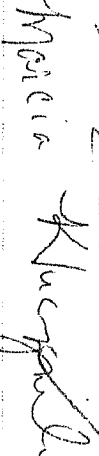
To City Council Birmingham, Michigan.

We the home owners on Millrace Road petition the City of Birmingham to change the name of our street to Lakeside Court. Our street is not a road, but a cul-de-sac, and by having it named a "road" creates confusion for drivers looking to get to Maple Road.



Submitted
Nov 18, 2015
by James Rosseau
James@Rosseau.us

CHECKLIST

Name	Address	Phone Number	Signature
JAMES R. ROSSER	190 MILLACE RD	248-7303423	
EMILY CAMERON	240 MILLACE RD	248-5636866	
KATHRYN SUTHEY	250 MILLACE RD	586 871-5134	
Lijuan Huang Langda	260 MILLACE RD	248-971-0779	
Mareia Klugok	280 MILLACE	408-9316	

STREET NAME CHANGE REVIEW

ORIGINAL STREET NAME Millrace Road DATE OF SUBMISSION: MARCH 14, 2016

PROPOSED STREET NAME Lakeside Court NOTE TO STAFF: Submit comments by: May 31, 2016

DEPARTMENT, AGENCY OR COMMITTEE	STAFF CONTACT	CONSIDERATIONS	COMMENTS	ESTIMATED COST
PLANNING	JANA ECKER	Which internal Planning files will need to be changed, both physical and electronic. What is the impact of these changes? What are any concerns or impacts to the Planning Department?	All associated files, both physical and electronic will need to be adjusted or rerouted, including Planning and Zoning Maps, Published City Maps, Multiple Planning Dept. GIS layer files, Planning Dept. files, BS&A software files.	17 hours @ \$15/hr. = \$225
BUILDING	BRUCE JOHNSON	Identify Building Dept. paper files, BS&A software changes and maps used by personnel.	Update BS&A software for address change, update Laserfische for address changes, implement address change notification and start process of notifying all city departments, utilities, post office, etc. to reflect the change in address, update official map of City of Birmingham.	5 hours total (1 hr. per address) x \$15/hr. = \$75
FIRE	JOHN CONNAUGHTON	Identify any issues concerning Fire Department services with regard to recordkeeping or mapping electronically.	No issues. Change will be noted on maps.	None
POLICE	DON STUDDT	Identify programming, 911 considerations to street name change for CLEMIS/CAD both in police station and in police cars. Will there be continuity of old and new history on each address? Map issues?	No added cost for programming change due to recent upgrades purchased with software package. Old and new name will be associated for continuity. New maps will replace the old maps in the dispatch center, and/or notations made on existing.	None
PUBLIC SERVICES	LAUREN WOOD	Identify DPS paper files, BS&A software changes and maps used by personnel. Cost for purchase and installation of a new street sign.	Cost for sign purchase, \$25 plus \$ 50 1 hr. equipment and labor to install. Total: \$75	\$75.00
ENGINEERING	PAUL O'MEARA	Identify Engineering Dept. paper files, BS&A software changes and maps used by personnel.	Change will be made to BS&A software to reflect the change.	None
INFORMATION TECHNOLOGY (IT)	GARY GEMMELL	Identify IT programs that would need to be modified as a result of proposed street name change.	Programs would not require modification. When data is changed by departments programs will report the then current data, inclusive of name change.	None

CLERK	LAURA PIERCE	Identify Clerk's Office documents that would need to be changed as a result of proposed street name change.	There are 7 registered voters on Millrace. Update Qualified Voter File (QVF) street file, update individual voter files, update master cards, mail new ID cards. Update zoning map with LSL & post on website Time: One hour of staff time to make the changeover for Millrace Rd. Cost to update zoning map: n/a Postage: \$0.35/each, ID Card: \$0.12/each	\$13.80 1-hr staff time \$2.45 postage for ID cards \$0.84 cost for ID cards TOTAL COST: \$17.09
BIRMINGHAM MUSEUM BOARD	LESLIE PIELACK	Provide documentation or records regarding the historical significance of that street name and surrounding property impacted.	Changing the name of the road is not consistent with preserving Birmingham's history. The mill was an important part of Birmingham's past, as the village developed around it in the mid-19 th century, and the name Mill Race preserves that historical time, place, and context. Therefore, the Museum Board believes a name change would be detrimental.	See attached Minutes of Museum Board, April 7, 2016
HISTORIC DISTRICT COMMISSION	JANA ECKER/ MATT BAKA	Historical significance of the street and its name. Identify factors for/against preservation of current street name and for/against proposed street name. Does this impact an established historic district, site, property or historic resource? Is this land considered within the control and development of a historic district.	The HDC suggests that the name Millrace should be retained, but that the word Court should replace Road, and an appropriate sign be placed at the entrance to Millrace Court that says there is no outlet.	See attached Minutes of the Birmingham Historic District Commission April 6, 2016
HISTORIC DISTRICT STUDY COMMITTEE	MATT BAKA	Provide historical research regarding this property and its relation to designated historic landmarks and/or districts in the City of Birmingham	The HDSC suggests the name Millrace Rd. be changed to Millrace Ct.	See attached meeting minutes from May 5, 2016
PARKS AND RECREATION BOARD	LAUREN WOOD	Impact of the street name change in relation to park development in the city of Birmingham	The Board did not support the name change from Millrace Road to Lakeside Court but recommended to change the name Mill Race Road to Mill Race Court.	See meeting minutes for the Parks and Recreation Board April 12, 2016
POST OFFICE	POSTMASTER KEN	Identify concerns or issues with changing above street name in the City of Birmingham.	No concerns or issues. They need a 3 month lead time to complete the changeover.	None
OAKLAND COUNTY TAX ASSESSOR'S DEPARTMENT	RON MAUER	Identify concerns or issues with changing a street name in relation to property tax assessment procedures.	No concerns or issues. City should contact their office if a street name has been changed so their files can be updated.	None

OTHER (specify)				
			Total Estimated Cost	\$392.09



**CITY OF BIRMINGHAM
MUSEUM BOARD
MEETING MINUTES
THURSDAY, April 7, 2016
6:30 PM**

Members Present: Russ Dixon, Marty Logue, Gretchen Maricak, Kate Montgomery, Caitlin Rosso, Jeff Wilmot

Student Members Present: None

Members Absent: Tina Krizanic

Administration: Museum Director Leslie Pielack

Guests: None

Mr. Dixon called the meeting to order at 6:30 PM.

**Approval of the Minutes
Minutes of March 3, 2016**

MOTION: by Wilmot, seconded by Maricak:

To approve the minutes of March 3, 2016.

VOTE: Yeas, 6
Nays, 0

Unfinished Business

A. The Museum Board took up the matter of the best process to update the Strategic Plan objectives, following the approval of the goals that took place on March 3, 2016. Museum Director Pielack will provide the previous objectives for the appropriate Goals and board members will individually make any changes for those objectives, to be reviewed at subsequent board meetings. Director Pielack will re-send the word clouds compiled when the mission statement was being updated for reference. Each of the four goals will be reviewed in each of the next four months, so that Goal I would be reviewed on May 5, Goal II on June 2, Goal III on August 4, and Goal IV on September 1, 2016.

New Business

A. The proposed recommended light fixture for the park WiFi pole was reviewed.

MOTION: by Montgomery, seconded by Rosso:

To approve the historic style (SWB-NS) lamp fixture recommended by the City of Birmingham's Planning Department staff for installation on the museum grounds in the

Mill Pond Historic District to provide lighting on the public WiFi access point light pole southwest of the pond, to be attached to the recommended pole, and to approve the use of the pole without the light fixture for WiFi access on the museum grounds adjacent to Willits Avenue, north of the pond.

VOTE: Yeas, 6
 Nays, 0

B. The Museum Board reviewed the implications of the Street Name Change Request by the residents on Mill Race Road to change the name of the road to Lakeside Court. The Museum Board noted that it is pleased that the City Commission is interested in the Museum Board's opinion and that the commission values Birmingham's history. The Museum Board also noted with some surprise that no residents were present at its discussion of the impact of this proposed change.

MOTION: by Maricak, seconded by Logue:

To share the following points for consideration to the City Commission regarding the Mill Race Road Name Change Request Review:

- Changing the name of the road is not consistent with preserving Birmingham's history. The mill was an important part of Birmingham's past, as the village developed around it in the mid-19th century, and the name Mill Race preserves that historical time, place, and context.
- Therefore, the Museum Board believes a name change would be detrimental.

VOTE: Yeas, 6
 Nays, 0

Communication and Reports

A. Director Pielack shared updates to the Director Report. Thus far, Commissioners Bordman and DeWeese have visited the museum, and Commissioners Boutros and Harris have yet to complete their visit. The meeting with Ms. Bordman and Mr. DeWeese was positive and productive. The Bell Project pre-bid meeting had approximately five potential bidders in attendance. Bids will be opened April 13 at City Hall at 2:00 p.m., and a special Museum Board meeting will be held on April 21 at 6:30 p.m. to make final recommendations to the City Commission to award the contract.

B. Mr. Dixon suggested that the boundaries of the museum property should be checked for accuracy with any landscape planning going forward, and mentioned that in the past, a Rouge Interpretive Center was discussed for the area adjacent to the museum; also, that the Friends of the museum may be interested in a fundraising format that he has recently learned about that involves a monthly donation. Mr. Wilmot asked about the large Gothic style exterior lights in the basement, and whether those might be sold in the future to generate funds for the museum's collection.

C. There were no public comments.

Mr. Dixon adjourned the meeting at 7:50 p.m.

**BIRMINGHAM HISTORIC DISTRICT COMMISSION
MINUTES OF APRIL 6, 2015**

Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, April 6, 2016. Chairman John Henke called the meeting to order at 7 p.m.

Present: Chairman John Henke; Commission Members Mark Coir, Keith Deyer, Natalia Dukas, Thomas Trapnell, Vice Chairperson Shelli Weisberg, Michael Willoughby

Absent: Student Representative Loreal Salter-Dodson

Administration: Matthew Baka, Sr. Planner
Carole Salutes, Recording Secretary

04-16-16

**APPROVAL OF MINUTES
HDC Minutes of March 16, 2016**

Motion by Ms. Weisberg

Seconded by Mr. Coir to approve the HDC Minutes of March 16, 2016 as presented.

Motion carried,

VOICE VOTE

Yeas: Weisberg, Coir, Deyer, Dukas, Henke, Trapnell, Willoughby

Nays: None

Absent: None

04-17-16

**HISTORIC COURTESY REVIEW
Millrace Rd. name change request
Millpond Historic District**

Zoning: PP Public Property/R-1 Single-Family Residential

Proposal: Mr. Baka reported that the residents of Millrace Rd. have requested that the name of their street, Millrace Rd., be changed to Lakeside Ct. Millrace Rd. is located within the Mill Pond Historic District. In response to this request,

the City Commission has established a review policy that must be followed before a final determination is made. This policy includes a review and recommendation by the HDC as one of the steps.

Information regarding the new street name change policy and a brief history of the area provided by Birmingham Museum Director Pielack were discussed, along with 'The Preservation Office Guide to Historic Roads.' The Guide does not directly address changing the names of historic roads but it does discuss some of the qualities that are generally considered when evaluating the historic nature of any given road and street for historic designation.

Mr. Baka noted the street name has historical significance as to what it had been used for. It is a cul-de-sac. Mr. Coir added it is all that is left of that early history. Board members thought maybe people are confusing Millrace with Maple Rd. and turning in; that is why residents have requested a name change. Mr. Deyer suggested changing the name from Road to Court and adding a sign that says "No Exit." That retains the historical significance of Millrace and it deals with the residents' issue. Several other commission members agreed with that thought.

Motion by Mr. Deyer

Seconded by Mr. Coir that the HDC suggests that the name Millrace should be retained, but that the word Court should replace Road and an appropriate sign be placed at the entrance to Millrace Court that says there is no outlet.

Motion carried, 5-2.

There were no comments from members of the public at 7:12 p.m.

VOICE VOTE

Yeas: Deyer, Coir, Dukas, Henke, Weisberg

Nays: Trapnell, Willoughby

Absent: None

04-18-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

A. Staff Reports

-- Administrative Approvals

➤ 303 E. Maple Rd., Fratelli Leather - Storefront wall sign over front window.

-- Violation Notices (none)

-- Demolition Applications (none)

B. Communications

-- Commissioners' Comments (none)

04-19-16

ADJOURNMENT

No further business being evident, the commissioners motioned to adjourn the meeting at 7:13 p.m.

Matthew Baka
Sr. Planner

**HISTORIC DISTRICT STUDY COMMITTEE
MINUTES OF MAY 5, 2016**

Birmingham City Hall Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Study Committee ("HDSC") held Wednesday, May 5, 2016. Mr. Baka called the meeting to order at 11:55 a.m. and acted as chairman for today.

1. ROLL CALL

Present: Gigi Debbrecht, Patricia Lang, Gretchen Maricak, Michael Xenos

Absent: None

Administration: Matthew Baka, Senior Planner
Carole Salutes, Recording Secretary

2. MILLRACE RD.

**Mill Pond Historic District
Name change request**

Zoning: PP – Public Property/R1 – Single-family residential

Proposal: The residents of Millrace Rd. have requested that the name of their street, Millrace Rd., be changed to Lakeside Ct. In response to this request, the City Commission has established a review policy that must be followed before a final determination is made. This policy includes a review and recommendation by the Historic District Study Committee ("HDSC") as one of the steps.

There are five residences on Millrace Rd. and they think that having it named a road creates confusion for drivers looking to get to Maple Rd. and therefore increases the traffic.

Included in the packets for the committee's review was information regarding the new street name change policy and a brief history of the area provided by Birmingham Museum Director Leslie Pielack. In addition, The Preservation Office Guide to Historic Roads was also included. The Guide does not directly address changing the names of historic roads but it does address some of the qualities that are generally considered when evaluating the historic nature of any given road and street for historic designation. The request was reviewed by the Historic District Commission ("HDC") on April 06, 2016 and they motioned that the name Millrace should be retained, but that the word Court should replace Road.

Mr. Baka advised that the name Millrace Rd. has a connection to the history of the area because the road was the raceway to the old Grist Mill that was once on Quarton Lake.

Ms. Lang did not think the name should be changed because it has too much historical value. She agrees with the opinion of the HDC. Ms. Maricak recalled they discussed this matter at the Museum Board and that board supports Millrace to continue as the name. Ms. Maricak further recommended changing the word Road to Court and putting up a plaque that indicates the historical value of Millrace. Mr. Xenos also supported Millrace Ct.

Motion by Ms. Lang

Seconded by Ms. Debbrecht that the HDSC suggests that the name Millrace Rd. be changed to Millrace Ct.

Motion carried, 4-0.

VOICE VOTE

Yeas: Lang, Debbrecht, Maricak, Xenos

Nays: None

Absent: None

Motion by Ms. Debbrecht

Seconded by Ms. Maricak that the HDSC investigate the possibility of having a plaque specifically dealing with the historical designation of Millrace.

Motion carried, 4-0.

VOICE VOTE

Yeas: Debbrecht, Maricak, Lang, Xenos

Nays: None

Absent: None

3. 927 PURDY

Historic Designation request

Mr. Baka announced the owner of the house located at 927 Purdy, Mr. Luis Barrio, has requested that the City Commission consider designating his home as a historic structure within the City of Birmingham. Previous City research indicates that the home is at least 100 years old. Mr. Barrio has submitted extensive research that he has done detailing the history of the home, It appears, based on the information that Mr. Barrio submitted, that the home is likely quite a bit older than 100 years. The process for designating a property or structure as

historic is outlined in section 127-5 of the City Code, 'Establishing Additional, Modifying, or Eliminating Historic Districts.'

The first step in the process towards considering historic designation of this property is for the City Commission to pass a resolution directing the Historic District Study Committee ("HDSC") to commence with the creation of a study committee report as outlined in section 127-4 of the City Code, 'Historic District Study Committee and the Study Committee Report.'

The City Commission passed a resolution on March 14, 2016 directing the HDSC to conduct a study in accordance with section 127-4 of the City Code to consider the designation of 927 Purdy as a Historic Structure. The HDSC has been charged with producing a preliminary HDSC report in accordance with the criteria set forth in the City Code. Accordingly, the committee will need to complete steps 1 and 2, and then evaluate the research to determine if the criteria for evaluation referenced in the Code have been met. The Planning Staff suggests that steps 1 and 2 be completed and that the committee then reconvene to evaluate the property and begin preparing the preliminary report.

Ms. Debbrecht said there may be a way of finding a hand drawn map which she thinks is circa 1885 and showing the houses in that Birmingham area.

Mr. Baka noted everything Mr. Barrio has submitted pretty much deals with between the time the house was built and time it was moved to Purdy. His information clearly indicates that the house is historic. A lot of what this board needs to consider is whether changes have been made to the house that are so drastic that it no longer has the character it had when it was built.

Discussion brought out that there have not been any new designations since the late '80s. The problem is that State level tax credits were eliminated by Governor Snyder when he came into office. Board members agreed that designation would save this house from demolition in the future.

Ms. Maricak noticed significant detail change has been made to the existing house over the years. The building needs to be faithful as much as possible to the original structure. Mr. Xenos pointed out that the siding is aluminum. Mr. Baka noted evidence needs to be submitted that suggests the details are the way the house originally looked. He wondered if looking at similar homes built in a similar era would be good enough to justify the addition of those details back onto this house.

Mr. Baka advised that once the HDSC puts their report together it must be sent to the State and other organizations and then they will reply with feedback. The final decision on designation lies with the City Commission.

Ms. Debbrecht thought the house at the corner of Adams and Maple Rd. would be a candidate for designation.

The board studied Criteria for Evaluation and determined the strongest point is 'Distinctive characteristics of a type, period, or method of construction.' The general consensus was that more information is needed from the owner that could help the board with its decision. Board members were definitely in favor of saving the beautiful old house.

Mr. Baka thought the next step would be for him to contact the homeowner and ask for any additional information he has on the restoration he did. The one thing the homeowner doesn't have are Sanborn maps of where the house is now. When the house appeared on that Sanborn map would confirm his theory that it was moved.

Board members discussed a future meeting date but could not yet reach a consensus.

4. ADJOURNMENT

No further business being evident, the board members motioned to adjourn the meeting at 12:35 p.m.

Matthew Baka
Senior Planner

Parks and Recreation Board
Tuesday, April 12, 2016

Agenda Item

1. Millrace Road - Review of Street Name Change Request

Therese stated that she is not in favor of changing Mill Race Rd. to Lakeside Court.

Therese stated that Mill Race Court would solve the road confusion. This is a community that values the historical references and that the Parks and Recreation Board input on this issue is probably less significant than the historic commission input because the road does go through a historic district but obviously the City Commission has the final word on this.

Therese requested from the board a motion:

Motion It was moved by Art Stevens, seconded by Ross Kaplan not to support the name change to Mill Race Road to Lakeside Court but to recommend to change Mill Race Road to Mill Race Court.

Yeas – 7 (Ross Kaplan, Therese Longe, John Meehan, Ryan Ross, Art Stevens, Lilly Stotland and Bill Wiebrecht)

Nays – 0



MEMORANDUM

Finance Department

DATE: May 12, 2016

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Finance Director

SUBJECT: Changes to 2016-2017 Recommended Budget and 2016-2017 Budget Appropriations Resolution

The City held a public hearing on April 16, 2016, to review the 2016-2017 recommended budget and to receive comments and revisions from the City Commission and the general public. At that meeting, the City Commission was presented options on how to fund the Baldwin Public Library Adult Services Renovation as well as future water and sewer improvements. After reviewing the options, the City Commission scheduled further discussion of the options at their Commission meeting on May 9, 2016. Below are the revisions to the recommended budget based on direction received at that meeting.

Changes to Millage Rate

At the City Commission meeting on May 9, 2016, staff prepared a report showing the effects of the options for funding the library renovations to the City's General Fund. The options included: 1) increasing the Library levy by .31 mills only; 2) increasing the Library levy by .155 mills and funding the remaining amount from the City's General Fund; and 3) increasing the Library levy by .31 mills and decreasing the City's operating levy by .31 mills. The City Commission directed staff to amend the recommended budget to increase the Library levy by .31 mills and decrease the City's operating levy by .31 mills. The effect of this option would increase property taxes raised by the library levy by approximately \$650,000 and decrease the City's General Fund property revenue by approximately \$650,000. Below are the changes to the various levies based on the changes above and an increase in the final taxable value for 2016-2017 of approximately \$9,145,000 from the recommended budget:

	<u>Recommended</u>	<u>Revised</u>	<u>Difference</u>
	<u>Millage</u>	<u>Millage</u>	
Operating Levy	11.4943	11.1843	(0.3100)
Library Levy	1.1000	1.4100	0.3100
Refuse Levy	0.8725	0.8687	(0.0038)
Debt Levy	<u>1.3040</u>	<u>1.2984</u>	<u>(0.0056)</u>
Total Levy	14.7708	14.7614	(0.0094)

A residential taxpayer who had a taxable value of \$200,000 in 2015-2016 and did not buy or make improvements to their residence would be affected as follows:

	FY 2015-2016 Actual	FY 2016-2017 Revised	Difference
Taxable Value	\$200,000	\$200,600	\$600
Total Millage Rate	14.8269	14.7614	(0.0655)
Total City Taxes	\$2,965	\$2,961	(\$4)

The changes in the levies noted above changed the recommended budget as follows:

	Proposed Budget	Revised Budget
General Fund		
Revenues		
Property Taxes	\$21,627,610	\$21,081,640
Baldwin Library Fund		
Revenues		
Property Taxes	\$2,285,750	\$2,936,970

Change in Timing of Street Projects

At the April 16, 2016, budget hearing, staff presented to the City Commission a long-range forecast of the water and sewer fund net position. As a result of GASB 75, which would require the City to record a proportionate share of the retiree health care liability in the water and sewer funds, and higher than expected construction costs, the water and sewer funds each showed a negative net position going out into the future. In response to this, the City Commission directed staff to review the street projects and determine if adjustments could be made to minimize this impact. After reviewing the projects, staff presented to the City Commission at the May 9th meeting a revised projection based on shifting the timing of the projects. As a result of this shift, the following budget changes were made to the recommended budget:

	Proposed Budget	Revised Budget
Local Street Fund		
Expenditures		
Construction of Streets and Bridges	\$2,768,850	\$1,893,850
Water Supply System Fund		
Expenses		
Capital Outlay	\$1,745,000	\$1,150,000
Sewage Disposal Fund		
Expenses		
Capital Outlay	\$3,345,000	\$2,495,000

Change in Sewer Rate

As presented at the May 9th City Commission meeting, even after changing the timing of some of the street projects, the long-term forecast for the sewer fund still shows a negative net position in future years. To address this issue, it was recommended by the City Manager and approved by the City Commission to add an additional \$175,000 to the sewer rate. This will replenish a portion of the net position in the fund and minimize the impact of the future projects to the fund's net position. As a result, the recommended sewage disposal rate changed as follows:

	2015-2016 Current	2016-2017 Recommended	2016-2017 Revised
Sewage Disposal Rate	\$8.88	\$9.47	\$9.68
Avg. Sewer Bill	\$799.20	\$852.30	\$871.20

The 2016-2017 revised sewage disposal rate would be 9% more than the 2015-2016 current rate. The average residential annual water and sewer bill (assuming 90 units) would increase \$85.50 from the 2015-2016 rates, or 7.3% as shown below:

	2015-2016 Current	2016-2017 Proposed	2016-2017 Revised
Sewage Disposal Rate	\$8.88	\$9.47	\$9.68
Water Rate	\$4.21	\$4.36	\$4.36
Total Rate	\$13.09	\$13.83	\$14.04
Avg. Residential Bill	\$1,178.10	\$1,244.70	\$1,263.60

Change in Proposed Budget Due to Change in Sewer Rate

The change in the sewage disposal rate would change the proposed budget as follows:

	Proposed Budget	Revised Budget
Sewage Disposal Fund		
Revenues		
Charges for Services	\$8,009,610	\$8,184,610

The budget resolution with the changes noted above is attached to this report.

Suggested Action: To approve the budget appropriations resolution adopting the City of Birmingham's budget and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2016 and ending June 30, 2017.

BUDGET APPROPRIATIONS RESOLUTION

WHEREAS, the City Manager has submitted the proposed 2016-2017 Budget, and:

WHEREAS, the City Commission has reviewed the 2016-2017 Budget, and;

WHEREAS, the City Commission has held a Public Hearing on the 2016-2017 Budget;

WHEREAS, Chapter VII, Section 14 of the Birmingham City Charter requires that the City Commission pass an annual appropriations resolution, and;

NOW THEREFORE, BE IT RESOLVED, that the City Commission does hereby adopt the following estimated revenues for the City of Birmingham for the fiscal year commencing July 1, 2016, and ending June 30, 2017:

GENERAL FUND:

Taxes	\$ 21,081,640
Licenses & Permits	3,070,540
Intergovernmental Revenue	2,078,000
Charges for Services	2,800,400
Fines & Forfeitures	1,686,060
Interest & Rent	275,810
Other Revenue	240,740
Draw from Fund Balance	<u>321,280</u>
Total General Fund	\$ 31,554,470

MAJOR STREETS FUND:

Intergovernmental Revenue	\$ 1,153,830
Interest & Rent	7,540
Other Revenue	401,360
Contributions from Other Funds	1,550,000
Draw from Fund Balance	<u>926,200</u>
Total Major Streets Fund	\$ 4,038,930

LOCAL STREETS FUND:

Intergovernmental Revenue	\$ 484,890
Interest & Rent	15,050
Other Revenue	358,310
Contributions from Other Funds	<u>2,650,000</u>
Total Local Streets Fund	\$ 3,508,250

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

Intergovernmental Revenue	<u>\$ 31,340</u>
Total Community Development Block Grant Fund	\$ 31,340

SOLID WASTE DISPOSAL FUND:

Taxes	\$ 1,820,000
Charges for Services	22,400
Interest	10,040
Draw from Fund Balance	<u>10,310</u>
Total Solid Waste Disposal Fund	\$ 1,862,750

LAW AND DRUG ENFORCEMENT FUND:

Fines & Forfeitures	\$ 37,500
Interest	<u>720</u>
Total Law and Drug Enforcement Fund	\$ 38,220

DEBT SERVICE FUND:

Taxes	\$ 1,626,220
Intergovernmental	4,000
Interest	<u>2,380</u>
Total Debt Service Fund	\$ 1,632,600

GREENWOOD CEMETERY PERPETUAL CARE FUND:

Charges for Services	\$ 360,000
Interest	<u>2,720</u>
Total Greenwood Cemetery Perpetual Care Fund	\$ 362,720

PRINCIPAL SHOPPING DISTRICT FUND:

Special Assessments	\$ 887,800
Interest	8,020
Other Revenue	180,000
Draw from Fund Balance	<u>43,690</u>
Total Principal Shopping District Fund	\$ 1,119,510

BALDWIN LIBRARY FUND:

Taxes	\$ 2,936,970
Intergovernmental Revenue	950,810
Charges for Services	96,240
Interest	16,500
Other Revenue	200,000
Draw from Fund Balance	<u>1,210,260</u>
Total Baldwin Library Fund	\$ 5,410,780

BROWNFIELD REDEVELOPMENT AUTHORITY FUND:

Taxes	\$ 243,230
Charges for Services	3,000
Interest	1,500
Other Revenue	<u>20,000</u>
Total Brownfield Redevelopment Authority Fund	\$ 267,730

TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:

Taxes	\$ 90,000
Interest	<u>520</u>
Total Triangle District Corridor Improvement Authority Fund	\$ 90,520

CAPITAL PROJECTS FUND:

Intergovernmental Revenue	\$ 16,500
Interest	28,070
Other Revenue	18,580
Contribution from Other Funds	320,000
Draw from Fund Balance	<u>2,984,270</u>
Total Capital Projects Fund	\$ 3,367,420

AUTOMOBILE PARKING SYSTEM FUND:

Charges for Services	\$ 5,322,690
Interest	76,430
Draw from Net Position	<u>261,230</u>
Total Automobile Parking System Fund	\$ 5,660,350

WATER-SUPPLY SYSTEM RECEIVING FUND:

Taxes	\$ 750,000
Charges for Services	4,473,030
Interest	12,060
Transfers In	<u>500,000</u>
Total Water-Supply System Fund	\$ 5,735,090

SEWAGE DISPOSAL FUND:

Taxes	\$ 2,826,330
Intergovernmental Revenue	7,820
Charges for Services	8,184,610
Interest	32,130
Draw from Net Position	<u>575,560</u>
Total Sewage Disposal Fund	\$ 11,626,450

LINCOLN HILLS GOLF COURSE:

Charges for Services	\$ 635,900
Interest	30,130
Other Revenue	<u>200</u>
Total Lincoln Hills Golf Course Fund	\$ 666,230

SPRINGDALE GOLF COURSE:

Charges for Services	\$ 485,700
Interest & Rent	9,000
Other Revenue	200
Draw from Net Position	<u>9,870</u>
Total Springdale Golf Course Fund	\$ 504,770

COMPUTER EQUIPMENT FUND:

Intergovernmental Revenue	\$ 34,020
Charges for Services	555,040
Interest	11,070
Other Revenue	3,000
Draw from Net Position	<u>510,600</u>
Total Computer Equipment Fund	\$ 1,113,730

AND, BE IT FURTHER RESOLVED, that the City Commission does hereby adopt on a budgetary center basis the following expenditures for 2016-2017:

GENERAL FUND:

General Government	\$ 5,332,820
Public Safety	12,760,340
Community Development	2,596,980
Engineering & Public Services	4,714,330
Transfers Out	<u>6,150,000</u>
Total General Fund	\$ 31,554,470

MAJOR STREETS FUND:

Maintenance of Streets and Bridges	\$ 308,060
Street Cleaning	132,060
Street Trees	241,450
Traffic Controls & Engineering	382,990
Snow and Ice Removal	372,780
Administrative	18,690
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>2,582,900</u>
Total Major Streets Fund	\$ 4,038,930

LOCAL STREETS FUND:

Maintenance of Streets and Bridges	\$ 375,480
Street Cleaning	184,470
Street Trees	499,440
Traffic Controls & Engineering	64,570
Snow and Ice Removal	204,640
Administrative	26,370
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>1,893,850</u>
Contribution to Fund Balance	<u>259,430</u>
Total Local Streets Fund	\$ 3,508,250

COMMUNITY DEVELOPMENT BLOCK GRANT FUND: \$ 31,340

SOLID WASTE DISPOSAL FUND:

Personnel Services	\$ 152,810
Supplies	8,500
Other Charges	1,681,440
Capital Outlay	<u>20,000</u>
Total Solid Waste Disposal Fund	\$ 1,862,750

LAW AND DRUG ENFORCEMENT FUND:

Capital Outlay	\$ 8,500
Contribution to Fund Balance	<u>29,720</u>
Total Law and Drug Enforcement Fund	\$ 38,220

DEBT SERVICE FUND:

Debt Service	\$ 1,627,600
Contribution to Fund Balance	<u>5,000</u>
Total Debt Service Fund	\$ 1,632,600

GREENWOOD CEMETERY PERPETUAL CARE FUND:

Contribution to Fund Balance	<u>\$ 362,720</u>
Total Greenwood Cemetery Perpetual Care Fund	\$ 362,720

PRINCIPAL SHOPPING DISTRICT FUND: \$ 1,119,510

BALDWIN LIBRARY FUND: \$ 5,410,780

BROWNFIELD REDEVELOPMENT AUTHORITY FUND:

Expenditures	\$ 263,230
Contribution to Fund Balance	<u>4,500</u>
Total Brownfield Redevelopment Authority Fund	\$ 267,730

TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:

Expenditures	\$ 20,000
Contribution to Fund Balance	<u>70,520</u>
Total Triangle District Corridor Improvement Authority Fund	\$ 90,520

CAPITAL PROJECTS FUND: \$ 3,367,420

AUTOMOBILE PARKING SYSTEM FUND: \$ 5,660,350

WATER-SUPPLY SYSTEM RECEIVING FUND:

Expenses	\$ 5,635,090
Contribution to Net Position	<u>100,000</u>
Total Water-Supply System Receiving Fund	\$ 5,735,090

SEWAGE DISPOSAL SYSTEM FUND: \$ 11,626,450

LINCOLN HILLS GOLF COURSE:

Expenses	\$ 566,750
Contribution to Net Position	<u>99,480</u>
Total Lincoln Hills Golf Course	\$ 666,230

SPRINGDALE GOLF COURSE: \$ 504,770

COMPUTER EQUIPMENT FUND: \$ 1,113,730

BE IT FURTHER RESOLVED that the budget summary above be approved as the 2016-2017 City Budget and that this resolution shall be known as the City of Birmingham 2016-2017 General Appropriations Act.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$23,495,420 to be raised by 11.1843 mills levied for General Purposes on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$2,962,030 to be raised by 1.4100 mills levied for Library Operations on the taxable valuation of all real and personal property subject to taxation in the City

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$2,739,770 to be raised by 1.2984 mills levied for Debt Service Requirements on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$1,825,000 to be raised by 0.8687 mills levied on the taxable valuation of all real and personal property subject to taxation in the City for the purpose of the collection and removal of garbage and trash of the City as authorized by MCL 123.261, et. seq.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make budgetary transfers within the budgetary centers established through the adoption of this budget, and that all transfers between budgetary centers may be made only by further action of the City Commission pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

BE IT FURTHER RESOLVED that the 2016-2017 budget shall be automatically amended on July 1, 2016, to re-appropriate encumbrances outstanding and reserved at June 30, 2016.

BE IT FINALLY RESOLVED that the City Treasurer be authorized to add to all taxes paid after August 31, 2016, three-fourths of one percent (3/4 of 1%) penalty each and every month, or fraction thereof, that remains unpaid. On all taxes paid after February 14, 2017, and through February 28, 2017, there shall be added a late penalty charge equal to three percent (3%) of such tax.

Date: May 17, 2016

To: Joe Valentine, City Manager

From: Doug Koschik, Director, Baldwin Public Library

Subject: Final Plan for Renovation of Baldwin Public Library's Adult Services Dept.

In February 2015, the Baldwin Public Library issued a Request for Proposals (RFP) for architectural design services for the renovation of the Library's Adult Services Department. In April 2015, the Library awarded the contract to Luckenbach Ziegelman Architects (LZG). LZG performed the conceptual and schematic design stages and presented its work to the Library Board and Birmingham City Commission in September/October 2015. On October 12, 2015, the City Commission approved LZG's concept plan and authorized the City and Library to initiate an RFP for design development and construction drawings, which the City and Library proceeded to do in December 2015. On January 25, 2016, the City Commission approved the agreement with LZG to carry out the design development, construction drawings, bidding assistance, and construction administration stages of the project. LZG presented its final plan to the Library Board on May 16, 2016, at which time the Library Board unanimously passed the following motion:

To endorse the final plan for the Baldwin Public Library Adult Services renovation, as developed by Luckenbach Ziegelman Gardner Architects, to authorize the Library to issue an RFP for Fixtures, Furniture and Equipment, and to request that the Birmingham City Commission endorse the plan and authorize issuance of the RFP for the building renovation.

On May 23, representatives from LZG will present the final plan to the City Commission. If the Commission endorses it, the City will issue an RFP for the building renovation, and the Library will issue an RFP for Fixtures, Furniture and Equipment (FFE).

The projected budget for the Adult Services renovation remains at \$2,218,172, as LZG had projected in October 2015.

Note that the Adult Services renovation is Phase 1 of a proposed three-phase long-term vision to renovate the Library building. Phase 2 (Youth Department) and Phase 3

(Circulation and Main Entrance) will be considered for implementation at some point in the future.

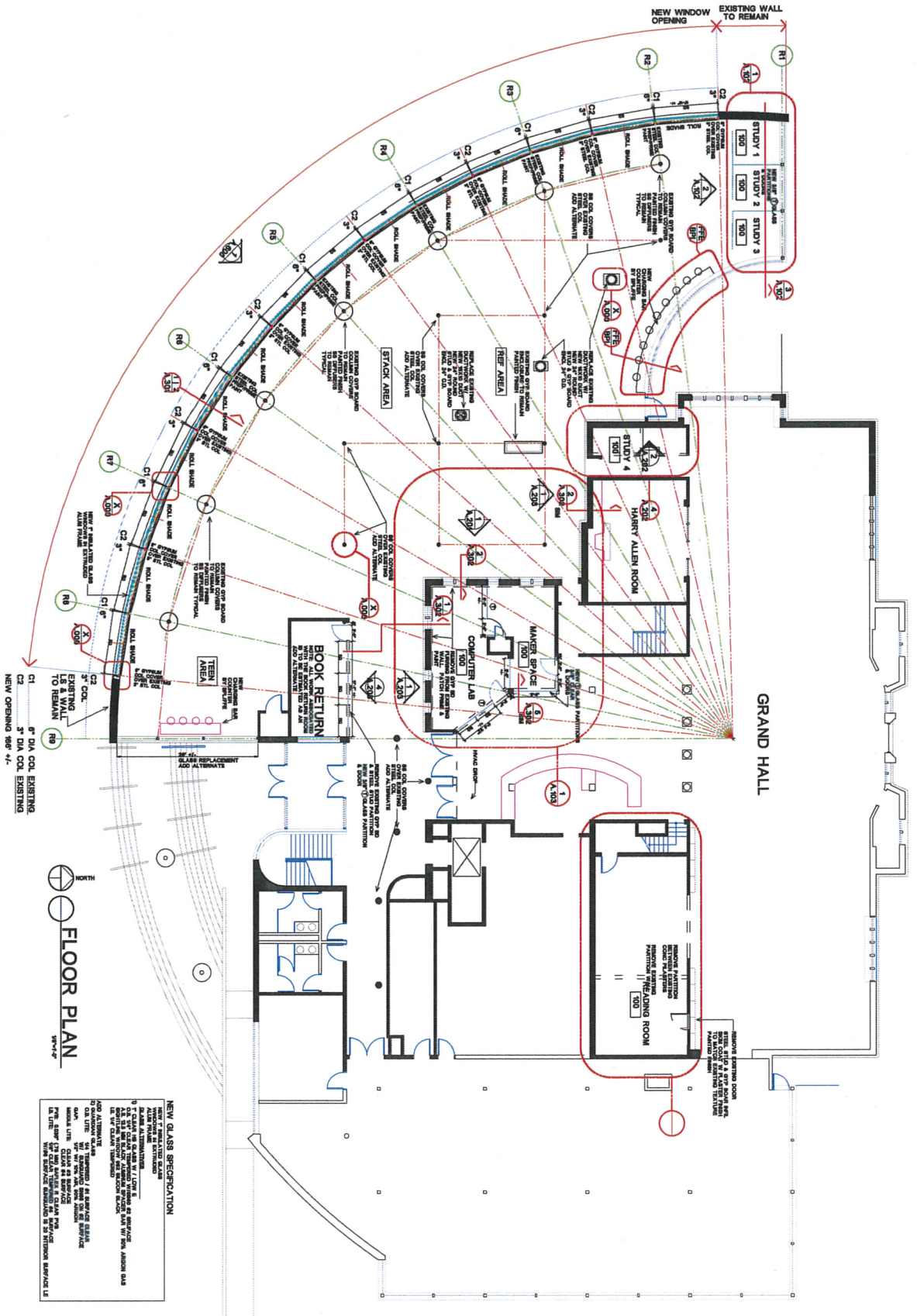
SUGGESTED RESOLUTION:

To endorse the final plan for the Baldwin Public Library Adult Services renovation, as developed by Luckenbach Ziegelman Gardner Architects, and to authorize issuance of a Request for Proposals for construction.

