

CITY COMMISSION MEETING AGENDA MARCH 27, 2017 7:30 PM



Municipal Building, 151 Martin, Birmingham, MI 48009

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BIRMINGHAM CITY COMMISSION AGENDA MARCH 27, 2017 MUNICIPAL BUILDING, 151 MARTIN 7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mark Nickita, Mayor

II. ROLL CALL

Cheryl Arft, Acting City Clerk

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

Announcements:

- The next session of the Citizens Academy program begins on April 25th. The deadline to register for this 7-week program to learn about the operation and services of the City is April 10, 2017. For more information on the program and how to register, visit www.bhamgov.org/citizensacademy, or contact jhaines@bhamgov.org.
- Legislative update from State Representative Mike McCready

Appointments:

A. Interviews for Parks and Recreation Board

- 1. John Meehan, 656 Chester
- 2. Ross Kaplan, 635 Oak
- 3. John Rusche, 358 Henley
- 4. Patricia Edwards, 783 Abbey
- B. To appoint ______ to the Parks & Recreation Board to serve a three-year term to expire March 13, 2020.
- C. To appoint ______ to the Parks & Recreation Board to serve a three-year term to expire March 13, 2020.
- D. Interviews for Storm Water Utility Appeals Board
 - 1. Robert Lavoie, 555 Lakeview Ave.
 - 2. A. James Partridge, 3916 Cottontail Ln., Bloomfield Hills
 - 3. Laura T. Keener, 286 W. Brown
- E. To appoint______ to the Storm Water Utilities Appeal Board to serve a threeyear term to expire January 31, 2020.
- F. To appoint______ to the Storm Water Utilities Appeal Board to serve a threeyear term to expire January 31, 2020.
- G. To appoint ______ to the Storm Water Utilities Appeal Board as to serve a threeyear term to expire January 31, 2020.
- H. Administration of oath to the appointed Board members.

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 minutes of March 13, 2017.
- B. Approval of warrant list, including Automated Clearing House payments dated March 15, 2017, of \$1,092,488.05.
- C. Approval of warrant list, including Automated Clearing House payments dated March 22, 2017, of \$1,106,147.89.
- D. Resolution authorizing Change Order #1 to the Parking Structure Traffic Control Equipment Project, Contract #15-15(PK), accepting a proposal from Harvey Electronic and Radio LLC to provide and install a second space counting sign to the Chester St. Parking Structure for a total cost of \$10,875.00, charged to account number 585-538.008-971.0100.
- E. Resolution awarding the Video Inspection Old Woodward, to M-1 Studios of Ferndale, MI in the amount of \$26,400.00 to be charged to the various accounts as detailed in this report.
- F. Resolution awarding the Old Woodward Sewer Video Inspection, to Pipetek Infrastructure Services of Plymouth, MI in the amount of \$20,575.00 to be charged to account number 590-536.001-981.0100.
- G. Resolution setting Monday, April 13, 2017 at 7:30 PM for a Public Hearing to consider a Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant to allow the establishment to change their name to Emagine Palladium Theatre and Four Story Burger.
- H. Resolution setting Monday, April 24, 2017 at 7:30 PM for a Public Hearing to consider the Final Site Plan and Special Land Use Permit for 325 S. Old Woodward – Adachi Bistro, to allow the operation of a new bistro. (complete resolution in agenda packet)
- I. Resolution setting Monday, April 24, 2017 at 7:30 PM for a Public Hearing to consider the Final Site Plan and Special Land Use Permit for 2100 E. Maple Whole Foods Bistro, to allow the operation of a new bistro within the Whole Foods grocery store. (complete resolution in agenda packet)
- J. Resolution setting Monday, April 24, 2017 at 7:30 PM for a Public Hearing to consider the Final Site Plan and Special Land Use Permit for 2159 E. Lincoln - Lincoln Yard Bistro, to allow the operation of a new bistro. (complete resolution in agenda packet)
- K. Resolution setting Monday, April 24, 2017 at 7:30 PM for a Public Hearing to consider a Special Land Use Permit Amendment and Final Site Plan Review for 280 E. Lincoln, Grace Baptist Church to allow for the installation of an illuminated ground sign.
- L. Resolution approving a request from the Birmingham Shopping District to hold the Birmingham Cruise Event on August 19, 2017, 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.
- M. Resolution approving a request from the Birmingham Shopping District requesting permission to hold Day on the Town in downtown Birmingham, July 22, 2017 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.
- N. Resolution approving a request from the Community House to hold ParkArt on June 22, 2017 in Shain Park, 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.

V. UNFINISHED BUSINESS

A. Resolution approving the renewal for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

OR

Resolution recommending non-renewal to the Michigan Liquor Control Commission for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

- B. Resolution directing the Greenwood Cemetery Advisory Board to revise the Greenwood Cemetery Rules and Regulations to permit upright monuments in Section F North of Greenwood Cemetery. All conditions as to the erection of monuments in Section VI, Monuments, Grave Markers, and Foundations shall continue to apply.
 - OR

Resolution denying the request to revise the Greenwood Cemetery Rules and Regulations to allow upright monuments to be erected in Section F North.

VI. NEW BUSINESS

A. Resolution accepting the proposed Greenwood Cemetery Advisory Board's Action List as presented:

OR

Resolution accepting the proposed Greenwood Cemetery Advisory Board's Action List, with the following revisions:

- 1.____;
- B. Resolution adopting the proposed Greenwood Cemetery Donor Recognition Program as presented.
- C. Resolution accepting the recommendations of the Multi-Modal Transportation Board pertaining to the design of Poppleton Ave. from Knox Ave. to Maple Rd., including:
 - 1. Construction of a three-lane pavement at Maple Rd. which tapers to two-lanes north of the Kroger parking lot.
 - 2. Maintaining the 40 ft. radius at the southwest corner of Knox Ave., while constructing 25 ft. radii at both north corners of the Maple Rd. intersection.
 - 3. To postpone the implementation of Neighborhood Connector Route features on this segment pending further study of the Multi-Modal Master Plan Phase 3 proposals.

Further, directing the Engineering Dept. to implement the traffic management plan wherein all Kroger truck traffic will be directed to enter and exit the facility via Knox Ave. between Poppleton Ave. and Adams Rd., and to offer a cape sealing treatment at City expense as part of the expense of this project.

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

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

A. Correspondence re: Fairway sidewalks

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

X. **REPORTS**

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Annual Planning Division Report, submitted by Planning Director Ecker

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 <u>(248) 530-1880</u> 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 PARKS & RECREATION BOARD

At the regular meeting of Monday, March 13, 2017, the Birmingham City Commission intends to appoint two members to the Parks and Recreation Board to serve three-year terms to expire March 13, 2020.

Interested citizens may submit an application available at the City Clerk's office or online at <u>www.bhamgov.org/boardopportunities</u>. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 8, 2017. These applications 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 the appointments.

Responsibilities

The Parks & Recreation Board consists of seven members who serve for three-year terms without compensation. The goal of the board is to promote a recreation program and a park development program for the city of Birmingham. The Board shall recommend to the City Commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

The meetings are held the first Tuesday of the month at 6:30 P.M.

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 Name	Criteria/Qualifications Members must be electors (registered voters) of the City of Birmingham.
John D. Meehan, 656 Chester	Regular member
John Rusche,358 Henley	Regular Member
Ross Kaplan, 635 Oak	Regular Member
Patricia Edwards, 783 Abbey	Regular Member

Applicant(s) Presented For City Commission Consideration:

SUGGESTED ACTION:

To appoint _______ to the Parks & Recreation Board to serve a three-year term to expire March 13, 2020.

To appoint _______ to the Parks & Recreation Board to serve a three-year term to expire March 13, 2020.