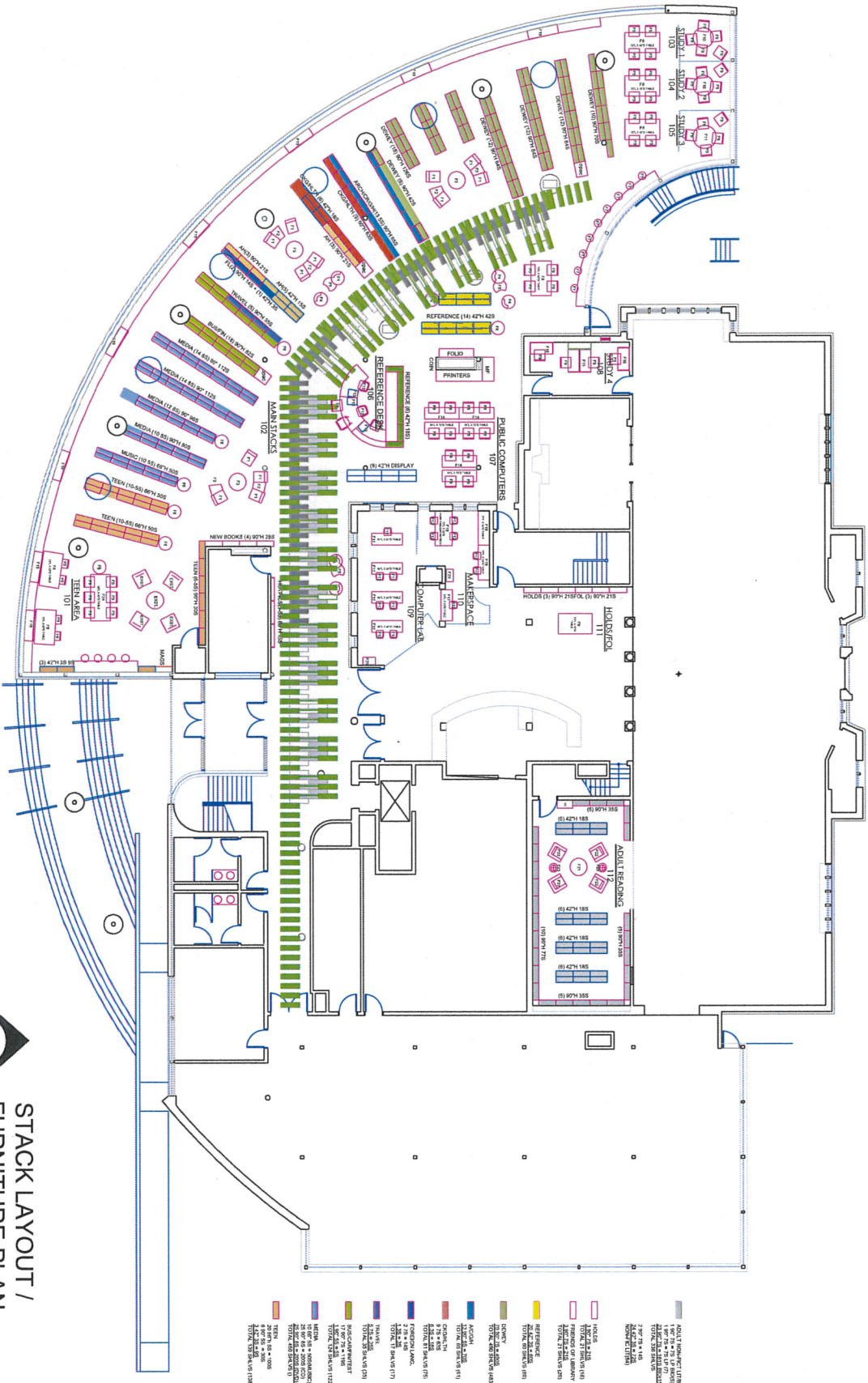
Luckenbach
 Ziegelman
 Gardner
 Architects
 PLLC
 300 West Marietta Street
 Birmingham, AL 35203
 205-261-1000

**BALDWIN
 PUBLIC
 LIBRARY**
 300 West Marietta Street
 Birmingham, AL 35203

A.101



**STACK LAYOUT /
FURNITURE PLAN**
1/8"=1'-0" REV. 5.14.16



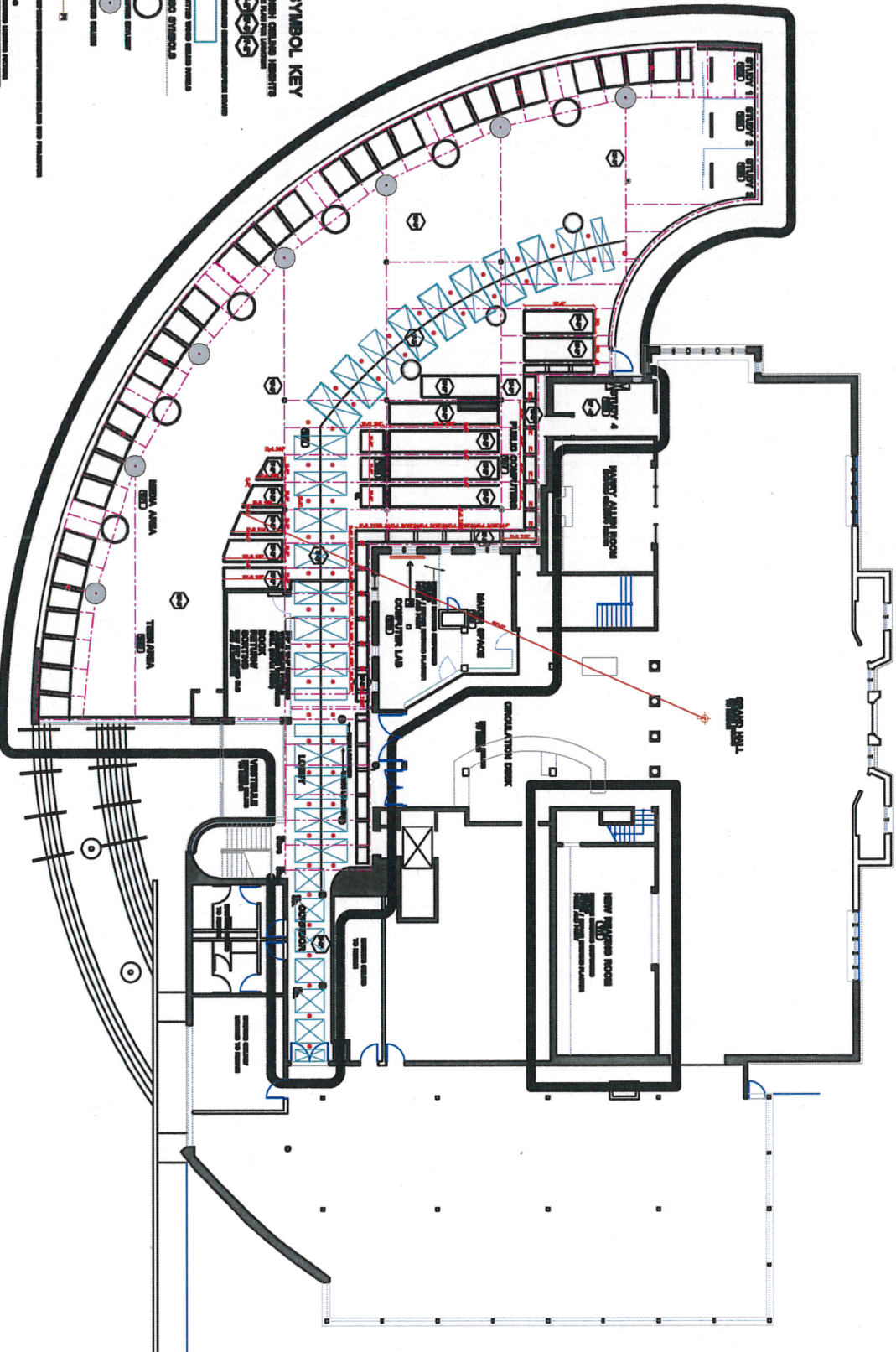
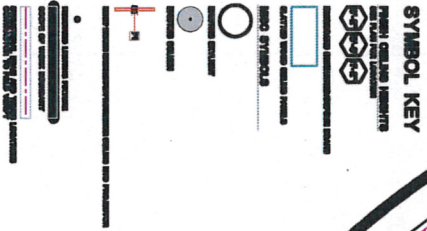
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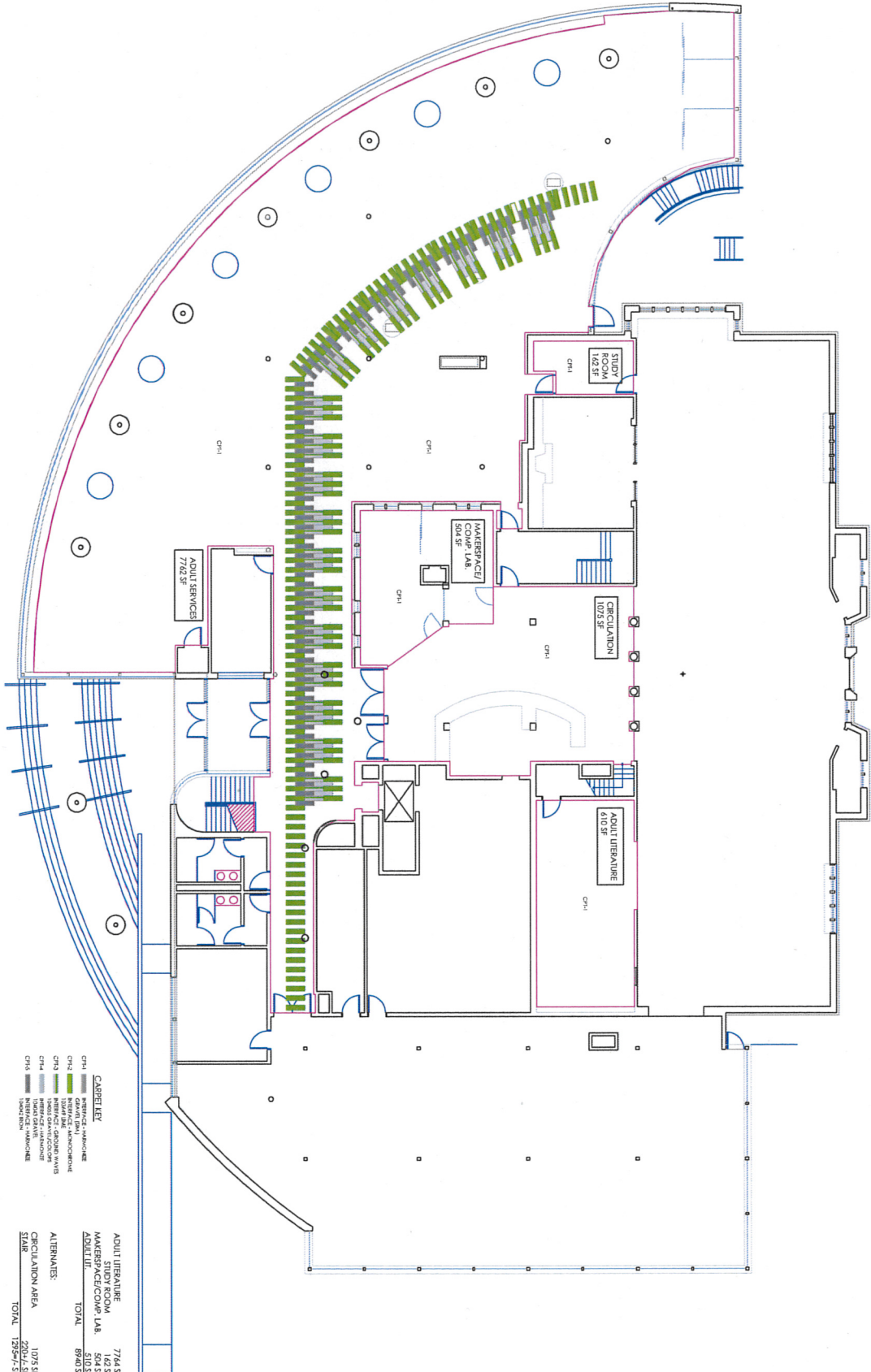
20600 Woodward Bufile
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Bloomfield Hills, Michigan
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REF CEILING PLAN

DATE
MAY 17, 2016
OWNER REVIEW

Exam Number **A. 107**







BALDWIN PUBLIC LIBRARY

LIBRARY
Open 5-8 PM
5-8 PM









MEMORANDUM

Planning Division

DATE: May 16, 2016

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Refresher on TZ-2

On September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission took action to create the TZ-1 and TZ-3 zoning classifications, and rezoned several properties into each of these zone districts.

However, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board, along with those properties that had been recommended for rezoning to the new TZ-2 zone district. The City Commission directed the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 district Special Land Use Permits.

The TZ-2 study was discussed again by the Planning Board earlier this spring for further study. To jump start the discussion, the Planning Board requested a refresher discussion on TZ-2, and asked the Planning Division to prepare a memo containing all of the draft ordinance language, maps and discussion previously held specifically dealing with TZ-2 and the proposed TZ-2 properties. The Planning Board also requested a joint session with the City Commission to further discuss transitional zoning prior to making another recommendation to the City Commission.

Accordingly, the City Manager requested the same TZ-2 refresher session for the City Commission in preparation for the upcoming joint City Commission/Planning Board meeting on June 20, 2016. Please find attached the refresher memo that was recently discussed by the Planning Board for your review. The Planning Division will also conduct a presentation for the City Commission at the May 23, 2016 meeting to review the previous TZ-2 discussion, and to update the Commission on the current study underway by the Planning Board. A copy of this presentation is also attached for your review.



MEMORANDUM

Planning Division

DATE: May 5, 2016

TO: Planning Board

FROM: Jana L. Ecker, Planning Director

SUBJECT: Update Memo on Transition Zone 2 (TZ-2)

On September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission took action to create the TZ-1 and TZ-3 zoning classifications, and rezoned several properties into each of these zone districts.

However, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board, along with those properties that had been recommended for rezoning to the new TZ-2 zone district. The City Commission referred these matters back to the Planning Board for further study, and asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 district Special Land Use Permits. Please see attached meeting minutes that follow this memo for further detail.

On March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction of the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ1, TZ2 and TZ3 at the next meeting, and to prepare aerial maps for each of the proposed TZ2 properties to assist the board in understanding the neighborhood context in each case.

Please find attached the following for review and discussion:

- **Appendix A:** Previously proposed TZ2 ordinance amendments (**blue text** and ~~strike-through~~ text shows changes made based on April 2016 comments of the Planning Board);
- **Appendix B:** Zoning map of the City identifying all parcels previously considered for TZ2 zoning classification;
- **Appendix C:** Aerial imagery of each area containing parcels previously considered for TZ2 zoning classification;
- **Appendix D:** Charts detailing current vs. proposed uses and development standards for all properties considered for TZ2 zoning classification; and

- **Appendix E:** Recent meeting minutes pertaining to the study of TZ2 ordinance language and properties considered for rezoning to TZ2.

On April 13, 2016, the Planning Board discussed the uses and development standards for the previously proposed TZ2 district. Consensus was that the biggest issue was regarding permitted uses in TZ2. There was much discussion regarding whether to reduce the number of permitted uses, increase uses permitted with a SLUP, or move some of the previously proposed SLUP uses into the permitted use column. The Board recommended removing grocery stores, drycleaners, delicatessens and parking structures as permitted uses in TZ2 (either with or without a SLUP), to remove the need for bakeries and coffee shops to obtain a SLUP, and to move health club/studio from the list of permitted uses into the column requiring a SLUP. Board members requested these changes to be made to the draft ordinance language and indicated they would discuss the revised uses again at the May study session.

Based on the Planning Board's comments at the last meeting, it appears that the only remaining issues to be further studied for TZ2 at this time is to conduct a thorough review of uses. To assist in the discussion of permitted uses in TZ2 (and in relationship to TZ1 and TZ3), the Planning Division has compiled a chart (see attached) that lists all permitted uses in TZ1, TZ2 (as proposed) and TZ3. The Planning Board may also wish to discuss whether to include any recommendations for properties to be rezoned to TZ2, or whether to simply recommend approval of the TZ2 classification and allow individual property owners to apply for rezoning to the district as the need arises.

APPENDIX A:

ORDINANCE NO. _____ THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, **TZ2 (TRANSITION ZONE)** DISTRICT TO ADOPT THE FOLLOWING LIST OF PERMITTED USES IN THIS ZONE DISTRICT.

Article 02, section 2.43 shall be established as follows:

District Intent

- A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.**
- B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.**
- C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.**
- D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.**
- E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.**
- F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.**

Residential Permitted Uses

- dwelling – attached single family
- dwelling – single family (R3)
- dwelling – multi-family

Commercial Permitted Uses

- art gallery
- artisan use
- **bakery**
- barber/beauty salon
- bookstore

- boutique
- coffee shop
- drugstore
- gift shop/flower shop
- hardware
- ~~health club/studio~~
- jewelry store
- neighborhood convenience store
- office
- tailor

Accessory Permitted Uses

- family day care home
- home occupation*
- parking – off-street

Uses Requiring a Special Land Use Permit

- any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant
- assisted living
- ~~bakery~~
- bank/credit union with drive-thru
- church and religious institution
- ~~coffee shop~~
- ~~delicatessen~~
- ~~dry cleaner~~
- essential services
- food and drink establishment
- government office/use
- ~~grocery store~~
- health club/studio
- independent hospice facility
- independent senior living
- ~~parking structure~~
- school – private and public
- skilled nursing facility
- specialty food shop

ORDAINED this _____ day of _____, 2016 to become effective 7 days after publication.

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

ORDINANCE NO. _____
THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, **TZ2 (TRANSITION ZONE)** DISTRICT TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT.

Article 02, section 2.44 shall be established as follows:

Minimum Lot Area per Unit:

- n/a

Minimum Open Space:

- n/a

Maximum Lot Coverage

- n/a

Front Yard Setback:

- 0-5 feet
- Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.

Minimum Rear Yard Setback:

- 10 feet
- 20 feet abutting single family zoning district

Minimum Side Yard Setback

- 0 feet from interior side lot line
- 10 feet from side lot line abutting a single family district

Minimum Floor Area per Unit

- n/a

Maximum Total Floor Area

- n/a

Building Height

- 30 feet and 2 stories maximum
- For sloped roofs, the eave line shall be no more than 24 feet and the roof peak shall be no more than 35 feet.
- first story shall be minimum of 14 feet, floor to floor

ORDAINED this _____ day of _____, 2016 to become effective 7 days after publication.

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 4, SECTION 4.53, PK-09

Article 4, section 4.53 PK-09

**This Development Standards section applies to the following districts:
TZ1, TZ2, TZ3**

Parking lots shall meet the following requirements:

1. **Parking lot frontage:** Parking lots (not located in the road right-of-way) are permitted only in side and rear yards as follows:
 - a. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than 25% of the total site's frontage or 60 feet, whichever is less, shall be occupied by parking lot.
 - b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less, and the building shall be located at the corner of the lot adjacent to the intersection.
 - c. For a double frontage lot or a lot that has frontage on 3 streets, the cumulative total of all frontages occupied by parking shall be no more than 35% of the total site's frontage or 60 feet, whichever is less.
2. **Screening:** Where an off-street parking lot is visible from a street, it shall be screened by a 3 foot tall screen wall located between the parking lot and the sidewalk, meeting the requirements of Section 4.53. Where a parking lot is adjacent to a single family residential district, a 6 foot tall brick screen wall meeting the requirements of Section 4.53 shall be provided between the parking lot and the residential use.
3. **Structures:** Parking structures shall only be permitted where there is usable building space for a portion of the ground level along the street frontage. Where a parking structure is provided or parking is located on the ground level below the building, usable building space to a depth of at least 20 feet shall be provided in front of the parking for the minimum required building length.
4. **Required parking:** Each use shall provide the parking required by the off street parking space requirement of Article 04 Table A, except as provided for in this Section. Off street parking shall be provided for within 300 feet of the building being served.
5. **On-street parking:** On-street parking shall be allowed on all street frontages, where permitted by the Police Department. On-street parking located along a

lot's frontage may be credited towards meeting the parking requirements for that use, provided the streetscape is improved to meet the requirements of Section 3.24.

6. **Driveway access:** Driveway access to off-street parking lots shall be located to provide safe separation from street intersections. Driveways shall be aligned with driveways on the opposite side of the street or offset to avoid turning movement conflicts.

ORDAINED this _____ day of _____, 2016 to become effective upon publication.

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 4, SECTION 4.58, SC-06

Article 4, section 4.58 SC-06

**This Development Standards section applies to the following districts:
TZ1, TZ2, TZ3**

Parking lots shall meet the following requirements:

- 1. Buffer Requirements:** All developments within shall provide a physical and visual buffer from adjoining single-family properties in the required setbacks adjacent to single-family uses and zones. A required buffer zone must contain a minimum 6 feet high masonry wall with a sloping stone cap along the length of the subject property that abuts a single family property. All required buffer walls must provide varying textures, materials and/or design along the length. Blank, monotonous walls are not permitted. Buffer walls must include a two (2) foot row of landscaping on the parking lot side of the wall.

ORDAINED this _____ day of _____, 2016 to become effective upon publication.

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 3, SECTION 4.63, SB-06

Article 4, section 4.63 SB-06

**This Development Standards section applies to the following districts:
TZ2, TZ3**

- A. **Front Yard Setback Exceptions:** In the TZ2 and TZ3 Districts, 75% of the length of the ground level street-facing façade of the building must be built within 5 feet of the front lot line. The precise setback between 0 and 5 feet shall be consistent with the front building line along the block, or as determined by the Planning Board where a clear setback doesn't exist. The Planning Board may grant exceptions to allow a greater amount of the building to be setback when the front yard area, or forecourt, is used for one or more purposes listed below.

1. Widening the sidewalk along the frontage of the building.
2. Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.
3. Providing outdoor seating for the proposed use.

ORDAINED this _____ day of _____, 2016 to become effective upon publication.

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 4, SECTION 4.69, ST-01

Article 4, section 4.69 ST-01

**This Development Standards section applies to the following districts:
TZ1, TZ2, TZ3**

- A. Street Design:** All streets shall be constructed to meet the requirements of the City Birmingham.
- B. Sidewalks:** Sidewalks in the Zoning Transition Overlay District shall be a minimum of 6 feet wide. Sidewalks along Woodward Avenue shall be a minimum of 7 feet wide. The Planning Board may allow the sidewalk along blocks that are occupied by only residential uses to be a minimum of 5 feet wide.
- C. Street Tree:** One (1) canopy tree shall be provided for every 40 feet of frontage and may be planted within a grass boulevard or within tree grates or tree wells in the sidewalk.
- D. Street Design:** The entrances of streets into adjacent single family residential neighborhoods shall be designed to calm traffic, encourage pedestrian use and provide a distinction between less intense residential areas and more intense commercial or mixed use areas. All such street entrances and intersections of such streets with major traffic roads may include the following elements:
 - 1. Curb extensions on the mainly residential street to narrow road width, reduce crosswalk length and to encourage slower vehicular speeds;
 - 2. Enhanced pedestrian crosswalks, including ADA compliant ramps, highly visible pavement markings, and pedestrian countdown signals;
 - 3. Installation of a speed table on the residential street if recommended by the Multi-Modal Transportation Board; and
 - 4. Installation of a pedestrian crossing island on adjacent major traffic roads if recommended by the Planning Board and/or the Birmingham Multi-Modal Transportation Plan.
- E. Vias:** Vias shall be permitted in the Zoning Transition Overlay District and shall be required where necessary to provide access to parking lots, loading areas and garages at the property or to improve pedestrian connectivity.
 - 1. Vias serving as access to residential garages shall be located within an easement with a minimum pavement necessary for circulation and emergency vehicle access.

2. Vias accessing commercial parking lots and loading areas in the rear of a site may be used as drive aisles in interior block parking lots with parking spaces along the alleys.

F. **Street Furniture**: Benches and trash receptacles shall be provided by the developer in park and plaza areas and along adjoining sidewalks where the Planning Board determines that pedestrian activity will benefit from these facilities.

G. **Bicycle Facilities**: All developments shall be designed to accommodate bicycle travel, including the provision of bike racks. All parking lots for commercial, recreational and institutional uses shall include sufficient bike racks to allow the parking of a minimum of one bike for every 10 automobiles or one bike for every 3,000 square feet of building floor area, whichever is greater.

ORDAINED this _____ day of _____, 2016 to become effective upon publication.

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 4, SECTION 4.78, SS - 10

Article 4, section 4.78 SS - 09

**This Use Specific Standards section applies to the following districts:
TZ2, TZ3**

A. Corner Parcels:

Corner parcels in the Zoning Transition Overlay shall be developed with the front lot line facing a city major street as defined in P.A. 51. of 1959. The Planning Board may approve an alternative front lot line if the board finds that:

1. There are no city major streets fronting on the subject parcel; or
2. The use of an alternative front lot line would be more compatible with the scale and massing of adjacent residential land uses.

B. Facade Requirements:

Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

1. Blank walls longer than 20 feet are not permitted on any front façade. Blank walls longer than 30 feet are not permitted on any façade.
2. All buildings shall have a main entrance that is located on at least one (1) street front. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
3. For buildings longer than 100 feet, there shall be a minimum of one (1) usable entrance every full 50 feet of frontage along the front public sidewalk and shall provide architectural variation to visually break the building up on all facades.
4. Garage doors shall not be permitted on a front façade.

C. Roof Design:

1. Mansard roofs shall not be permitted on single story buildings. Pitched and mansard roofs shall not be permitted with eaves below a height of 20 feet. All roof edges shall be accentuated in a manner proportionate to the size of the building and length of the wall.
2. Flat roofs shall be enclosed by parapets.

3. All rooftop mounted equipment shall be screened from view on all sides of the building.
4. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.

D. Building Materials:

The following exterior finish materials are required on the front façade and any façade facing a street, plaza, park or parking area. These requirements do not include areas devoted to windows and doors.

1. All walls exposed to public view from the street, or parking area shall be constructed of not less than 60% brick, stone or glass. Panel brick and tilt-up brick textured paneling shall not be permitted.
2. The remaining façade may include wood siding or fiber cement siding. Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor.
3. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories.

ORDAINED this _____ day of _____, 2016 to become effective upon publication.

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONE 2 –

Article 5, section 5.15 Transition Zone 2

**This Use Specific Standards section applies to the following district:
TZ2**

A. Hours of Operation: Operating hours for all non-residential uses, excluding office, shall begin no earlier than 7:00 a.m. and end no later than 9:00p.m. However, the Planning Board may approve an extension of the hours of operation for a specific tenant/occupant upon request if the board finds that:

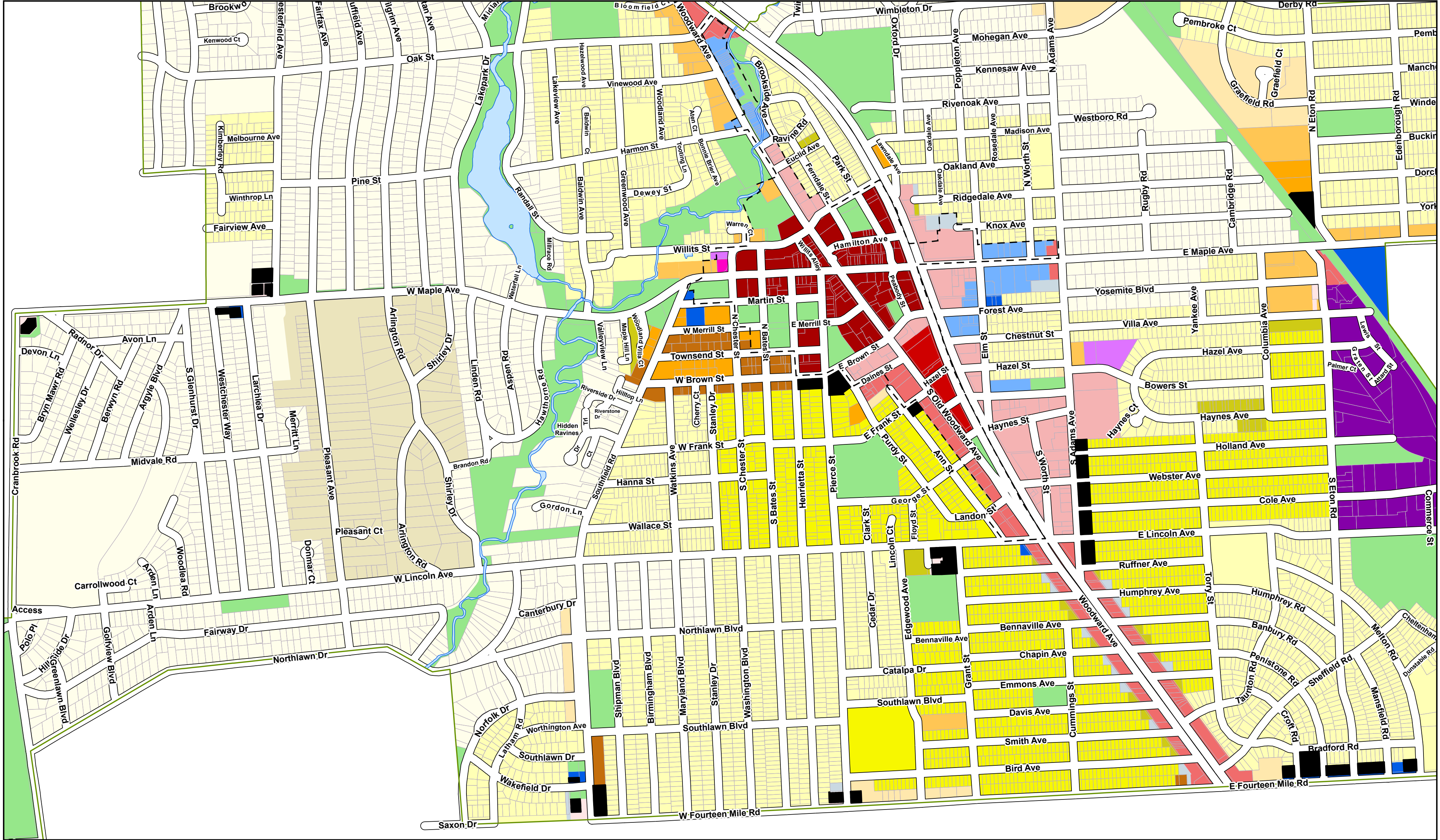
- 1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance;**
- 2. The use will be compatible with adjacent uses of land, existing ambient noise levels and will not be injurious to the surrounding neighborhood; and**
- 3. The use is in compliance with all other requirements of this Zoning Ordinance.**

ORDAINED this _____ day of _____, 2016 to become effective upon publication.

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

TZ2 Transitional Zoning Proposals



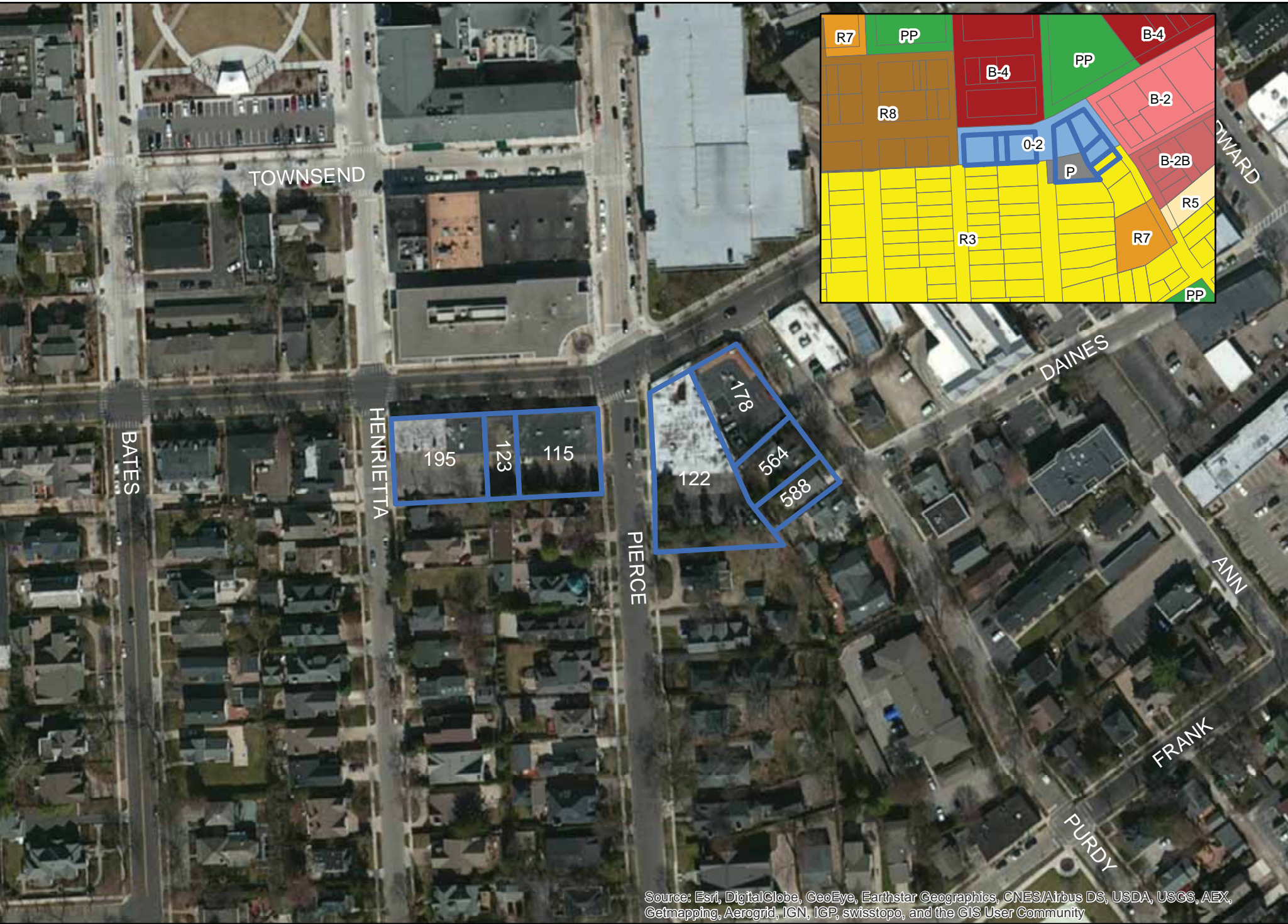
City Of Birmingham
Zoning Map



1,500 750 0 1,500 Feet

Coordinate System: State Plane Coordinate System Michigan South Zone 2113 Projection: Lambert Conformal
Conic, Units: International Feet, Datum: NAD83
Data Sources: Oakland County GIS Utility, City of Birmingham
Updated: December 1, 2015

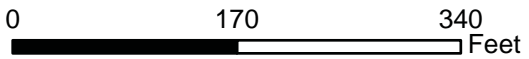
Zoning Districts			
R1	Single-Family Residential	R7	Multiple-Family Residential
R1-A	Single-Family Residential	R8	Multiple-Family Residential
R2	Single-Family Residential	TZ1	Transitional Zoning 1
R3	Single-Family Residential	TZ3	Transitional Zoning
R4	Two-Family Residential	MX	Mixed-Use
R5	Multiple-Family Residential	B-1	Neighborhood Business
R6	Multiple-Family Residential	B-2	General Business
		B-2B	General Business
		B-3	Office-Residential
		B-4	Business-Residential
		O-2	Office Commercial
		O-1	Office
		P	Parking
		PP	Public Property
			Downtown Overlay Boundary



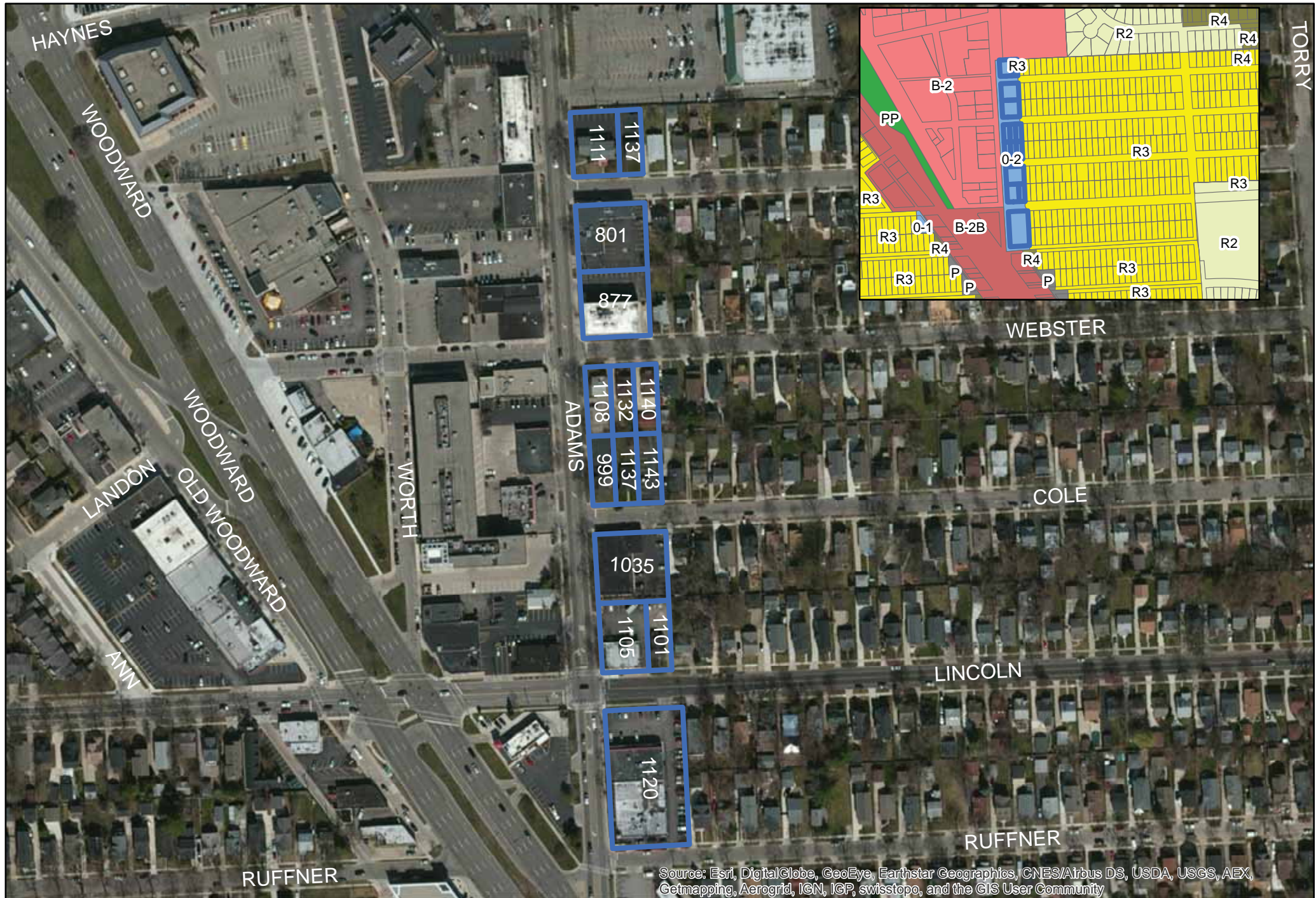
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



TZ2 Proposals



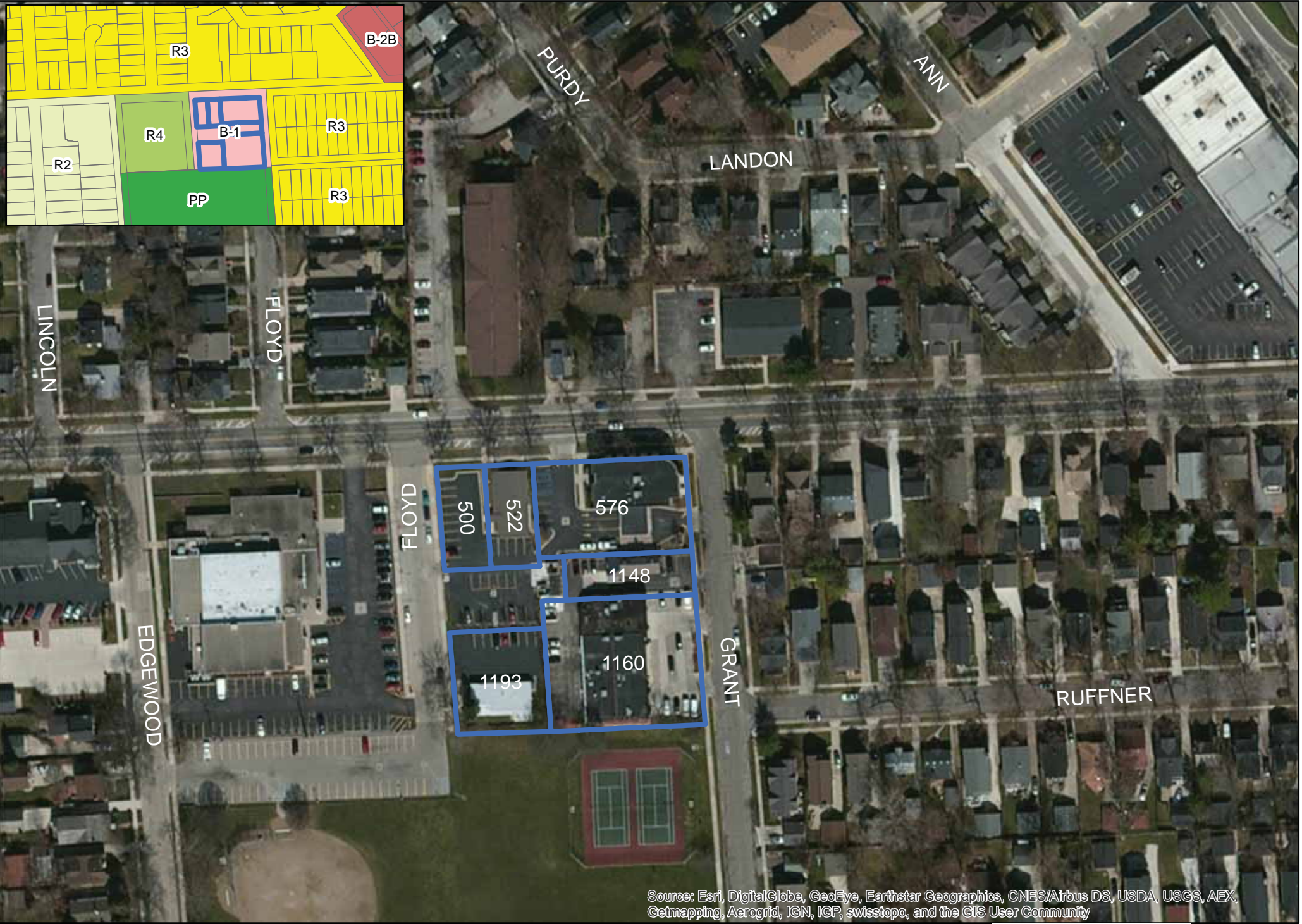
1111, 1137 Holland; 801, 877, 999, 1035, 1105 S Adams Rd;
1108, 1132, 1140 Webster; 1137, 1143 Cole St; 1101, 1120 E Lincoln



 TZ2 Proposals

0 250 500 Feet

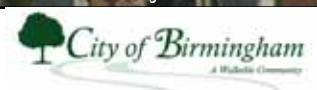
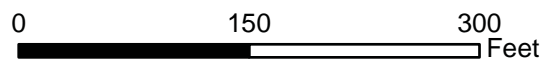
500, 522, 576 E. Lincoln; 1148, 1160 Grant; 1193 Floyd



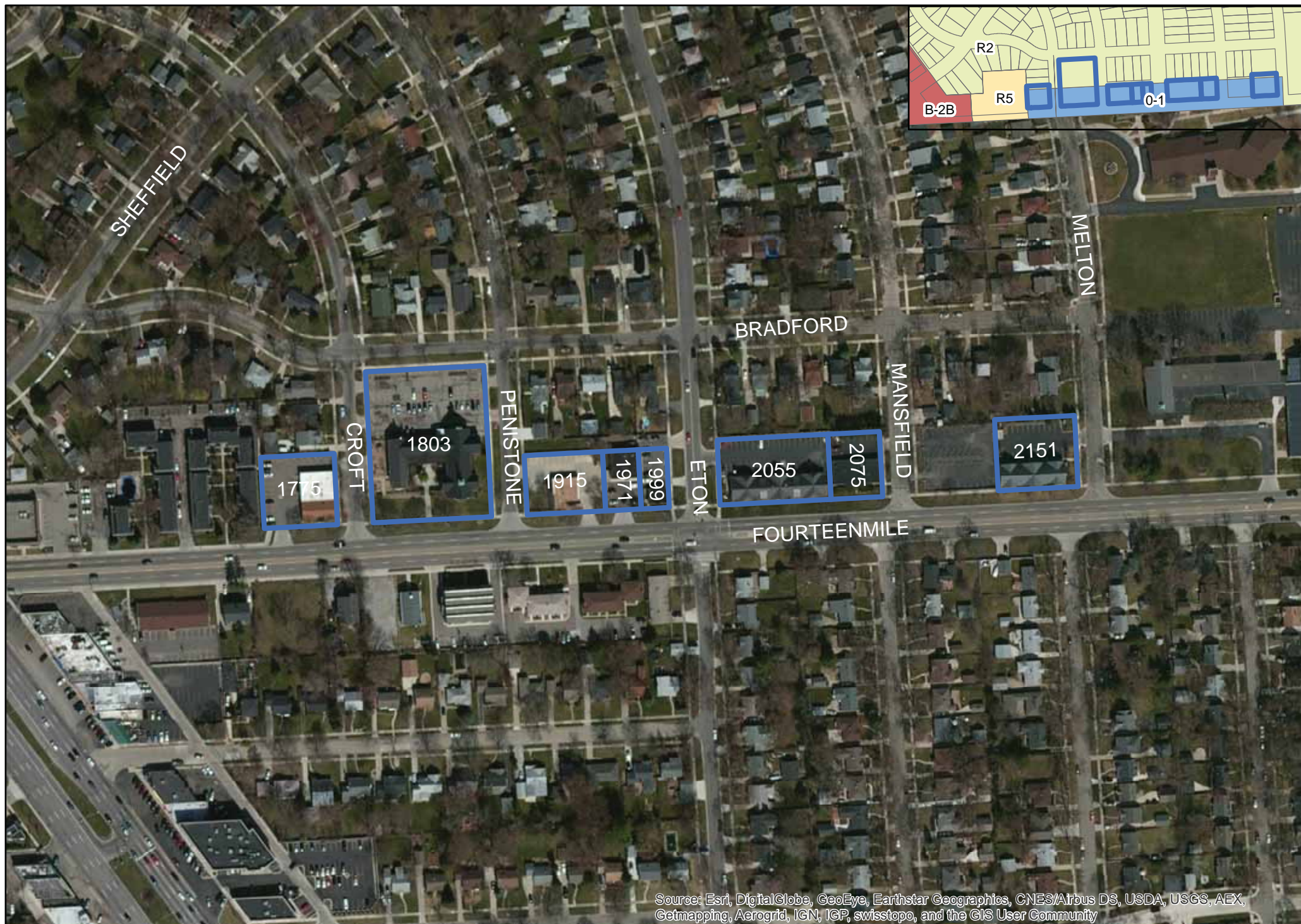
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



TZ2 Proposals



1775, 1803, 1915, 1971, 1999, 2055, 2075, 2151 Fourteen Mile Rd.



TZ2 Proposals

0

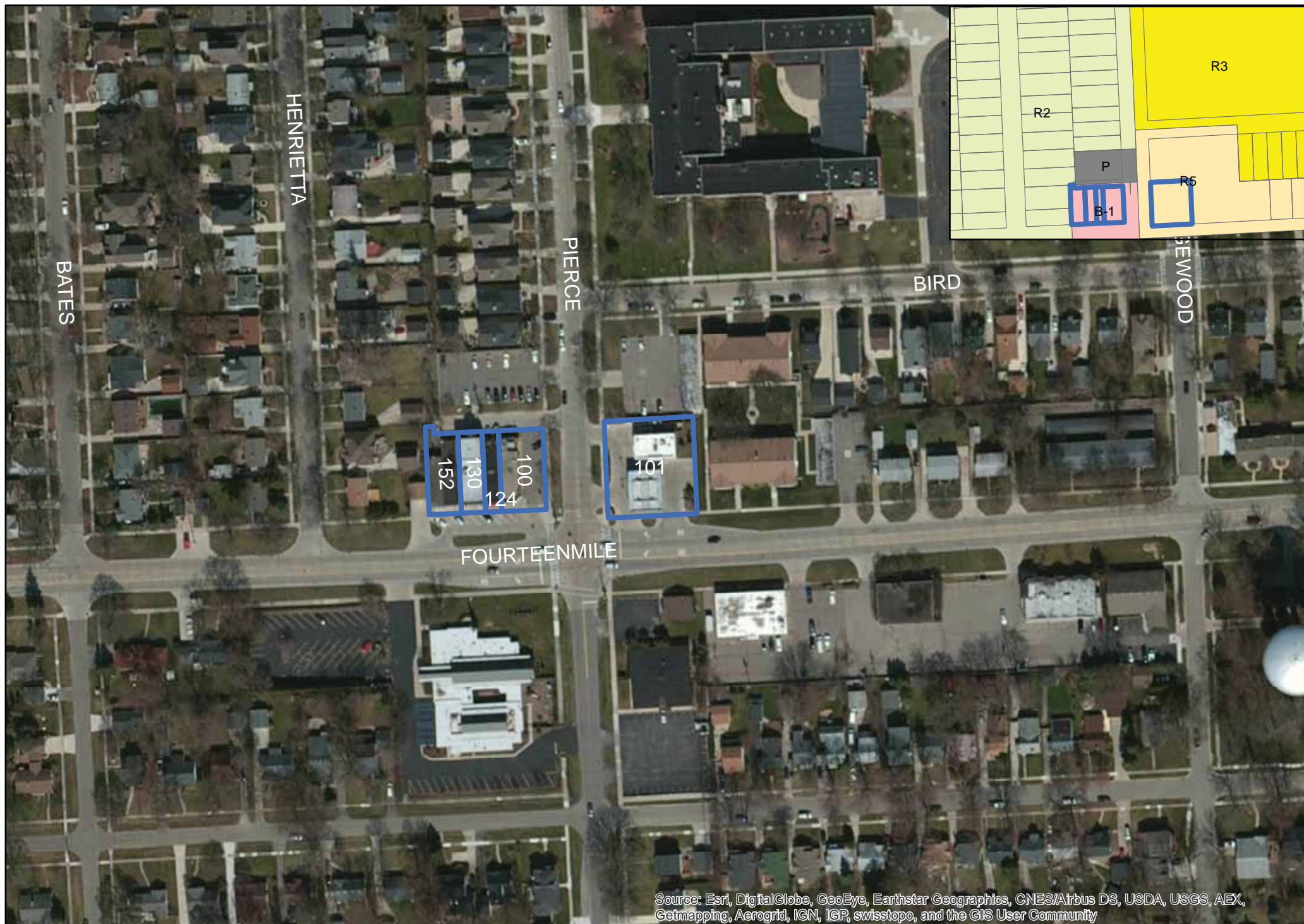
245

490

Feet



100, 124, 130, 152 W Fourteen Mile Rd; 101 E. Fourteen Mile Rd.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

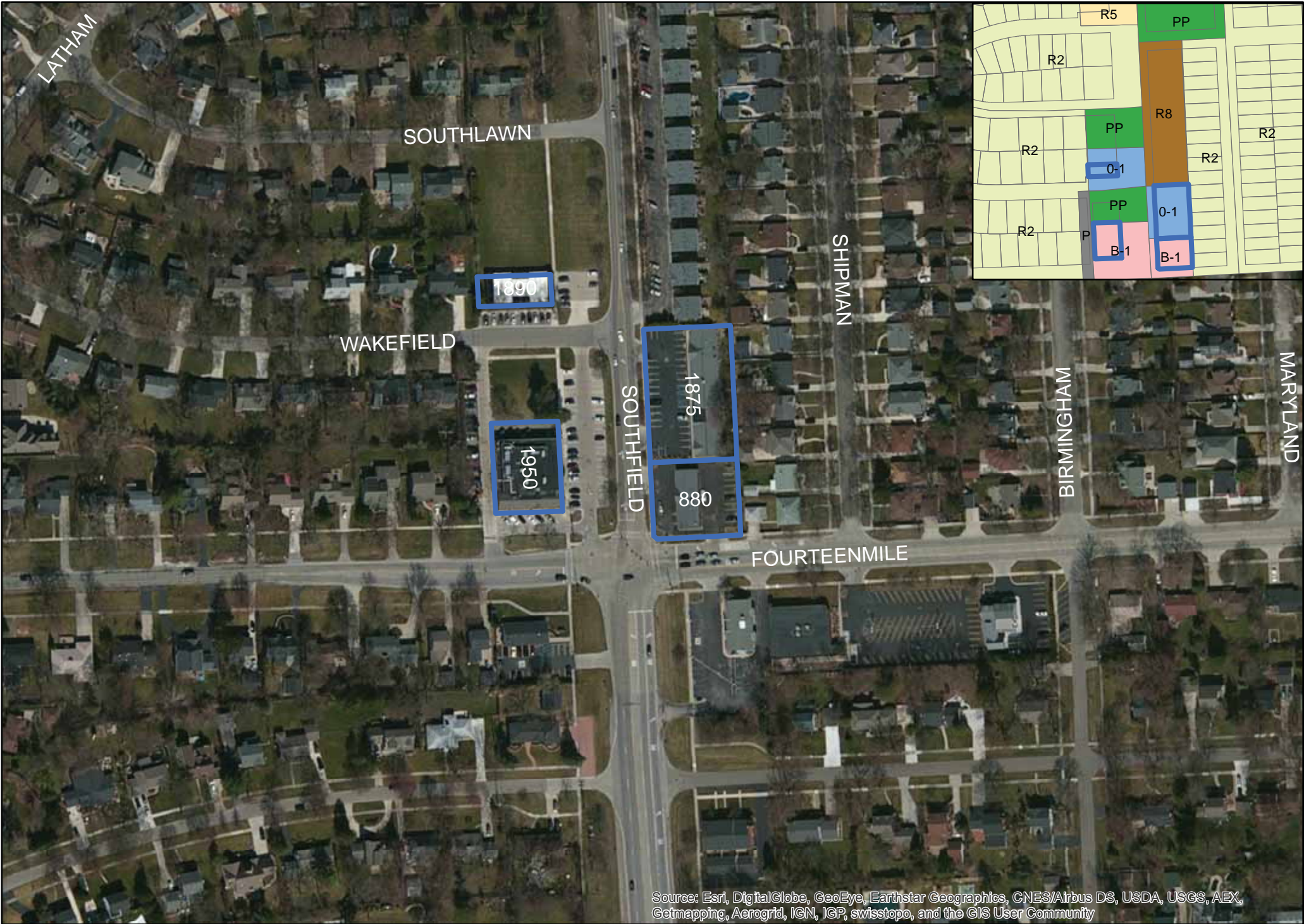


TZ2 Proposals

0 180 360 Feet



1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.

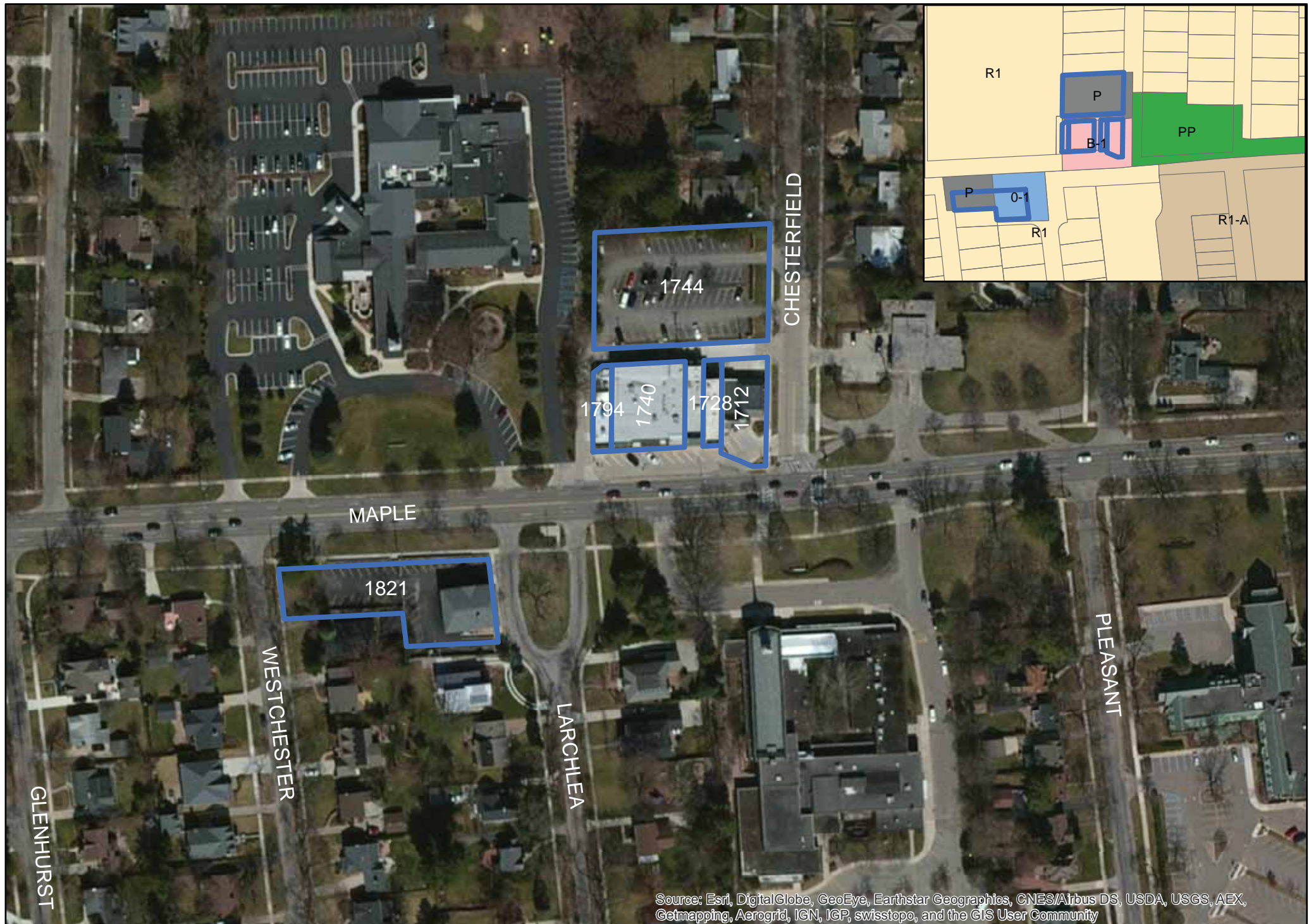


TZ2 Proposals

0 215 430 Feet



1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.

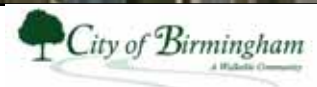


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

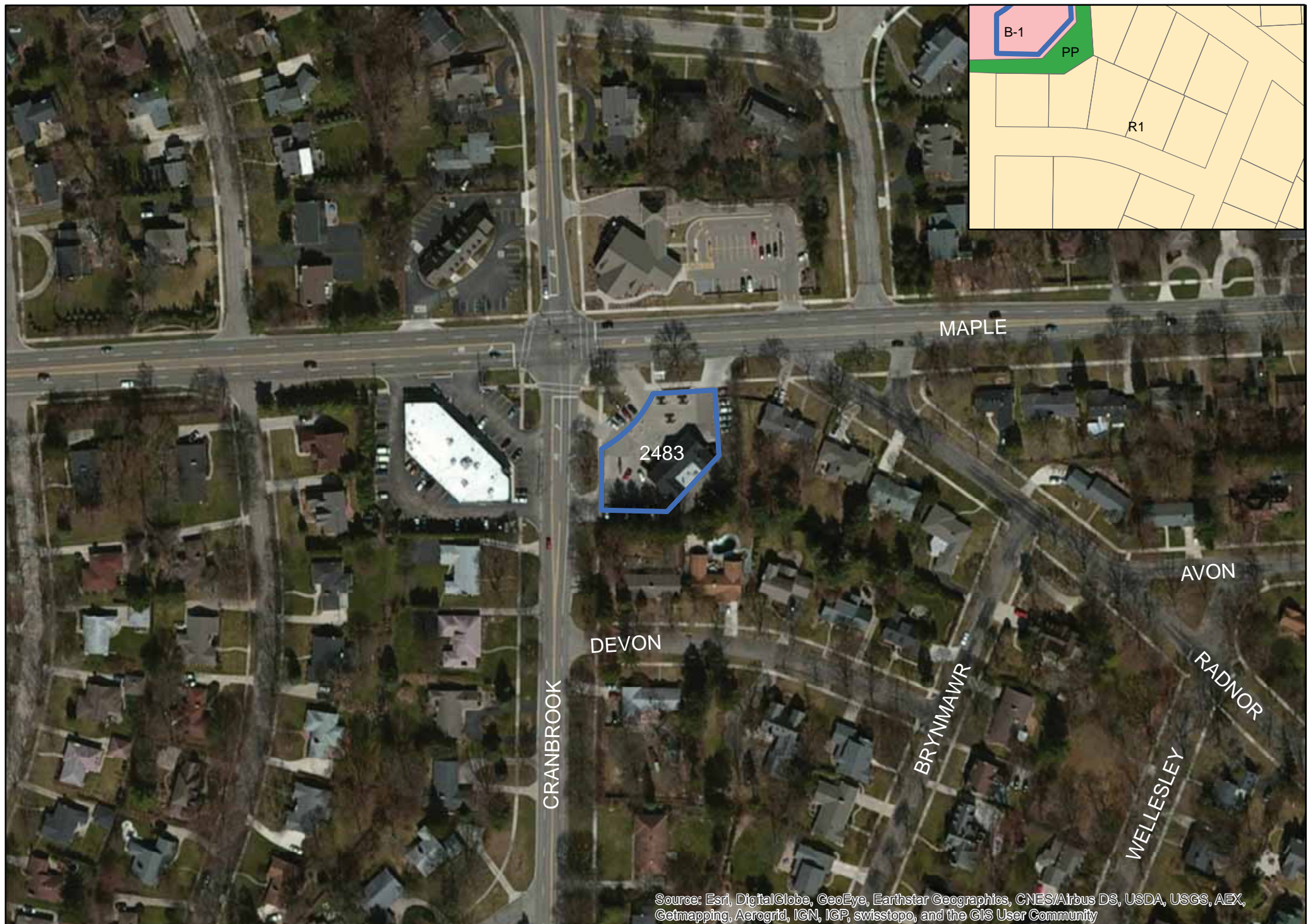


TZ2 Proposals

0 175 350 Feet



2483 W. Maple Rd.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

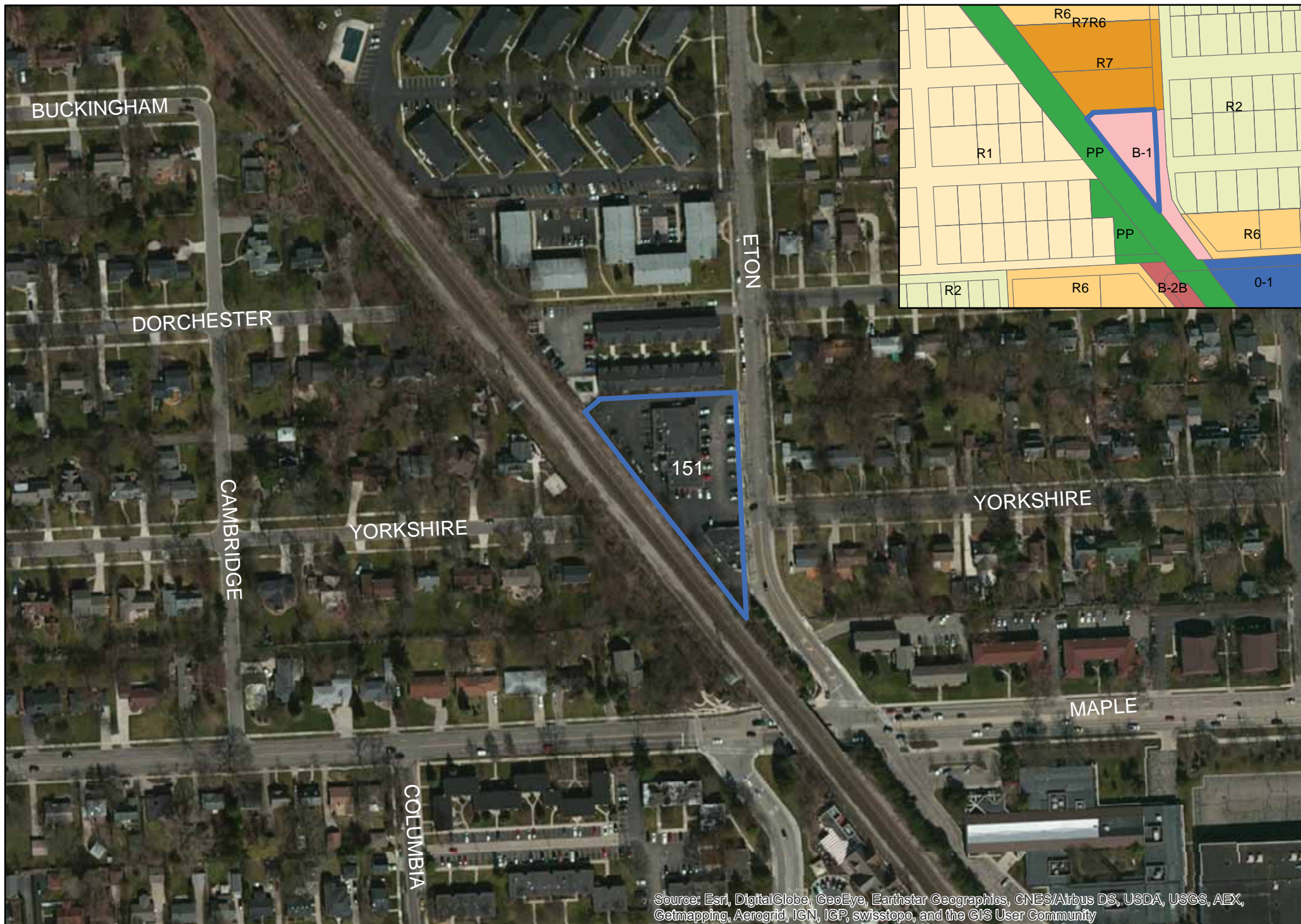


TZ2 Proposals

0 190 380 Feet



151 N. Eaton



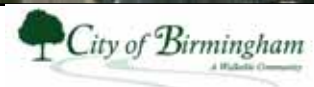
TZ2 Proposals

0

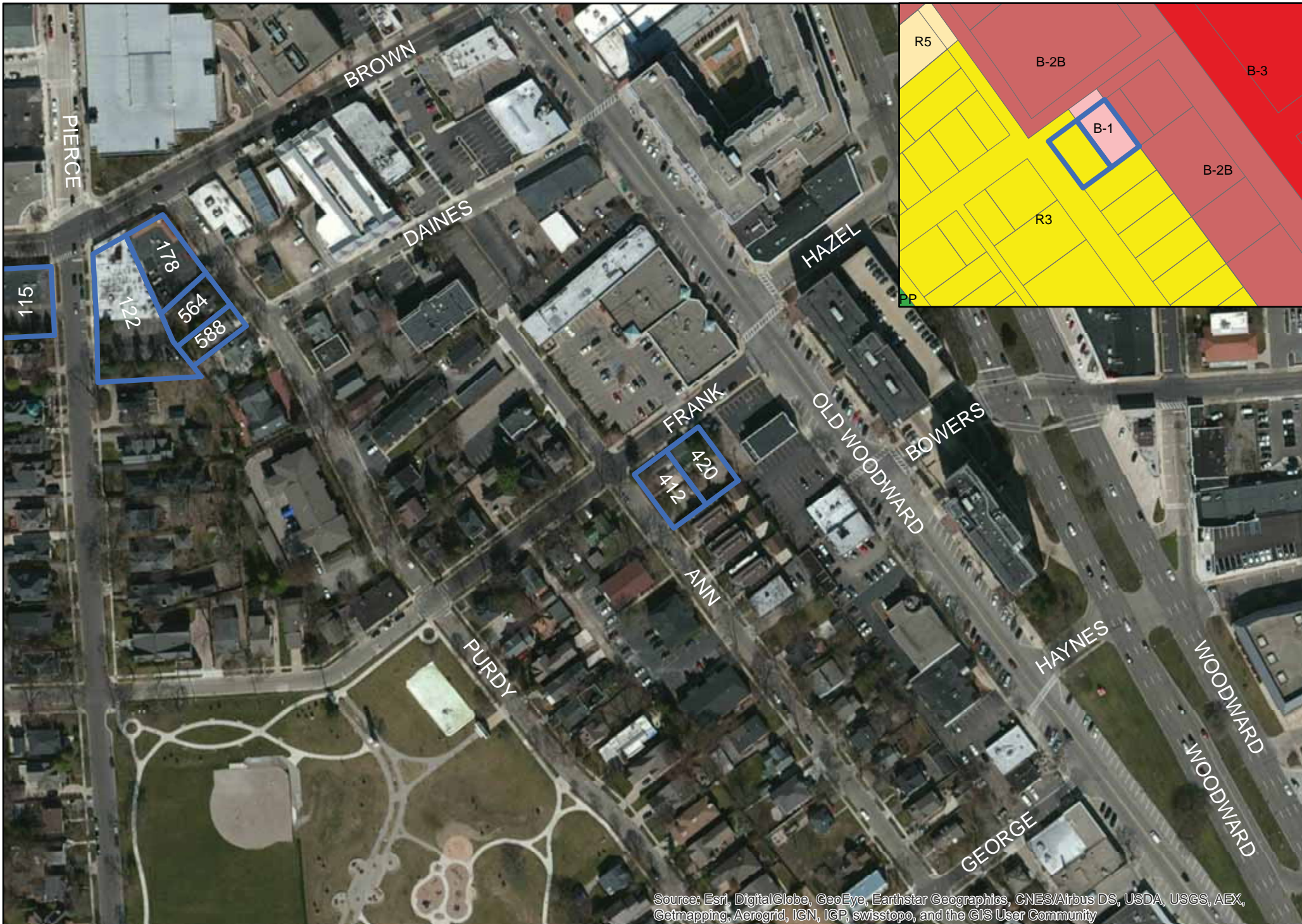
237.5

475

Feet



412 & 420 E. Frank St.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

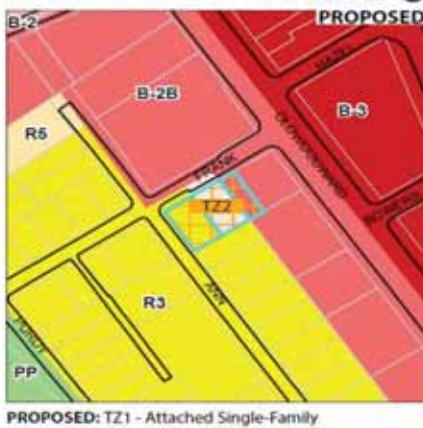
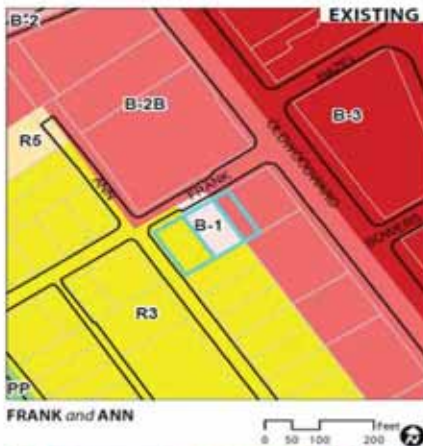


TZ2 Proposals

0 215 430 Feet



E. FRANK— R3/B1/B2B TO TZ2



Total property area – approx. 15,000 sq. ft.

of residential units currently permitted – 1 unit on R3 parcel
0 units on B1 parcel
No limit on B2b parcel

of units permitted under TZ1 zoning - 5

412 E. FRANK - R3 TO TZ2

R3 – Single family Residential

Residential Permitted Uses

- ~~adult foster care group home~~
- dwelling - one-family
- ~~single family cluster*~~

Institutional Permitted Uses

- government office
- school – public

Recreational Permitted Uses

- park

Accessory Permitted Uses

- family day care home*
- ~~garage – private~~
- ~~greenhouse – private~~
- home occupation*
- ~~parking facility – private off-street~~
- ~~parking – public, off-street*~~
- ~~renting of rooms*~~
- ~~sign~~
- ~~swimming pool – private~~
- ~~any use customarily incidental to the permitted principal use~~

Uses Requiring a Special Land Use Permit

- assisted living
- church
- ~~continued care retirement community~~
- independent hospice facility
- independent senior living
- ~~medical rehabilitation facility~~
- ~~parking (accessory) – public, off-street~~
- ~~philanthropic use~~
- ~~public utility building~~
- ~~publicly owned building~~
- school - private
- skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family

Dwelling – multiple family

Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery

Artisan use

Barber/Beauty Salon

Bookstore

Boutique

Drugstore

Gift shop/flower shop

Hardware

Health club/studio

Jewelry store

Neighborhood convenience store

Office

Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery

Bank/credit union with drive-thru

Church or religious institution

Coffee shop

Delicatessen

Dry cleaner

Essential services

Food & drink establishment

Government office/use

Grocery store

Independent hospice facility

Independent senior living

Parking Structure

School – private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

420 E. FRANK - B1 TO TZ2

Institutional Uses

Church
Community center
Government office
Government use
School—private, public
Social Club

Recreational Uses

Recreational club
Swimming pool—public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child-care center
Continued-care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner (now requires SLUP)
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store (now requires SLUP)
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

E. FRANK PARKING – B2B TO TZ2

B2b – General Business

Residential Permitted Uses

- dwelling - multiple-family
- dwelling - one-family*
- dwelling - two family*
- live/work unit

Institutional Permitted Uses

- church
- community center
- garage - public
- government office
- government use
- loading facility - off street
- parking facility - off street
- school - private, public
- social club

Recreational Permitted Uses

- bowling alley
- outdoor amusement*
- recreational club
- swimming pool - public & semiprivate

Commercial Permitted Uses

- auto sales agency
- bakery
- bank
- barber shop/beauty salon
- catering
- child care center
- clothing store
- delicatessen
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment*
- furniture
- greenhouse
- grocery store
- hardware store
- hotel
- jewelry store
- motel
- neighborhood convenience store
- office
- paint
- party store
- retail photocopying
- school business
- shoe store/shoe repair
- showroom of electricians/plumbers
- tailor
- theater*

Other Permitted Uses

- utility substation

Accessory Permitted Uses

- alcoholic beverage sales (off-premise consumption)*
- kennel*

- laboratory - medical/dental*
- loading facility - off street
- outdoor cafe*
- outdoor display of goods*
- outdoor sales*
- outdoor storage*
- parking facility - off-street
- sign

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- assisted living
- auto laundry
- bistro (only permitted in the Triangle District)*
- bus/train passenger station and waiting facility
- continued care retirement community
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- drive-in facility
- establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1; Appendix C)
- funeral home
- gasoline full service station*
- gasoline service station
- independent hospice facility
- independent senior living
- skilled nursing facility
- trailer camp

Uses Requiring City Commission Approval

- regulated uses*

Residential Permitted Uses

Dwelling – attached single family

Dwelling – multiple family

Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery

Artisan use

Barber/Beauty Salon

Bookstore

Boutique

Drugstore

Gift shop/flower shop

Hardware

Health club/studio

Jewelry store

Neighborhood convenience store

Office

Tailor

Uses with SLUP

Any permitted commercial use with i area over 3,000 sq.ft. per tenar

Assisted Living

Bakery (now requires SLUP)

Bank/credit union with drive-thru

Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)

Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School – private and public (now req

Skilled nursing facility

Specialty food shop

BROWN AT PIERCE



BROWN and PURDY, PURDY and DAINES



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: 02

PROPOSED USES: TZ2

Residential Permitted Uses

Adult foster care group home
Dwelling – multiple family
Dwelling – one-family (R5)
Dwelling – two family
Live/work unit
Single family cluster

Institutional Uses

Government office
Philanthropic use
School – public

Recreational Uses

Park
Swimming pool – semiprivate

Commercial Permitted Uses

Art gallery
Bakery
Bank without drive-through facility
Barber/beauty salon
Boutique
Clinic
Clothing store
Flower/gift shop
Hair replacement establishment
Interior design shop
Jewelry store
Leather and luggage goods shop
Office
Photographic studio
Specialty food store
Specialty home furnishing shop
Tailor
Tobacconist
Veterinary clinic

Existing Uses with SLUP

Assisted Living
Bank with drive-through facility
Bistro (only in Triangle District)
Continued care retirement community
Display of broadcast media devices (only permitted with gasoline service station)
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)
Food and drink establishment
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

EXISTING USES: P

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home (R7)~~
Dwelling – multiple-family (R7)
Dwelling – one-family (R7)
~~Dwelling – two-family (R7)~~
Live/work unit
Single family cluster (R7)

Institutional Uses

~~Government office (R7)~~
Parking facility – off street
Philanthropic use
School – public (R7)

Recreational Uses

~~Park (R7)~~
~~Swimming pool – semiprivate (R7)~~

Existing Uses with SLUP

Assisted living
~~Bistro (only in Triangle District)~~
Church
Community center
~~Continued care retirement community~~
Independent hospice facility
Independent senior living
~~Publicly owned building~~
~~Public utility building~~
Recreational club
School - private
Skilled nursing facility
Social club

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure (now requires SLUP)
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

EXISTING USES: R3

PROPOSED USES: TZ2

Residential Permitted Uses

Adult foster care group home
Dwelling – one-family
Single family cluster

Institutional Uses

Government office
School—public

Recreational Uses

Park

Existing Uses with SLUP

Assisted living
Church
Continued care retirement community
Independent hospice facility
Independent senior living
Medical rehabilitation facility
Parking (accessory) – public, off-street
Philanthropic use
Public utility building
Publicly owned building
School - private
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor
area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

S. ADAMS, ADAMS SQUARE TO LINCOLN



S. ADAMS between ADAMS SQUARE and LINCOLN



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: 02

PROPOSED USES: TZ2

Residential Permitted Uses

Adult foster care group home
Dwelling – multiple family
Dwelling – one-family (R5)
Dwelling – two family
Live/work unit
Single family cluster

Institutional Uses

Government office
Philanthropic use
School – public

Recreational Uses

Park
Swimming pool – semiprivate

Commercial Permitted Uses

Art gallery
Bakery
Bank without drive-through facility
Barber/beauty salon
Boutique
Clinic
Clothing store
Flower/gift shop
Hair replacement establishment
Interior design shop
Jewelry store
Leather and luggage goods shop
Office
Photographic studio
Specialty food store
Specialty home furnishing shop
Tailor
Tobacconist
Veterinary clinic

Existing Uses with SLUP

Assisted Living
Bank with drive-through facility
Bistro (only in Triangle District)
Continued care retirement community
Display of broadcast media devices (only permitted with gasoline service station)
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)
Food and drink establishment
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

LINCOLN AT GRANT



E. LINCOLN and GRANT



PROPOSED: TZ2 - Mixed-Use



EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

E. 14 MILE ROAD EAST OF WOODWARD



14 MILE east of WOODWARD



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: 01

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home~~
Dwelling – multiple family
Dwelling – one-family (R5)
~~Dwelling – two family~~
~~Live/work unit~~
Single family cluster

Institutional Uses

~~Government office~~
~~Philanthropic use~~
~~School – public~~

Recreational Uses

~~Park~~
~~Swimming pool – semiprivate~~

Commercial Permitted Uses

Barber/beauty salon
~~Hair replacement establishment~~
Office
~~Veterinary clinic~~

Existing Uses with SLUP

Assisted Living
~~Bistro (only in Triangle District)~~
Church
~~Continued care retirement community~~
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

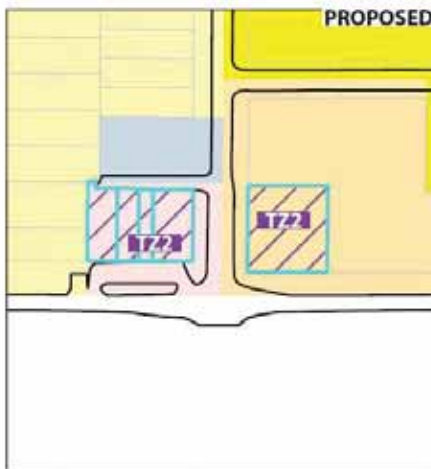
14 MILE ROAD AT PIERCE



14 MILE and PIERCE



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

EXISTING USES: R5

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home (R4)~~
 Dwelling – multiple-family
 Dwelling – one-family (R4)
~~Dwelling – two-family (R4)~~
 Single family cluster (R4)