PARKS AND RECREATION BOARD

Article II, Section 78

Objectives: The Parks and Recreation Board shall promote a recreation program and a park development program for the City. The Board shall recommend to the city commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

Seven members, Three-year Terms, Appointed by the City Commission Members must be electors of the City of Birmingham Meetings held the first Tuesday of each month at 6:30 PM.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Kaplan 635 Oak	Ross	(248) 645-6526	10/22/2007	3/13/2017
		rkaplan@neumannsm	ith.com	
Longe 1253 Yosemite	Therese	(248) 258-6744 (313) 745-0138	3/29/2004 Chairperson	3/13/2019
		tmquattro@gmail.con	7	
Meehan 656 Chester	John	(248) 644-5923	3/18/2002 Vice Chairperse	3/13/2017 on
		john.meehan@att.net		
Ross 1872 Derby	Ryan	(248) 705-6465	5/21/2012	3/13/2018
		ryan.countryside@gm	pail.com	

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Stevens 1243 Ruffner	Raymond	(248) 514-3740	4/15/1996	3/13/2018
		art2953@gmail.com		
Stotland 698 Hanna	Lilly	(248) 433-3148	12/7/2015	3/13/2019
		lstotland@vescooil.co	om	
Wiebrecht 1714 Torry	William	(248) 703-6503	10/14/1991	3/13/2018
		billwiebrecht@woww	ay.com	

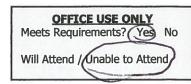
CITY OF BIRMINGHAM PARKS AND RECREATION BOARD ATTENDANCE

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	ост	NOV	DEC	Total Mtg. Held	Total Mtg. Attended	
Lilly Stotland	Р	A	Р	Р	Р	A	Р	Р	A	Α	A	A	12	6	50%
Ross Kaplan	Р	Р	Р	P	Р	A	Р	Р	A	Р	P	Р	12	10	83%
Therese Longe	P	Ρ	Р	Р	Р	Р	Р	Р	Р	Ρ	Р	P	12	12	100%
John Meehan	P	Р	A	Р	Р	Р	Р	Р	Р	Р	P	P	12	11	92%
Ryan Ross	P	Р	A	Р	Р	Р	P	Р	Р	Р	P	A	12	10	83%
Art Stevens	A	A	A	Р	Р	Р	P	P	Р	Α	Р	A	12	7	58%
Bill Wiebrecht	P	P	P	P	P	Р	Ρ	Р	Р	Р	Р	P	12	12	100%
Nichole McMaster, Student Representative appointed 2/8/16			P	Р	P	Р	Р	A	A	P	A	Р	10	7	70%
KEY: A=ABSENT P= PRESENT															
C= MEETING CANCELLED			<u> </u>												<u>^</u>

Department Head Signature

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	A Walkable Community

RECEIVED BY



FEB - 9 2017

APPLICATION FOR CITY BOARD OR COMMITTEE CITY CLERK'S OFFICE

Thank you for your interest in serving on a Board on Committee NGTHM purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest PARIAS AND Specific Category/Vacancy on Board MEMBER	RECREATION
Name JOHN D. MEEHAN	Phone $248 - 644 - 5923$
Residential Address 656 CHESTER ST	Email john, mee han patt. net
Residential City, Zip BIRMIN GHAM 48009	Length of Residence 40 years
Business Address	Occupation RETIRED GM EXEC.
Business City, Zip	

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied ____

14 years EXPERIENCE AS MEMBER AND PAST CHAIR OF PER.

List your related employment experience PERSONNEL DIRECTOR

List your related community activities

RESIDENTS ASSOC, NUMEROUS AD HOC COMMINEES

List your related educational experience

MBA

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

Do you currently have a relative serving on the board/committee to which you have applied?
Are you an elector (registered voter) in the City of Birmingham? $\underline{\gamma \in S}$

rechan

FEB 6, 2017

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email Updated 01/11/17 to Carft@bhamgov.org or by fax to 248.530.1080.



cheryl arft <carft@bhamgov.org>

Fwd: Re: appointment to the P&R Board

1 message

Lauren Wood <lwood@bhamgov.org> Wed, Mar 8, 2017 at 1:16 PM To: "Valentine, Joe" <Jvalentine@bhamgov.org>, cheryl arft <carft@bhamgov.org>

Please find the attached.

Thanks,

Lauren

------ Forwarded message ------From: "John" <meehansusanne@yahoo.com> Date: Mar 8, 2017 12:04 PM Subject: Re: appointment to the P&R Board To: "Lauren Wood" <lwood@bhamgov.org>, "Therese Quattrociocchi Longe" <tmquattro@gmail.com> Cc:

Lauren, as you know I am in Florida helping my wife with readying for sale the family home she inherited here. While the house had a lot of cosmetic updates, the mechanical, electrical and HVAC systems would not pass inspection. We think it is ready now for closing on March 20. The trades people and County officials will be sorry to see us leave!

I would like you to pass this email to the Commission along with my sincere apology for not being able to be present at the March 13 meeting. I have learned so much about our fine park system over my 14 year tenure on the Board. I look forward to helping to craft another five year master plan. I am most proud of the Board's ability to encourage and process the community input on some of the more controversial projects we are tasked to explore. In this regard, the dog park is one that comes to mind.

My colleagues on the Board appointed me in January to serve as vice chair, and I look forward to serving as the future chair as I have in the past. However, following Ms. Long is a tough act. But I know I will have her support.

Thank you,

John



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Will A	ttend / L	Jnable t	o Attend	

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest Parks & Recreation Board

Specific Category/Vacancy on Board Two terms expire 3/13/2017

Name John Rusche

Residential Address 358 Henley Street

Residential City, Zip Birmingham 48009

Business Address 300 E. Big Beaver, Suite 500

Business City, Zip Troy, 48083

Phone H: 248-731-7068; M: 248-219-8114

Email JPRusche@aol.com

Length of Residence Nine years

Occupation Consultant, Program Manager

List your related employment experience Twenty-five years in training and consulting, focused primarily on standards-based process improvement for the auto industry.

List your related community activities "Graduated" from Birmingham Citizens Academy, May 2016. Former board member Detroit Science Center. Current member Cranbrook House and Gardens Auxiliary.

List your related educational experience BA and MBA Wayne State University

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

Do you currently have a relative serving on the board/committee to which you have applied? <u>No</u>

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

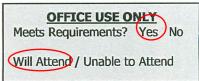
Signature of Applicant

Feb 15,2017

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email Updated 01/11/17 Updated 01/11/17

Received 2/22/17





APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest Parks and Recreation Board
Specific Category/Vacancy on Board Board Member

Name Ross Kaplan

Residential Address 635 Oak

Residential City, Zip Birmingham, MI 48009

Business Address 400 Galleria Officentre #555

Business City, Zip Southfield, MI 48034

Phone ______

Email _____

Length of Residence 23+ Years

Occupation Associate/Director of IT/Architect

City of Birmingham. Also to give back to the community my family and I live in.

List your related employment experience Neumann/Smith Architecture 1992-Present, K. Hovnanian Homes 1989-1991, H.S. Concessions 1981-1987

List your related community activities	Birmingham Parks and Recreation Board Member - 10/2007-Present Booth Park Steering Committee - Co-Chair 2001-2008 Birmingham Covington School Technology Committee - Co-Chair 2004-2013 Birmingham Seaholm Men's Soccer Boosters Board Member - 2011-Present
--	---

List your related educational experience University of Michigan - Masters in Architecture 1992 The Ohio State University - BS in Architecture 1990

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

Do you currently have a relative serving on the board/committee to which you have applied? No

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

Signature of Applicant

2/6/17 Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email Updated 01/11/17

	RECEIVE	D BY	
City of Birmingham	MAR 172	017	OFFICE USE ONLY Meets Requirements? Yes No
A Walkable Community	CITY CLERK'S C		Will Attend / Unable to Attend
APPLICATION	CITY OF BIRMING	Contraction of the second s	TEE
Thank you for your interest in serving on a Commission with basic information about applincluded in the City Commission agenda packets and Committee members are subject to the prov	licants considered for a s. The information inclu	appointment. NC uded on this form	TE: Completed applications are is open to the public. All Board
Information on various Boards and Committee www.bhamgov.org/boardopportunities.	es and a list of current (Please print clearly)	: openings can b	e found on the City website at
Board/Committee of Interest PARKS A		ON	
Specific Category/Vacancy on Board Requ			
Name Patricia Edwards		Phone 248	-631-8070
Residential Address 783 ABBEY S		Email pate	ciciae 1058@gmail.com
Residential City, Zip Birmingham	- 48009	Length of Reside	ence 15 years
Business Address		Occupation <u>S</u>	cial wetter Refired
Business City, Zip			
Reason for Interest: Explain how your backgrou	und and skills will enhand	ce the board to w	hich you have applied
Please refer to c			
(ence to c			
List your related employment experience Please Refereto At	tached Res	ume	
		0	Comeita-
List your related community activities <u>Matchan</u> <u>Nuterbion</u> Ce <u>Active</u> <u>voluntee</u> <u>Ab</u> List your related educational experience	NTER MEMBE	a of ht	rdys of Charinge
Active volunteer Ab	St Hugo's P	parish,	
List your related educational experience			
- 1 RASE I CITA TO RESULT			
To the best of your knowledge, do you or a relationships with any supplier, service provider direct compensation or financial benefit? If yes	r or contractor of the Ci	ity of Birminghan	any direct financial or business n from which you or they derive
Do you currently have a relative serving on the l	board/committee to which	ch you have appli	ed?
Are you an elector (registered voter) in the City	of Birmingham?		