Institutional Uses

~~Government office (R4)~~
~~Philanthropic use (R4)~~
~~School – public (R4)~~

Recreational Uses

~~Park (R4)~~
~~Swimming pool – semiprivate~~

Existing Uses with SLUP

Assisted living
 Church
~~Continued care retirement community~~
 Independent hospice facility
 Independent senior living
~~Parking (accessory) – public, off-street~~
~~Public utility building~~
~~Publicly owned building~~
 School - private
 Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
 Dwelling – multiple family
 Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
 Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
 Government office/use (now requires SLUP)
Grocery store
 Independent hospice facility
 Independent senior living
 Parking Structure
 School – private and public (now requires SLUP)
 Skilled nursing facility
Specialty food shop

SOUTHFIELD AT 14 MILE



SOUTHFIELD and 14 MILE



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline full service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

EXISTING USES: 01

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home~~
Dwelling – multiple family
Dwelling – one-family (R5)
~~Dwelling – two family~~
~~Live/work unit~~
Single family cluster

Institutional Uses

~~Government office~~
~~Philanthropic use~~
~~School – public~~

Recreational Uses

~~Park~~
~~Swimming pool – semiprivate~~

Commercial Permitted Uses

Barber/beauty salon
~~Hair replacement establishment~~
Office
~~Veterinary clinic~~

Existing Uses with SLUP

Assisted Living
~~Bistro (only in Triangle District)~~
Church
~~Continued care retirement community~~
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

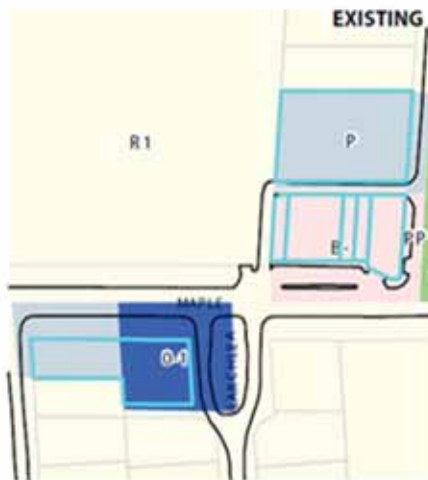
Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

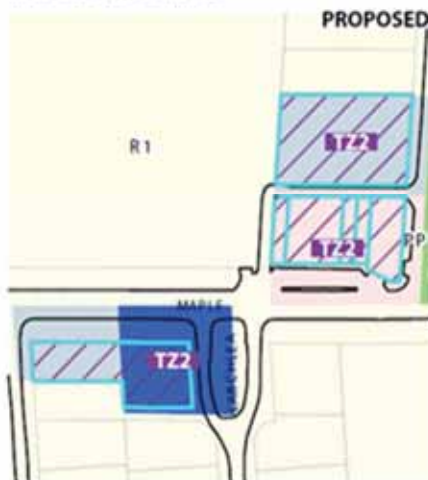
MILLS PHARMACY PLAZA/ W. MAPLE & LARCHLEA



MAPLE and CHESTERFIELD



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

EXISTING USES: 01

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home~~
Dwelling – multiple family
Dwelling – one-family (R5)
~~Dwelling – two family~~
~~Live/work unit~~
Single family cluster

Institutional Uses

~~Government office~~
~~Philanthropic use~~
~~School – public~~

Recreational Uses

~~Park~~
~~Swimming pool – semiprivate~~

Commercial Permitted Uses

Barber/beauty salon
~~Hair replacement establishment~~
Office
~~Veterinary clinic~~

Existing Uses with SLUP

Assisted Living
~~Bistro (only in Triangle District)~~
Church
~~Continued care retirement community~~
Independent hospice facility
Independent senior living
Skilled nursing facility

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

EXISTING USES: P

PROPOSED USES: TZ2

Residential Permitted Uses

~~Adult foster care group home (R7)~~
Dwelling – multiple-family (R7)
Dwelling – one-family (R7)
~~Dwelling – two-family (R7)~~
Live/work unit
Single family cluster (R7)

Institutional Uses

~~Government office (R7)~~
~~Parking facility – off street~~
Philanthropic use
School – public (R7)

Recreational Uses

~~Park (R7)~~
~~Swimming pool – semiprivate (R7)~~

Existing Uses with SLUP

Assisted living
~~Bistro (only in Triangle District)~~
Church
Community center
~~Continued care retirement community~~
Independent hospice facility
Independent senior living
~~Publicly owned building~~
~~Public utility building~~
~~Recreational club~~
School - private
Skilled nursing facility
Social club

Residential Permitted Uses

Dwelling – attached single family
Dwelling – multiple family
Dwelling – single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant
Assisted Living
Bakery
Bank/credit union with drive-thru
Church or religious institution
Coffee shop
Delicatessen
Dry cleaner
Essential services
Food & drink establishment
Government office/use (now requires SLUP)
Grocery store
Independent hospice facility
Independent senior living
Parking Structure (now requires SLUP)
School – private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

W. MAPLE AND CRANBROOK



MAPLE and CRANBROOK



PROPOSED: TZ2 - Mixed-Use



EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

N. ETON



E. MAPLE and N. ETON



Source: Bing



PROPOSED: TZ3 - Mixed-Use



Source: Google



Source: Google

EXISTING USES: B1

PROPOSED USES: TZ2

Institutional Uses

Church
Community center
Government office
Government use
School — private, public
Social Club

Recreational Uses

Recreational club
Swimming pool — public, semiprivate

Commercial Permitted Uses

Bakery
Barber/beauty salon
Drugstore
Dry cleaning
Grocery store
Hardware store
Neighborhood convenience store
Office
Shoe store/shoe repair
Tailor

Other Permitted Uses

Utility substation

Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)
Alcoholic beverage sales (on-premise consumption)
Child care center
Continued care retirement community
Drive-in facility
Gasoline service station
Independent hospice facility
Skilled nursing facility

Residential Permitted Uses

Dwelling — attached single family
Dwelling — multiple family
Dwelling — single family (R3)

Commercial Permitted Uses

Art gallery
Artisan use
Barber/Beauty Salon
Bookstore
Boutique
Drugstore
Gift shop/flower shop
Hardware
Health club/studio
Jewelry store
Neighborhood convenience store
Office
Tailor

Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery (now requires SLUP)
Bank/credit union with drive-thru
Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)
Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School — private and public (now requires SLUP)
Skilled nursing facility
Specialty food shop

APPENDIX E:

City Commission Minutes September 21, 2015

UNFINISHED BUSINESS

09-204-15 CONTINUED PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS TRANSITIONAL ZONING

Mayor Sherman reopened the Public Hearing to consider amendments to Chapter 126, Zoning, of the Code of the City of Birmingham at 7:44 PM.

Planner Baka explained the recent revision to TZ1 requested by the City Commission prohibits garage doors on the front elevation. Commissioner Rinschler pointed out the previous discussion to eliminate all non-residential uses from TZ1. City Manager Valentine noted that any modifications to TZ1 could be addressed tonight.

Mr. Baka explained that TZ1 allows for attached single-family or multi-family two-story residential and provides transition from low density commercial to single family homes. He noted the maximum height is thirty-five feet with a two-story minimum and three-story maximum.

Commissioner McDaniel questioned why other properties on Oakland Street were removed from the original proposal. Mr. Baka explained that it was based on the objections from the homeowners as the current residents did not want their properties rezoned. Commissioner Rinschler pointed out that the rezoning is not about what is there currently, but what could be there in the future.

Mayor Pro Tem Hoff commented that the setback in TZ1 is required to have a front patio or porch which is very limiting with the five foot setback. She questioned why one-story is not allowed. Planner Ecker explained that two-stories will allow for more square footage and it is intended to be a buffer from the downtown to residential.

Commissioner Rinschler suggested that post office, social security office, school, nursing center, and church be removed from the list of uses so it is only residential use. He noted that the City is trying to create a buffer so there are no businesses abutting residential. He suggested a future Commission review the residential standards. Commissioners Dilgard and McDaniel agreed.

Ms. Ecker commented on the front setback requirement. She noted that the development standards include a waiver which would allow the Planning Board to move the setback further if a larger patio or terrace is desired.

Commissioner Nickita commented on the additional uses in TZ1. He noted that this is a zoning designation which is essentially residentially focused allowing for multi-family. He stated that those uses which stand out to be residential are independent senior living and independent

hospice which are aligned with multi-family residential uses. The Commission discussed the intensity of each use including assisted living.

Mayor Sherman summarized the discussion from the Public Hearing at the previous meeting. He explained that the three ordinances were presented to the Commission – TZ1 which is strictly residential; TZ2 which is residential, but allows for some commercial; and TZ3 which does allow for residential, but is more commercial in nature. At the hearing, people were comfortable with the language in TZ2 and TZ3. There were concerns and questions with TZ1 and the Commission requested staff make revisions to TZ1. The Commission then discussed the parcels that were proposed to be rezoned into the TZ2 and TZ3 categories. Discussion was not held regarding the TZ1 parcels at that time.

Commissioner Nickita suggested that in considering the commercial permitted uses and the Special Land Use Permit (SLUP) uses that several uses would be better served with a SLUP such as convenience store, drug store, and hardware store. Commissioners Rinschler and Hoff agreed.

Commissioner Rinschler noted the trouble with defining uses. He questioned why not let all the uses require SLUP's. Commissioner McDaniel suggested developing standards to evaluate SLUP's. Commissioner Nickita noted that it is not a one size fits all.

Mayor Sherman summarized the discussion that TZ1 would be restricted to solely residential; in TZ2 residential would be allowed, but any commercial uses would require a SLUP; in TZ3 would remain as drafted.

Bill Finnicum, 404 Bates, stated that having zero to five foot setbacks is impractical. He suggested that the biggest danger is losing the character and rhythm of the streets.

Michael Murphy, 1950 Bradford, stated that the suggestion to require a SLUP is an acceptable compromise.

In response to a question from Commissioner Moore regarding parking, Ms. Ecker explained that commercial entities must provide for their own parking on-site if they are not in the parking assessment district. On-street parking can only be counted if the property is located in the triangle district.

Reed Benet, 271 Euclid, stated that changing the zoning from single family residential to protect single family residential is illogical.

Ms. Ecker confirmed for David Crisp, 1965 Bradford, that the parcels on 14 Mile would not be able to count the on-street parking unless they came through a separate application process and tried to get approval of the City Commission.

A resident at 1895 Bradford stated that the more uses which are subject to a SLUP would decrease the predictability of the neighborhood in the future and the value of the zoning effort.

Benjamin Gill, 520 Park, stated that the height of the buildings should be controlled by the neighborhood.

Irving Tobocman, 439 Greenwood, questioned the restriction on the depth of a porch relative to the setback on the street.

David Kolar, commercial real estate broker, expressed concern with the unintended consequences of making everything a SLUP. He noted that a SLUP is a high barrier of entry for small businesses. He suggested defining the appropriate uses in the TZ1, TZ2, and TZ3 districts.

Erik Morganroth, 631 Ann, expressed support of the idea of limitations and commented that the SLUP is most appropriate.

Mr. Baka discussed the parcels proposed in TZ1. He noted the proposal increases the number of units currently permitted at 404 Park from two to four, increase the number of units currently permitted on the parcel at Willits and Chester from two units to a maximum of five, and set the number of units currently permitted on the post office parcel from no limit to one unit for every 3,000 square feet. He discussed the lot area and setbacks.

Mr. Baka confirmed for Mayor Pro Tem Hoff that if the post office moved, a single family residential would be permitted.

Commissioner Rinschler expressed concern that only one lot was included in the 404 Park area. He suggested either extend it to the other parcels on Oakland Street or direct the Planning Board to reopen the hearing to redo the process including all three parcels.

Commissioner Moore stated that there is still a strong potential of economic viability to having those remain single family residential. The purpose of the ordinance is not to invade or lessen a neighborhood, but to enhance the neighborhood by protecting it and ensuring it will be contextual and there are building standards. Commissioner McDaniel agreed.

Commissioner Dilgard stated that the Planning Board was correct with the proposed zoning on 404 Park.

Mayor Sherman pointed out that Commission Nickita recused himself from 404 Park as he was involved with a project with someone who has an interest in 404 Park.

Mayor Sherman agreed with Commissioner Rinschler and noted that the zoning that is suggested does not make a lot of sense.

The following individuals spoke regarding 404 Park:

- Debra Frankovich expressed concern with sectioning out one double lot as it appears to support one property owners best interest.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that to single out one parcel is not appropriate.
- Benjamin Gill, 525 Park, expressed opposition to the rezoning of this parcel.
- Bill Finnicum, 404 Bates, commented that the rezoning will only benefit the property owner and will harm the adjacent property owner.

- Chuck DiMaggio, with Burton Katzman Development, explained the history of the property and noted that the Planning Board has spent thirty months studying 404 Park and the other transitional properties.
- Brad Host, 416 Park, stated that the residents are not interested in being rezoned.
- Kathryn Gaines, 343 Ferndale, agreed that Oakland is the buffer. She questioned what four units on that corner bring to the neighborhood that two could not.
- Bev McCotter, 287 Oakland, stated that she does not want the development of this lot into four units.
- Jim Mirro, 737 Arlington, stated that Oakland is the buffer and stated that the parcel should not be rezoned as proposed.
- Ann Stallkamp, 333 Ferndale, stated that she is against the TZ1 rezoning on Park and stated that 404 Park should be taken off the list.
- David Bloom questioned the number of units which would be allowed on the Bowers property.
- Reed Benet, 271 Euclid, commented that it is illogical that this has gone on for three years.
- Chuck DiMaggio, with Burton Katzman Development, noted that they want to do something that benefits the community and provide the proper transition and lead in to the downtown and is compatibility with the neighborhood.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that this is not a transition zone and there are ways to put more than one unit on the parcel.

The Mayor closed the Public Hearing at 9:21 PM.

MOTION: Motion by Rinschler, seconded by Dilgard:

To adopt the ordinances amending Chapter 126, Zoning, of the Code of the City of Birmingham as suggested with the following modifications: to modify TZ1 with the changes presented plus the elimination of all non-residential uses; to modify TZ2 that all commercial uses require a SLUP, and TZ3 would remain as proposed: (TZ2 RESCINDED)

- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

Commissioner Moore commented that an important part of this package is the building standards for the transitional areas where commercial abuts residential. Requiring SLUP's in the TZ2 district will be more cumbersome for the small proprietor. There may be some unintended consequences.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Rinschler, seconded by Dilgard:

To amend Chapter 126, Zoning, of the Code of the City of Birmingham, Article 4, all Sections noted below, to apply to each Section to the newly created TZ1, TZ2, and/or TZ3 Zone Districts as indicated: (TZ2 RESCINDED)

Ordinance Section Name	Section Number	Applicable Zone to be Added
Accessory Structures Standards (AS)	4.02 4.03 4.04	TZ1, TZ2, TZ3 TZ1 TZ1, TZ2, TZ3
Essential Services Standards (ES)	4.09	TZ1, TZ2, TZ3
Fence Standards (FN)	4.10 4.11	TZ1, TZ2, TZ3 TZ1
Floodplain Standards (FP)	4.13	TZ1, TZ2, TZ3
Height Standards (HT)	4.16 4.18	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Landscaping Standards (LA)	4.20	TZ1, TZ2, TZ3
Lighting Standards (LT)	4.21 4.22	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Loading Standards (LD)	4.24	TZ1, TZ2, TZ3
Open Space Standards (OS)	4.30	TZ1, TZ2, TZ3
Outdoor Dining Standards (OD)	4.44	TZ2, TZ3

Parking Standards (PK)	4.45 4.46 4.47	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Screening Standards (SC)	4.53	TZ1, TZ2, TZ3
Setback Standards (SB)	4.58	TZ1, TZ2, TZ3
Structure Standards (SS)	4.69	TZ1, TZ2, TZ3
Temporary Use Standards (TU)	4.77	TZ1, TZ2, TZ3
Utility Standards (UT)	4.81	TZ2, TZ3
Vision Clearance Standards (VC)	4.82	TZ1, TZ2, TZ3
Window Standards (WN)	4.83	TZ2, TZ3

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Hoff, seconded by Nickita:
To amend Article 9, Definitions, Section 9.02 to add definitions for boutique, parking, social club, tobacconist, indoor recreation facility, and specialty food store.

VOTE: Yeas, 7
Nays, None Absent, None

In response to a question from Commissioner Nickita, City Manager Valentine explained that there was a question on the current use of the property at 412 & 420 East Frank zoned R3.

Staff has determined that the property appears to be in violation of the zoning ordinance with regard to the current use. It is currently under investigation as the current zoning is residential and the current use appears to be commercial. He noted that it is an enforcement issue.

City Attorney Currier stated that the Commission action on the rezoning is independent of the violation. He stated that staff has not had access to the property as of yet.

Commissioner Nickita stated that the current use may have an effect on how the Commission views the property. Commissioner Rinschler responded that the current use has no bearing on the future zoning.

MOTION: Motion by Hoff, seconded by McDaniel:

To approve the rezoning of 412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI. from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ2 – Mixed Use to allow commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

Mr. Baka explained for Patty Shayne that the property would be commercial or residential zone.

Erik Morganroth, 631 Ann, questioned why R3 would not be zoned TZ1 as it is a corner buffer lot.

Eric Wolfe, 393 Frank, stated that rezoning is not necessary on these parcels.

Nirav Doshi, 659 Ann, stated that the R3 should not be converted to TZ2. It should stay residential.

The Commission discussed the possibility of removing R3 out of the motion. Mayor Pro Tem Hoff suggested amending the motion to remove R3. There was no second.

Commissioner McDaniel suggested referring this back to the Planning Board to consider what has been proposed. Mr. Baka noted that the property owner requested to be in the study so they could consolidate the parcels under a single zone. Commissioner Nickita concurred that this should be reconsidered at the Planning Board level.

Mayor Pro Tem Hoff withdrew the motion. MOTION WITHDRAWN

MOTION: Motion by Nickita, seconded by Rinschler:

To send this item back to the Planning Board with direction based on the conversation tonight.

VOTE: Yeas, 7

Nays, None Absent, None

MOTION: Motion by McDaniel, seconded by Nickita:

To approve the rezoning of 151 N. Eton, Birmingham MI from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

Dorothy Conrad stated that the Pembroke neighborhood does not object.

David Kolar stated that he was in favor of TZ2, until the SLUP requirement was added tonight which he objects. He stated that an identified number of basic uses is needed as these are small units.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Hoff, seconded by McDaniel:

To approve the rezoning of 2483 W. Maple Rd. Birmingham MI. from B1- Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7

Nays, None Absent, None

MOTION: Motion by Dilgard, seconded by McDaniel:

To approve the rezoning of 1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI. from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by Dilgard:

To approve the rezoning of 880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI. from B1-Neighborhood Business and O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by Hoff:

To approve the rezoning of 100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd., Birmingham, MI. from B1-Neighborhood Business, P-Parking, and R5-Multi-Family Residential to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by McDaniel, seconded by Moore:

To approve the rezoning of 1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI. from O1-Office to TZ2-Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (NO VOTE TAKEN)

Commissioner Moore stated that he will oppose this item. He stated that he approves the concept, but thinks the timing is wrong due to future changes to Woodward Avenue.

Dorothy Conrad noted that the current uses along 14 Mile Road are offices. There is no benefit to the neighborhood by changing the zoning to allow commercial uses with a SLUP.

David Kolar stated his objection and noted that the property owners should be notified that every use now requires a SLUP. It is a big change for a property owner.

City Attorney Currier stated the addition of the SLUP requirement is an additional restriction which was not part of the original notice to the property owners. He noted that this could be an issue for those not aware that the SLUP requirement was added tonight. In response to a question from the Commission, Mr. Currier confirmed that renotification to the property owners would be needed and the ordinance to add the SLUP restriction would have to go back to the Planning Board.

MOTION: Motion by Nickita, seconded by Hoff:

To rescind the motions regarding TZ2 for review of the Planning Board.

VOTE: Yeas, 7

Nays, None Absent, None

Mr. Valentine explained that TZ2 will be sent back to the Planning Board to hold a public hearing to incorporate the proposed language to include the SLUP restriction for commercial uses, and then back to the City Commission.

MOTION: Motion by Hoff, seconded by McDaniel:

To rescind the adoption of the TZ2 ordinance and all housekeeping pertaining to TZ2, but not TZ1 or TZ3, and refer TZ2 to the Planning Board per the discussion and to have the Planning Board take into consideration the discussion from the City Commission and from the public to arrive at a conclusion.

Commissioner Dilgard stated that he does not agree with the direction that everything has to be a SLUP. If it is sent back to the Planning Board, he suggested a SLUP be required for properties 1500 square feet or greater rather than just a blanket SLUP regardless the size of the property.

Commissioner McDaniel agreed and expressed concern that a 1500 square foot store would have to pay high fees for the approvals.

VOTE: Yeas, 7

Nays, None Absent, None

MOTION: Motion by Hoff, seconded by Nickita:

To approve the rezoning of 36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by McDaniel:

To approve the rezoning of 1221 Bowers & 1225 Bowers Birmingham, MI from O1- Office/ P -

Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Dilgard, seconded by Hoff:

To approve the rezoning of 400 W. Maple Birmingham, MI from O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by Dilgard:

To approve the rezoning of 191 N. Chester Rd. Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7
Nays, None Absent, None

Mr. Currier noted that a protest petition was received on 404 Park which requires a $\frac{3}{4}$ vote of the elected Commission. Mayor Sherman noted that six votes are needed and Commissioner Nickita has recused himself from this item.

MOTION: Motion by Dilgard, seconded by Moore:

To approve the rezoning of Parcel # 1925451021, Known as 404 Park Street, Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

Commissioner Rinschler stated that if a buffer zone is being created, it should include properties further down Oakland. He stated that he considers rental properties as commercial development.

Mayor Pro Tem Hoff stated that she will not support the motion. She noted that the plans look good, however she has heard from residents who are very unhappy about this.

Mayor Sherman noted that he will not support the motion. If a buffer zone is going to be created, it should be the entire side of the street. He noted that Oakland is an entranceway into the City. Eventually, there may be that transition, but now is not the time.

VOTE: Yeas, 3 (Dilgard, McDaniel, Moore) Nays, 3 (Hoff, Rinschler, Sherman)
Absent, None Recusal, 1 (Nickita)

Commissioner Rinschler and Commissioner Dilgard agreed that this should be referred back to the Planning Board based on the discussion.

Planning Board Minutes
March 9, 2016

4. Transitional Zoning (TZ-2)

Chairman Clein noted the purpose of this study session is to re-acquaint the board with the process thus far so they can determine what the next steps might be.

Ms. Ecker recalled that on September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board for further study, along with those properties that had been recommended for rezoning to the new TZ-2 Zone District. The City Commission asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 District Special Land Use Permits ("SLUPs").

Consensus was that the board will only look at the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Ms. Whipple-Boyce said it would be helpful to have the commercial uses that were approved for TZ-1 and TZ-3 when the board is looking at the uses of TZ-2. Mr. Williams agreed the charts would be very helpful. Also he would like to see a Google map of the TZ-2 properties to understand their context from all sides.

Planning Board Minutes
April 13, 2016

STUDY SESSION

Transitional Zoning TZ-2

Ms. Ecker recalled that on March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction from the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ-1, TZ-2 and TZ-3 at the next meeting, and to prepare aerial maps for each of the proposed TZ-2 properties to assist the board in understanding the neighborhood context in each case. Charts, maps and aerial photos were included in this month's materials for review by the board.

Ms. Ecker noted that the only difference between TZ-2 and TZ-3 is that TZ-3 allows a veterinarian office and a 1,000 sq. ft. larger commercial space without needing a Special Land Use Permit ("SLUP").

Mr. Williams recalled there were a number of former Commissioners who felt that all of TZ-2 should have SLUPs for permitted uses. He has no idea what the new City Commission wants to do with TZ-2. Personally, he is opposed to a SLUP for everything. He thought the SLUP should only come into play if the uses go beyond what was originally permitted in the underlying zoning. What is developed in TZ-2 is not a significant expansion, but it is a consolidation. All of the properties coming from the categories where it is not a significant expansion would stay as TZ-2. Create a TZ-4, basically three or four properties along Fourteen Mile Rd., and give them SLUPs. In his view a few properties caused TZ-2 to be derailed by the former City Commission. Now the only unknown is what this City Commission wants. He doesn't think the Planning board was that far off in its original presentation to them.

Chairman Clein wondered if TZ-2 should be a bit more restrictive with fewer permitted uses so there is more of a separation between TZ-2 and TZ-3.

Mr. Boyle thought TZ-2 should be simplified so there is the intent of having a modest amount of mixed uses with some commercial activity, and there are not lots of regulations which is what a SLUP is. Discussion concerned making health club a SLUP use because of the need for parking, and its effect on the neighborhood. Mr. Williams suggested making anything a SLUP that impinges on the neighborhood in terms of its demands. Leave many of the uses the way they are because they are not that controversial.

Ms. Whipple-Boyce felt differently. She wanted to take some of the SLUP uses and put them into permitted uses because she thinks the whole idea is to activate the buildings and get small

business owners into the spaces. She feels the board went wrong by taking some of the permitted uses away, and they have become too restrictive with what is being proposed for TZ-2. Mr. Jeffares thought that once you restrict the uses you will end up with empty stores.

Mr. Williams recalled that back in history the board took out some of the most objectionable uses. Their mistake was that they didn't report on that to the City Commission as part of this package. Now when they go forward to the Commission they have to go back and tell the whole story because the Commission needs to understand the original charge years ago and what has happened since. Mr. Boyle added that in the joint session it behooves this board to be very clear about what it wants and not apologize.

Ms. Whipple-Boyce thought there could be a way to clean up the uses so there is a better distinction between TZ-2 and TZ-3. Mr. Boyle said that understanding the long history is important along with presenting it in a logical simplified way to the Commission.

The group's consensus was to remove from TZ-2 drycleaner, grocery store, delicatessen, parking structure; make health club a SLUP; move coffee shop and bakery up from uses requiring a SLUP to permitted uses. All TZ-2 requirements kick in upon a change in use. A 3,000 sq. ft. limitation applies to permitted uses. Larger permitted uses require a SLUP.

It was agreed to look at the revised list of uses and start talking about them at the next study session.

Planning Board Minutes April 13, 2016

STUDY SESSION

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It was agreed to look at the revised list of uses and start talking about them at the next study session.

APPENDIX F:

	TZ1	TZ2	TZ3
Residential Permitted Uses	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family 	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family 	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family
Commercial Permitted Uses		<ul style="list-style-type: none"> • Art gallery • Artisan use • Bakery • Barber/beauty salon • Bookstore • Boutique • Coffee shop • Drugstore • Gift shop/flower shop • Hardware • Health club/studio • Jewelry store • Neighborhood convenience store • Office • Tailor 	<ul style="list-style-type: none"> • Art gallery • Artisan use • Barber/beauty salon • Bookstore • Boutique • Drugstore • Gift shop/flower shop • Hardware • Health club/studio • Jewelry store • Neighborhood convenience store • Office • Tailor
Accessory Permitted Uses	<ul style="list-style-type: none"> • Family day care home • Home occupation* • Parking – off-street 	<ul style="list-style-type: none"> • Family day care home • Home occupation* • Parking – off-street 	<ul style="list-style-type: none"> • Family day care home • Home occupation* • Parking – off-street

	TZ1	TZ2	TZ3
Uses Requiring a Special Land Use Permit	<ul style="list-style-type: none"> • Assisted Living • Church and Religious Institution • Essential services • Government Office/Use • Independent hospice facility • Independent senior living • Parking Structure • School – private and public • Skilled nursing facility 	<ul style="list-style-type: none"> • Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant • Assisted living • Bakery • Bank/credit union with drive-thru • Church and religious institution • Coffee shop • Delicatessen • Dry cleaner • Essential services • Food and drink establishment • Government office/use • Grocery store • Health club/studio • Independent hospice facility • Independent senior living • Parking structure • School – private and public • Skilled nursing facility • Specialty food shop 	<ul style="list-style-type: none"> • Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant • Assisted living • Bakery • Bank/credit union with drive-thru • Church and religious institution • Coffee shop • Delicatessen • Dry cleaner • Essential services • Food and drink establishment • Government office/use • Grocery store • Independent hospice facility • Independent senior living • Parking structure • School – private and public • Skilled nursing facility • Specialty food shop • Veterinary clinic

TRANSITIONAL ZONING

May 23, 2016

WHAT IS THE INTENT OF TRANSITIONAL ZONING?

- Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.
- Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.

WHAT WILL CHANGE WITH TRANSITIONAL ZONING?

- **Establishment of a new residential only zone - TZ1**
- **Minor Changes of development standards in commercial zones - TZ2**
- **New mixed use zone - TZ3**
- **Setbacks will increase in some cases in TZ1 & TZ2**
- **Additional uses are proposed in TZ2 & TZ3**

NEW BUILDING HEIGHTS

- **TZ1: Attached Single Family**
 - Maximum height of 35 ft, 3 stories
 - Current zones allow 40 ft (R6), 50 ft (R7) and 30 ft (R8)
- **TZ2: Mixed Use**
 - Maximum height of 30 ft, 2 stories
 - Current zones allow 28ft (O2), or 30ft (B1), or 50 ft (P) maximum height
 - All setbacks remain the same
- **TZ3: Mixed Use**
 - Maximum height of 42 ft, 3 stories

NEW PERMITTED USES (AS ORIGINALLY PROPOSED)

	TZ1	TZ2	TZ3
Residential Permitted Uses	<ul style="list-style-type: none"> Dwelling – attached single family Dwelling – single family (R3) Dwelling – multi-family 	<ul style="list-style-type: none"> Dwelling – attached single family Dwelling – single family (R3) Dwelling – multi-family 	<ul style="list-style-type: none"> Dwelling – attached single family Dwelling – single family (R3) Dwelling – multi-family
Commercial Permitted Uses		<ul style="list-style-type: none"> Art gallery Artisan use Barber/beauty salon Bookstore Boutique Drugstore Gift shop/flower shop Hardware Health club/studio Jewelry store Neighborhood convenience store Office Tailor 	<ul style="list-style-type: none"> Art gallery Artisan use Barber/beauty salon Bookstore Boutique Drugstore Gift shop/flower shop Hardware Health club/studio Jewelry store Neighborhood convenience store Office Tailor
Accessory Permitted Uses	<ul style="list-style-type: none"> Family day care home Home occupation* Parking – off-street 	<ul style="list-style-type: none"> Family day care home Home occupation* Parking – off-street 	<ul style="list-style-type: none"> Family day care home Home occupation* Parking – off-street
Uses Requiring a Special Land Use Permit	<p>TZ1</p> <ul style="list-style-type: none"> Assisted Living Church and Religious Institution Essential services Government Office/Use Independent hospice facility Independent senior living Parking Structure School – private and public Skilled nursing facility 	<p>TZ2</p> <ul style="list-style-type: none"> Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant Assisted living Bakery Bank/credit union with drive-thru Church and religious institution Coffee shop Delicatessen Dry cleaner Essential services Food and drink establishment Government office/use Grocery store Health club/studio Independent hospice facility Independent senior living Parking structure School – private and public Skilled nursing facility Specialty food shop 	<p>TZ3</p> <ul style="list-style-type: none"> Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant Assisted living Bakery Bank/credit union with drive-thru Church and religious institution Coffee shop Delicatessen Dry cleaner Essential services Food and drink establishment Government office/use Grocery store Independent hospice facility Independent senior living Parking structure School – private and public Skilled nursing facility Specialty food shop Veterinary clinic

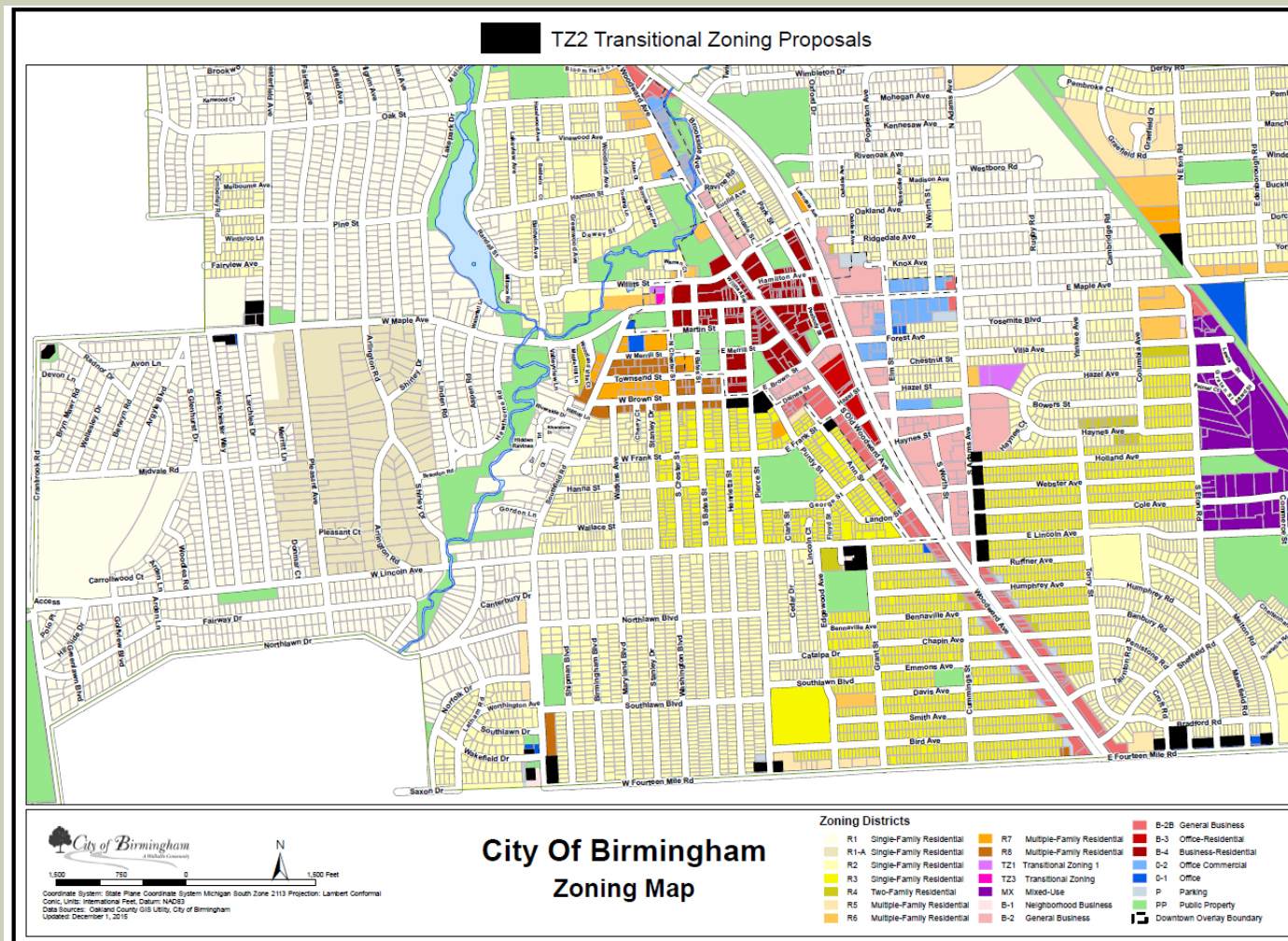
CONTROLS ON COMMERCIAL USES

- All uses larger than 3,000 sq. ft. in TZ2 or 4,000 sq. ft. in TZ3 will require a SLUP
- All commercial uses, except office, restricted to hours of operation of 7am – 9pm unless approved for extension by the Planning Board
- Design and placement requirements added to screen surface parking – placement primarily to side and rear of building
- Additional buffering requirements added when adjacent to single family residential – 6' masonry wall and landscaping
- Streetscape standards to clearly define boundaries of residential areas, add street trees, plazas and street furnishings
- Design standards added for building materials and architectural details

WHEN DO NEW STANDARDS APPLY?

- Any existing use will be permitted to continue.
- When a new use is established within an existing building, the new zoning will apply.
- New zoning will apply to any expansion of an existing use or building that requires site plan approval from the Planning Board.
- Where a new building is proposed, the new zoning will apply.