Edund atricia

Signature of Applicant

1 March 17, 2017 Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to <u>Carft@bhamgov.org</u> or by fax to 248.530.1080.

Dear Commissioners,

I am respectfully asking you to consider me for a position on the Parks and Recreation Board. I believe I am qualified for this position because I have spent my entire career interacting and participating with non-profit boards and I am a graduate of Birmingham Citizens Academy. I am very involved and in touch with members of my community, I came in fifth in the last election for City Commission and I continue to communicate with many of the people who voted for me.

I appreciate and thank all the volunteers who serve on city boards but there comes a time when we need to let new people have an opportunity to serve and lend a different perspective.

I regret not being able to be interviewed in person at the March 27, Commission meeting but I will be away on a long planned family vacation. However, I believe most of you have met me and I hope my absence does not influence your decision.

Sincerely,

Patricia Edunie

Patricia Edwards

PATRICIA EDWARDS, MSW

783 Abbey Street Birmingham, MI 48009 (248) 631-8070 patriciae 1058@gmail.com

PROFILE	Healthcare / Patient Coordinator with proven leadership, administrative management and patie multiple programs and varied services in suppor mentally ill, low-income and homeless clients.	ent services coordination. Implement			
Areas of Expertise	Clinic Patient Services Program Mgt./Supervision Grant Writing/Presentations Social Work/Compliance Fundraising/Recruiting	Healthcare Coordination Team Collaboration Program Mgt/Evaluation Assessment/Treatment Plans Case Mgt/Client Relations			
EDUCATION					
	University of Michigan, School of Social Work, Master of Social Work / Dual Concentration: & Adult Mental Health				
	Buffalo State College, Buffalo, NY Bachelor of Science in Social Work / Magna (Cum Laude			
EXPERIENCE					
	Gary Burnstein Community Health Center, Pont Patient Assistance Coordinator, 2006 to 2012 Charged with providing free medical and dental low-income uninsured clients at community hea	care, and pharmaceutical services for			
<u>Achievements</u>	 Developed criteria for Patient Assistance Program to provide free prescriptions and diabetic supplies to clients based on income qualifications. Participated in grant writing, fundraising and volunteer recruiting. 				
	Southeastern Michigan HIV/AIDS Council (SEM	<u>1HAC),</u> Detroit, MI			
	Board Member , 2004 to 2005 Served as governing body board member distrib funds to agencies providing HIV/AIDS services specified by Ryan White Care Act.				
	 Conducted needs assessment to identify servindividual needs of varied communities. 	vice gaps, as well as specific			
	• Coordinated program services and provided conjunction with HIV prevention services.	substance abuse treatment in			
	• Monitored performance of program costs, ef	ffectiveness and service providers.			
	<u>University of Michigan</u> , Ann Arbor, MI Organizer and Fundraiser, School of Social V Conducted fundraising, and established an endow scholarship fund targeting MSW students working	wment with criteria for an annual			
	Training and Treatment Innovations, Clawson, MSW Internship, 2000 to 2001	MI			
	 Provided housing services, comprehensive case for clients with severe mental illness and the hor Participated in team case evaluations, preser Conducted intake and assessments for HUD Collaborated with housing specialists to faci 	neless in Oakland County. ntations and reviews. s Shelter Plus Care Program.			
Achievements					
	 Developed person-centered treatment plans Applied broad knowledge of Michigan laws 				



NOTICE OF INTENTION TO APPOINT STORM WATER UTILITY APPEALS BOARD

At the regular meeting of Monday, January 23, 2017, the Birmingham City Commission intends to appoint 3 board members to serve a three-year term to expire January 31, 2020, and 2 alternate members who shall be appointed initially for a two-year term to expire on January 31, 2019, and thereafter appointed for three-year terms. Members and alternates shall serve at the will of the commission. Members and alternates shall hold office until their successors are appointed. The City Commission shall fill a vacancy by an appointment only.

2 of the 3 regular members appointed shall be licensed professional engineers not employed by the local unit of government. 1 of the 2 alternate members shall also be a licensed professional engineer not employed by the city. The board members shall serve without compensation. Members are not required to be city residents.

The Appeals Board shall be responsible for hearing disputes to a fee or bill that a property owner or resident of the city shall receive pursuant to the Storm Water Utility ordinance (Section 114-402(c). The board members shall schedule periodic meetings for appeals as needed.

Interested citizens may submit a form available from the City Clerk's office on or before noon on Wednesday, January 18, 2017. 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.

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 Two of the regular members shall be licensed professional engineers not employed by the local unit of government, and have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties of the board members. One of the alternate members shall be a licensed professional engineer not employed by the local unit of government, and have legal, administrative or other desirable qualifications that will aid him or her in the
Robert Lavoie, 555 Lakeview Ave.	performance of the duties of the board members. Licensed Professional Engineer
A. James Partridge, 3916 Cottontail Ln. Bloomfield Hills	Licensed Professional Engineer
Brown	Licensed Professional Engineer

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.

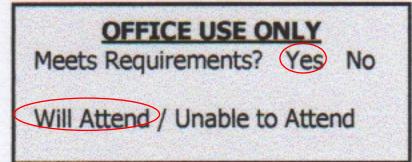
SUGGESTED RESOLUTION:

To appoint______ to the Storm Water Utilities Appeal Board to serve a three-year term to expire January 31, 2020.

To appoint______ to the Storm Water Utilities Appeal Board to serve a three-year term to expire January 31, 2020.

To appoint _______ to the Storm Water Utilities Appeal Board as to serve a three-year term to expire January 31, 2020.





APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest STORM WATER UTILITIES APPEALS BOARD

Specific Category/Vacancy on Board Regular Member

Name Robert Lavoie

Residential Address 555 Lakeview Ave

Residential City, Zip Birmingham, 48009

Business Address

Phone 248 635 6472

Email dlavoie@aol.com

Length of Residence 2 years

Occupation Retired/Licensed P. E.

Business City, Zip

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied ______ I am a civil engineer with 40 years experience in the design and construction of public work improvements including underground utilities, roads and private land developments throughout SE Michigan.

List your related community activities New resident to the City in 2015.

List your related educational experience BS in Civil Engineering from Michigan State University in 1975. Masters Degree in Civil Engineering from Wayne State University in 1985.

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:

NFE pays me a fixed monthly amount until 2020 for the past purchase of all my stock.

Do you currently have a relative serving on the board/committee	e to which you have applied? NO
Are you an elector (registered voter) in the City of Birmingham?	February 2, 2017
Signature of Applicant	Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to Carft@bhamgov.org or by fax to 248.530.1080. Updated 01/11/17



OFFICE USE ONLY Meets Requirements? Yes No

Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)	
Board/Committee of Interest FORM WATER LITIL	TIES APPEAL BOARD
Specific Category/Vacancy on Board MEMBEL	
Name A JAMES (J.M) PARTRIDGE	Phone 248-670-0826
Residential Address 6 COTTONTAIL LIN	Empine ipconsulting-lle.com
Residential City, SpFLD ALLS 48301	Length of Residence 3542.
Business Address 5 5. ADAMS RD	OCCUPATION SLILT'S ENGINEER
Business City, TBSHAM 48009	

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _

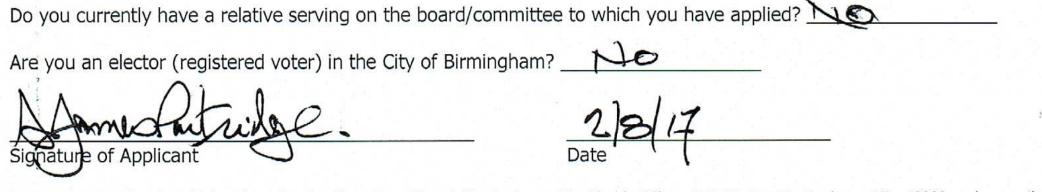
ROF. ENG. FOR 40+4RS. DOING PLUMBG, MECH. JELEC. DESIGN FOR ALL BLDG. TYPES.