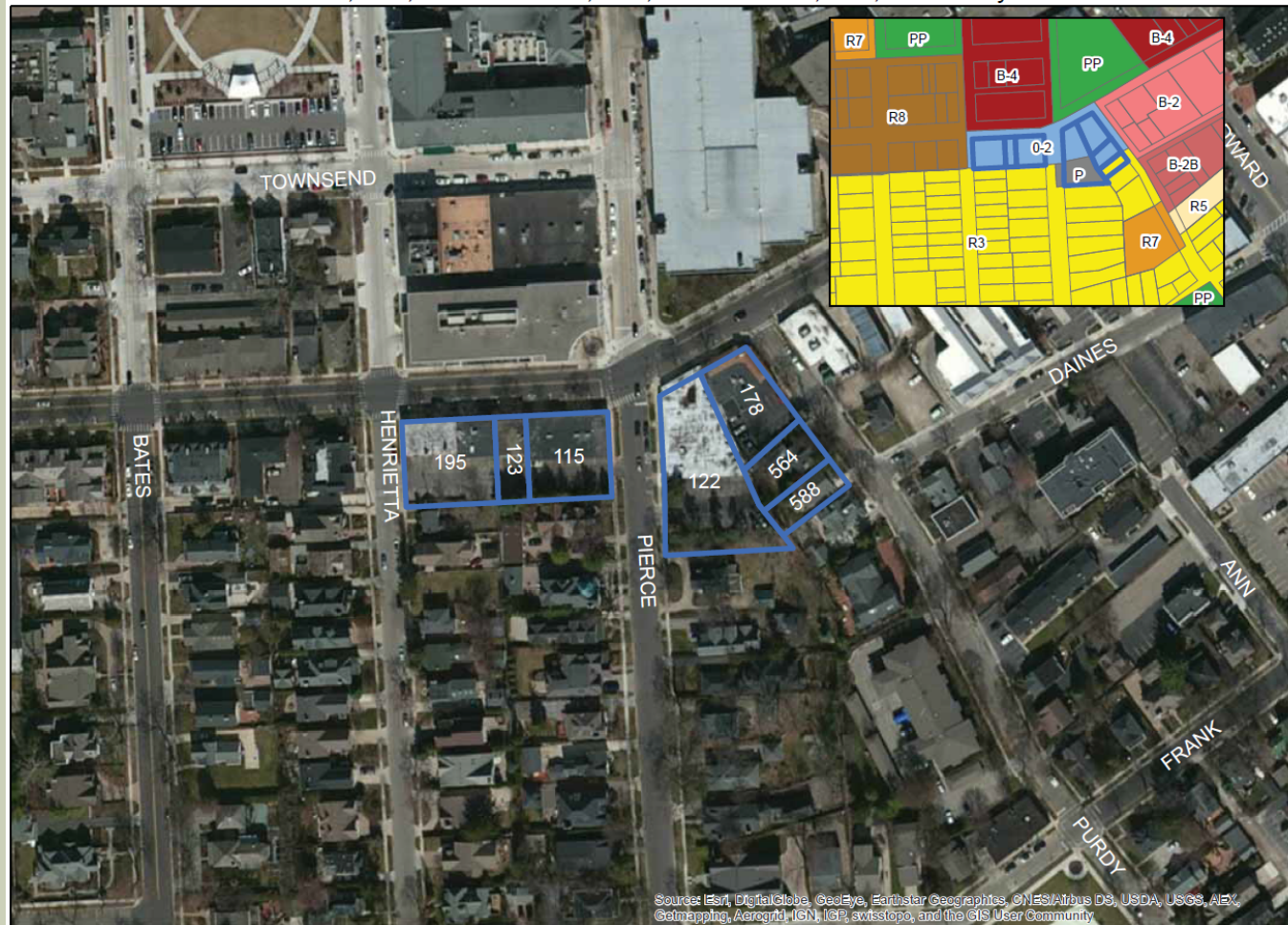
TZ2 PARCELS




BROWN AT PIERCE

APPENDIX C:

195, 123, 115 W. Brown; 122, 178 E Brown; 564, 588 Purdy



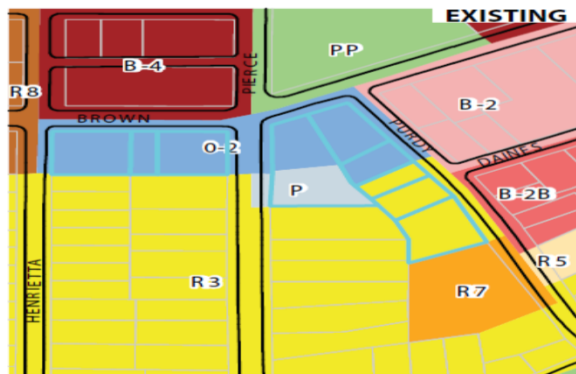
Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, Gelmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

 T22 Proposals

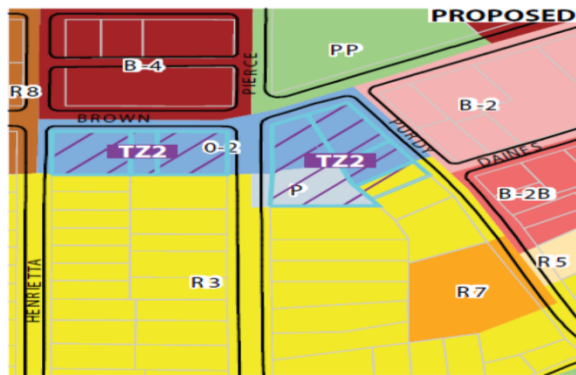
0 170 340 Feet



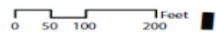
BROWN AT PIERCE



BROWN and PURDY, PURDY and DAINES



PROPOSED: TZ2 - Mixed-Use



Source: Bing



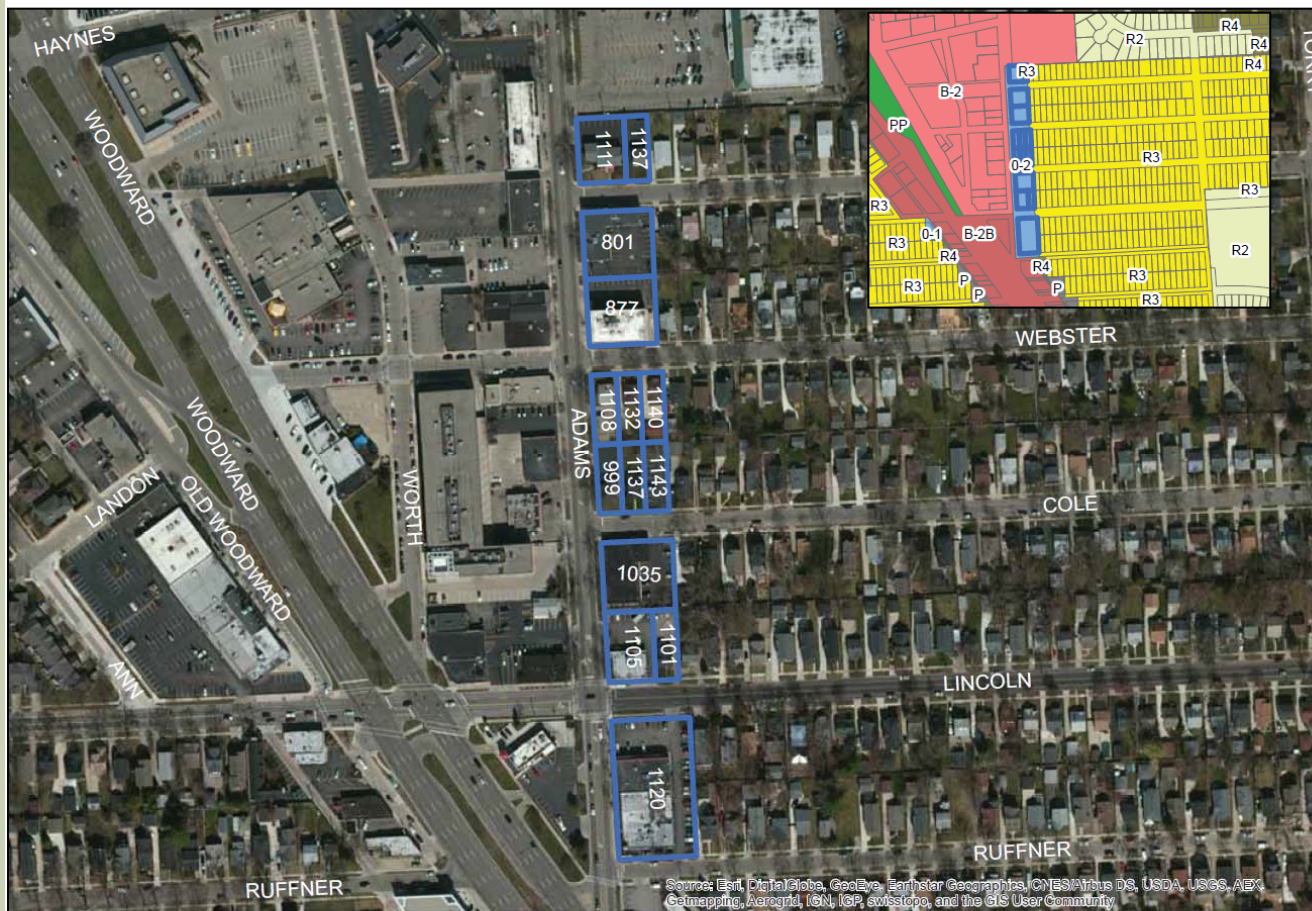
Source: Google



Source: Google

S. ADAMS

1111, 1137 Holland; 801, 877, 999, 1035, 1105 S Adams Rd;
1108, 1132, 1140 Webster; 1137, 1143 Cole St; 1101, 1120 E Lincoln



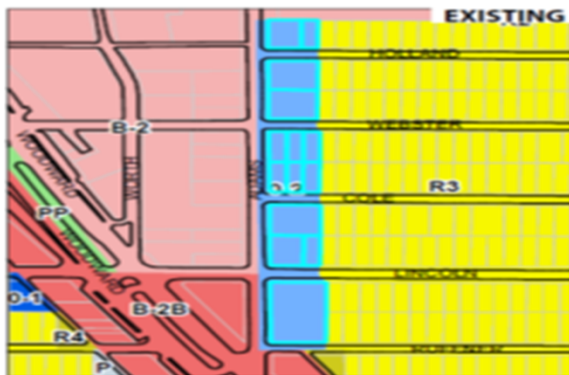
 TZ2 Proposals

0 250 500 Feet

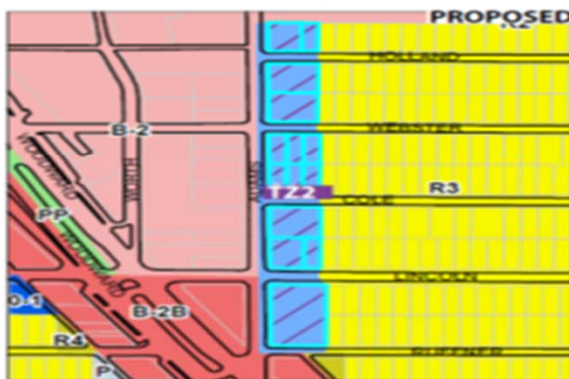


 City of Birmingham

S. ADAMS, ADAMS SQUARE TO LINCOLN



S. ADAMS between ADAMS SQUARE and LINCOLN



PROPOSED: T22 - Mixed-Use



Source: Bing



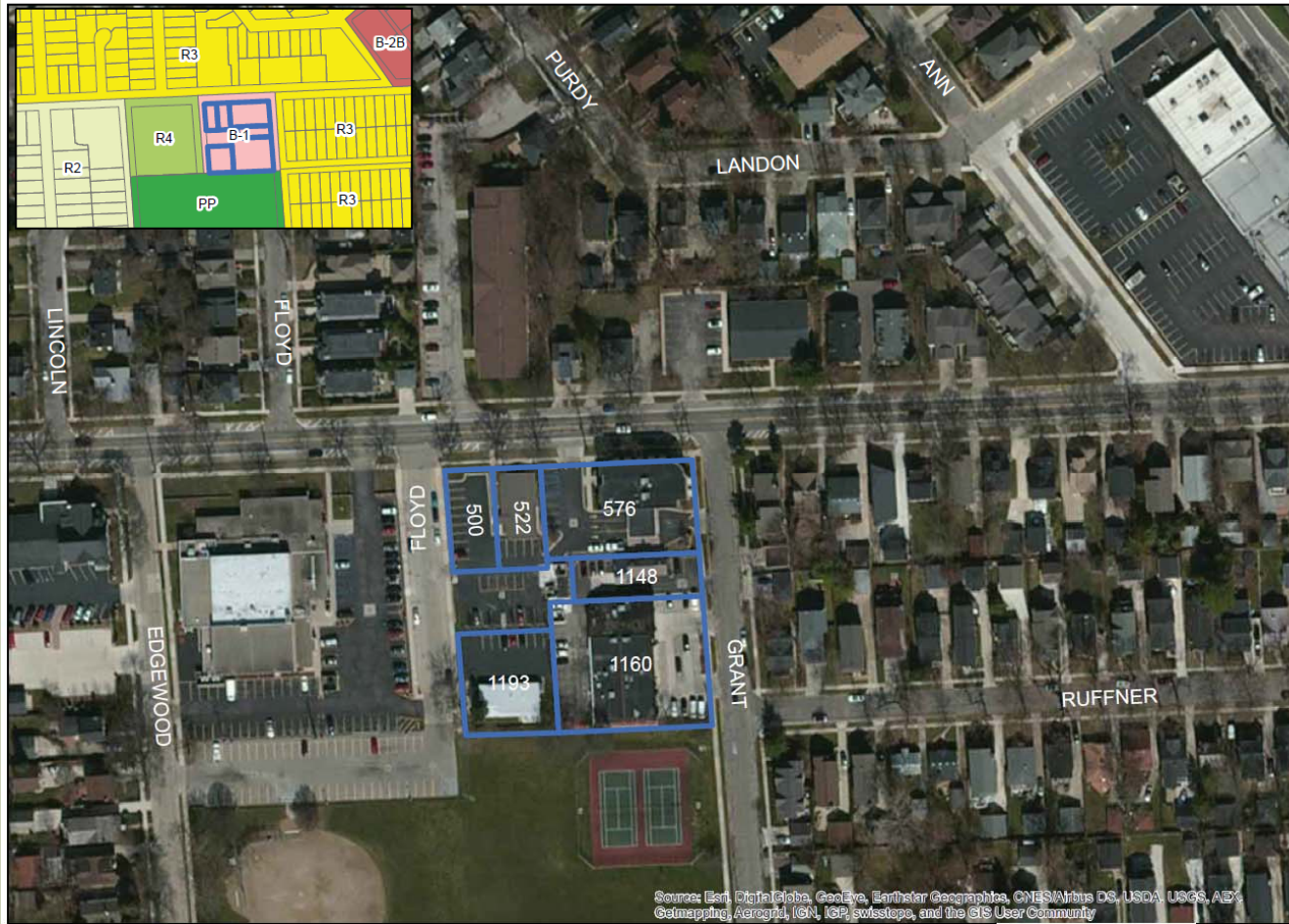
Source: Google




Source: Google

LINCOLN AT GRANT

500, 522, 576 E. Lincoln; 1148, 1160 Grant; 1193 Floyd



 T22 Proposals

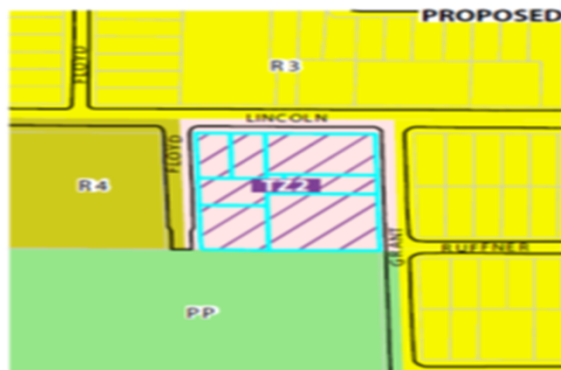
0 150 300
Feet



LINCOLN AT GRANT



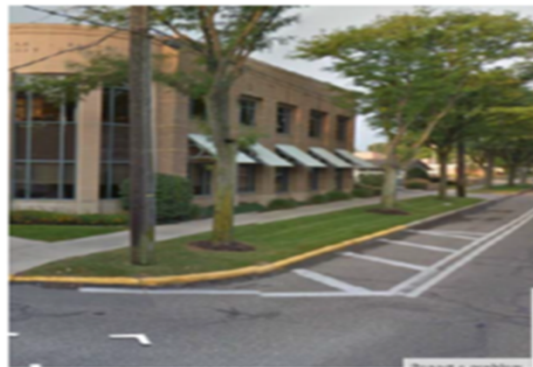
E. LINCOLN and GRANT



PROPOSED: TZ2 - Mixed-Use



Source: Bing



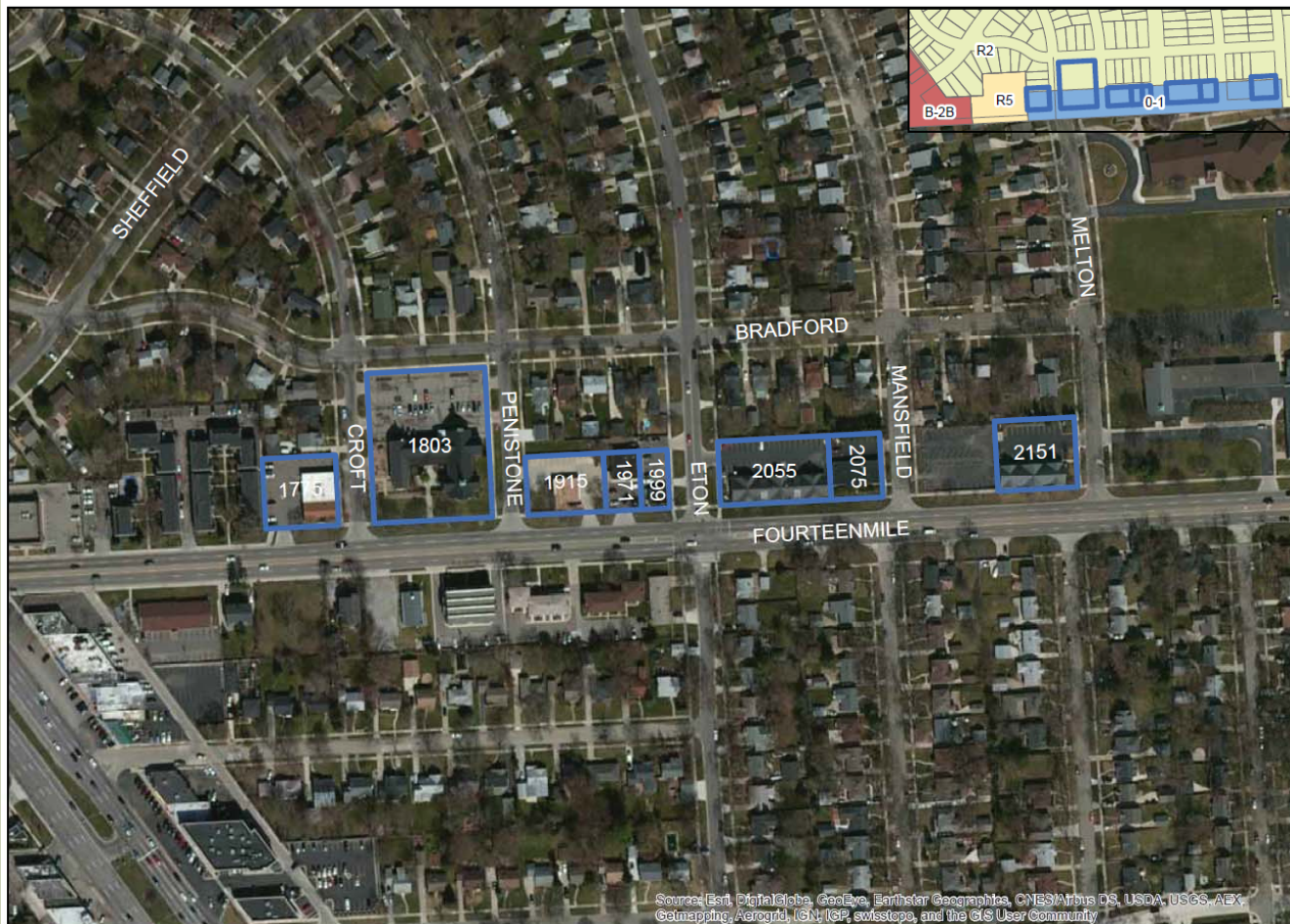
Source: Google



Source: Google

E. 14 MILE ROAD

1775, 1803, 1915, 1971, 1999, 2055, 2075, 2151 Fourteen Mile Rd.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

 TZ2 Proposals

0 245 490
Feet

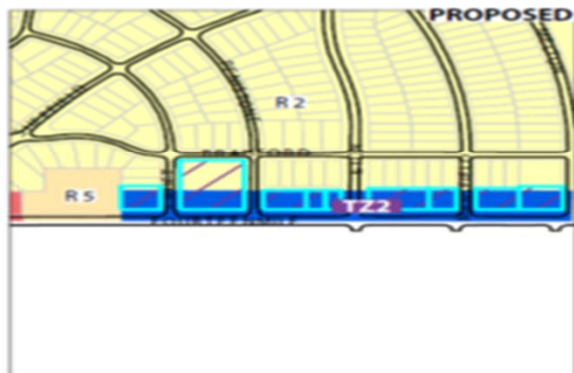


 City of Birmingham
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E. 14 MILE ROAD EAST OF WOODWARD



14 MILE east of WOODWARD



PROPOSED: TZ2 - Mixed-Use



Source: Bing



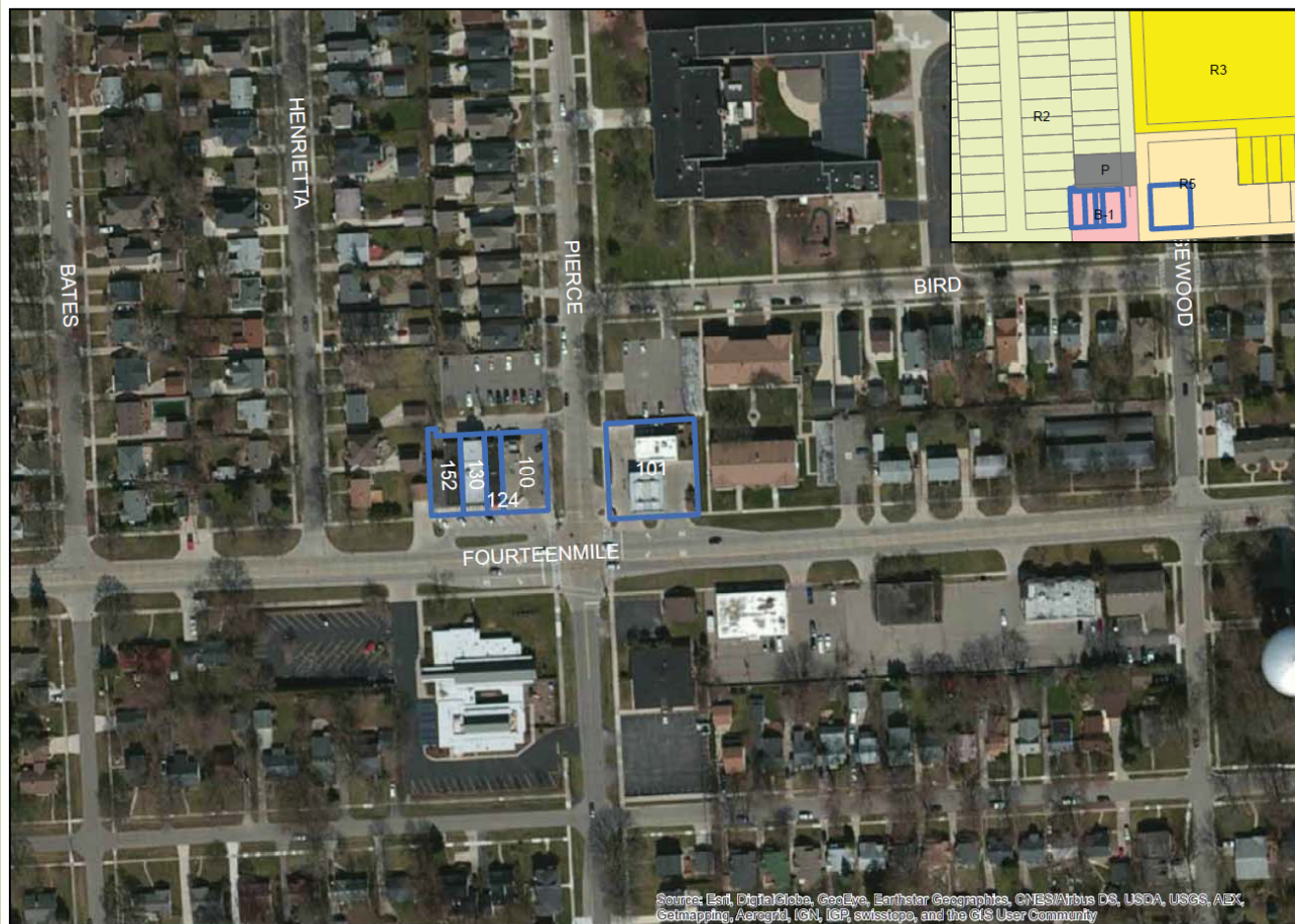
Source: Google



Source: Google

14 MILE AT PIERCE

100, 124, 130, 152 W Fourteen Mile Rd; 101 E. Fourteen Mile Rd.

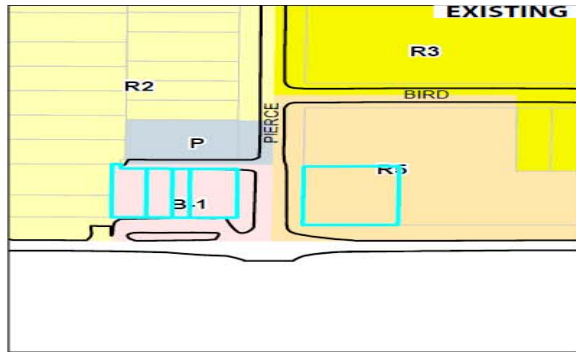


 TZ2 Proposals

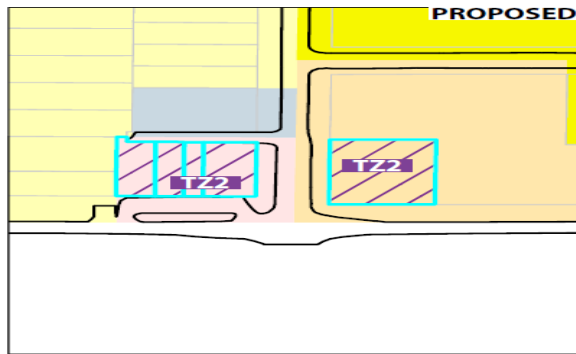
0 180 360 Feet



14 MILE ROAD AT PIERCE



14 MILE and PIERCE



PROPOSED: T22 - Mixed-Use

0 250 500 1,000 Feet



Source: Bing



Source: Google




Source: Google

14 AND SOUTHFIELD

1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.

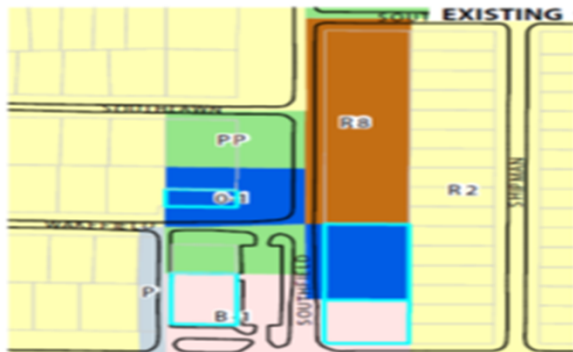


 TZ2 Proposals

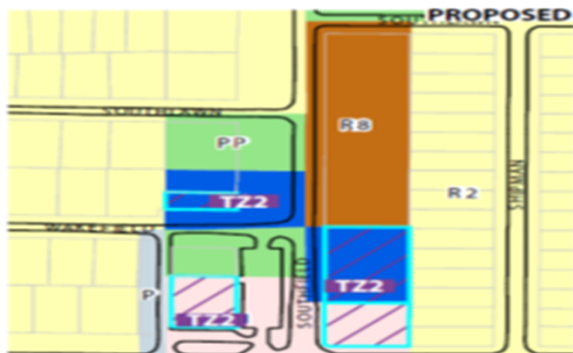
0 215 430 Feet



MARKET SQUARE AND PENNZOIL



SOUTHFIELD and 14 MILE



PROPOSED: TZ2 - Mixed-Use



Source: Bing



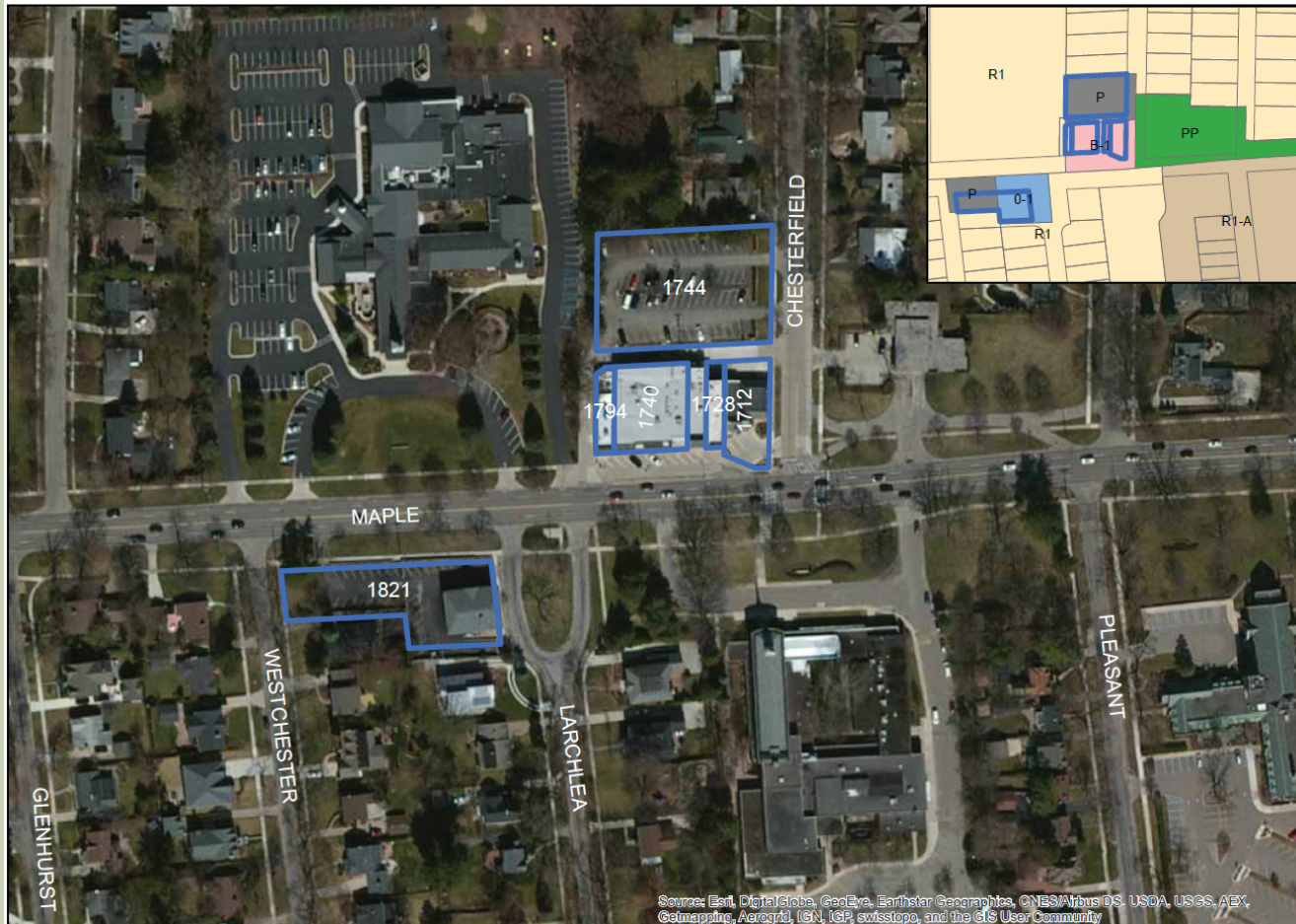
Source: Google




Source: Google

W. MAPLE AND LARCHLEA/CHESTERFIELD

1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.



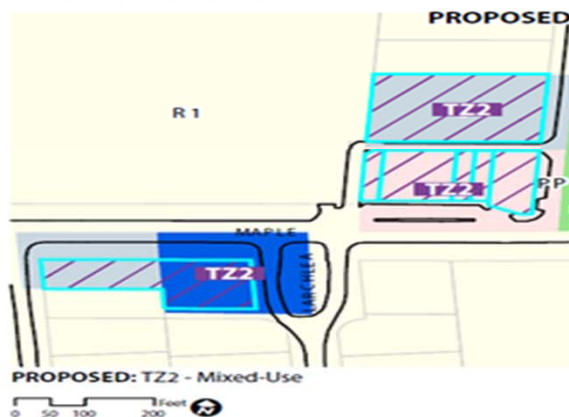
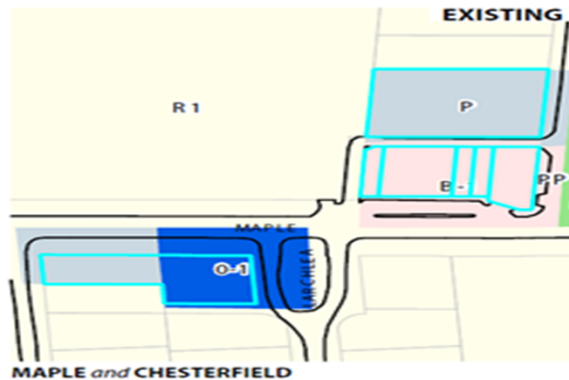
 TZ2 Proposals

0 175 350
Feet



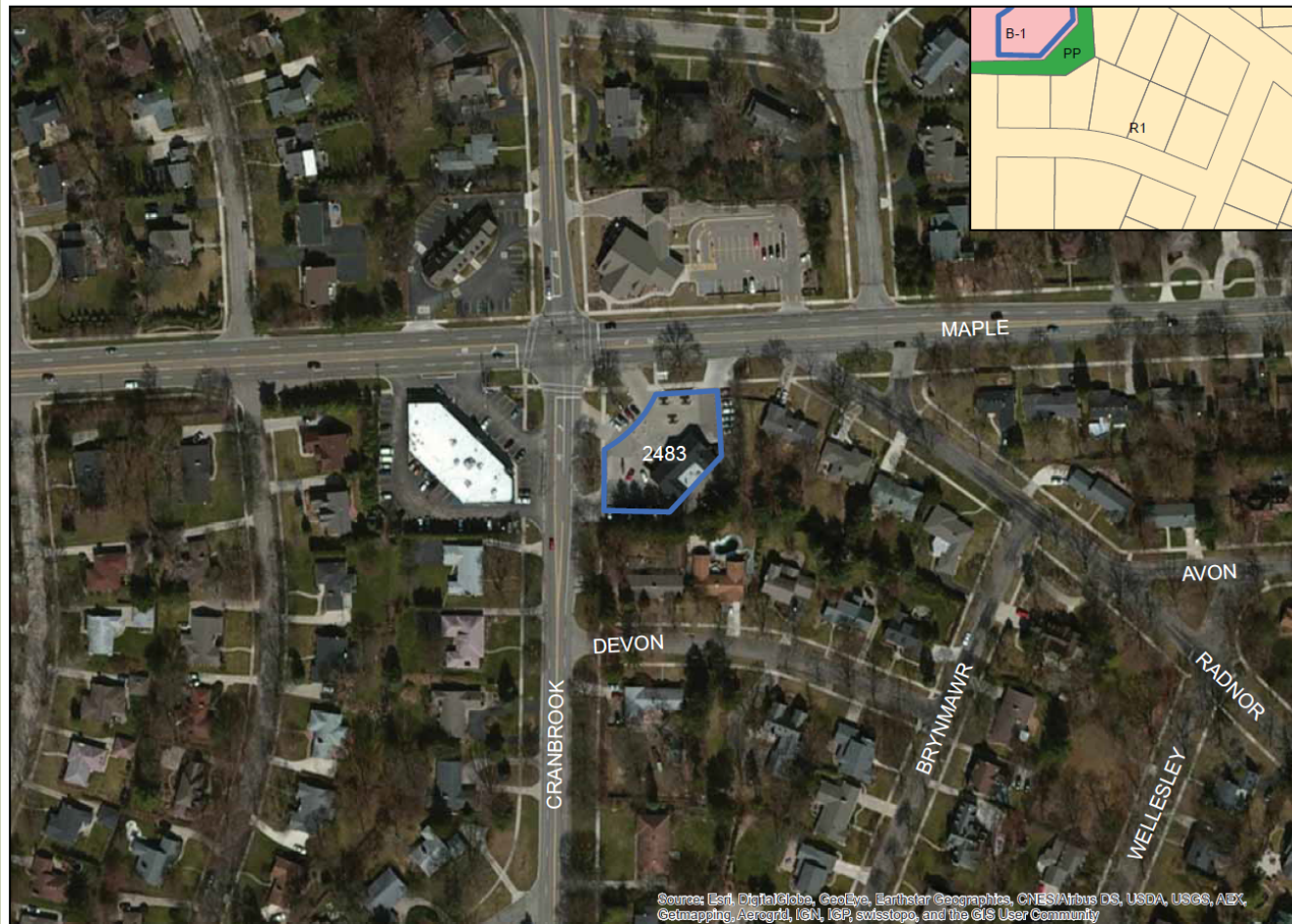
 City of Birmingham
A World of Community

MILLS PHARMACY PLAZA/ W. MAPLE & LARCHLEA



W. MAPLE AND CRANBROOK

2483 W. Maple Rd.

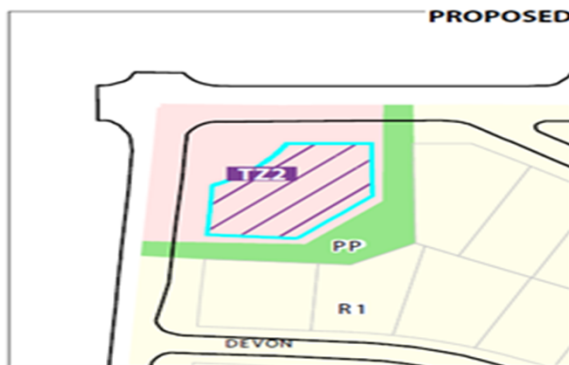
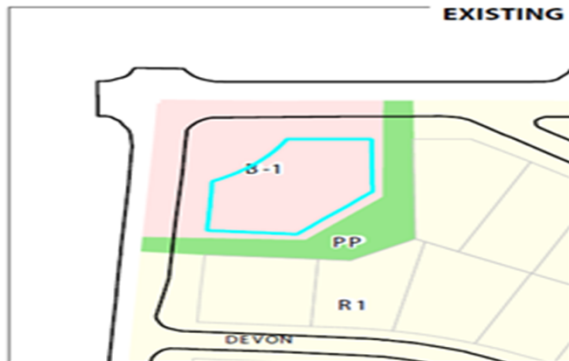


TZ2 Proposals

0 190 380 Feet



W. MAPLE AND CRANBROOK



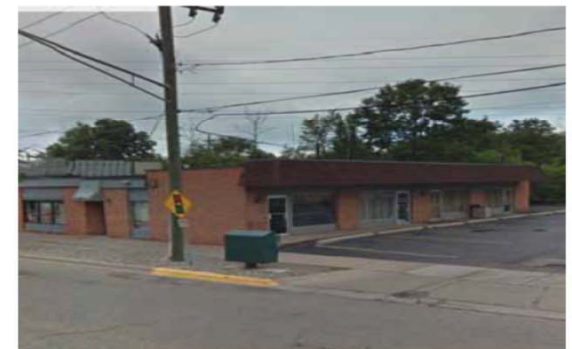
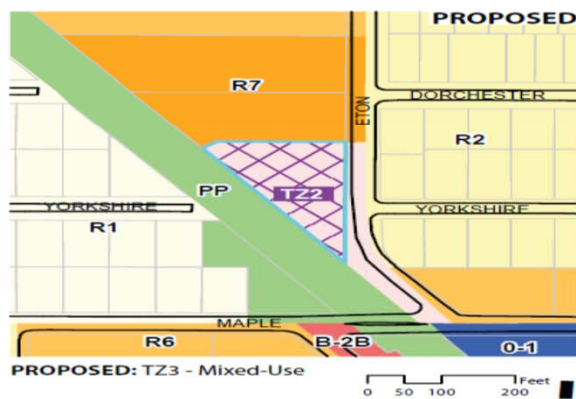
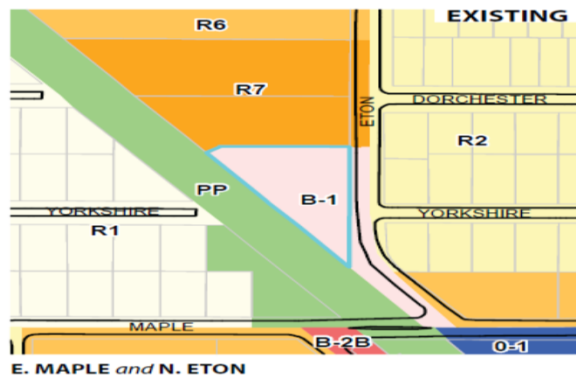
0 50 100 200 Feet



N. ETON AT E. MAPLE

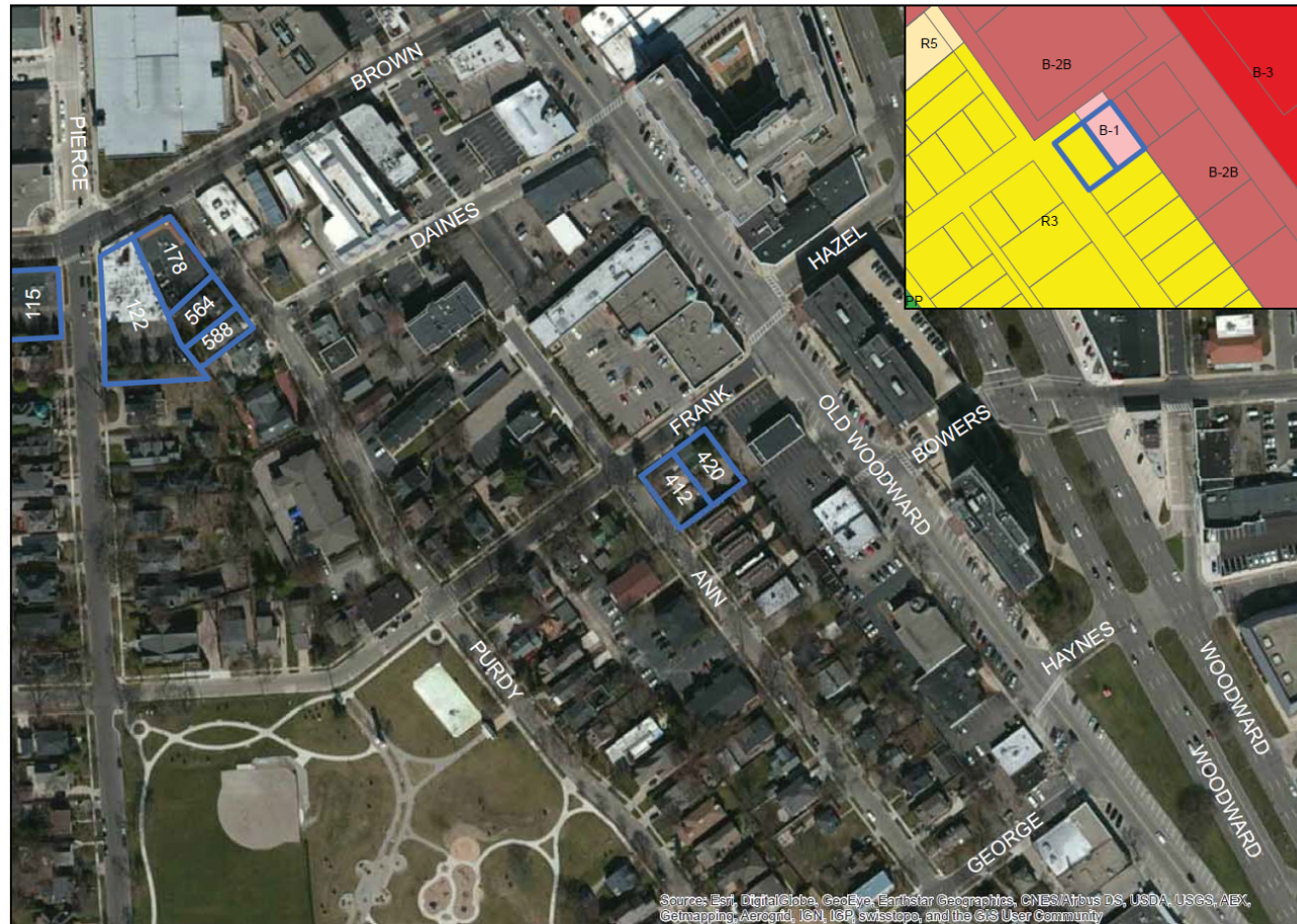


N. ETON



E. FRANK AT ANN

412 & 420 E. Frank St.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroVig, GeoEye, IGN, IGN, swisstopo, and the GIS User Community

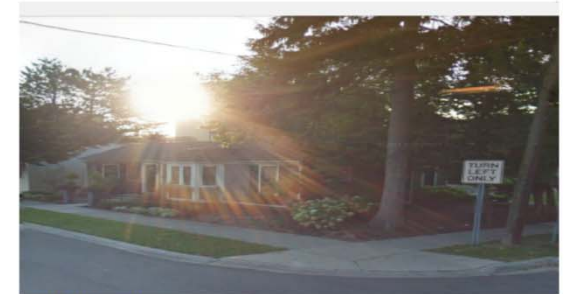
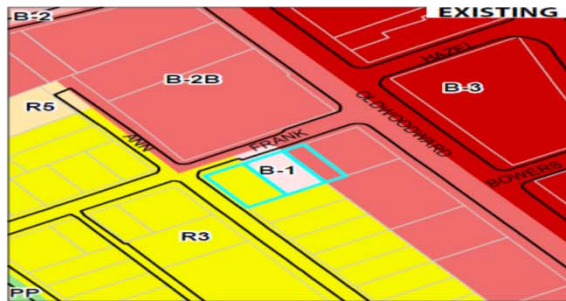


TZ2 Proposals

0 215 430 Feet



E. FRANK– R3/B1/B2B TO TZ2



Total property area – approx. 15,000 sq. ft.

of residential units currently permitted – 1 unit on R3 parcel
0 units on B1 parcel
No limit on B2b parcel

of units permitted under TZ1 zoning - 5

CURRENT STUDY

	TZ1	TZ2	TZ3
Residential Permitted Uses	<ul style="list-style-type: none"> Dwelling – attached single family Dwelling – single family (R3) Dwelling – multi-family 	<ul style="list-style-type: none"> Dwelling – attached single family Dwelling – single family (R3) Dwelling – multi-family 	<ul style="list-style-type: none"> Dwelling – attached single family Dwelling – single family (R3) Dwelling – multi-family
Commercial Permitted Uses		<ul style="list-style-type: none"> Art gallery Artisan use Bakery Bank/credit union Barber/beauty salon Bookstore Boutique Coffee shop Delicatessen Drugstore Dry Cleaner (no on site plant) Gift shop/flower shop Hardware Health club/studio Jewelry store Neighborhood convenience store Office Specialty Food Shop Tailor 	<ul style="list-style-type: none"> Art gallery Artisan use Bakery Bank/credit union Barber/beauty salon Bookstore Boutique Coffee Shop Delicatessen Drugstore Dry Cleaner (on on site plant) Gift shop/flower shop Hardware Health club/studio Jewelry store Neighborhood convenience store Office Specialty Food Shop Tailor
Accessory Permitted Uses	<ul style="list-style-type: none"> Family day care home Home occupation* Parking – off-street 	<ul style="list-style-type: none"> Family day care home Home occupation* Parking – off-street 	<ul style="list-style-type: none"> Family day care home Home occupation* Parking – off-street
Uses Requiring a Special Land Use Permit	TZ1 <ul style="list-style-type: none"> Assisted Living Church and Religious Institution Essential services Government Office/Use Independent hospice facility Independent senior living Parking Structure School – private and public Skilled nursing facility 	TZ2 <ul style="list-style-type: none"> Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant Assisted living Bakery Barber/Beauty Salon Bank/credit union with drive-thru Church and religious institution Coffee shop Delicatessen Dry cleaner Essential services Food and drink establishment Government office/ use Grocery store Health club/studio Independent hospice facility Independent senior living Parking structure School – private and public Skilled nursing facility Specialty food shop - 	TZ3 <ul style="list-style-type: none"> Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant Assisted living Bakery Bank/credit union with drive-thru Church and religious institution Coffee shop Delicatessen Dry cleaner with plant Essential services Food and drink establishment Government office/use Grocery store Independent hospice facility Independent senior living Parking structure School – private and public Skilled nursing facility Specialty food shop Veterinary clinic



MEMORANDUM

Engineering Dept.

DATE: May 16, 2016

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Villa Ave. Paving – Adams Rd. to Columbia Ave.
Project Award

Last August, the City received a petition requesting the paving of Villa Ave. from Adams Rd to Columbia Ave. The petition represented 58% of the owners along the subject section of road as being in favor of the project. After preparing the attached informational booklet and holding a neighborhood meeting, a majority of the owners were still in favor. The City Commission authorized the project in November of last year.

Since the project was not included in the original 2015-16 fiscal year budget, it was decided that the work should be postponed until after July 1 of this year. Bidding documents were prepared indicating that the contractor would not be allowed to start the project until after July 1, with a contract completion date of October 28, 2016.

Bids were opened on the above project on April 15, 2016. Six bids were received, as listed on the attached summary. The low bidder was CI Contracting, with their bid of \$1,353,848.75. The engineer's estimate was \$1,225,000. More importantly, when the appropriate costs are split between the Sewer Fund and the Local Road Fund, the costs that would be charged to the Special Assessment District are 31% higher than those estimated last summer. The change in costs can be summarized as follows:

Cost Category	Est. Unit Price (August, 2015)	Est. Total Cost (August, 2015)	Est. Unit Price (April, 2016)	Est. Total Cost (April 2016)
Paving Assessment	\$135/front foot	\$6,750	\$174/front foot	\$8,700
Drive Approach	\$5.75/sq.ft.	\$750	\$7.55/sq.ft.	\$980
Sewer Lateral Replacemt.	\$55/foot	\$1,650	\$65.33/foot	\$1,960
TOTALS		\$9,150		\$11,640

Due to the unprecedented increase in costs from the previous year, the attached letter was sent to all owners in the district soliciting their opinion on the matter.

As was described in the letter, staff feels that the increase in cost can be attributed to two things:

1. The strong local economy is causing a high demand for construction services. We have experienced price increases on all similar contract bids this year.
2. Due to the funding not being available until after July 1, the amount of time available to construct the project is less than usually offered. Reducing the amount of time available

requires that the contractor put a higher priority on this project (over others they may also be working on). It also increases the risk of having to deal with more inclement weather, as the cooler, wetter weather of October is not as ideal for road paving. The project is relatively small, so it is unclear how much this is a factor in the price increase.

The attached letter offered all owners the opportunity to provide their opinion on two choices:

1. Option #1 – Proceed with the prices as received, and build the project this year (starting July 1).
2. Option #2 – Cancel the project for now, and rebid the same plans this fall for 2017 construction. The new bidding documents would provide the contractor with the opportunity to start the project earlier in the year, if desired.

As was referenced in the letter, it is not clear if Option #2 will result in lower prices or not. If the demand for construction services remains strong, we expect that it may reduce the cost a small amount, but not much.

We have tabulated the results in detail on the attached spreadsheet. Important highlights of the results are as follows:

Total Responses:	30 out of 70 (42.9%)
Total Votes for Option 1:	13 out of 29 (44.8%) ¹
Total Votes for Option 2:	16 out of 29 (55.2%)

Of those who originally signed the petition in favor of the project, the responses are as follows:

Total Responses:	17 out of 43 (39.5%)
Total Votes for Option 1:	11 out of 17 (64.7%)
Total Votes for Option 2:	7 out of 17 (41.2%)

Of those who did not sign the original petition in favor of the project, the response are as follows:

Total Responses:	12 out of 27 (44.4%)
Total Votes for Option 1:	2 out of 11 (18.2%)
Total Votes for Option 2:	9 out of 11 (81.8%)

What the above numbers indicate is that the majority of residents did not take the time to respond to our poll. Of those who did, a small majority are in favor of waiting until 2017. Of those who voted to wait until next year, the large majority of them were not originally in favor of the project at all. In other words, the results are mixed.

The letter mailed to all homeowners on Villa Ave. indicated that this issue would be discussed at the meeting of May 23. It is possible that input from residents at the meeting may help with

¹ One of the 30 respondents indicated that they were neutral, and were fine with either direction.

the final determination for this decision. With that in mind, two resolutions are provided below. The remainder of this memo is standard information provided relative to awarding the contract to the lowest responsible bidder.

CI Contracting has worked for Birmingham just one time, successfully completing a small water main gate valve replacement program from about 2006. We have reviewed some of their more recent, successfully managed, similar sized contracts with other municipalities. We are confident that they are fully qualified to do this type of work.

The project will include complete combined sewer and sanitary lead replacement, followed by new concrete pavement. The water main was recently replaced in 2014, as a part of our Backyard Water and Sewer Master Plan.

The cost of the project will be charged to the following accounts:

Sewer Fund	590-536.001-981.0100	\$565,155.00
Local Streets Fund	203-449.001-985.7300	<u>\$764,693.75</u>
TOTAL		\$1,329,848.75

The amount of money to be awarded is \$24,000 less than that reflected above for the bid opening. The reduction represents the cost of privately funded water service leads, wherein homeowners with ¾" copper water services are offered the opportunity to get them replaced at their expense, if they choose to do so. Since these funds are paid directly from the homeowner to the contractor, they are not a part of the final awarded contract.

If the project is going to proceed, the budget will have to be amended to meet the new projected costs. Resolution A, which is the motion that will direct staff to proceed with the project this year, contains the language needed to accomplish this budget amendment.

SUGGESTED RESOLUTION (OPTION 1):

To award the Villa Ave. Paving Project, Contract #6-16(P) to C.I. Contracting, Inc., of Brighton, MI, in the amount of \$1,329,848.75, to be charged to the various accounts as detailed in the report; and further to approve the appropriations and budget amendments for the fiscal 2016/17 budget as follows:

Sewer Fund

Revenues:

Draw from Fund Balance #590-000.000-400.0000	<u>\$405,155</u>
Total Revenue Adjustments	<u>\$405,155</u>

Expenditures:

Public Improvements #590-536.001-981.0100	<u>\$405,155</u>
Total Expenditure Adjustments	<u>\$405,155</u>

Local Street Fund

Revenues:

Draw from Fund Balance #203-000.000-400.0000	<u>\$202,694</u>
Total Revenue Adjustments	<u>\$202,694</u>

Expenditures:

Public Improvements #203-449.001-985.7300	<u>\$202,694</u>
Total Expenditure Adjustments	<u>\$202,694</u>

SUGGESTED RESOLUTION (OPTION 2):

To reject all bids relative to Contract #6-16(P), and to direct the Engineering Dept. to rebid the project in late 2016, with the intention that the contractor will have the majority of the 2017 construction season to execute the project.

CITY OF BIRMINGHAM

VILLA AVENUE PAVING PROJECT

CONTRACT # 6-16(P)

BID SUMMARY

April 15, 2016 - 2:00 PM

Company Name	Addendums	5% Bid Security	Base Bid
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[illegible]



April 29, 2016

TO: Homeowner

RE: Villa Ave. Paving Project, Adams Rd. to Columbia Rd.

Dear Homeowner,

Last summer, the Engineering Dept. received a petition signed by over 50% of the property owners on your street requesting that the street be repaved. An informational booklet was prepared and mailed to all owners, and a neighborhood meeting was held to further discuss the matter. The project was authorized to proceed in November, 2015.

Projects of this nature are best started in the spring of the year, so that there is as much of the construction season as possible open and available for the selected contractor to complete the work. However, since no funds were budgeted for this project in the current fiscal year 2015/16 (starting July 1, 2015), we knew that we had two choices:

- a. Postpone the project to 2017.
- b. Move ahead with the design and bidding work, and ask potential bidders to complete the work between July and November, 2016.

Knowing that many residents on the street are anxious to see this project completed, we selected the latter choice. The project has been designed, and bids were received on April 15. Six companies submitted bids, many of whom we have worked with in the past on similar projects. Bids came in much higher than anticipated, which we think can be attributed to two factors:

- a. The construction industry is extremely busy given the strong local economy. Prices on other projects of this sort that we have bid recently have all come in higher than anticipated.
- b. Asking contractors to wait until after July 1 to start the project makes the work somewhat less desirable, and adds some risk that the final stages of the job may have to be done in less optimal weather conditions. This tends to add risk to the contractor, which can translate to higher costs.

The higher costs for this project will impact each owner in the assessment district. Because of the significant difference involved, we would like to get your input before moving ahead. The following table contains the cost estimate put together by staff (based on recent project experience) compared to the low bidder's prices received for Villa Ave. (the total price reflects that which would be charged for an average sized lot and drive approach, and if a new sewer lateral is required):

Cost Category	Est. Unit Price (August, 2015)	Est. Total Cost (August, 2015)	Est. Unit Price (April, 2016)	Est. Total Cost (April 2016)
Paving Assessment	\$135/front foot	\$6,750	\$174/front foot	\$8,700
Drive Approach	\$5.75/sq.ft.	\$750	\$7.55/sq.ft.	\$980
Sewer Lateral Replacemt.	\$55/foot	\$1,650	\$77.07/foot	\$2,312
TOTALS		\$9,150		\$11,992

The total price difference on the chart reflects an annual extra payment of \$284 (plus interest on the remaining balance) over the ten year payment period, which is an increase of 31%.

The difference in cost from what was estimated to what it will now actually cost to build this job is unprecedented. City staff does not feel comfortable moving forward without getting input from you, the residents that will be impacted by this decision. At this time, we feel that we have two options:

Option #1 – Proceed with bids as received, and build the project starting July 1.

Option #2 – Cancel the project for 2016, and rebid the same set of plans late this year, offering bidding contractors the option of building it anytime during the 2017 construction season (April to November).

Option #2 represents a gamble. It would provide an opportunity to test the market, and see if delaying would reduce the cost any meaningful amount. It is hard to predict what, if any, financial benefit would be gained. A large part of the difference, if any, will be a reflection of how the industry feels their construction schedules will be for the 2017 season. At this time, we would guess that there will be some relief in the costs if we wait until 2017, but to what extent, it is too early to predict.

Each resident knows their particular circumstances better than we do. You know how much this improvement means to you, as well as how much the extra costs would impact your annual budget. We strongly encourage all owners (whether you signed the petition or not) to send us your feelings, and your preference for Option 1 or Option 2 as listed above. You are requested to indicate your preference in writing either by email to the Assistant City Engineer, or by US Mail. It is imperative that a decision be made as soon as possible, so that the contractor can put this project into their schedule (if we choose to proceed). All responses must be received by Thursday, May 12 at 5 PM to be included in the count. Based on information received, staff will then put together a recommendation, and ask for a decision by the City Commission at their meeting of May 23, 2016, which will include your input. Please send your preference (between Option 1 and Option 2) to:

City of Birmingham
c/o: Austin Fletcher, P.E.
P.O. 3001
Birmingham, MI 48012

Or by email, afletcher@bhamgov.org

If you have questions, feel free to call us at 248-530-1850. Votes for Option 1 or 2, however, must be received in writing to be considered in the final count.

Thank you for your attention to this matter.

Sincerely,



Paul T. O'Meara, P.E.
City Engineer

Villa Petition ReVote due to Cost Increase

5/16/16

		<u>Address</u>	<u>Name</u>	<u>Option #1</u> <u>Proceed</u>	<u>Option #2</u> <u>Re-Bid</u>	<u>Date</u> <u>Received</u>	<u>Via</u>	<u>Comments</u>	<u>Frontage</u>	<u>Original</u> <u>Vote</u> <u>Yes/No</u>
1	North	1133 Villa	Michelle Love		1	4-May	E-mail	Cost Difference Significant	50	Yes
2	South	1136 Villa	Taso Sofikitis						50	Yes
3	North	1155 Villa	Eric Wohlfiel						50	Yes
4	South	1158 Villa	Keith Chene						50	Yes
5	North	1179 Villa	Phillip Neville		1	9-May	E-mail		50	Yes
6	South	1180 Villa	Anthony Marciniak	1		12-May	E-Mail		50	Yes
7	North	1207 Villa	Deborah Odette						50	Yes
8	South	1208 Villa	Daniel Miarka						50	Yes
9	North	1219 Villa	Brooke Grace Trustee		1	7-May	E-mail		50	No
10	South	1228 Villa	Richard Varlese	1		4-May	E-mail		50	Yes
11	North	1235 Villa	Scott Lange		1	11-May	E-mail		50	Yes
12	South	1238 Villa	Michael McIntyre						50	Yes
13	South	1250 Villa	Cosmos Charnas	1		10-May	E-mail		50	No
14	North	1255 Villa	James Howard Whitney						50	Yes
15	North	1265 Villa	William Lewis						50	Yes
16	South	1272 Villa	Willard Keith Green						50	Yes
17	North	1279 Villa	William Lewis						50	Yes
18	South	1288 Villa	Thomas Kirvan						50	Yes
19	North	1295 Villa	Gary Farthing						50	Yes
20	South	1316 Villa	Brandon Reinkensmeyer	1		12-May	E-mail		50	Yes
21	South	1326 Villa	Marta Monson Trust						50	Yes
22	North	1331 Villa	Maro Bush						50	Yes
23	North	1347 Villa	Gregory Miller		1	4-May	E-mail	Cost seem Excessive	50	No
24	South	1350 Villa	Michael Patterson						55	Yes
25	North	1367 Villa	Chor Wong		1	5-May	E-mail	Upcoming Wedding	75	Yes
26	South	1384 Villa	Maciej Halfaf						70	No
27	North	1405 Villa	Thomas Dabaldo						75	Yes
28	South	1408 Villa	Sharon Sheldon Living Trust						75	No
29	South	1420 Villa	Ronald Goode						50	No
30	North	1427 Villa	Garland Family Living Trust						100	No
31	South	1438 Villa	Nancy Lee						50	No
32	North	1439 Villa	Villa Gardens LLC						50	No
33	South	1456 Villa	Babi Construction Inc						50	No
34	North	1467 Villa	Richard Wyatt		1	9-May	Letter		50	No
35	South	1474 Villa	Troy Testa						50	Yes
36	North	1491 Villa	Thomas VanDeGrift		1	4-May	E-mail		50	Yes
37	South	1492 Villa	Marie Gagnon Trust	1		10-May	E-mail		50	Yes
38	South	1500 Villa	Fourteen Corners LLC						50	No
39	North	1509 Villa	Jacqueline Benes Declaration of Trust	0	0			Defers to Majority	70	No
40	North	1523 Villa	Angela Groves-Cheek	1		7-May	E-mail	Flooding / Drainage	60	Yes
41	South	1524 Villa	Robert Shopp		1	6-May	E-mail & Letter		50	Yes
42	South	1540 Villa	Kirsten Larsen						50	No
43	North	1555 Villa	Jeffrey Glazier		1	12-May	E-mail		85	No
44	South	1560 Villa	Matthew Weiner		1	5-May	E-mail	Revote Project Altogether	50	No
45	South	1576 Villa	Raymond Miller	1		5-May	E-mail	Scanned Letter	50	Yes
46	North	1583 Villa	Charlotte Harvey						85	No
47	South	1594 Villa	Gene Noe	1		9-May	E-mail		70	Yes
48	South	1600 Villa	Hedges Family Trust	1		14-May	E-mail		80	Yes
49	North	1611 Villa	Herbert Seymour						60	No
50	South	1630 Villa	Pendo Corp						50	Yes
51	North	1633 Villa	Tomas Metzger						50	No
52	South	1646 Villa	David Crawford		1	10-May	E-mail		50	No
53	North	1649 Villa	Robert Weed						50	No
54	South	1650 Villa	Jack Fawcett		1	13-May	Letter		50	No
55	North	1665 Villa	Michael Sweeney	1		12-May	E-mail		50	Yes
57	South	1668 Villa	Kevin Krue Trust	1		4-May	E-mail & Letter	Consumers Started - Keep Going	50	No
56	North	1679 Villa	Arthur Papadopoulos		1	11-May	Email & Letter		50	No
58	South	1692 Villa	Don Michielutti						50	No
59	North	1695 Villa	Marian Cardamone	1		8-May	E-mail		50	Yes
60	South	1700 Villa	Robert Kenning	1		10-May	Letter	Came in to Sign Notice	75	Yes
61	North	1711 Villa	John Kolar						50	Yes
62	North	1735 Villa	Frances Johnson Trust		1	11-May	E-mail		50	No
63	South	1750 Villa	Lisa Anschuetz						75	Yes
64	North	1751 Villa	Michael Sokolowski						50	Yes
65	South	1772 Villa	Renee Laker						50	No
66	North	1773 Villa	Ryan Stonehouse						50	Yes
67	South	1786 Villa	Bradley Foltyn						61.5	Yes
68	North	1791 Villa	Maryann Voza						61.5	Yes
69	North	359 S. Adams	Steven Hiesrodt		1	6-May	E-mail		50	Yes
70	South	411 S. Adams	Maria Rotellini						50	Yes

13

16

Total

3883



Austin Fletcher <afletcher@bhamgov.org>

Fwd: Villa Ave. Paving Project, Adams to Columbia Road

1 message

Steven Hiesrodt <hiesrodt@sbcglobal.net>

Fri, May 6, 2016 at 5:32 AM

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

> Austin...Good morning. I received the letter yesterday. I ask that we postpone the project and re-bid in 2017 to see if we can obtain lower quotes.

> Thank you,

> Steven Hiesrodt

> 359 South Adams Road

> [248.385.4546](tel:248.385.4546)

>

> Sent from my iPhone

**Austin Fletcher** <afletcher@bhamgov.org>

Villa Road Paving Project

1 message

Michelle Love <lovemm8024@sbcglobal.net>
Reply-To: Michelle Love <lovemm8024@sbcglobal.net>
To: "afletcher@bhamgov.org" <afletcher@bhamgov.org>

Wed, May 4, 2016 at 4:18 PM

Hello,

I am writing to convey my preference for Option #2 - hold the project until 2017.

While I was very much looking forward to the road improvements the difference in cost is significant for me. Thank you for giving the residents the option to provide feedback.

Please confirm receipt of this message.

Regards,

Michelle Love
1133 Villa Road
lovemm8024@sbcglobal.net



Austin Fletcher <afletcher@bhamgov.org>

Villa Ave. Paving Project

1 message

Phil Neville <pneville1@gmail.com>

Sun, May 8, 2016 at 3:06 PM

To: afletcher@bhamgov.org

Paul,

My wife and I prefer to wait until next year in the hope for a lower cost. We are at 1179 Villa. Please let us know what is decided.

Phil Neville

Sent from my iPad



Austin Fletcher <afletcher@bhamgov.org>

Villa Road Project

1 message

Anthony Marciniak <anthony.marciniak@gmail.com>

Wed, May 11, 2016 at 10:30 PM

To: afletcher@bhamgov.org

Good Evening Austin,

I am Anthony Marciniak and live at 1180 Villa. It is difficult to respond to your request on the street project starting time based on a couple of factors.

(1) A price difference between the projected quote price and the actual quote price is not uncommon. However, it is very disheartening to see the magnitude of discrepancy between the two numbers. A 30% increase is a large increase for any household to absorb.

(2) There is very little information of the second option. It would be nice to make an educated, or even a sound decision, with hard facts. We don't have that. We have been presented with only one option and the second option does not have any quoted numbers, time frame, but does have the city's projected thoughts on what the cost could be - a hope if you will. Based on point 1, this could be a large under estimate again, costing us more.

(3) The timing of the quotes for the project. It was back in November when the vote went through for the street to be pulverized and replaced. The city decided to wait to get quotes on the project only last month, which was shocking. I would have thought when the vote was approved, quotes would be requested the same month. The loss of 5 months could have been the 30% difference we saw.

Ultimately, this project needs to be done. Our house in particular saw multiple incidents with +2" of standing water along the entire sidewalk and end of driveway (just in this spring alone). Unfortunately, the residents have to now re-review our finances in a shorter amount of time (2 weeks, as opposed to 1 year during the petition phase) to come up with 30% more. It feels like we are being back into a corner and do not have no choice but to accept this increase.

I ask, will the city up the contribution for this project 30% more or has this all fallen back on the residents (never stated in the letter)? How much is the city contributing to this project?

Austin, I understand you are just the contact for the project timing, but please pass this along to the city board when presenting the two options. I would have to vote for option 1 at this time, unless more data is available for option 2.

Best Regards,

Anthony Marciniakanthony.marciniak@gmail.com

248.217.9541



Austin Fletcher <afletcher@bhamgov.org>

Villa Sewer Project

1 message

Brooke1922@aol.com <Brooke1922@aol.com>

Sat, May 7, 2016 at 2:51 PM

To: afletcher@bhamgov.org

Dear Mr. Fletcher,

It is my preference to postpone the project until 2017 in the chance that the cost will be less.

Sincerely,

Brooke Grace
1219 Villa
Birmingham, MI 48009



Austin Fletcher <afletcher@bhamgov.org>

MY VOTE: Villa Avenue Paving Project, Adams to Columbia

1 message

Nancy Lange <nwlange71@gmail.com>
To: afletcher@bhamgov.org
Cc: "lange, scott" <slange70@gmail.com>

Wed, May 11, 2016 at 5:26 PM

Dear Austin,

Thank you for publishing the letter to residents about the status of our paving project. While I am one of the residents who is eager to pave Villa for several reasons, **my vote is to wait until 2017**. Working into November when the weather can be dodgy is too much of a risk. I would hate to go to the trouble of this project only to have the finished concrete crack because the temperature dropped. I am also not interested in mixing-in chemical additives that are often used to offset freezing temperatures. Let's play it safe and make it happen next year.

My vote is to set aside the budget in the next fiscal year, select a bid, and put our deposit down for first-thing April 2017.

Thank you!
Nancy Lange
1235 Villa Road
Birmingham MI 48009
[248.910.4449](tel:248.910.4449)



Austin Fletcher <afletcher@bhamgov.org>

Villa ave. paving project

1 message

GEORGIA CHARNAS <geocha88@att.net>

Tue, May 10, 2016 at 10:34 AM

To: afletcher@bhamgov.org

We support Option #1 for 2016.

Cosmos and Georgia Charnas, 1250 Villa



Austin Fletcher <afletcher@bhamgov.org>

Villa Ave. Paving Project

1 message

Brandon Reinkensmeyer <brandon.reinkensmeyer@gmail.com>

Thu, May 12, 2016 at 2:39 PM

To: Austin Fletcher <afletcher@bhamgov.org>

Cc: Paul O'Meara <pomeara@bhamgov.org>, Joe Valentine <jvalentine@bhamgov.org>, rackyhoff@hotmail.com, mnickita@bhamgov.org, pbordman@bhamgov.org, pboutros@bhamgov.org, cdeweese@bhamgov.org, aharris@bhamgov.org, ssherman@bhamgov.org

Hi Austin,

Responding on behalf of our family at 1316 Villa Rd. I would like to formally submit our vote for Option #1, moving forward with the project this year.

I was one of the Villa residents that spoke at a Commission meeting in November 2015 and provided ample amounts of photographic evidence indicating the significant amount of water issues our street has. It's common to see 2-3" of standing water, and that much in ice, depending on the time of year. This is without focusing on the road condition itself, which is sub-par at best. For a city we love living in, one that is highly touted as a "A Walkable Community", and for a road that sees a lot of foot/road traffic east to west as a main thoroughfare between the booming Rail District and Triangle District, the whole situation is laughable to be candid.

How the city hasn't stepped in at some point in the past and had Villa improved is beyond me. The dangers for children, pedestrians, health risks, and not to mention insane lawsuit potentials should be more than enough to have addressed improving this road many years ago. During my seven years of residency, the city has yet to come up with an effective, let alone cost effective, solution to handle the excessive standing water. I've discussed rain gardens, rain barrels, underground storm runoff storage, and even drilling wells 50'+ down to hit the water table with Paul. None of them will solve the issue as we reside on solid clay. Villa is one of the last few remaining unimproved roads and desperately needs a curb and gutter system with adequate storm water drainage.

Villa has to be improved.

I would also like to note, for the record, a few items:

1. It's incredibly disappointing to see that the project estimates were not obtained until mid-April of this year. I'll openly admit I'm unfamiliar with road bidding; however, know that the city was well aware of this project as it had been unanimously approved in November. This approval meeting should have actually been in October, but was delayed a few weeks for the new Commissioners coming on board.

If Paul's provided points in the letter, particularly point "a. The construction industry is extremely busy given the strong local economy...", are valid as I believe them to be, wouldn't it have been prudent for the 68 households on an unimproved road the city has been waiting decades to improve to expedite obtaining bids as soon as possible?

Couldn't that potentially have improved the pricing estimates, despite the kickoff time request of the project to be later in the year, as the six companies solicited for it would have, theoretically, less "late to market bids" like ours they were proposing for?

Simple economics of supply (the contractors) decreasing and demand (Villa style projects) increasing which yields price increases. As a tax payer of Birmingham (and planning to be for a long time), getting estimates in mid-April for a project slated ~July 1 makes me question how important our road project is as well as how it handles construction projects in general. It feels negligent and imprudent.

2. As the acting president of our association, I'm very concerned for our members who may not be in the same position as others financially. Adding an additional estimated \$2,842, no matter how you stretch it out in a loan

(and with interest), is a lot of money for anyone. It poses a large challenge for those that are retired, single, etc. with only one source, or a fixed source, of income. While this segment of residents represents only a small portion of our Villa households, it's still incredibly disheartening to see what was originally estimated become "unprecedented" as stated by Paul. What can the city offer for these residents? Possibly lower, or no, interest on the loan? Longer term?

3. As the acting president of our association, I've attended President's Council meetings in the past. A few of which were during the massive Multi-Modal Transportation expansion plan roll out. The former city manager, Bob Bruner, attended one of these meetings and I explicitly recall discussing budgets/reserves for water, sewer, and roads. If memory serves me right, the city has two long term reserves, one for sewer and one for roads. At the time, and presumably now, the road reserves were low; however, there were "excessive" dollars in the sewer fund.

Could the city, in it's best interest of improving one of the last unimproved roads east of Woodward, not offset at least the sewer cost increase burden? This would relieve each household requiring a new sewer lateral (a lot of them!) an average of \$662, alleviating ~23% of the total projected \$2,842 increase.

4. I personally feel it was dangerous to provide Option 2. There is no guarantee prices will be lower; in fact, based on the reasoning that was provided to us in the letter and general economics, the price should be MORE than even the increased amount of present. This could put residents in an even worse position.

Best regards,

Brandon Reinkensmeyer
Reink Media Group
M: [248-229-1421](tel:248-229-1421)
D: [248-591-4351](tel:248-591-4351)



Austin Fletcher <afletcher@bhamgov.org>

Villa repavement

1 message

Gregory C Miller <gregory.c.miller@axaltacs.com>
To: "afletcher@bhamgov.org" <afletcher@bhamgov.org>

Wed, May 4, 2016 at 9:21 PM

Hi Paul,

We received the cost increase notification for the villa road repavement project, and we prefer option 2, which cancels the project for 2016. The project cost increase seems excessive. I am concerned that there may be some confusion in choice a & b vs option 1 & 2, as they are listed in opposition to each other on different pages.

Thank you,

Greg Miller
1347 villa road
Ford NA Sales Manager
Axalta Coating Systems
Gregory.C.Miller@axaltacs.com

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Austin Fletcher <afletcher@bhamgov.org>

1367 Villa- Road work

1 message

Victoria Tylenda-Wong <vickytwong@aol.com>

Thu, May 5, 2016 at 8:56 AM

To: afletcher@bhamgov.org

Thanks for your time on the phone yesterday. We received the letter from the City upon our return home yesterday.

Our two votes are to go with the option of next Spring. This would solve our concerns because of the upcoming wedding. Please let me know that you have received this message.

Thank you,
Victoria Tylenda-Wong &
Chor Wong

Sent from my iPhone

May 5th, 2016

To whom it may concern,

I recently received a letter regarding Villa Ave Paving Project, Adams Rd to Columbia Rd. The letter informed of a substantial price increase over the estimated costs. Please record that I am in favor of Option #2, waiting until the 2017 construction season.

It seems hard to fathom this project is deemed "critical" in nature to justify the 31% premium (\$2800 in hard dollars) over historical / estimated costs. If the City of Birmingham or other neighbors consider this project to be "critical" then either the City or the neighbors pushing for the project need to cover the premium as apparently cost is not an issue to those parties. It is however an issue for this homeowner, where I operate to a budget.

Economic growth is cyclical, and right now it is the worst time to pursue construction projects given the laws of supply (construction companies) and demand (construction projects). Between the I-275 project, the recently announced GM technical center and Ford engineering center redevelopments and the looming I-75 expansion project, demand is high and supply is low. Let's wait for a pull-back or contraction in the economy until the trigger is pulled on this project where costs are clearly running at a premium currently.

And lest we forget, it is actually the City of Birmingham's responsibility to maintain the city and its attributes (streets, fire, police, schools, parks, etc) through the tax basis that is established and then paid for by homeowners and businesses alike.

Thanks for your consideration and please keep me informed,

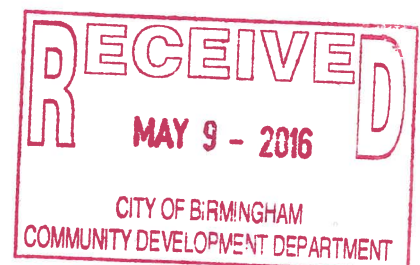
Rick Wyatt



1467 Villa Ave

Birmingham, MI, 48009

734-657-6409





Austin Fletcher <afletcher@bhamgov.org>

Villa paving

1 message

Thomas VanDeGrift <tcviii@yahoo.com>

Wed, May 4, 2016 at 11:36 PM

Reply-To: Thomas VanDeGrift <tcviii@yahoo.com>

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

Mr. Fletcher,

In response to your letter of April 29, 2016, we prefer Option 2 - cancel the project for 2016 and rebid it for 2017.

Let me know if you have any questions.

Thomas C. VanDeGrift
1491 Villa
Birmingham, 48009
tcviii@yahoo.com



Austin Fletcher <afletcher@bhamgov.org>

street project

1 message

gmarie29@comcast.net <gmarie29@comcast.net>

Tue, May 10, 2016 at 2:38 PM

To: afletcher@bhamgov.org

I vote for option # 1. Marie Gagnon, 1492 Villa Road



Austin Fletcher <afletcher@bhamgov.org>

Villa Ave. Paving Project, Adams Rd. to Columbia Rd.

1 message

Jackie Benes <j.benes@comcast.net>

Tue, May 10, 2016 at 10:38 AM

To: afletcher@bhamgov.org

Dear Mr. Fletcher,

I am writing to respond to Paul T. O'Meara's letter on behalf of the City of Birmingham concerning the Villa Ave. Paving Project. Thank you for the opportunity to do so.

Why does this project feel like the upcoming elections? Neither option is appealing and residents will be forced to pick the lesser of two evils at a 31% increase? Your correspondence spins a diplomatic cause and effect, however, it seems evident that there was a lack of foresight on this project and, once again, residents are being asked to pay. My husband and I did not vote for curbs because we have to relocate our water and sewer main to the front of the house by November 2016 for a hefty fee of \$10,000 - \$15,000. I'm told that all of these projects will help alleviate the major flooding in our backyard every time it rains or when the snow melts. We've lived in our home for 30 years and NEVER have we experienced flooding like this until the past 2-3 years. We literally have a swamp (3"-4") for days making it impossible to mow, garden, or enjoy the yard in any way (even our dog won't go back there!), not to mention the residual water damage to our garage.

But I digress...

Yes, curbs would be a lovely addition to Villa. It's my opinion that the City should absorb the 31% increase, but I know that won't happen. We will defer our vote to the majority and hope the outcome is positive. Much like the November elections.

Thank you.

Regards,

Jackie Benes



Austin Fletcher <afletcher@bhamgov.org>

Villa Paving - 1523 -> Option 1 - Go Forward Now

1 message

Cheek, John <John.Cheek@stjohn.org>

Sat, May 7, 2016 at 2:52 PM

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

Thank you for letting us about the rise in price to get the road paved. While we wish it were cheaper, we think that holding out for another year won't translate to a lower price, and in fact the price could go higher in 2017.

The day after reading the letter, I looked out and saw the normal yard, sidewalk, and street flooding that we've had to constantly deal with due to the poor street drainage. This standing water renders our yards useless for days. It also becomes a haven for mosquitos and subsequently promotes the spread of various diseases. In the winter, it becomes a safety issue as various parts of the sidewalk are frozen over and there is no way homeowners can keep up with the constant freeze cycles.

Without the curbs, we're also playing slalom with various cars that park half out in the street because the owners don't understand the easement is actually for parking.

We still think that moving forward now (Option 1) is the best approach. Between the standing water problems (ice in the winter), cars half out in the road, and the overall horrible aesthetic, we need to get this done as soon as possible.

Please reply so I know you received this.

Sincerely,

-John and Angie

1523 Villa

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Austin Fletcher <afletcher@bhamgov.org>

Villa Ave. Paving Project, Adams Rd. to Columbia Rd.- Option #2

1 message

Robert Shopp <bob8e1@gmail.com>

Fri, May 6, 2016 at 12:52 PM

To: afletcher@bhamgov.org

City of Birmingham

c/o Austin Fletcher, P.E.

P.O. 3001

Birmingham, MI 48012

RE: Villa Ave. Paving Project, Adams Rd. to Columbia Rd.

Due to the recent cost increase that you referenced in your April 29, 2016 letter, we would prefer to cancel the project for 2016, and have the project rebid with the same set of plans later this year. This was option #2 in your letter.

Thank You,

Robert & Shelli Shopp

Property Owners of 1524 Villa

1797 Maryland Blvd

Birmingham, MI 48009



Austin Fletcher <aletcher@bhamgov.org>

Villa curb project

1 message

Jeffrey Glazier <Jeff.Glazier@daltile.com>
To: "aletcher@bhamgov.org" <aletcher@bhamgov.org>
Cc: "tracyglazier@aol.com" <tracyglazier@aol.com>

Thu, May 12, 2016 at 8:04 AM

Mr Fletcher,

I opposed the project when it went to a vote and I continue to oppose it. Of the options given I have to say the only responsible decision when deciding between the two, is OPTION 2.

However, as mentioned in the letter dated 4/29, this cost increase is unprecedented in our city history. Because of the 31% increase, this is no longer the same project that was voted on last year. The 3rd option that should have been offered is to vote again based on the actual cost moving forward. I am in a construction related field in southeast Michigan and while we are very busy, my contractors for the most part are struggling to get a 5% increase in labor, and material cost increases have lagged behind that number. 31% is absolutely absurd!

As a Villa resident for 25 years, new curbs are not what has made or will make this neighborhood special. They will not improve relationships built over a lifetime. A vote requiring only a simple majority on this significant a financial investment has had a polarizing effect.