List your related employment experience NB Samt AI

List your related community activities BIDG. TRADEL GOARD OF DPPEALS NIZTORS Lix

List your related educational experience

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:



Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to <u>Carft@bhamgov.org</u> or by fax to 248.530.1080. Updated 01/11/17

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/13/2017 MON 8:31 FAX 760 360 9492 ClubCorp	EIVED BY	2001/0
Cate of Rinningham	R 1 3 2017	OFFICE USE ONLY Meets Requirements? Yes N Will Attend / Unable to Attend
APPLICATION FOR CITY	BOARD OR COM	MITTEË
Thank you for your interest in serving on a Board or Co Commission with basic information about applicants consi included in the City Commission agenda packets. The infor and Committee members are subject to the provisions of the	dered for appointment. mation included on this	NOTE: Completed applications ar form is open to the public. All Boar
Information on various Boards and Committees and a list	t of current openings c	an be found on the City website a
	rint clearly)	
Board/Committee of Interest Stormwater Utilities Appea	I Board	
Specific Category/Vacancy on Board Regular or Alternate		
Name Laura T. Keener, P.E.	Phone 248	/760-0068
Residential Address 286 W. Brown St	Email Laur	rakeener@outlook.com
	Length of R	esidence 23 years
Residential City, Zip_Birmingham MI, 48009	-	
Residential City, Zip Birmingham MI, 48009 Business Address		
Business Address Business City, Zip Reason for Interest: Explain how your background and skills	Occupation will enhance the board	to which you have applied
Business Address	Occupation s will enhance the board nc. During my career I was Engineer achelor of science degree in Civil & E	to which you have applied ing Manager and Director of Environmental invironmental Engineering from Cornell University. Department, State of
Business Address	Occupation will enhance the board nc. During my career I was Engineeri achelor of science degree in Civil & E Vater and Sewerage Q, Waste Manageme numerous charities I	to which you have applied ing Maneger and Director of Environmental invironmental Engineering from Cornell University. Department, State of ent Inc.
Business AddressBusiness AddressBusiness City, Zip Business City, Zip Reason for Interest: Explain how your background and skills I have lived in Birmingham for many years and recently reflect from Waste Management, I Compliance working with stormwater management. I am a professional angineer with a br ist your related employment experience City of Detroit V Michigan MDEC Ist your related community activities I am involved with	Occupation will enhance the board nc. During my career I was Engineeri achelor of science degree in Civil & E Vater and Sewerage Q, Waste Manageme numerous charities I jement.	to which you have applied ing Manager and Director of Environmental invironmental Engineering from Cornell University. Department, State of ent Inc. but none directly related to
Business AddressBusiness AddressBusiness City, Zip Business City, Zip Reason for Interest: Explain how your background and skills I have lived in Birmingham for many years and recently relired from Waste Management, I Compliance working with stormwater management. I am a professional angineer with a br ist your related employment experience. City of Detroit V Michigan MDEC Ist your related community activities. I am involved with stormwater management. Ist your related educational experience. Bachelor of Scient	Occupation will enhance the board nc. During my career I was Engineeri achelor of science degree in Civil & E Vater and Sewerage 2, Waste Manageme numerous charities I nee, Civil and Enviror your immediate family h or of the City of Birming	to which you have applied ing Manager and Director of Environmental invironmental Engineering from Cornell University. Department, State of ent Inc. but none directly related to hmental Engineering, Cornell nave any direct financial or busines gham from which you or they derive
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Business Address	Occupation will enhance the board nc. During my career I was Engineeri achelor of science degree in Civil & E Vater and Sewerage 2, Waste Manageme numerous charities if gement. nce, Civil and Enviror your immediate family if or of the City of Birming lain:	to which you have applied ing Manager and Director of Environmental Invironmental Engineering from Cornell University. Department, State of ent Inc. but none directly related to homental Engineering, Cornell nave any direct financial or busines gham from which you or they derive
Business Address	Occupation a will enhance the board nc. During my career I was Engineeria achelor of science degree in Civil & E Vater and Sewerage 2, Waste Manageme numerous charities I gement. nce, Civil and Enviror your immediate family hor of the City of Birming lain:	to which you have applied ing Manager and Director of Environmental Invironmental Engineering from Cornell University. Department, State of ent Inc. but none directly related to homental Engineering, Cornell nave any direct financial or busines gham from which you or they derive
Business Address	Occupation a will enhance the board nc. During my career I was Engineeria achelor of science degree in Civil & E Vater and Sewerage 2, Waste Manageme numerous charities I gement. nce, Civil and Enviror your immediate family hor of the City of Birming lain:	to which you have applied ing Manager and Director of Environmental invironmental Engineering from Cornell University. Department, State of ent Inc. but none directly related to mental Engineering, Cornell nave any direct financial or busines gham from which you or they derive

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BIRMINGHAM CITY COMMISSION MINUTES MARCH 13, 2017 **MUNICIPAL BUILDING, 151 MARTIN** 7:30 P.M.

Ι. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 7:30 PM.

П. ROLL CALL

ROLL CALL: Present, Mayor Nickita Commissioner Bordman **Commissioner Boutros** Commissioner DeWeese Mayor Pro Tem Harris **Commissioner Hoff** Commissioner Sherman Absent, None

Administration: City Manager Valentine, City Attorney Currier, Acting Clerk Arft, City Planner Ecker, Building Director Johnson, Police Chief Clemence, DPS Director Wood, City Engineer O'Meara, Finance Director Gerber, Human Resource Manager Taylor

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

03-54-17 APPOINTMENTS TO MULTI-MODAL TRANSPORTATION BOARD MOTION: Motion by Bordman:

To appoint Amy Folberg to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2020.

VOTF: Yeas, 7 Absent, None

MOTION: Motion by Harris:

To appoint Dr. Daniel Rontal to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2020.

VOTF: Yeas, 7 Absent, None

MOTION: MOTION by Boutros:

To appoint Katie Shafer, as an alternate member, to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2019.

VOTF: Yeas, 7 Absent, None

1

MOTION: MOTION by Hoff:

To appoint Lara Edwards, to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2020.

VOTE: Yeas, 7 Absent, None

03-55-17 APPOINTMENT TO CABLECASTING BOARD

Commissioner Hoff confirmed with Acting Clerk Arft that the Commission is being asked to appoint three regular members and one alternate member

MOTION: MOTION by Bordman:

To appoint Michael Fenberg to a three-year term on the Cablecasting Board to expire March 30, 2020.

VOTE: Yeas, 7 Absent, None

MOTION: MOTION by DeWeese:

To appoint Elaine Mclain to a three-year term on the Cablecasting Board to expire March 30, 2020.

VOTE: Yeas, 7 Absent, None

MOTION: MOTION by Harris:

To appoint Scott Weller to a three-year term on the Cablecasting Board to expire March 30, 2020.

VOTE: Yeas, 7 Absent, None

MOTION: MOTION by Sherman:

To appoint George Abraham to a three-year term on the Cablecasting Board as an Alternate member to expire March 30, 2019.

VOTE: Yeas, 7 Absent, None

03-56-17 APPOINTMENT TO PLANNING BOARD

MOTION: MOTION by Boutros:

To appoint Janelle Boyce to a three-year term on the Planning Board for a term to expire on March 28, 2020.

VOTE: Yeas, 7 Absent, None

MOTION: MOTION by Sherman:

To appoint Bert Koseck to a three-year term on the Planning Board for a term to expire on March

28, 2020.

VOTE: Yeas, 7 Absent, None

O3-57-17 APPOINTMENTS TO STORM WATER UTILITIES APPEAL BOARD Commissioner Hoff suggested we wait to appoint to this Board, since neither applicant was able to attend and she would like to interview them.

Commissioner DeWeese noted there are more openings on this Board. If others are interested, they should contact the City Manager to follow-up.

Commissioner Hoff noted that one of the applicants currently serves on the Board of Building Trade Appeals. She confirmed with City Manager Valentine that the applicant, if approved, would be required to resign that position on the Board of Building Trader Appeals. Commissioner Hoff expressed concern regarding a possible conflict of interest. City Manager Valentine responded there is no conflict. The Commission agreed to reschedule for March 27, 2017.

The Acting Clerk administered the oath to the appointed board members.

3-58-17 APPOINTMENT OF CITY CLERK

Human Resource Manager Taylor described the process to fill this position. Five candidates were interviewed and two advanced to be interviewed on March 7th by the City Clerk Selection Sub-Committee comprised of Commissioner Sherman and Commissioner Bordman, City Manager Valentine and Human Resource Manager Taylor. The Sub-Committee recommended Cherilynn Brown. After receiving a satisfactory background report, an offer of employment was made to Ms. Brown, which she accepted. Her start date is April 3, 2017.

Cherilynn Brown thanked the Commission for the opportunity to join the team and to serve the City of Birmingham.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:

To accept the recommendation of the City Clerk selection sub-committee to appoint J. Cherilynn Brown as the Birmingham City Clerk effective April 3, 2017. VOTE: Yeas, 7

Yeas, 7 Nays, None Absent, None

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.

03-59-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Item E (Advisory Parking Committee Recommendation) by Mayor Nickita
- Item A (Minutes of February 27, 2017) by Commissioner Hoff
- Item H (Celebrate Birmingham Parade) by Commissioner Hoff

MOTION: Motion by Pro Tem Harris, seconded by Commissioner Sherman:

To approve the Consent Agenda, with the following items removed, Items A, E and H.

- B. Approval of Ad Hoc City Clerk Selection Committee minutes of March 7, 2017
- C. Approval of warrant list, including Automated Clearing House payments, of March 1, 2017 in the amount of \$594,113.41
- D. Approval of warrant list, including Automated Clearing House payments, of March 8, 2017 in the amount of \$4,444,298.82
- F. Resolution authorizing the rooftop valet assist program at the Chester St. and Pierce St. Parking Structures administered by SP+ Parking, and as recommended by the Advisory Parking Committee, at an estimated total cost of \$64,600, during the closure of onstreet parking related to the Old Woodward Ave. Paving Project.
- G. Resolution approving the purchase of one (1) new Ford F-550 chassis from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 for a total of \$43,259.00; further approving the purchase of one (1) Versalift VSI-36I telescopic aerial platform lift from Cannon Truck Equipment through the State of Michigan extendable purchasing contract #071B2200263 for a total of \$83,064.00. The total expenditure for this vehicle and aerial lift platform is \$126,323.00. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.
- I. Resolution approving a request from the City of Birmingham to hold the In the Park concerts on Wednesdays from June, 2017 through August, 2017, and the Birmingham Bloomfield Community Coalition Youth Action Board's Teen Summer Concert on Friday, June 16, 2017 in Shain Park, 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.

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

V. UNFINISHED BUSINESS

03-60-17 PUBLIC HEARING TO CONSIDER RENEWAL OF 2017 LIQUOR LICENSE-EMAGINE PALLADIUM/IRONWOOD GRILL, 250 N. OLD WOODWARD-VIOLATION OF SPECIAL LAND USE PERMIT

Acting Clerk Arft explained that the Public Hearing was scheduled by the Commission on February 27, 2017 to consider whether to file an objection to the renewal of the liquor license for the business with the Michigan Liquor Control Commission. The reason for the hearing was the licensee's failure to comply with the terms of the liquor license or any conditions imposed by the City Commission or the Liquor Control Commission at the time of issuance or transfer of the license. (City Code Chapter 10, Section 10-40 (5)) In this case, a Special Land Use Permit amendment is required for transfer of ownership or name. Acting Clerk Arft explained that notices of the Public Hearing were sent by Certified Mail, Return Receipt Requested, to Emagine Palladium/Ironwood Grill, 209 Hamilton Row, and to CH Birmingham LLC, P.O. Box 2041, Troy, Michigan. Both notices were received and are on file in the Clerk's Office.

Mayor Nickita opened the Public Hearing at 8:35 PM.

Jon Goldstein, partner in CH Birmingham, LLC and Cloud Nine, was present to speak on behalf of the licensee. Mayor Nickita and Commissioner Sherman asked that Mr. Goldstein explain to the Commission the current status of the required Special Land Use Permit amendment.

Mr. Goldstein explained that this is a name change of the restaurant within the Emagine Palladium Theater from Ironwood Grill to Four Story Burger. He said his partner Paul Glantz, was involved initially in the Special Land Use Permit process. Mr. Goldstein was unaware that this was a requirement of the liquor license, and had a lack of understanding of the City's process. He noted that the proper building permits had been applied for with the City, and in early February 2017, he was notified that there was a problem regarding the Special Land Use Permit. He said the application has now been submitted to the City and the fees have been paid.

Mayor Nickita explained the City's requirements and agreements as being very specific in this situation. The agreement must be followed, and when modifications are being discussed, they must be brought through the appropriate channels within the City to be re-evaluated. He said the word "Special" here is key.

Commissioner Sherman asked Mr. Goldstein if Mr. Glantz is still the CEO of the company, and if Mr. Glantz had mentioned that he had executed the SLUP. Mr. Goldstein said he did not. Commissioner Sherman asked if Mr. Glantz was present tonight. Mr. Goldstein said Mr. Glantz was out of town. Commissioner Sherman asked if Mr. Goldstein attended the City Commission meeting on February 27, 2017. Mr. Goldstein responded that he did not attend the meeting.

Commissioner Sherman feels the organization is still the same and that Mr. Goldstein and Mr. Glantz did not communicate, giving Commissioner Sherman concerns. Mr. Goldstein responded that he believed there was no transfer, and that only the concept and name was changed.

Commissioner Sherman explained that the site plan is specific, even as to sign details. He asked Mr. Goldstein if the sign was changed. Mr. Goldstein responded that the sign was taken down, and there is temporary signage on the inside until the outside signage is changed.

Mayor Nickita asked for confirmation from Mr. Goldstein that there is signage. Mr. Goldstein confirmed there is signage on the ceiling of the building.

Commissioner Hoff said she is interested in hearing about the plans for the new restaurant, which must be approved by the City Commission pursuant to the SLUP agreement. She noted that as of March 2, 2017, the SLUP amendment application and fee was received, but no plans were submitted. She indicated that the applicant was contacted about it.

Mr. Goldstein responded that he received an email today from Ron and Roman indicating they had submitted floor plans of everything that had changed.

Commissioner Sherman acknowledged that the plans were just submitted today, but have not been reviewed.

Commissioner Bordman said she views our ordinances as very important, and is disappointed that they are not considered important to Mr. Goldstein's company. She noted that the Commission has a second matter to consider tonight involving this company. She does not want to make a decision tonight because the City has not seen everything.

Commissioner DeWeese asked City Attorney Currier what the deadline is for notifying the Michigan Liquor Control Commission of the City's objection to the liquor license renewal. City Attorney Currier said an objection to a renewal must be filed with MLCC by the local legislative body not less than 30 days before the date of expiration of the license. He noted that this license is to expire on April 30, 2017, so the Commission must take action on the renewal in March. Commissioner DeWeese understands that the Commission has the ability to not only take away the company's liquor license, but to close the business, which would be a very serious step.

Mayor Pro Tem Harris asked City Planner Ecker how long it would take for the staff to review the SLUP amendment application. She responded that the Planning Board will meet on March 22, and assuming a decision is made to recommend or deny it, it would be April before coming to the Commission for consideration.