Thank you for requesting additional feedback from the residents. It is a sound management decision.

Jeff Glazier / Daltile Midwest Region
Manager 164 Detroit / 226 Detroit East
24640 Drake Road
Farmington Hills MI 48335
phone [248-471-7150](tel:248-471-7150)
fax [248-476-8143](tel:248-476-8143)
cell [248-797-0844](tel:248-797-0844)
email jeff.glazier@daltile.com



Austin Fletcher <afletcher@bhamgov.org>

Villa paving project

1 message

Matthew Weiner, MD, FACS <weiner@michigansurgery.com>

Thu, May 5, 2016 at 5:57 PM

To: afletcher@bhamgov.org

Mr. Fletcher,

I appreciate all the work that you've put into the paving project and the way you've kept all of us in the loop.

Given the significant increase in price, I believe that you should repeat the vote on whether or not to proceed at all with the project. It is very likely that, given this price increase, there are many residents who originally voted for the project who would not vote in favor given the higher price. I know that this was not the intent, but it feels very much like a "bait and switch."

If you are not willing to repeat the vote again given the price increase, I am in favor of option #2.

Thank you,

Matt Weiner (1560 Villa Rd)

Sent from my iPhone

City of Birmingham
151 Martin Street
Birmingham, MI 48012-3001

Attn: Paul T O'Meara, P.E.

May 5, 2016

Re: Villa Road Paving Project

Ray & Jan Miller

1576 Villa Road

Dear Mr. O'Meara,

Please be advised that although we are extremely upset about the increased cost of the project and that there is no way to guarantee considerable savings by delaying the project until 2017, we are casting our vote in favor of proceeding with the project this year.

Thank you.

Ray & Jan Miller



Austin Fletcher <afletcher@bhamgov.org>

Villa Street Upgrade Option

1 message

Gene Noe <gdn001@yahoo.com>

Mon, May 9, 2016 at 8:58 PM

To: afletcher@bhamgov.org

Hi,

My wife and I live at 1594 Villa (Gene and Julie Noe). We are okay with the increased cost from \$9150 to \$11992 to have the street paved and engineered. Please go forward with the project. So we select Option #1.

Thank you,

Gene Noe
[248-701-0061](tel:248-701-0061)

Austin Fletcher <afletcher@bhamgov.org>

RE: Villa Ave

1 message

grovesrob <grovesrob@yahoo.com>

Sat, May 14, 2016 at 5:12 PM

To: Austin Fletcher <afletcher@bhamgov.org>

Mr. Fletcher,

Thanks for taking the time to discuss the street project with me.

If im only allowed one option i would choose Option 1.

However, if asking the 6 companies who have already given estimated if the price would be reduced by 30% if they were allowed to start in the spring of 2017 i would be in favor of that.

Robert Groves
1600 Villa Road
[248-420-7555](tel:248-420-7555)

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Austin Fletcher <afletcher@bhamgov.org>

Date: 5/14/16 2:34 PM (GMT-05:00)

To: grovesrob@yahoo.com

Subject: Villa Ave

Per our conversation this morning, please find the attached.

If you have any questions or need additional information, please feel free to contact me at our offices.

Thanks,
Austin W. Fletcher, P.E.

Assistant City Engineer

City of Birmingham
151 Martin Street
Birmingham, MI 48009
[\(248\) 530-1839](tel:(248)530-1839)
afletcher@bhamgov.org



Austin Fletcher <afletcher@bhamgov.org>

Villa Road Project

1 message

Liz Crawford <lcraw@hotmail.com>

Tue, May 10, 2016 at 8:24 AM

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

Good Morning,

I live at 1646 Villa Road and I am responding to the letter you sent regarding our road replacement project. I vote for option #2, postponing the project until 2017.

Please confirm you have received this email and that my vote has been counted.

Thank you,

Liz Crawford

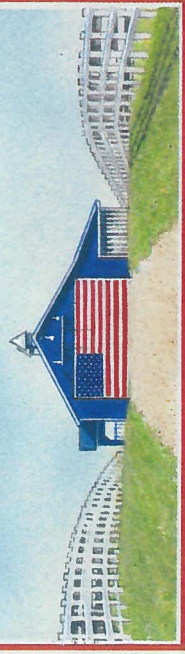
City of Birmingham
 720 Quaker Station
 P.O. Box 3001
 Birmingham, MI 48009-6559

Mr. Jack L. Fawcett
 1650 Villa Rd.
 Birmingham, MI 48009-6559



my preference is for
 Option # 2
 Jack L. Fawcett
 5-8-16

RECEIVED
 MAY 13 2016
 CITY OF BIRMINGHAM
 COMMUNITY DEVELOPMENT DEPARTMENT





Austin Fletcher <afletcher@bhamgov.org>

Villa Avenue Paving Project

1 message

Mike Sweeney <msweeney@burkhartassociates.com>
To: afletcher@bhamgov.org

Thu, May 12, 2016 at 6:19 PM

Option #1

Mike & Kelly Sweeney

1665 Villa



Austin Fletcher <afletcher@bhamgov.org>

Villa Rd, debacale

1 message

kkru@comcast.net <kkru@comcast.net>

Wed, May 4, 2016 at 5:04 PM

To: afletcher@bhamgov.org

Dear Austin,

Although I was not one of the residents that wanted this new road, I will say please go ahead with the project. I mean really, the gas company is right in front of my house now making a huge mess, and where they connected the new gas line to my meter HUGH mess, hope they do something about that. The sidewalks are torn up and I know they will stay that way till the road is done, so we would be living in BEAUTIFUL Birmingham with a huge mess for over a year great!

So really, is there any reason for delaying it any further!!!!

Sincerely,
Kevin Krue
1668 Villa Rd.

papadopoulos
POB 265
birmingham, MI 48012

may 5, 2016

City of Birmingham
151 Martin Street
POB 3001
Birmingham, MI 48009

Dear Mr. O'Mara,

Thank you for your letter dated April 29, 2016; it was very informative. We were very grateful that you are seeking the input from the impacted residents before moving forward. This is most appreciated as the costs, etc are ultimately transferred to us.

A few questions:

- Why were no funds budgeted for this project in the current fiscal year (15/16)?
- Can you share the bids from the 6 companies?
- Will the project be awarded to the lowest bidder?
- What kinds of negotiations will be conducted with the top bidders?

It is seemingly unethical that the rates have increased \$50/front foot for the paving assessment, \$2.25/sqft for the approach, and \$22/ft for the sewer laterals. After re-reading your attributable factors, the increases appear to be based on market tolerance and perceived risk, and possibly our location? versus actual costs and a reasonable profit. What has truly happened in just one year for us to accept this "unprecedented 31% increase" that you note?

You mention that City staff is "uncomfortable", then you can imagine what the homeowners/taxpayers feel. **OPTION #2 is our current decision.** However, in addition to giving the bidders an option to begin anytime during the 2017 year, will you be adding other incentives that are common to the trade that would impact the residents favorably?

You also noted that some Villa Road residents are anxious to see this project completed. However, considering it is not an emergency situation and also keeping in mind we just went through the expense and inconvenience of the sewer upgrades, the \$9,000 cost for this project was pricey last year, but the \$12,000 estimate for this year is very opportunistic. Our fellow residents must kindly have a little patience as we collectively arrive at the best decision for our community.

Respectfully submitted,
Arthur & Patricia Papadopoulos
248.635.9099
pat.papa.abc@gmail.com



Austin Fletcher <afletcher@bhamgov.org>

Villa Ave Paving Project - attached letter

1 message

p papa <pat.papa.abc@gmail.com>

To: afletcher@bhamgov.org

Wed, May 11, 2016 at 8:57 AM

Good Morning,

Option #2 - Cancel project for 2016

Please refer to our letter which is attached to this email.

Kindly confirm receipt.

Thank you

Mr & Mrs A Papadopoulos



LettertoBHampavingproject.pdf

58K



Austin Fletcher <afletcher@bhamgov.org>

Villa Road Project

1 message

Marian Cardamone <emcard@comcast.net>

Sun, May 8, 2016 at 9:48 AM

To: afletcher@bhamgov.org

Hi Austin,

I prefer Option 1 - build the project starting July 1.

I just want to get it over with - our street is a hot mess! Have you seen it lately???

Marian Cardamone
1695 Villa



April 29, 2016

TO: Homeowner

RE: Villa Ave. Paving Project, Adams Rd. to Columbia Rd.

Dear Homeowner,

Last summer, the Engineering Dept. received a petition signed by over 50% of the property owners on your street requesting that the street be repaved. An informational booklet was prepared and mailed to all owners, and a neighborhood meeting was held to further discuss the matter. The project was authorized to proceed in November, 2015.

Projects of this nature are best started in the spring of the year, so that there is as much of the construction season as possible open and available for the selected contractor to complete the work. However, since no funds were budgeted for this project in the current fiscal year 2015/16 (starting July 1, 2015), we knew that we had two choices:

- Postpone the project to 2017.
- Move ahead with the design and bidding work, and ask potential bidders to complete the work between July and November, 2016.

Knowing that many residents on the street are anxious to see this project completed, we selected the latter choice. The project has been designed, and bids were received on April 15. Six companies submitted bids, many of whom we have worked with in the past on similar projects. Bids came in much higher than anticipated, which we think can be attributed to two factors:

- The construction industry is extremely busy given the strong local economy. Prices on other projects of this sort that we have bid recently have all come in higher than anticipated.
- Asking contractors to wait until after July 1 to start the project makes the work somewhat less desirable, and adds some risk that the final stages of the job may have to be done in less optimal weather conditions. This tends to add risk to the contractor, which can translate to higher costs.

The higher costs for this project will impact each owner in the assessment district. Because of the significant difference involved, we would like to get your input before moving ahead. The following table contains the cost estimate put together by staff (based on recent project experience) compared to the low bidder's prices received for Villa Ave. (the total price reflects that which would be charged for an average sized lot and drive approach, and if a new sewer lateral is required):

Cost Category	Est. Unit Price (August, 2015)	Est. Total Cost (August, 2015)	Est. Unit Price (April, 2016)	Est. Total Cost (April 2016)
Paving Assessment	\$135/front foot	\$6,750	\$174/front foot	\$8,700
Drive Approach	\$5.75/sq.ft.	\$750	\$7.55/sq.ft.	\$980
Sewer Lateral Replacemt.	\$55/foot	\$1,650	\$77.07/foot	\$2,312
TOTALS		\$9,150		\$11,992

The total price difference on the chart reflects an annual extra payment of \$284 (plus interest on the remaining balance) over the ten year payment period, which is an increase of 31%.

The difference in cost from what was estimated to what it will now actually cost to build this job is unprecedented. City staff does not feel comfortable moving forward without getting input from you, the residents that will be impacted by this decision. At this time, we feel that we have two options:

Option #1 – Proceed with bids as received, and build the project starting July 1.

Option #2 – Cancel the project for 2016, and rebid the same set of plans late this year, offering bidding contractors the option of building it anytime during the 2017 construction season (April to November).

Option #2 represents a gamble. It would provide an opportunity to test the market, and see if delaying would reduce the cost any meaningful amount. It is hard to predict what, if any, financial benefit would be gained. A large part of the difference, if any, will be a reflection of how the industry feels their construction schedules will be for the 2017 season. At this time, we would guess that there will be some relief in the costs if we wait until 2017, but to what extent, it is too early to predict.

Each resident knows their particular circumstances better than we do. You know how much this improvement means to you, as well as how much the extra costs would impact your annual budget. We strongly encourage all owners (whether you signed the petition or not) to send us your feelings, and your preference for Option 1 or Option 2 as listed above. You are requested to indicate your preference in writing either by email to the Assistant City Engineer, or by US Mail. It is imperative that a decision be made as soon as possible, so that the contractor can put this project into their schedule (if we choose to proceed). All responses must be received by Thursday, May 12 at 5 PM to be included in the count. Based on information received, staff will then put together a recommendation, and ask for a decision by the City Commission at their meeting of May 23, 2016, which will include your input. Please send your preference (between Option 1 and Option 2) to:

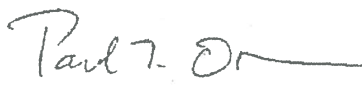
City of Birmingham
c/o: Austin Fletcher, P.E.
P.O. 3001
Birmingham, MI 48012

Or by email, afletcher@bhamgov.org

If you have questions, feel free to call us at 248-530-1850. Votes for Option 1 or 2, however, must be received in writing to be considered in the final count.

Thank you for your attention to this matter.

Sincerely,


Paul T. O'Meara, P.E.
City Engineer

R. S. Kenning
1700 Villa
Birmingham
40
248 642-6161
I vote for option 1
R. S. Kenning



Austin Fletcher <afletcher@bhamgov.org>

Villa Ave Paving Project

1 message

LauraLeeJo@aol.com <LauraLeeJo@aol.com>

Wed, May 11, 2016 at 5:11 PM

To: afletcher@bhamgov.org

Attn: Austin Fletcher, Assistant City Manager, City of Birmingham

I am writing, as required, to provide my preference for the Villa Ave Paving Project.

I chose Option 2.

Cancel the project for 2016 and rebid the same set of plans late this year, offering bidding contractors the option of building anytime during the 2017 construction season (April to November).

It is imperative that you provide residents who will be required to pay for this project the opportunity to properly test the market. A 31% increase in costs is unacceptable.

Sincerely,

Laura L. Johnson
1735 Villa Rd
Birmingham MI 48009
H: [248-385-1185](tel:248-385-1185)
C: [909-896-0672](tel:909-896-0672)
Lauraleejo@aol.com



MEMORANDUM

Engineering Dept.

DATE: May 17, 2016

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Villa Ave. Paving Project
Adams Rd. to Columbia Ave.
Sewer Lateral Special Assessment District

Similar to other projects that involve the installation of a new street pavement, it is recommended that all existing sewer laterals over 50 years old be replaced as a part of the Villa Ave. project, subject to a special assessment to cover the cost. If the City Commission chooses to proceed with awarding the Villa Ave. project to CI Contracting, it would be appropriate to set a public hearing to consider the creation of such a district.

Typically, the rate for the special assessment is based on the per foot price the selected contractor is charging the City for the installation of 6 inch sewer pipe. Generally, the cost of the sewer lateral, when compared to the other bids received on the project, is less than the average of the bids received. (The price per foot that is being charged on the two sewer lateral special assessment districts created so far this year range from \$48 to \$75 per foot, with the higher cost being charged on the more difficult Hamilton Ave. downtown project.) The bid price from CI Contracting for 6 inch sewer pipe installed is \$90 per foot, much above the average of the bids received (\$65.33 per foot). Generally when this happens, we can apply a mathematical formula that considers the bid price of the sewer connection. When we add together the price of the connection and the cost of the pipe per foot, we then typically find that the low bidder's adjusted price averages out well. When this formula has been applied in the past, we have then charged the lower adjusted price per foot, acknowledging that the City is saving money with a lower price per connection.

The mathematical formula combining both the price per foot and the price per connection was applied on these bids. The calculated price is then brought down to \$77.07 per foot. This lower price was used when the April 29, 2016 letter was sent to all owners letting them know that the bid price was higher than expected. Since the adjusted price is still above the average, staff reviewed the bid numbers closer to determine why the low bidder's price for sewer work is above the average.

Different contractors have different bidding strategies. The largest difference discovered in the CI Contracting bid compared to the others is in the pay item known as Traffic Maintenance and Control. This is billed as a lump sum, meaning that all traffic maintenance work is payable in a monthly percentage over the life of the job. For example, if the job takes four months to construct, the City will pay 25% of the traffic maintenance cost with each of the four large monthly paychecks that the City will issue over the course of the project. Bidding a high number for this pay item can be beneficial to the contractor, as it allows the contractor to

collect more money earlier in the project to pay those bills related to setting up the project (bonding, insurance, mobilization, etc.).

CI Contracting bid \$10,000 for their total traffic maintenance costs. The average price bid for this pay item was \$122,500. The higher price typically seen allows the contractor to charge less for other bid items, such as sewer pipe installation. It could be argued, that if the City charges the full \$90 per foot for the assessment, or even the adjusted \$77.07 per foot, the City is saving money on its overall costs, because it is only paying \$10,000 for traffic maintenance, instead of a figure more than ten times that amount. To bring the price more in line with what has been charged with other assessment districts, it is recommended that the assessed price per foot to be charged reflect the average of the six bids received, or \$65.33 per foot. The attached spreadsheet has been prepared using this price, which translates to most owners being billed between \$1,300 and \$2,600 per property. It is anticipated that 51 homes will be in the district. At this price, almost \$100,000 in revenue will be generated toward the cost of this project.

It is recommended that a public hearing of necessity be scheduled at the Monday, June 27, 2016, City Commission meeting. It is further recommended that the public hearing to confirm the roll be held on Monday, July 11, 2016 at the rate of \$65.33/linear ft.

SUGGESTED RESOLUTION:

RESOLVED, that the City Commission shall meet on Monday, June 27, 2016 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of lateral sewers within the Villa Ave. Paving project area. Be it further

RESOLVED, that the City Commission meet on Monday, July 11, 2016 at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of lateral sewers in the Villa Ave. Paving project area.

SUMMARY OF BIDS
VILLA AVE.

	<u>Bidder</u>	<u>Sewer</u>	<u>Service</u>	<u>Connection</u>	<u>Sewer</u>	<u>Service</u>	<u>6"</u>	<u>Total Cost</u> <u>Conn.</u> <u>Plus Pipe</u> <u>Laying</u>
Ranking	Contractors Name	Number of Connections	Cost per Connection	Total Cost	Total Length	Cost per Foot	Total Cost	
1.	CI Contacting	70	\$255	\$17,850.00	1600	90	\$144,000	\$161,850
2.	DiPonio Excavating	70	\$550	\$38,500.00	1600	62	\$99,200	\$137,700
3.	Iafrate Construction	70	\$795	\$55,650.00	1600	75	\$120,000	\$175,650
4.	FDM Contracting	70	\$650	\$24,000.00	1600	65	\$104,000	\$128,000
5.	VIL Construction	70	\$500	\$30,000.00	1600	40	\$64,000	\$94,000
6.	Pamar Enterprises	70	\$500	\$30,000.00	1600	60	\$96,000	\$126,000
Average			541.67	\$32,666.67		65.33	\$104,533.33	\$137,200

Ratio of connection cost to total cost: $\$32,666.67 / \$137,200 = 23.81\%$

Remaining percentage attributed to unit per lineal ft.: $100\% - 23.81\% = 76.19\%$

Total value attributed to unit cost per lineal ft. using low bidders total cost: $76.19\% \times \$161,850 = \$123,313.51$

Revised Cost per Foot reflecting unit rate charged to homeowner: $\$123,313.51 / 1600 = \$77.07/\text{lineal ft.}$



April 29, 2016

TO: Homeowner

RE: Villa Ave. Paving Project, Adams Rd. to Columbia Rd.

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City of Birmingham
c/o: Austin Fletcher, P.E.
P.O. 3001
Birmingham, MI 48012

Or by email, afletcher@bhamgov.org

If you have questions, feel free to call us at 248-530-1850. Votes for Option 1 or 2, however, must be received in writing to be considered in the final count.

Thank you for your attention to this matter.

Sincerely,



Paul T. O'Meara, P.E.
City Engineer

VILLA AVENUE PAVING PROJECT # 6-16(P) BID TABULATION

4/15/2016

				C.I. Contracting, Inc.		DiPonio Contracting, Inc.		Angelo Iafrate Construction Co.		F.D.M. Contracting, Inc		V.I.L. Construction, Inc.		Pamar Enterprises, Inc	
No.	ITEMS FOR BID	QTY	UNITS	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
SEWER PAY ITEMS															
1	18" Combined Sewer, C76, CL-IV, Trench A	625	LF	\$ 132.00	\$ 82,500.00	\$ 143.00	\$ 89,375.00	\$ 112.00	\$ 70,000.00	\$ 160.00	\$ 100,000.00	\$ 90.00	\$ 56,250.00	\$ 175.00	\$ 109,375.00
2	15" Combined Sewer, C76, CL-IV, Trench A	900	LF	\$ 97.00	\$ 87,300.00	\$ 128.00	\$ 115,200.00	\$ 108.00	\$ 97,200.00	\$ 145.00	\$ 130,500.00	\$ 80.00	\$ 72,000.00	\$ 165.00	\$ 148,500.00
3	10" Combined Sewer, C76, CL-IV, Trench A	500	LF	\$ 68.00	\$ 34,000.00	\$ 125.00	\$ 62,500.00	\$ 100.00	\$ 50,000.00	\$ 120.00	\$ 60,000.00	\$ 74.00	\$ 37,000.00	\$ 145.00	\$ 72,500.00
4	12" Storm Sewer, C76, CL-IV, Trench A	725	LF	\$ 60.00	\$ 43,500.00	\$ 80.00	\$ 58,000.00	\$ 75.00	\$ 54,375.00	\$ 65.00	\$ 47,125.00	\$ 60.00	\$ 43,500.00	\$ 125.00	\$ 90,625.00
5	Sewer Service, 6" PVC SDR 23.5	1,600	LF	\$ 90.00	\$ 144,000.00	\$ 62.00	\$ 99,200.00	\$ 75.00	\$ 120,000.00	\$ 65.00	\$ 104,000.00	\$ 40.00	\$ 64,000.00	\$ 60.00	\$ 96,000.00
6	New 4'-0" Diameter Manhole	9	EA	\$ 3,000.00	\$ 27,000.00	\$ 3,200.00	\$ 28,800.00	\$ 3,500.00	\$ 31,500.00	\$ 3,500.00	\$ 31,500.00	\$ 2,300.00	\$ 20,700.00	\$ 4,350.00	\$ 39,150.00
7	New 4'-0" Diameter Catch Basin	8	EA	\$ 2,160.00	\$ 17,280.00	\$ 2,000.00	\$ 16,000.00	\$ 2,900.00	\$ 23,200.00	\$ 2,500.00	\$ 20,000.00	\$ 2,500.00	\$ 20,000.00	\$ 2,250.00	\$ 18,000.00
8	New 2'-0" Diameter Inlet	7	EA	\$ 1,525.00	\$ 10,675.00	\$ 1,200.00	\$ 8,400.00	\$ 1,400.00	\$ 9,800.00	\$ 1,800.00	\$ 12,600.00	\$ 2,000.00	\$ 14,000.00	\$ 1,550.00	\$ 10,850.00
9	6" Perforated Pipe Underdrain (No sock - 40' @ each CB/Inlet Structure)	600	LF	\$ 21.00	\$ 12,600.00	\$ 15.00	\$ 9,000.00	\$ 22.00	\$ 13,200.00	\$ 15.00	\$ 9,000.00	\$ 20.00	\$ 12,000.00	\$ 15.00	\$ 9,000.00
10	Sewer Tap, 18"	1	EA	\$ 1,300.00	\$ 1,300.00	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,500.00	\$ 3,500.00	\$ 1,000.00	\$ 1,000.00	\$ 7,500.00	\$ 7,500.00
11	Sewer Tap, 15"	1	EA	\$ 1,100.00	\$ 1,100.00	\$ 4,000.00	\$ 4,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 750.00	\$ 750.00	\$ 7,000.00	\$ 7,000.00
12	Sewer Tap, 12"	2	EA	\$ 1,000.00	\$ 2,000.00	\$ 1,700.00	\$ 3,400.00	\$ 2,000.00	\$ 4,000.00	\$ 2,000.00	\$ 4,000.00	\$ 600.00	\$ 1,200.00	\$ 1,500.00	\$ 3,000.00
13	Sewer Service Tap, 6"	70	EA	\$ 255.00	\$ 17,850.00	\$ 550.00	\$ 38,500.00	\$ 795.00	\$ 55,650.00	\$ 650.00	\$ 45,500.00	\$ 500.00	\$ 35,000.00	\$ 500.00	\$ 35,000.00
14	Reconstruct Manhole (if and where needed)	25	VF	\$ 120.00	\$ 3,000.00	\$ 175.00	\$ 4,375.00	\$ 185.00	\$ 4,625.00	\$ 10.00	\$ 250.00	\$ 50.00	\$ 1,250.00	\$ 550.00	\$ 13,750.00
15	Remove & Replace Structure Cover (as directed by City)	1,600	LB	\$ 2.00	\$ 3,200.00	\$ 3.00	\$ 4,800.00	\$ 1.60	\$ 2,560.00	\$ 2.00	\$ 3,200.00	\$ 3.00	\$ 4,800.00	\$ 3.00	\$ 4,800.00
16	Remove Ex. Manhole	6	EA	\$ 425.00	\$ 2,550.00	\$ 400.00	\$ 2,400.00	\$ 790.00	\$ 4,740.00	\$ 500.00	\$ 3,000.00	\$ 400.00	\$ 2,400.00	\$ 500.00	\$ 3,000.00
17	Remove Ex. Drainage Structure	14	EA	\$ 425.00	\$ 5,950.00	\$ 400.00	\$ 5,600.00	\$ 790.00	\$ 11,060.00	\$ 500.00	\$ 7,000.00	\$ 400.00	\$ 5,600.00	\$ 350.00	\$ 4,900.00
18	Lower Ex. 8" H.D.P.E. Water Main	1	LS	\$ 4,500.00	\$ 4,500.00	\$ 2,500.00	\$ 2,500.00	\$ 5,900.00	\$ 5,900.00	\$ 10,000.00	\$ 10,000.00	\$ 500.00	\$ 500.00	\$ 3,500.00	\$ 3,500.00
19	Abandon Ex. 18" Sewer (Including All Bulkheads)	250	LF	\$ 8.00	\$ 2,000.00	\$ 10.00	\$ 2,500.00	\$ 27.00	\$ 6,750.00	\$ 20.00	\$ 5,000.00	\$ 10.00	\$ 2,500.00	\$ 7.00	\$ 1,750.00
20	Abandon Ex. 12" Sewer (Including All Bulkheads)	25	LF	\$ 7.00	\$ 175.00	\$ 8.00	\$ 200.00	\$ 35.00	\$ 875.00	\$ 20.00	\$ 500.00	\$ 10.00	\$ 250.00	\$ 6.00	\$ 150.00
SUBTOTAL SEWER PAY ITEMS					\$ 502,480.00		\$ 559,750.00		\$ 571,435.00		\$ 599,675.00		\$ 394,700.00		\$ 678,350.00
PAVING PAY ITEMS															
21	Earth Excavation	6,500	CY	\$ 28.00	\$ 182,000.00	\$ 22.00	\$ 143,000.00	\$ 22.00	\$ 143,000.00	\$ 22.00	\$ 143,000.00	\$ 15.00	\$ 97,500.00	\$ 29.00	\$ 188,500.00
22	Subgrade Undercutting	700	CY	\$ 35.00	\$ 24,500.00	\$ 30.00	\$ 21,000.00	\$ 40.00	\$ 28,000.00	\$ 10.00	\$ 7,000.00	\$ 45.00	\$ 31,500.00	\$ 45.00	\$ 31,500.00
23	Salavaging Brick Pavers	600	SY	\$ 1.00	\$ 600.00	\$ 10.00	\$ 6,000.00	\$ 0.80	\$ 480.00	\$ 1.00	\$ 600.00	\$ 2.00	\$ 1,200.00	\$ 1.00	\$ 600.00
24	Removing Asphalt Drive Approach	500	SY	\$ 7.00	\$ 3,500.00	\$ 6.00	\$ 3,000.00	\$ 5.30	\$ 2,650.00	\$ 7.00	\$ 3,500.00	\$ 10.00	\$ 5,000.00	\$ 8.00	\$ 4,000.00
25	Removing Concrete Drive Approach	500	SY	\$ 8.50	\$ 4,250.00	\$ 7.00	\$ 3,500.00	\$ 6.00	\$ 3,000.00	\$ 7.00	\$ 3,500.00	\$ 10.00	\$ 5,000.00	\$ 9.00	\$ 4,500.00
26	Removing Concrete Sidewalk & Ramp (sawcutting included)	400	SY	\$ 7.00	\$ 2,800.00	\$ 8.00	\$ 3,200.00	\$ 2.10	\$ 840.00	\$ 7.00	\$ 2,800.00	\$ 10.00	\$ 4,000.00	\$ 7.00	\$ 2,800.00
27	Removing Pavement Full Depth (Curb & Gutter included)	600	SY	\$ 10.00	\$ 6,000.00	\$ 12.00	\$ 7,200.00	\$ 5.50	\$ 3,300.00	\$ 12.00	\$ 7,200.00	\$ 15.00	\$ 9,000.00	\$ 12.00	\$ 7,200.00
28	Cold Milling Asphalt, 1.5" Depth	100	SY	\$ 10.00	\$ 1,000.00	\$ 38.00	\$ 3,800.00	\$ 15.00	\$ 1,500.00	\$ 20.00	\$ 2,000.00	\$ 20.00	\$ 2,000.00	\$ 5.00	\$ 500.00
29	Bituminous Mixture No. 13A, Handpatch	30	TON	\$ 325.00	\$ 9,750.00	\$ 300.00	\$ 9,000.00	\$ 200.00	\$ 6,000.00	\$ 250.00	\$ 7,500.00	\$ 350.00	\$ 10,500.00	\$ 200.00	\$ 6,000.00
30	Aggregate Base, MDOT 21AA Limestone, 8"	7,200	SY	\$ 14.85	\$ 106,920.00	\$ 11.70	\$ 84,240.00	\$ 10.00	\$ 72,000.00	\$ 12.00	\$ 86,400.00	\$ 10.00	\$ 72,000.00	\$ 13.00	\$ 93,600.00
31	Concrete Pavement, Non-reinforced, 7", incl. integral 6" Curb	6,500	SY	\$ 39.50	\$ 256,750.00	\$ 39.35	\$ 255,775.00	\$ 41.25	\$ 268,125.00	\$ 42.00	\$ 273,000.00	\$ 40.50	\$ 263,250.00	\$ 39.35	\$ 255,775.00
32	Concrete Drive Approach, 6"	1,100	SY	\$ 68.00	\$ 74,800.00	\$ 51.00	\$ 56,100.00	\$ 49.75	\$ 54,725.00	\$ 43.00	\$ 47,300.00	\$ 42.00	\$ 46,200.00	\$ 40.50	\$ 44,550.00
33	Concrete Sidewalk, 4"	3,000	SF	\$ 7.50	\$ 22,500.00	\$ 5.50	\$ 16,500.00	\$ 4.25	\$ 12,750.00	\$ 4.70	\$ 14,100.00	\$ 4.60	\$ 13,800.00	\$ 4.25	\$ 12,750.00
34	Concrete Sidewalk, 6" (Includes Ramps)	750	SF	\$ 9.80	\$ 7,350.00	\$ 7.00	\$ 5,250.00	\$ 6.50	\$ 4,875.00	\$ 8.00	\$ 6,000.00	\$ 7.50	\$ 5,625.00	\$ 7.00	\$ 5,250.00
35	Handicap Ramp Truncated Domes	110	SF	\$ 50.00	\$ 5,500.00	\$ 50.00	\$ 5,500.00	\$ 75.00	\$ 8,250.00	\$ 55.00	\$ 6,050.00	\$ 52.00	\$ 5,720.00	\$ 50.00	\$ 5,500.00
36	Remove & Replace Concrete Curb & Gutter	25	LF	\$ 43.00	\$ 1,075.00	\$ 41.00	\$ 1,025.00	\$ 60.00	\$ 1,500.00	\$ 50.00	\$ 1,250.00	\$ 75.00	\$ 1,875.00	\$ 35.00	\$ 875.00
37	Adjust Structure Cover	8	EA	\$ 325.00	\$ 2,600.00	\$ 405.00	\$ 3,240.00	\$ 325.00	\$ 2,600.00	\$ 450.00	\$ 3,600.00	\$ 600.00	\$ 4,800.00	\$ 660.00	\$ 5,280.00
38	Maintenance Aggregate for Entire Project	1	LS	\$ 6,500.00	\$ 6,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,200.00	\$ 2,200.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 2,500.00	\$ 2,500.00
SUBTOTAL PAVING PAY ITEMS					\$ 718,395.00		\$ 629,830.00		\$ 615,795.00		\$ 619,800.00 *		\$ 588,970.00		\$ 671,680.00
GENERAL PAY ITEMS															
39	Traffic Maintenance & Control	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 110,000.00	\$ 110,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 350,000.00	\$ 350,000.00	\$ 65,000.00	\$ 65,000.00
40	Water and Sewer Allowance	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
41	Salvage Existing Signs	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 1,000.00	\$ 1,000.00	\$ 1,100.00	\$ 1,100.00	\$ 1,000.00	\$ 1,000.00
42	Sign Post, U-Channel	100	LF	\$ 10.00	\$ 1,000.00	\$ 10.00	\$ 1,000.00	\$ 4.00	\$ 400.00	\$ 10.00	\$ 1,000.00	\$ 11.00	\$ 1,100.00	\$ 10.00	\$ 1,000.00
43	Removing Pavement Markings, 6" White	125	LF	\$ 0.85	\$ 106.25	\$ 1.00	\$ 125.00	\$ 0.85	\$ 106.25	\$ 2.00	\$ 250.00	\$ 1.00	\$ 125.00	\$ 0.85	\$ 106.25
44	Waterbourne Pavement Marking, 24 inch Stop Bar	20	LF	\$ 10.25	\$ 205.00	\$ 11.00	\$ 220.00	\$ 10.25	\$ 205.00	\$ 15.00	\$ 300.00	\$ 10.50	\$ 210.00	\$ 10.25	\$ 205.00
45	Waterbourne Pavement Marking, 12 inch Crosshatching, White	250	LF	\$ 5.25	\$ 1,312.50	\$ 6.00	\$ 1,500.00	\$ 5.25	\$ 1,312.50	\$ 7.50	\$ 1,875.00	\$ 5.50	\$ 1,375.00	\$ 5.25	\$ 1,312.50
46	Tree Protection, 3" Dia. Or Greater	71	EA	\$ 150.00	\$ 10,650.00	\$ 75.00	\$ 5,325.00	\$ 150.00	\$ 10,650.00	\$ 100.00	\$ 7,100.00	\$ 50.00	\$ 3,550.00	\$ 55.00	\$ 3,905.00
47	Mulch, 3"	200	SY	\$ 5.00	\$ 1,000.00	\$ 7.50	\$ 1,500.00	\$ 7.50	\$ 1,500.00	\$ 10.00	\$ 2,000.00	\$ 10.00	\$ 2,000.00	\$ 8.00	\$ 1,600.00
48	Topsoil, 3"	3,500	SY	\$ 4.00	\$ 14,000.00	\$ 3.40	\$ 11,900.00	\$ 3.40	\$ 11,900.00	\$ 4.00	\$ 14,000.00	\$ 5.50	\$ 19,250.00	\$ 3.50	\$ 12,250.00
49	Sod, Class A	3,500	SY	\$ 5.00	\$ 17,500.00	\$ 6.50	\$ 22,750.00	\$ 6.50	\$ 22,750.00	\$ 4.00	\$ 14,000.00	\$ 2.50	\$ 8,750.00	\$ 5.50	\$ 19,250.00
50	Inlet Filter	17	EA	\$ 100.00	\$ 1,700.00	\$ 100.00	\$ 1,700.00	\$ 150.00	\$ 2,550.00	\$ 100.00	\$ 1,700.00	\$ 100.00	\$ 1,700.00	\$ 100.00	\$ 1,700.00
51	Inlet Sediment Pit	17	EA	\$ 100.00	\$ 1,700.00	\$ 125.00	\$ 2,125.00	\$ 85.00	\$ 1,445.00	\$ 1.00	\$ 17.00	\$ 5.00	\$ 85.00	\$ 25.00	\$ 425.00
52	Inspector Crew Days	80	DAYS	\$ 360.00	\$ 28,800.00	\$ 360.00	\$ 28,800.00	\$ 360.00	\$ 26,640.00	\$ 360.00	\$ 27,000.00	\$ 360.00	\$ 27,000.00	\$ 360.00	\$ 27,2

SEWER LATERAL CHART

Birmingham Villas Water Main Project - Contract #3-14(W)

Address	Street	Type of Pipe	Date	SAD?	Estimated	Estimated
			Installed		Length	Cost
						6"
						\$65.33

Villa Ave. - Adams Rd. to Columbia Ave.

NORTH SIDE

359	S. Adams	Unk - on Villa	---	Y	36	\$2,352
1133	Villa	Clay	1940	Y	37	\$2,417
1155		P.V.C.	2002	N	0	\$0
1179		P.V.C.	2006	N	0	\$0
1207		Orangeburg	1961	Y	40	\$2,613
1219		Unk	---	Y	40	\$2,613
1235		Unk	1950	Y	40	\$2,613
1255		Unk	---	Y	40	\$2,613
1265		Unk	---	Y	40	\$2,613
1279		P.V.C.	1986	N	0	\$0
1295		P.V.C.	1991	N	0	\$0
1331		P.V.C.	1991	N	0	\$0
1347		Clay	1983	N	0	\$0
1367		P.V.C.	2002	N	0	\$0
1405		Clay	1947	Y	40	\$2,613
1427		Clay	1942	Y	40	\$2,613
1439		Clay	1941	Y	40	\$2,613
1467		P.V.C.	2003	N	0	\$0
1491		Orangeburg	1952	Y	40	\$2,613
1509		Clay	1941	Y	40	\$2,613
1521		Orangeburg	1948	Y	40	\$2,613
1555		Clay	1942	Y	40	\$2,613
1583		Orangeburg	1957	Y	40	\$2,613
1611		P.V.C.	2014	N	0	\$0
1633		Unknown	1940	Y	40	\$2,613
1649		Unknown	1940	Y	40	\$2,613
1665		Unknown	1940	Y	40	\$2,613
1679		Orangeburg	1960	Y	40	\$2,613
1695		Orangeburg	1947	Y	40	\$2,613
1711		P.V.C.	2005	N	0	\$0
1735		4" HDPE	2014	N	0	\$0
1751		Orangeburg	1948	Y	40	\$2,613
1773		Orangeburg	1951	Y	40	\$2,613
1791		Orangeburg	1951	Y	40	\$2,613

SOUTH SIDE

411	S. Adams	Orangeburg	1952	Y	20	\$1,307
1136	Villa	Clay	1943	Y	20	\$1,307
1158		Unknown	---	Y	20	\$1,307
1180		Unknown	---	Y	20	\$1,307
1208		Unknown	---	Y	20	\$1,307
1228		Orangeburg	1959	Y	20	\$1,307
1238		P.V.C.	2015	N	0	\$0
1250		Orangeburg	1953	Y	20	\$1,307
1272		Unknown	1941	Y	20	\$1,307
1288		Clay	1972	N	0	\$0
1316		Orangeburg	1950	Y	20	\$1,307
1326		Orangeburg	1947	Y	20	\$1,307
1350		P.V.C.	2011	N	0	\$0
1384		Orangeburg	1957	Y	20	\$1,307
1408		Cast Iron	1946	Y	20	\$1,307
1420		Clay	1941	Y	20	\$1,307
1438		Unknown	---	Y	20	\$1,307
1456		Orangeburg	1949	Y	20	\$1,307
1474		P.V.C.	2005	N	0	\$0
1492		Orangeburg	1950	Y	20	\$1,307
1500		Orangeburg	1950	Y	20	\$1,307
1524		P.V.C.	2012	N	0	\$0
1540		Orangeburg	1948	Y	20	\$1,307
1560		P.V.C.	2005	N	0	\$0
1576		Unknown	1940	Y	20	\$1,307
1594		Orangeburg	1956	Y	20	\$1,307
1600		Clay	1967	N	0	\$0
1630		P.V.C.	2014	N	0	\$0
1646		Orangeburg	1947	Y	20	\$1,307
1650		Orangeburg	1948	Y	20	\$1,307
1668		Cast Iron	1945	Y	20	\$1,307
1692		Orangeburg	1947	Y	20	\$1,307
1700		Clay	1966	Y	20	\$1,307
1750		Clay	1941	Y	20	\$1,307
1772		Cast Iron	1945	Y	20	\$1,307
1786		Cast Iron	1946	Y	20	\$1,307

TOTAL 1,473 \$96,231

RATIO = 51/70 73%



MEMORANDUM

Engineering Dept.