City Manager Valentine suggested tabling the Commission's decision on the renewal to the MLCC to March 27, 2017 meeting, which would give staff time to review the plans. The Commission can then make an informed decision on the renewal of the liquor license or objection to renewal of the license, and if the Commission needs a Public Hearing to consider the revocation of the SLUP on April 13, 2017.

Mayor Pro Tem Harris said there are two components to this issue. The first issue is the liquor license renewal. We can continue the Public Hearing on the renewal issue to March 27, 2017, review the plans at that time, and make a decision on the liquor license renewal then.

Commissioner Sherman agreed that we should postpone to a date certain to continue the Public Hearing. In so doing, the Planning Board can review the plans and make a recommendation at its March 22nd meeting. The Commission will at least have that information on March 27, 2017 in order to make the decision of renewal or non-renewal.

MOTION: Motion by Sherman, seconded by Boutros:

To postpone the Public Hearing to March 27, 2017 at 7:30 PM to continue the discussion as to renewal of the liquor license.

Commissioner Boutros expressed concern that the business owner did not take this process seriously, and is giving the owners the benefit of the doubt. The business is highly respected in our community. He said he believes there was a lack of communication.

Commissioner Hoff is concerned that the owners are counting on Ron and Roman's plans as being complete, but it does not sound as though the owners are involved. She said the Commission wants to understand the name change and the new concept. She suggested the owners be sure the application is complete, because there will not be another chance to correct the application.

Mayor Nickita recognized the exceptional City staff, and suggested the owners listen to their advice and follow their instructions. There is a clearly defined process to follow.

Mayor Pro Tem Harris noted for Mr. Goldstein that the Michigan Department of Licensing and Regulatory Affairs shows that their application was pending and that a request was made on

February 21, 2017 for additional documents or fees. He suggested that he check into that as well.

VOTE: Yeas, 7 Nays, None Absent, None

VI. NEW BUSINESS 03-61-17 PUBLIC HEARING TO CONSIDER TERMINATION OF SPECIAL LAND USE PERMIT AT 250 N. OLD WOODWARD – EMAGINE PALLADIUM/IRONWOOD GRILL

City Planner Ecker explained that Emagine Palladium/Ironwood did not get approval before changing the name of the restaurant. A name change requires a SLUP amendment. They did not get prior approval before changing their name.

MOTION: Motion by Sherman, seconded by Harris:

Resolution setting Thursday, April 13, 2017 at 7:30 PM for a Public Hearing to consider termination of the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant.

Commissioner DeWeese emphasized that this gives the applicant two weeks to submit an application. If it is not taken care of then, the City Commission will decide what action to take.

Mayor Pro Tem Harris noted that setting a Public Hearing does not mandate any type of action. If the application is complete, the Commission would not have to take any action.

VOTE: Yeas, 7 Nays, None Absent, None

03-62-17 PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT – CHAPTER 126, ZONING, STRUCTURE STANDARDS, DORMERS

Assistant Planner Baka explained that in the joint meeting last June with the Commission and Planning Board, an issue was identified by staff that there were no regulations in place to govern the size of dormers on the upper levels of homes. Subsequently, the Commission directed the Planning Board to review dormer habitable attic regulations in the Zoning Ordinance. The Board was asked to clarify the types of dormers permissible that project from second story roofs, enclosing those inhabitable attics, provide recommendations for width limitations for dormers projecting from the second story, and refine the maximum area of regulations for inhabitable attics. The Planning Board began holding study sessions, and the first thing they looked at was the definition of dormer. There is already a detailed definition of dormer in place which references, but does not limit itself to many different types of dormers as listed in the Ordinance including flat, deck, hipped, shed, gabled, inset, arch, segmental and eyebrow style roofs. The Board felt this was a sufficient definition. They studied issues of dormers on accessory structures which is the only place currently with regulations. The Board discussed some width limitations on the principal structures and the regulations for habitable attics. Building Director Johnson wanted comment and to get clarification. During plan review, the department struggles with elevations like these, because some designs get creative.

Mr. Baka said there were discussions as to whether gable roofs and extensions of houses

should be considered a dormer or not.

Building Director Johnson said modifications have been made over time in the overall heights; the intention is to mirror the language in the current Boca Code. Discussion continued about a half floor, and the definition of a story.

Commissioner Hoff asked if this applies only to two story residences. Building Director Johnson said it is in the development standards for the single family zone districts.

Mayor Pro Tem Harris asked if we are going to use the definition of dormer, should we reference that definition in the proposed new ordinance so somebody down the road cannot argue that a dormer under Article IX is not applicable. Building Director Johnson believes it is not necessary. Article IX contains definitions that are applicable throughout the ordinance. A definition specific to a provision is going to be in that provision.

Assistant Planner Baka also noted that anywhere a word defined in Article IX is used in the ordinance, it is underlined in red. It indicates that there is a Birmingham definition of that word. Mayor Nickita thanked the staff and Planning Board for their hard work on this.

MOTION: Motion by DeWeese, seconded by Bordman:

To amend Chapter 126, Zoning, Article None4, Structure Standards, Section 4.75 SS-02, to create limitations on the allowable size of dormers on single family homes; and Article 09, definitions, section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable attic" and "Story" for consistency with the Michigan Residential Code.

VOTE:

Yeas, 7 Nays, None Absent, None

03-63-17 REQUEST FOR QUALIFICATIONS FOR N. OLD WOODWARD/BATES STREET PARKING & SITE DEVELOPMENT

City Planner Ecker has been looking at the parking situation in downtown Birmingham for ways to address it. She described the process to date, changes in parking demands and determining future needs. The City Commission established an Ad Hoc Parking Development Committee in 2015, and they were charged with developing an implementation strategy for addressing future parking demands, looking at costs, capacity, needs, impacts, master planning concepts, timelines, etc. The committee has been meeting for the past two years and studying exactly what the parking situation is downtown. A previous committee talked about the Pierce street structure versus the North Old Woodard structure as well. The committee recommended that we move forward with the North Old Woodward deck improvements first. The Ad Hoc Parking Development Committee also agrees, and the committee has spent the last two years studying what the parking demands are, and how many spaces we need to add. When looking at the way office space is changing, everybody is spread out in an open format which creates space for more people. It seems like the new form of office space is creating more demand. The committee determined what would be needed in terms of adding more parking to that north end of the district. They determined a number and started looking as to how they could redevelop the North Old Woodward structure by, either tearing it down, expanding it, adding on levels, etc. The committee considered what can be done to add more parking to that area while keeping in mind the Downtown Birmingham 2016 Plan that calls for Bates Street to be extended from Willits to North Old Woodward. We have a Parks plan that shows a trail connection across

the river to Booth Park. The committee recommended in January that the Commission consider issuing a Request for Qualifications. This would make it a two stage process. First, we would issue a RFQ. We would pick those that we think are qualified and they would move to the second stage, which would be a Request for Proposals. Only those qualified would be invited to submit a proposal under the RFP. The Ad Hoc Parking Development Committee also asked that we send this RFQ out to a real estate consulting firm. Ms. Ecker explained that there is a letter from Jones Lang LaSalle (JLL). JLL reviewed it and thought it was well done, and suggested that we move forward quickly with this, given the cyclical economy. They also indicated they have a potential list of developers available to the City, if needed.

Mayor Nickita explained that we are simply asking for developers to submit something to get a sense of whether or not they fall in line with something that would be applicable. He said there are a number of iterations to go yet.

Commissioner Boutros asked about time frames for responses. Planning Director Ecker said the deadline for the first phase is April 14, 2017. Deadlines for the second phase have yet to be determined.

Commissioner DeWeese pointed out that because it is a Request for Qualifications this is about finding the person or persons to produce something we will find useful.

Victor Saroki of Saroki & Associates said it was apparent that the North Old Woodward deck has the best potential. He said it yields the maximum amount of parking and created a new street as well as more development potential for the area. He worked with Carl Walker, parking consultants in Kalamazoo, on the deck designs and the calculations and proposals. He explained the structure is five levels and has about 572 spaces. The surface lot has 173 spaces, for a total of 745 spaces. He described the two schemes, their features and differences.

Discussion followed about the increase in the number of parking spaces. Mr. Saroki said the target numbers proposed were exceeded.

Commissioner Boutros asked if we put two buildings together, would they yield 2,000 spaces. Mr. Saroki believes the existing structure is not designed for additional floors on top. If a new structure is built, some of the surface parking is lost. The new total combined would be 1,088, which is less than a new deck.

Commissioner DeWeese suggested we need to remove at least the north section of the old garage to make Bates wide enough for sidewalks. If the garage is kept the way it is now, full utilization of Bates would not be possible and not be pedestrian friendly. He expressed concern about how the upper floors of the parking deck would look, and would like that look diminished. Mr. Saroki agreed, and said that would be the challenge of the architects and developers working on the project.

Commissioner Hoff thought the designs were excellent, and is happy to see an RFQ as a first step. She thinks it is a better way to move forward. She expressed concern about whether two weeks is sufficient time for firms to submit a response to a RFQ. Mr. Saroki agreed with Commissioner Hoff, because it will be a team that will need to be assembled to submit a thoughtful proposal, so more time for development is important.

Commissioner Hoff said this project has many challenges, including financing and use of the public property. She feels a group has to come together that is familiar with public/private partnerships as well as building and design, and that process may require more time. She suggested using the list that Jones LaSalle provided.

Mr. Saroki suggested the site visit be scheduled three weeks from now. Mayor Nickita agreed that extra time does not have an impact on us.

Planning Director Ecker suggested mid-April for the mandatory meeting, and mid-May for qualifications to come back, give or take a month.

MOTION: Motion by Boutros, seconded by Hoff:

To direct staff to issue the Request for Qualifications for the N. Old Woodward/Bates Street Parking and Site Development through the MITN system to solicit qualified firms interested in pursuing the development of this area.

Commissioner Hoff would like to amend the motion to include the MITN system, as well as other developers locally, regionally, and nationally.

Commissioner Bordman said this is a significant project with many parts. The group that is going to review the responses should include the Parks and Recreation Board, since this RFQ involves Booth Park and the bridge connecting the park and the trail system. The RFQ needs the expertise of the Parks and Recreation Board represented in the review of the RFQ.

Mayor Nickita agreed and said having some additional insight from the Board is a valid point. It was agreed that the Parks and Recreation Board could be incorporated into the RFQ review.

VOTE: Yeas, 7 Nays, None Absent, None

03-64-17 PROPOSED MODIFICATIONS TO BALDWIN PUBLIC LIBRARY

Library Director Doug Koschik thanked two library board members who are present this evening, Frank Pisano and Jim Suhay.

Commissioner Sherman said having gone through the blue prints already, he has no problem moving this Motion and approving this.

MOTION: Motion by Sherman, seconded by Boutros:

To approve the proposed modifications to the Baldwin Public Library as outlined on drawings A.701 and A.702 for the restoration of the Harry Allen Room window and opening the passage between Circulation and Adult Service areas with the costs of the modifications to be paid by the Library.

Mayor Nickita said the Library Board is here primarily to answer questions and to address any discrepancy or concerns that we have. We have reviewed the package and understand what is there. The relatively minor changes are typical in a historical building. When working through the process, conditions are found that need to be altered or added or were uncovered during the process that may not have been as clear previously.

Commissioner Hoff agrees and will support this. She believes there are residents at home who are watching this who have no idea what we are talking about. She believes for the sake of public that Library Director Koschik briefly highlight the process of what is going to be done.

Library Director Koschik described the two projects. One involves opening up a passage between the Circulation Department and the Adult Services Department. Currently, there is a fire door at Circulation and another fire door on the Adult Services side. Those doors would be removed and people could pass through from one side to another. Inside the stairwell there currently is a single door for the stairway going down, and no door at all for the stairway going up. The Fire Marshal has looked at the situation, and said it would be an improvement to put in an additional wall that is fire resistant and two fire doors. So in addition to improving the traffic flow and the aesthetics, we would also be enhancing the safety of the stairwell. The other proposal deals with the window that exists between the local history room, the Harry Allen Room, and adult services. That window was covered up 35 years ago and we would be removing the dry wall and the mirror material and opening up the window just as we have opened up other windows between the 1927 Building and adult services.

Commissioner Bordman noted that the Library has stated it will absorb the costs.

Mayor Pro Tem Harris also supports the changes.

Mr. Frank Pisano from the Library Board thanked Bruce Johnson and Mike Morad of the Building Department for doing such a great job at the library and informing the City as to what is going on, and coming up with different ideas to make the library better.

VOTE:

Yeas, 7 Nays, None Absent, None

03-65-17 CROSSWALK IMPROVEMENTS AT SAXON DRIVE & LATHAM DRIVE/NORCHESTER ROAD INTERSECTION

City Engineer O'Meara has been working with residents on Saxon for at least a year and half now on traffic issues in the area. About a year ago, we discussed putting together a special assessment to repave the street, which failed after discussion with both sides of the street. Every idea that comes up that the residents would like, requires an assessment and a lot of money input. He noticed on the Multi-Modal Master Plan that there is a recommended crosswalk improvement at the intersection of Latham, a four way intersection west of Southfield Road, and currently there is no way to cross that street unless you actually walk in the street and use the actual drive surface to get across. He worked with the Beverly Hills Village Manager, and he agreed this is a worthwhile simple improvement. The Village Board has gone on record stating that they would pay half if we want to proceed with this project. There was debate and discussion that this would not really solve the traffic issues that are on the table. The Board felt it was a worthwhile improvement to move forward with.

Commissioner Sherman confirmed with Mr. O'Meara that the Multi-Modal Board is in favor of this, the Village of Beverly Hills is willing to pay half the costs, and the residents are on board.

MOTION: Motion by Sherman, seconded by DeWeese:

To authorize the installation of crosswalk improvements at the Saxon Dr. & Latham Dr./Norchester Rd. intersection, including concrete extensions and pavement markings, to be

funded at 50% by the City of Birmingham, and 50% by the Village of Beverly Hills, with an estimated total cost of \$21,240. The work shall be completed within the 2017 Concrete Sidewalk Program, conducted by the City of Birmingham. Further, to approve the appropriation and amendment to the 2016-2017 General Fund budget as follows: Revenues

Draw from Fund Balance	101-000.000-400.000	\$10,120
Expenditures		
Sidewalks – Public Improvements	101-444.001-981.0100	\$10,120

City Manager Valentine noted that \$10,620 is the actual amount.

Commissioner Hoff asked if Latham has been improved. She believes Saxon needs to be improved as it is not in very good condition. She believes that it is a good idea to put in a crosswalk, but she thinks the answer is that the street should be improved. She realizes it requires a special assessment for the residents. She asked about Saxon and Southfield which is a much more significant crossing. People cross there to go to the market. Mr. O'Meara responded that there is a marked crosswalk there and handicapped ramp which has been there for many years.

Commissioner Hoff asked if there would be bulbouts at this intersection. Mr. O'Meara explained that once you get into things like that then you are talking about a much higher level of improvement, and we need to start talking about an assessment again.

Commissioner Hoff asked about striping the pavement. Mr. O'Meara said there is no concrete surface to walk across. The ditches on all four corners have to be filled in to make it a flat surface so that people can actually use the sidewalk to cross.

Commissioner Hoff asked if there were sidewalks on all four corners. Mr. O'Meara said that Saxon has sidewalks in both directions and Beverly Hills has them going south as well, but we do not to the north.

Commissioner Bordman asked if the suggested resolution included the electronic speed indicators. Mr. O'Meara answered that it did not. The Police Department already has that budgeted and is hoping to move forward with that if they can find a good location. The indicators do not require commission authorization.