DATE: May 16, 2015

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: W. Maple Rd. Resurfacing Project
Cranbrook Rd. to Southfield Rd.
Federal Funding Agreement

In 2014, the City of Birmingham was awarded federal funding to cover 80% of the estimated construction cost for the above referenced resurfacing project. The City will be responsible for all design, contract administration, and inspection costs, as well as any construction cost overages.

Our local engineering consultant Nowak & Fraus prepared bidding documents last year, and the job was bid to contractors through the Michigan Dept. of Transportation (MDOT) bidding system. Bids were opened on May 5. The low bidder was Ajax Paving Co., with their bid of \$1,424,888.88. Since the low bid is less than 10% over the engineer's estimate, Birmingham is required to proceed with the project as bid.

Funding for the project will be as follows:

Total Contract Construction Cost	\$1,424,888.88
Engineer's Estimate	\$1,357,200.00
Federal Funding Share	<u>\$1,110,900.00</u>
Remaining Balance (Birmingham Share)	\$ 313,988.88

The City budgeted \$299,000 for its local share of this project. An additional \$14,988.88 is needed from fund balance at this time to meet the actual projected cost.

With the above in mind, MDOT has prepared the attached agreement that has been prepared for the City's signature. The agreement stipulates that the City of Birmingham must agree to pay its local share of this project (originally estimated at \$246,300), and that it must operate this project in accordance with the requirements of the federal government. As is usually done on Local Agency Program projects, the construction contract is between the contractor and MDOT. Therefore, MDOT will make all payments to the contractor. They will then invoice the City of Birmingham for its share as payments are made.

Two resolutions are prepared below for Commission Approval. The first resolution is to authorize the Mayor to sign the agreement between the City and MDOT. The official resolution must contain the information listed therein to meet MDOT requirements. For the purposes of approval of the agreement, the cost figures included are those that were prepared before bids were opened on this project.

The second resolution is to amend the budget to appropriate the additional funds identified as being needed as a part of the actual low bids opened on May 5.

SUGGESTED RESOLUTION A:

To authorize Mayor Rackeline Hoff to sign Contract No. 16-5183 between the City of Birmingham and the Michigan Dept. of Transportation to proceed with the project known as the W. Maple Rd. Resurfacing project, from Cranbrook Rd. to Southfield Rd., with federal funding up to \$1,110,900 included. The estimated cost of the local City share is \$246,300, charged to account number 202-449.001-981.0100.

SUGGESTED RESOLUTION B:

To approve an appropriation and budget amendment to provide for the City's local share of the W. Maple Rd. Resurfacing Project (Cranbrook Rd. to Southfield Rd.), as follows:

Major Street Fund

Revenues:

Draw from Fund Balance #202-000.000-400.0000	<u>\$15,000</u>
Total Revenue Adjustments	\$15,000

Expenditures:

Major Street Public Improvements #202-449.001-981.0100	<u>\$15,000</u>
Total Expenditure Adjustments	\$15,000

Tabulation of Bids

Call Number: 002 Contract ID: 63459-129407 Project(s): STP 1663(037)

Letting Date: May 06, 2016 Region(s): Oakland TSC Counties: Oakland County

Contract Time: 09/30/16 COMPLETION DATE

Contract Description: 1.29 mi of hot mix asphalt cold milling and resurfacing, pavement removal, drainage, pavement repairs, concrete driveway, curb, gutter, sidewalk and ramps, aggregate base, and pavement markings on West Maple Road from Cranbrook Road to Southfield Road in the city of Birmingham, Oakland County. ** 1356 Cb **In addition to the above minimum prequalification requirement for prime contractors this project includes a subclassification of Ea. If the prime contractor is not prequalified in this subclassification it must use a prequalified subcontractor. This subcontractor must be designated prior to award of the contract to the confirmed low bidder.

List of Vendors

Rank	Vendor ID/Name	Total Bid	Percent Of Low Bid	Percent Of Estimate
0	-EST- - Engineer's Estimate	\$1,356,510.75	95.20%	100.00%
1	00588 - Ajax Paving Industries, Inc.	\$1,424,888.88	100.00%	105.04%
2	05184 - Cadillac Asphalt, L.L.C.	\$1,660,549.28	116.54%	122.41%

STP

DA

Control Section	STU 63459
Job Number	129407A
Project	STP 1663(037)
Federal Item No.	HK 0899
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	16-5183

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF BIRMINGHAM, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Birmingham, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated March 18, 2016, attached hereto and made a part hereof:

Hot mix asphalt cold milling and resurfacing work along West Maple Road from Cranbrook Road easterly to Southfield Road; including pavement removal, drainage improvement, pavement repair, concrete curb and gutter, sidewalk and ramp work; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except for construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in part by contributions by the Federal Government. Federal Surface Transportation Funds shall be applied to the eligible items of the PROJECT COST at the established Federal participation ratio equal to 81.85 percent. The balance of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

Buy America Requirements (23 CFR 365.410) shall apply to the PROJECT and will be adhered to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that a) it is a person under the Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., as amended, (NREPA) and is not aware of and has no reason to believe that the property is a facility as defined in the NREPA; b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); c) it conducted a visual inspection of property within the existing

right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. Each party to this contract will remain responsive for any and all claims arising out of its own acts and/or omissions during the performance of the contract, as provided by this contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this contract.

The DEPARTMENT shall not be subject to any obligations or liabilities by contractors of the REQUESTING PARTY or their subcontractors or any other person not a party to this contract without its specific consent and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof.

It is expressly understood and agreed that the REQUESTING PARTY shall take no action or conduct which arises either directly or indirectly out of its obligations, responsibilities, and duties under this contract, which results in claims being asserted against or judgments being imposed against the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission.

In the event that the same occurs, for the purpose of this contract it will be considered as a breach of this contract thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission a right to seek and obtain any necessary relief or remedy, including but not by way of limitation, a judgment for money damages.

17. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

18. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

19. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF BIRMINGHAM

MICHIGAN DEPARTMENT
OF TRANSPORTATION


By _____
Title:

By _____
Department Director MDOT

By _____
Title:



RDB
3/24/16

~~APPROVED~~

Administrator
Real Estate
3/29/16
Date

March 18, 2016

EXHIBIT I

CONTROL SECTION	STU 63459
JOB NUMBER	129407A
PROJECT	STP 1663(037)

ESTIMATED COST

CONTRACTED WORK

Estimated Cost	\$1,357,200
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COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$1,357,200
Less Federal Funds	<u>\$1,110,900</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$ 246,300

NO DEPOSIT

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (6012.1): Preliminary Engineering
 - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - c. FAPG (23 CFR 635A): Contract Procedures
 - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - d. FAPG (23 CFR 635A): Contract Procedures
 - e. FAPG (23 CFR 635B): Force Account Construction
 - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

- g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)
 - h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
3. Modification Or Construction Of Railroad Facilities
- a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
- 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by ten percent (10%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, as amended, including, but not limited to, the Single Audit Amendments of 1996 (31 USC 7501-7507).

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$500,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Education
Accounting Service Center
Hannah Building
608 Allegan Street
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final

or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

- A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

- a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

- b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

- c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

- d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A

PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX B TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



**NOTICE OF INTENTION TO INTERVIEW
FOR APPOINTMENT TO THE
BIRMINGHAM SHOPPING DISTRICT BOARD**

At the regular meeting of Monday, June 6, 2016, the Birmingham City Commission intends to interview applicants for appointment to the Birmingham Shopping District Board to serve the remainder of a four-year term to expire November 16, 2017 and to serve the remainder of a four-year term to expire November 16, 2018.

The goal of the shopping district board shall be to promote economic activity in the principal shopping districts of the city by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities. (Section 82-97(a)) The board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the city commission from the financing methods specified in this article. (Section 82-97(b)).

The ordinance states that the City Manager will make the appointment with the concurrence of the City Commission.

Interested persons may submit a form available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, June 1, 2016. These documents will appear in the public agenda.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall be representatives of businesses located in the district.	6/1/16	6/6/16

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

Clerk Note: This is to fill the vacancy due to the resignation of Steven Syzdek.



BIRMINGHAM SHOPPING DISTRICT BOARD

Ordinance 1534 - Adopted September 14, 1992

The Board shall consist of 12 members as follows:

- City Manager.
- Resident from an area designated as a principal shopping district.
- Resident from an adjacent residential area.
- A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located in the district.
- The remaining members shall be representatives of businesses located in the district.

4-Year Terms

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Astrein	Richard	(248) 399-4228	11/16/1992	11/16/2017
13125 Ludlow		(248) 644-1651	Business Operator/Property Owner	
Huntington Woods	48070			
A-Woods	Rachael	(248) 933-5421	12/5/2011	11/16/2019
30485 Red Maple Lane			Business Operator	
Southfield	48076	<i>ra-woods@sbcglobal.net</i>		
123 W. Maple				
Birmingham	48009			
Daskas	Cheryl		11/9/1998	11/16/2018
353 Aspen		(248) 258-0212	Business Operator/Property Owner	
Birmingham	48009	<i>cheryl@tenderbirmingham.com</i>		
271 West Maple				
Birmingham	48009			

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Fehan 833 Hazel Birmingham	Douglas 48009	(248) 705-3000 <i>godug@aol.com</i>	12/14/1992 District Resident	11/16/2016
Hockman PO Box 936 Birmingham	Geoffrey 48012	(248) 431-4800 (248) 433-0713 <i>jeff.hockman.mec@gmail.com</i>	11/16/1992 Business Operator/Property Owner	11/16/2018
Quintal 880 Ivy Lane Bloomfield Hills 112 Peabody St Birmingham	Steven 48304 48009	248-642-0024 <i>steve@fullercentralpark.com</i>	12/8/2003 Member greater than 5% total sq ft in SAD 1.	11/16/2019
Roberts 410 Whippers in Court Bloomfield Hills 273 Pierce Birmingham	William 48304 48009	(248) 463-8606 (248) 646-6395 <i>BR@RobertsRestaurantGroup.com</i>	11/10/1997 Business Operator	11/16/2017
Solomon 588 Stanley Birmingham	Judith 48009	(248) 645-2330 <i>judyfreelance@aol.com</i>	11/22/2010 Resident from Adjacent neighborhood	11/16/2016

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Surnow	Sam	(248) 817-0686	11/23/2015	11/16/2019
411 South Old Woodward, #714 Birmingham	48009	(248) 865-3000 <i>sam@surnow.com</i>	Business Operator/Property Owner Member	
Syzdek	Steven	(248) 252-6958	11/24/2014	11/16/2018
600 Pine Valley Way Bloomfield Hills	48302	<i>steven@boconceptbirmingham-mi.com</i>		
670 S. Old Woodward Birmingham	48009			
Vacant				11/16/2017
			Business Operator	
Valentine	Joseph	(248) 530-1809	City Manager	
151 Martin Birmingham	48009	<i>jvalentine@bhamgov.org</i>		



NOTICE OF INTENTION TO APPOINT TO THE MARTHA BALDWIN PARK BOARD

At the regular meeting of Monday, June 27, 2016 the Birmingham City Commission intends to appoint four members to the Martha Baldwin Park Board: two members to serve four-year terms to expire May 1, 2020 and two members to serve the remainder of a four-year term to expire May 1, 2019. Members must be electors of the City of Birmingham.

Interested citizens may submit an application available at the city clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the city clerk's office on or before noon on Wednesday, June 22, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members must be electors in the City of Birmingham.	6/22/16	6/27/16



MARTHA BALDWIN PARK BOARD

Chapter 78 - Section 78-56 Ordinance No. 65, Adopted May 10, 1915

Term: four years

Appointed by the City Commission

Qualifications: The board shall consist of four persons who shall be electors of the city.

Duties: The control and management of the Martha Baldwin Park shall be vested in the Martha Baldwin Park Board. (Section 78-56)

Last Name Home Address	First Name	Home Business Fax E-Mail	Appointed	Term Expires
Buchanan 1280 Suffield	Ronald	(248) 646-3297 <i>rlb4149@yahoo.com</i>	1/12/2015	5/1/2015
Forrester 1252 S. Bates	Linda	248-646-3442 <i>linozfor@att.net</i>	7/9/2012	5/1/2015
Kenning 1700 Villa	Robert	(248) 642-6161	6/8/1992	5/1/2016
McKee 392 Ferndale	Jane	(248) 644-1029	7/10/2000	5/1/2016



MEMORANDUM

Finance Department

DATE: May 3, 2016

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer

SUBJECT: Third Quarter Financial Reports

Background

Chapter 7, section 3(b) of the City charter requires the Director of Finance to report on the condition of the City quarterly. Quarterly reports are prepared for the first 3 quarters of the year with the annual audit serving as the 4th quarter report. Only the following funds are reported quarterly because by state law they require a budget: General Fund, Greenwood Cemetery Fund, Major and Local Street Funds, Solid Waste Fund, Community Development Block Grant Fund, Law and Drug Enforcement Fund, Baldwin Public Library Fund, Principal Shopping District Fund, Brownfield Redevelopment Authority Fund, Triangle District Corridor Improvement Authority Fund, and the Debt Service Fund.

Overview

Attached is the third quarter 2015-2016 fiscal year financial reports. The reports compare budget to actual for the current fiscal year and the prior fiscal year for the same quarter. This allows comparisons between fiscal years as well as percentage of budget received/spent for the year. The budget categories used for each fund are the same ones approved by the Commission when they adopted the budget. Budget discussions that follow will focus on each fund individually.

At this point, 75% of the fiscal year has lapsed.

General Fund

Overall, the activity in the General Fund for fiscal year 2015-2016 is comparable to the prior fiscal. Revenues are approximately \$1M higher than last year mostly as a result of higher property tax revenue and licenses and permits. Intergovernmental revenues are at 59% of budget because state shared revenue is received by the City approximately two months after it is collected by the State. Fines and forfeiture revenue is at 34% because 2nd quarter revenue from the 48th District Court is not received until after their year-end audit.

Expenditures for the General Fund are at the same level as the prior year. Transfers out are at 91% as a result of a transfer to the Risk Management Fund to pay for a portion of the Wolf vs Birmingham settlement.

Greenwood Cemetery Fund

This is a new fund this year. We have received approximately \$168,000 for the first 6 months of this fiscal year. No expenditures were budgeted for this year.

Major Street Fund

Overall, revenue has is approximately the same as last fiscal year. The decrease in intergovernmental revenue of approximately \$270,000 was the result of a grant from the State for reconstruction of the Chesterfield/Quarton intersection for \$432,800 which was received in August 2014. This was offset by an increase in transfers from the General Fund of \$285,000.

Non-construction expenditures are similar to the previous fiscal year, with the exception of traffic controls and snow and ice removal. Traffic controls is higher this year compared to the previous year as a result of the West Maple Road restriping and signal control upgrades. Snow and ice removal expenditures are less than last year as a result of a milder winter this fiscal year. Construction expenditures are approximately \$600,000 less this fiscal year as compared to the prior year as a result of less costly projects scheduled for this fiscal year.

Local Street Fund

Total revenues for the year are approximately \$117,000 higher than the prior year as a result of an increase in transfers from the General Fund of \$187,500 and additional road funding from the State of \$57,000. This was partially offset by a decrease in other revenue of \$120,000 as a result of special assessment revenue received in 2014-2015 for a cape seal project.

Total expenditures are approximately \$450,000 less than the prior year mostly as a result of a decrease in construction costs. Non-construction expenditures are similar to the previous fiscal year, except for street maintenance and street cleaning. Street maintenance is approximately \$170,000 less than the previous year as a result of a cape seal project in 2014. Street cleaning is approximately \$54,000 higher than the previous year as a result of catch basin cleaning which is performed every other year.

Solid Waste Fund

Revenues and expenditures are comparable to the prior fiscal year.

Brownfield Redevelopment Authority Fund

Revenues are higher than the prior fiscal year as a result of higher property values being captured by the fund. At the time the budget was prepared for fiscal year 2015-2016, the amount of taxable value to be captured by the Authority was not available. Intergovernmental revenue represents reimbursements from the State for personal property which was exempted from local tax collection.

Expenditures are higher in the current fiscal year as a result of payments to developers for reimbursement of environmental remediation costs.

Birmingham Shopping District

Total revenues are approximately the same as the previous year. Expenditures are comparable to prior fiscal year, except for other charges. Other charges are higher in the current year mostly as a result of higher marketing and advertising costs and maintenance costs.

Community Development Block Grant Fund

Current year budget includes funding for new handicap lift in City Hall. The increase in revenues and expenditures represents the handicap lift project.

Triangle District Corridor Improvement Authority

Based on contract negotiations with Oakland County, it appears that this fund will not be able to capture tax revenue for this fiscal year. Expenditures for the year relate to work performed on potential parking structure sites.

Law and Drug Enforcement Fund

Forfeiture revenue has decrease compared to the prior year but about what the City expected to receive. Expenditures have decreased as there are fewer purchases planned for this fiscal year. Last year's budget included an upgrade of the City's security cameras.

Baldwin Library

Revenue is approximately \$87,000 higher than the previous year. This is the result of higher property tax revenue in the current year.

Expenditures are approximately \$244,000 higher than the previous year. Approximately, \$88,000 of the increase is the result of an increase in personnel costs, \$119,000 increase in other contractual services which was mostly related to architectural services and website design, and an increase of \$38,000 in capital outlay which was for on-line services.

Debt Service Fund

Revenues and expenditures are higher as a result of an increase in debt service costs for the year.

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 GENERAL FUND
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	676,165	-	0%	558,830	-	0%
TAXES	20,281,450	20,216,168	100%	19,656,960	19,732,993	100%
LICENSES AND PERMITS	3,240,750	2,388,331	74%	2,805,860	1,928,800	69%
INTERGOVERNMENTAL	1,931,160	1,138,742	59%	1,887,720	1,066,028	56%
CHARGES FOR SERVICES	2,848,820	2,124,865	75%	2,825,090	2,181,863	77%
FINES AND FORFEITURES	1,697,650	584,052	34%	1,603,080	648,074	40%
INTEREST AND RENT	204,480	133,453	65%	231,600	131,172	57%
OTHER REVENUE	<u>81,600</u>	<u>251,820</u>	309%	<u>110,310</u>	<u>181,869</u>	165%
 TOTAL REVENUES	 <u>30,962,075</u>	 <u>26,837,431</u>	 87%	 <u>29,679,450</u>	 <u>25,870,799</u>	 87%
EXPENDITURES:						
GENERAL GOVERNMENT	5,406,405	3,452,472	64%	5,536,074	3,527,789	64%
PUBLIC SAFETY	12,276,976	9,054,194	74%	12,791,913	8,738,870	68%
COMMUNITY DEVELOPMENT	2,395,930	1,589,191	66%	2,201,231	1,410,779	64%
ENGINEERING AND PUBLIC SERVICES	4,563,984	2,886,384	63%	4,142,172	2,752,778	66%
TRANSFERS OUT	<u>5,487,610</u>	<u>5,003,595</u>	91%	<u>5,008,060</u>	<u>3,787,119</u>	76%
 TOTAL Expenditures	 <u>30,130,905</u>	 <u>21,985,836</u>	 73%	 <u>29,679,450</u>	 <u>20,217,335</u>	 68%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 GREENWOOD CEMETERY FUND
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
CHARGES FOR SERVICES	30,000	168,563	562%	-	-	
INTEREST AND RENT	<u>450</u>	<u>413</u>	92%	<u>-</u>	<u>-</u>	
TOTAL REVENUES	<u><u>30,450</u></u>	<u><u>88,471</u></u>	291%	<u><u>-</u></u>	<u><u>-</u></u>	
EXPENDITURES:						
TOTAL EXPENDITURES	<u><u>-</u></u>	<u><u>-</u></u>		<u><u>-</u></u>	<u><u>-</u></u>	

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 MAJOR STREETS
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	1,595,820	-	0%	3,044,194	-	0%
INTERGOVERNMENTAL	1,978,610	823,037	42%	1,448,307	1,090,469	75%
INTEREST AND RENT	25,500	5,845	23%	29,980	14,806	49%
OTHER REVENUE	2,940	1,346	46%	10,500	6,839	65%
TRANSFERS IN	<u>1,580,000</u>	<u>1,185,000</u>	75%	<u>1,200,000</u>	<u>900,000</u>	75%
 TOTAL REVENUES	 <u>5,182,870</u>	 <u>2,015,228</u>	 39%	 <u>5,732,981</u>	 <u>2,012,114</u>	 35%
EXPENDITURES:						
ADMINISTRATIVE	17,920	14,214	79%	21,670	17,153	79%
TRAFFIC CONTROLS & ENGINEERING	263,577	195,082	74%	203,780	113,717	56%
CONSTRUCTION OF ROADS & BRIDGES	3,766,715	1,531,104	41%	4,351,641	2,139,483	49%
MAINTENANCE OF ROADS & BRIDGES	356,708	208,983	59%	391,950	215,634	55%
STREET CLEANING	184,920	121,717	66%	170,020	84,288	50%
STREET TREES	227,710	182,023	80%	247,150	180,156	73%
SNOW AND ICE REMOVAL	<u>365,320</u>	<u>91,755</u>	25%	<u>346,770</u>	<u>223,871</u>	65%
 TOTAL EXPENDITURES	 <u>5,182,870</u>	 <u>2,344,878</u>	 45%	 <u>5,732,981</u>	 <u>2,974,302</u>	 52%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 LOCAL STREETS
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	1,534,484	-	0%	2,123,995	-	0%
INTERGOVERNMENTAL	376,480	377,572	100%	359,040	320,995	89%
INTEREST AND RENT	35,500	11,583	33%	35,200	18,515	53%
OTHER REVENUE	113,770	35,436	31%	96,830	156,192	161%
TRANSFERS IN	<u>2,250,000</u>	<u>1,687,500</u>	75%	<u>2,000,000</u>	<u>1,500,000</u>	75%
 TOTAL Revenues	 <u>4,310,234</u>	 <u>2,112,091</u>	 49%	 <u>4,615,065</u>	 <u>1,995,702</u>	 43%
EXPENDITURES:						
ADMINISTRATIVE	25,230	19,697	78%	30,970	24,128	78%
TRAFFIC CONTROLS & ENGINEERING	59,990	45,478	76%	60,020	44,614	74%
CONSTRUCTION OF ROADS & BRIDGES	2,861,317	1,325,549	46%	2,957,457	1,594,678	54%
MAINTENANCE OF ROADS & BRIDGES	408,957	272,404	67%	624,178	441,936	71%
STREET CLEANING	206,740	162,813	79%	171,670	108,126	63%
STREET TREES	523,980	354,904	68%	557,730	388,869	70%
SNOW AND ICE REMOVAL	<u>224,020</u>	<u>68,634</u>	31%	<u>213,040</u>	<u>88,271</u>	41%
 TOTAL Expenditures	 <u>4,310,234</u>	 <u>2,249,479</u>	 52%	 <u>4,615,065</u>	 <u>2,690,622</u>	 58%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 SOLID WASTE
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	-	-	0%	19,580	-	0%
TAXES	1,825,000	1,822,415	100%	1,809,000	1,807,898	100%
CHARGES FOR SERVICES	22,900	15,626	68%	22,900	16,067	70%
INTEREST AND RENT	8,500	5,997	71%	9,680	5,339	55%
OTHER REVENUE	-	303	0%	-	160	0%
	<u>-</u>	<u>303</u>		<u>-</u>	<u>160</u>	
TOTAL Revenues	<u>1,856,400</u>	<u>1,844,341</u>	99%	<u>1,861,160</u>	<u>1,829,464</u>	98%
EXPENDITURES:						
PERSONNEL COSTS	194,740	113,284	58%	204,890	129,075	63%
REFUSE PICKUP	1,520,620	1,019,415	67%	1,475,940	1,012,362	69%
EQUIPMENT RENTAL	100,000	78,193	78%	135,000	87,570	65%
MISCELLANEOUS	12,440	4,103	33%	9,330	3,104	33%
CAPITAL OUTLAY	20,000	9,840	49%	36,000	4,380	12%
	<u>20,000</u>	<u>9,840</u>		<u>36,000</u>	<u>4,380</u>	
TOTAL Expenditures	<u>1,847,800</u>	<u>1,224,835</u>	66%	<u>1,861,160</u>	<u>1,236,491</u>	66%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 BROWNFIELD REDEVELOPMENT FUND
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
TAXES	226,750	246,100	109%	219,700	220,899	101%
INTERGOVERNMENTAL	-	15,467	0%	-	-	
CHARGES FOR SERVICES	-	1,500	0%	-	1,500	0%
INTEREST AND RENT	1,500	661	44%	2,620	2,764	105%
OTHER REVENUE	20,000	1,898	9%	5,000	7,877	158%
TRANSFERS IN	<u>13,900</u>	<u>10,425</u>	75%	<u>25,000</u>	<u>18,750</u>	75%
 TOTAL Revenues	 <u>262,150</u>	 <u>276,051</u>	105%	 <u>252,320</u>	 <u>251,790</u>	100%
 EXPENDITURES:						
OTHER CHARGES	233,000	80,054	34%	217,000	29,106	13%
DEBT SERVICE	<u>27,560</u>	<u>-</u>	0%	<u>32,750</u>	<u>-</u>	0%
 TOTAL Expenditures	 <u>260,560</u>	 <u>80,054</u>	31%	 <u>249,750</u>	 <u>29,106</u>	12%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 BIRMINGHAM SHOPPING DISTRICT
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	55,590	-	0%	72,338	-	0%
INTEREST AND RENT	5,400	2,786	52%	6,740	3,231	48%
OTHER REVENUE	175,000	169,702	97%	165,000	144,641	88%
SPECIAL ASSESSMENTS	<u>884,710</u>	<u>820,495</u>	93%	<u>889,570</u>	<u>857,870</u>	96%
 TOTAL Revenues	 <u><u>1,120,700</u></u>	 <u><u>992,983</u></u>	 89%	 <u><u>1,133,648</u></u>	 <u><u>1,005,742</u></u>	 89%
 EXPENDITURES:						
PERSONNEL SERVICES	432,430	331,941	77%	408,210	322,899	79%
SUPPLIES	6,500	7,923	122%	6,250	6,747	108%
OTHER CHARGES	<u>681,770</u>	<u>593,483</u>	87%	<u>719,188</u>	<u>534,661</u>	74%
 TOTAL Expenditures	 <u><u>1,120,700</u></u>	 <u><u>933,347</u></u>	 83%	 <u><u>1,133,648</u></u>	 <u><u>864,307</u></u>	 76%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 COMMUNITY DEVELOPMENT BLOCK GRANT
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
INTERGOVERNMENTAL	<u>72,909</u>	<u>23,218</u>	32%	<u>39,210</u>	<u>12,526</u>	32%
TOTAL Revenues	<u><u>72,909</u></u>	<u><u>23,218</u></u>	32%	<u><u>39,210</u></u>	<u><u>12,526</u></u>	32%
EXPENDITURES:						
TOTAL Expenditures	<u><u>72,909</u></u>	<u><u>23,218</u></u>	32%	<u><u>39,210</u></u>	<u><u>12,526</u></u>	32%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	-	-	0%	11,180	-	0%
TAXES	115,000	-	0%	-	-	0%
INTEREST AND RENT	<u>1,000</u>	<u>106</u>	11%	<u>320</u>	<u>188</u>	59%
 TOTAL Revenues	 <u>116,000</u>	 <u>106</u>	 0%	 <u>11,500</u>	 <u>188</u>	 2%
 EXPENDITURES:						
TOTAL Expenditures	<u>20,000</u>	<u>16,266</u>	81%	<u>11,500</u>	<u>2,865</u>	25%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 LAW & DRUG ENFORCEMENT FUND
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	-	-	0%	169,691	-	0%
FINES AND FORFEITURES	37,500	35,837	96%	32,500	69,320	213%
INTEREST AND RENT	<u>750</u>	<u>289</u>	39%	<u>2,510</u>	<u>380</u>	15%
 TOTAL Revenues	 <u>38,250</u>	 <u>36,126</u>	94%	 <u>204,701</u>	 <u>69,700</u>	34%
EXPENDITURES:						
PUBLIC SAFETY	-	-	0%	10,531	6,096	58%
CAPITAL OUTLAY	<u>8,800</u>	<u>3,258</u>	37%	<u>194,170</u>	<u>193,949</u>	100%
 TOTAL Expenditures	 <u>8,800</u>	 <u>3,258</u>	37%	 <u>204,701</u>	 <u>200,045</u>	98%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 BALDWIN LIBRARY
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	18,180	-	0%	-	-	0%
TAXES	2,174,180	2,186,210	101%	2,050,990	2,078,090	101%
INTERGOVERNMENTAL	930,508	424,910	46%	907,868	440,565	49%
CHARGES FOR SERVICES	99,740	73,299	73%	101,920	79,127	78%
INTEREST AND RENT	<u>16,500</u>	<u>9,736</u>	59%	<u>16,850</u>	<u>9,351</u>	55%
 TOTAL Revenues	 <u>3,239,108</u>	 <u>2,694,155</u>	 83%	 <u>3,077,628</u>	 <u>2,607,133</u>	 85%
 EXPENDITURES:						
TOTAL Expenditures	<u>3,166,472</u>	<u>2,348,459</u>	74%	<u>3,064,275</u>	<u>2,104,318</u>	69%

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 DEBT SERVICE FUND
 QUARTER ENDED: MARCH 31, 2016 AND MARCH 31, 2015
 % OF FISCAL YEAR COMPLETED: 75%

	2015-2016			2014-2015		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
TAXES	1,575,090	1,572,917	100%	1,523,980	1,530,955	100%
INTERGOVERNMENTAL	-	4,018	0%	-	-	0%
INTEREST AND RENT	<u>1,400</u>	<u>1,512</u>	108%	<u>2,300</u>	<u>1,260</u>	55%
TOTAL Revenues	<u><u>1,576,490</u></u>	<u><u>1,578,447</u></u>	100%	<u><u>1,526,280</u></u>	<u><u>1,532,215</u></u>	100%
EXPENDITURES:						
TOTAL Expenditures	<u><u>1,571,490</u></u>	<u><u>1,571,484</u></u>	100%	<u><u>1,508,980</u></u>	<u><u>1,510,046</u></u>	100%



MEMORANDUM

Finance Department

DATE: May 11, 2016
TO: Joseph A. Valentine, City Manager
FROM: Mark Gerber, Director of Finance/Treasurer
SUBJECT: March 2016 Investment Report

Public Act 213 of 2007 requires investment reporting on the City's general investments to be provided to the City Commission on a quarterly basis. This information is also required to be provided annually, which the City has and will continue to include within the audited financial statements.

General investments of the City are governed by state law and the City's General Investment Policy approved by the City Commission. The services of an outside investment advisor are utilized to assist the treasurer in determining which types of investments are most appropriate and permitted under the investment policy, maximize the return on the City's investments within investment policy constraints and provide for cash flow needs.

The two primary objectives for investment of City funds are the preservation of principal and liquidity to protect against losses and provide sufficient funds to enable the City to meet all operating requirements that might be reasonably anticipated. Investment activities include all City funds except the retirement and retiree health-care funds as follows:

- General Fund
- Permanent Funds
- Special Revenue Funds
- Capital Projects Fund
- Enterprise Funds
- Debt Service Funds
- Component Unit Funds
- Internal Service Funds

The City has two pooled funds (CLASS Pool and J-Fund), which are used to meet payroll, contractor and other accounts payable needs. As indicated on the attached schedule, there is approximately \$9.7 million invested in pooled funds at the end of March. A maximum of 50% of the portfolio may be invested in pooled funds that meet state guidelines. The amount currently invested in pooled funds is 18.1%.

Investments in obligations of the state total \$1.5 million, or 2.8%, of the portfolio. A maximum of 20% of the City's investments may be held in these investment instruments.

The City also holds approximately \$22.1 million, or 41%, of its investments in government securities, which are obligations of the United States. The maximum amount of investments that may be held in government securities is 100%.

Investments in federal agencies total approximately \$20.5 million, or 38%, of the City's investments. The maximum amount of the portfolio that may be invested in federal agencies is 75%.

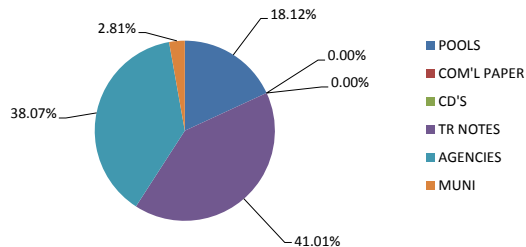
The Investment Policy requires that the average maturity of the portfolio may not exceed two and one-half years. The current average maturity of the portfolio is 1.06 years.

**CITY OF BIRMINGHAM
GENERAL INVESTMENT PORTFOLIO SUMMARY**

3/31/2016

YEAR	MATURITY DATE	DESCRIPTION	% YIELD	*	ISSUER	PAR VALUE	COST	CURRENT MARKET VALUE	YEARLY TOTAL	% OF TOTAL
2016	3/31/2016	CLASS POOL	0.450%	CITY	MICHIGAN CLASS	2,017,430.72	2,017,430.72	2,017,430.72	25,799,844.15	47.85%
	3/31/2016	J FUND	0.285%	CITY	COMERICA BANK	7,750,153.43	7,750,153.43	7,750,153.43		
	4/11/2016	AGENCY	1.020%	CAM	FNMA	1,000,000.00	1,053,700.00	1,000,610.00		
	5/27/2016	AGENCY	1.000%	CAM	FHLMC	1,000,000.00	1,000,000.00	1,000,830.00		
	5/28/2015	AGENCY	1.000%	CAM	FNMA	1,000,000.00	1,000,000.00	1,000,330.00		
	5/31/2016	TR NOTE	0.410%	CAM	U.S.	1,500,000.00	1,574,179.69	1,503,555.00		
	6/30/2016	TR NOTE	0.410%	CAM	U.S.	1,000,000.00	1,035,234.38	1,002,950.00		
	9/9/2016	AGENCY	0.790%	CAM	FHLB	1,500,000.00	1,552,815.00	1,510,275.00		
	10/14/2016	AGENCY	0.570%	CAM	FHLB	2,000,000.00	2,002,018.00	2,001,380.00		
	10/28/2016	AGENCY	1.360%	CAM	FFCB	1,500,000.00	1,497,300.00	1,501,170.00		
	11/1/2016	AGENCY	0.870%	CAM	FHLMC	1,500,000.00	1,488,795.00	1,500,510.00		
	11/14/2016	AGENCY	0.600%	CAM	FHLB	1,000,000.00	999,140.00	999,260.00		
	11/30/2016	TR NOTE	0.875%	CAM	U.S.	1,000,000.00	1,002,578.12	1,002,380.00		
	12/9/2016	AGENCY	0.700%	CAM	FHLB	1,000,000.00	1,021,180.00	1,006,860.00		
	12/31/2016	TR NOTE	0.750%	CAM	U.S.	1,000,000.00	1,002,812.50	1,002,150.00		
2017	1/31/2017	TR NOTE	0.780%	CAM	U.S.	1,000,000.00	1,002,187.50	1,002,230.00	14,523,670.00	26.94%
	3/31/2017	TR NOTE	1.020%	CAM	U.S.	2,000,000.00	1,998,750.00	2,007,340.00		
	4/17/2017	AGENCY	0.820%	CAM	FFCB	1,000,000.00	998,750.00	998,080.00		
	4/27/2017	AGENCY	0.770%	CAM	FNMA	1,500,000.00	1,523,970.00	1,507,035.00		
	5/15/2017	MUNI	1.100%	CAM	MI	1,500,000.00	1,521,405.00	1,513,290.00		
	5/31/2017	TR NOTE	0.625%	CAM	U.S.	1,500,000.00	1,501,523.44	1,499,115.00		
	7/31/2017	TR NOTE	1.000%	CAM	U.S.	1,500,000.00	1,476,210.94	1,496,310.00		
	9/8/2017	AGENCY	0.840%	CAM	FHLB	1,500,000.00	1,493,565.00	1,499,220.00		
	10/31/2017	TR NOTE	1.000%	CAM	U.S.	1,500,000.00	1,486,523.44	1,500,525.00		
	12/31/2017	TR NOTE	1.120%	CAM	U.S.	1,500,000.00	1,479,375.00	1,500,525.00		
2018	1/15/2018	TR NOTE	0.760%	CAM	U.S.	1,500,000.00	1,503,984.38	1,503,810.00	10,039,985.00	18.62%
	2/15/2018	TR NOTE	0.770%	CAM	U.S.	1,500,000.00	1,507,968.75	1,507,095.00		
	2/20/2018	AGENCY	1.060%	CAM	FHLB	2,000,000.00	2,000,680.00	1,999,420.00		
	4/24/2018	AGENCY	1.080%	CAM	FFCB	1,000,000.00	999,000.00	997,670.00		
	9/7/2018	AGENCY	1.134%	CAM	FHLB	2,000,000.00	1,994,520.00	2,003,120.00		
	10/31/2018	TR NOTE	1.250%	CAM	U.S.	1,000,000.00	1,003,046.88	1,010,860.00		
	12/31/2018	TR NOTE	1.030%	CAM	U.S.	1,000,000.00	1,015,000.00	1,018,010.00		
2019	1/31/2019	TR NOTE	1.050%	CAM	U.S.	1,500,000.00	1,522,031.25	1,527,135.00	3,556,195.00	6.60%
	2/28/2019	TR NOTE	1.375%	CAM	U.S.	2,000,000.00	2,020,625.00	2,029,060.00		
			0.808%			53,767,584.15	54,046,453.42	53,919,694.15	53,919,694.15	100.00%

ASSET MIX

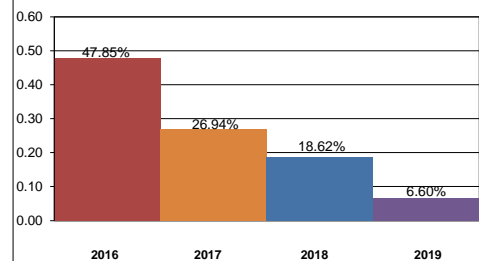


POOLS	\$9,767,584.15	18.12%
COM'L PAPER	\$0.00	0.00%
CD'S	\$0.00	0.00%
TR NOTES	\$22,113,050.00	41.01%
AGENCIES	\$20,525,770.00	38.07%
MUNI	\$1,513,290.00	2.81%
TOTAL	\$53,919,694.15	100.00%

COMPARATIVE RETURNS			
	City Portfolio	1-Yr TR	2-Yr TR
Current Month	0.81%	0.72%	0.84%
Previous Month	0.75%	0.48%	0.72%
1 Year Ago	0.74%	0.22%	0.62%

AVERAGE MATURITY (YEARS): 1.06

TOTAL INVESTMENTS PER YEAR



*ASSIGNED TO CAM: \$44,152,110.00 81.88%
 *ASSIGNED TO CITY: \$9,767,584.15 18.12%
\$53,919,694.15 100.00%

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
FOR THE CUSTOMERS OF
DTE ELECTRIC COMPANY
CASE NO. U-17680-R**



- DTE Electric Company requests Michigan Public Service Commission approval to reconcile its power supply cost recovery costs and revenues for the calendar year 2015.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of DTE Electric Company.
- The first public hearing in this matter will be held:

DATE/TIME: **Monday, June 6, 2016, at 10:00 a.m.**
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge **Dennis W. Mack**

LOCATION: Michigan Public Service Commission
7109 West Saginaw Highway
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider DTE Electric Company's (DTE Electric) March 31, 2016 application to reconcile its power supply cost recovery (PSCR) costs and revenues for the 12-month period January 1, 2015 through December 31, 2015. DTE Electric has calculated that it has a total overrecovery at year-end 2015 of \$15,430,979, including interest, which is subject to the roll-in treatment previously authorized by the Commission. DTE Electric is also requesting the Commission to approve: 1) the Company's calculation and proposed PSCR treatment of a portion of the December 2015 booked limestone expense as approved in Case No. U-17767; and 2) the Company's calculation and proposed disposition of the impact to historical PSCR revenue related to the Commission's final Order in Case No. U-17663.

INFO ONLY

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by May 30, 2016. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric's attorney, David S. Maquera, One Energy Plaza, 688 WCB, Detroit, Michigan 48226-1279.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Michigan Administrative Hearing System's Administrative Hearing Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of DTE Electric's request may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of DTE Electric Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6j et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Michigan Administrative Hearing System's Administrative Hearing Rules, 2015 AC, R 792.10401 et seq.

May 2, 2016