VOTE: Yeas, 7 Nays, None Absent, None

03-66-17 CHESTERFIELD FIRE STATION CONTRACT AWARD

Fire Chief Connaughton said the Fire Station project continues to move forward. He is here to make a recommendation for our contractor, but he wants to review some timelines and activities to explain how we got here this evening. On January 19th, the solicitation was issued on MITN. We requested a qualified professional contractor to provide construction services, demolition and removal of existing building. On February 2nd a mandatory pre-bid meeting was held, 17 contractors attended and many questions were answered. They did a short tour of the building and grounds. On February 23rd at 2:00 PM, the bids were opened publicly, and 8 bids were received and accepted. They ranged from \$2,458,900 to \$3,220,000. A team was created consisting of Community Development Staff, our architectural firm, and two Fire Department

members to assess the proposals. They created a short list of five contractors based primarily on costs. After more review, the team determined that two contractors would be first, Axiom Construction Services Group, and second, Cedroni Associates. Presidents from both companies were interviewed and Axiom was chosen. Axiom, especially in the superintendent position, has more experience and will be the person working with us every day. Axiom also had a bid \$121,100 less than Cedroni. Also, Axiom has more experience building fire stations. His recommendation is Axiom. He added an amendment to the agreement regarding asbestos abatement. The EPA requires any time that you demolish a building there needs to be an asbestos report done. BDS Environment prepared the report and provided a \$25,000 quote for the removal. Axiom agreed to sub-contract the removal of asbestos for the same price and will fit it into their timeline.

Commissioner Sherman asked if Chief Connaughton is comfortable working with them and Chief Connaughton answered he was.

MOTION: Motion by Sherman, seconded by DeWeese:

To approve the execution of a contract with Axiom Construction in the amount not to exceed \$2,483,900.00 for the provision of construction services for a new fire station and demolition/removal of the existing building, along with asbestos abatement, to be funded from account number 491-339.000-977.0000; further, to authorize the Mayor and Clerk to sign the agreement on behalf of the City, subject to all necessary insurance requirements being met.

Commissioner Hoff confirmed with Chief Connaughton that if approved tonight, construction is to begin April 3 or close to this date. She asked if this project will be completed by January 12, 2018. Chief Connaughton confirmed. She asked if they will move the personnel and equipment over to the Adams Station. Chief Connaughton confirmed.

Commissioner Hoff asked about the three addendums. Chief Connaughton clarified that they were addendums to the RFP. As more questions came to us, we had to make an addendum so all the contractors could see our responses. There were three addendums to it, there were 65 questions asked of us after we had already had our meeting. As these came in, we would make addendums to it and report those back out to the contractors.

Chief Connaughton said the cost proposal clarifies the scope of work for any issues that were uncertain during the scope of work or clarify where bidders can ask questions. Those questions are then collected and responded to by the City in the form of an addendum to the RFP. There were three addendums issued regarding this RFP process subsequent to the pre-bid meeting. They are incorporated herein because the answers and the information provided as part of those addendums are then by reference incorporated into the RFP.

Mayor Pro Tem Harris said the proposed contract amount is \$2,483,000, and he asked what the budgeted amount was. Chief Connaughton answered \$3,000,000 flat.

VOTE: Yeas, 7 Nays, None Absent, None

03-67-17 AUTO PARKING SYSTEM FUND TRANSFER TO BSD

Mr. Richard Astrein of the Birmingham Shopping District Board is requesting on behalf of the BSD, that the parking system cover 50% of the costs to operate the free valet program during the Old Woodward Paving Project. They believe it is going to be a large project that is going to disrupt quite a bit of the town and they are trying to alleviate that. They have three valet stations proposed and possibly a fourth near the Park Street Structure. They think this is going to be a massive project and disruptive and the Board is hoping to put a little relief into this.

Mr. Astrein confirmed for Commissioner DeWeese that the first two hours will be free. Commissioner DeWeese asked how it is paid for if it is above the two hours. Mr. Astrein responded that the first two hours are free, and anything over two hours is \$5/hour. That will discourage office workers from pulling up and parking for the day. If parked for three hours, it will be \$15. Statistics show most people are there for two hours or less.

Commissioner Hoff stated that if you are there for five hours it would be \$15, because the first two hours are free. Mr. Astrein explained that the first two hours are free; each hour after that is \$5. If you are there another three hours, it is \$15.

Commissioner Hoff commented that it is uncertain yet where the vehicles will be. A few of the parking structures are named, but for the South Old Woodward drop off location, south of Brown street, vehicles will be parked in an adjacent private lot if available and for the Henrietta Street location, Martin Street is proposed to be closed and professionally valet parked to maximize parking. She believes those are excellent options, because she is concerned that the structures are going to be full. We have roof top valet during construction at several of the structures, and if we are taking these cars too, it might be overloaded, so she believes it is better to use the alternative.

Mr. Astrein explained that Mr. Steven Ferich of In House Valet suggested that if we use Martin, we could actually triple the capacity on Martin Street.

Mr. Ferich explained the proposal and the capacity if using the streets. He said they want to stay out of the structures. Pierce to Henrietta will be blocked off and the cars will be taken to Henrietta and Martin. He added that during the construction, Pierce Street will be closed. They originally wanted to commit Pierce, but the City felt it would get backed up.

Mr. Astrein explained it is a convenience for the customer, and Mr. Ferich will do what he normally does in downtown Birmingham with all the events he manages. The important thing to recognize is with regard to the construction, eliminating about 130 parking spaces on Old Woodward will be over-compensated by the fact that the parking structure capacity will be increased by 250 spaces with the addition of the valet assist program at the four structures. So in effect, we will have a net gain of parking in downtown Birmingham during the construction project. That would help offset some of the demand in the structure and Mr. Ferich can handle some of this with on-street parking and the lots that he has the ability to use and some of the creative street adjustments that we are looking at. All that together will have a positive effect on parking in downtown Birmingham during the construction project.

Commissioner Hoff asked about closing Martin Street. Mr. Astrein responded that it would be closed from 10:00 AM to 6:00 PM, and then it will be opened up after that. We also understand

that this is a work in progress. Once the construction project gets started and we see how the flow of traffic goes, we will have to make adjustments.

Mayor Nickita responded that we will have to be a bit creative and flexible as there will be some adjustments as we go along. We have skilled people who have knowledge of this.

Commissioner Sherman suggested a change to what is suggested in the motion to allow staff to make adjustments as needed based on their review. This would avoid a return visit to the Commission for those adjustments.

MOTION: Motion by Hoff, seconded by Boutros:

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None

To authorize a transfer of up to \$75,000 from the Auto Parking System Fund to the Birmingham Shopping District, to cover 50% of the costs encountered by the BSD to operate the free valet program during the 2017 Old Woodward Ave. Paving Project, and to allow Martin St. from Henrietta St. to Pierce St. to be used for professional valet parking and evaluated based on need and effectiveness, and permitting staff to adjust as needed based on its review.

VOTE: Yeas, Nays, Absent, None

03-68-17 CLOSED SESSION-ATTORNEY/CLIENT PRIVILEGE COMMUNICATION

MOTION: Motion by Hoff, seconded by DeWeese:

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 Hoff Commissioner DeWeese Commissioner Bordman Mayor Pro Tem Harris Mayor Nickita Commissioner Sherman Commissioner Boutros

П. **REMOVED FROM CONSENT AGENDA**

03-69-17 APPROVAL OF CITY COMMISSION MINUTES OF FEBRUARY 27, 2017

Commissioner Hoff suggested adding the words "contacted the Museum" to the first sentence in the second paragraph on page 4 of the minutes for clarification. On page 12 in the third paragraph, the minutes should identify City Attorney Currier, rather than Commissioner Currier. On page 14, in the second paragraph, Commissioner DeWeese should be identified as the speaker. On page 16, she suggested changing the words "a voluntary thing", to "on a voluntary basis".

MOTION: Motion by Hoff, seconded by DeWeese: To approve the minutes of February 27, 2017, as amended.

VOTE: 7 Yeas,

Nays, None Absent, None Abstentions: 1, (Sherman) Commissioner Sherman abstained due to his absence at the February 27, 2017 meeting.

03-70-17 ADVISORY PARKING COMMITTEE RECOMMENDATION -INCREASE IN TIME LIMIT ON W. MERRILL, BETWEEN CHESTER AND BATES

Mayor Nickita expressed concern about employees or people unrelated to the Community House using the affected parking spaces when the intent is to accommodate meetings at the Community House. He said most meetings at the Community House are three hours or less. He said it seems like it would be attractive to others to park there, and whether increasing the time limit to four hours is excessive. He did not see the answer to that question in the report.

City Engineer O'Meara responded that the meters can be set for two hours or four hours, and that is the current City policy. He said the Community House requested four hours. The study done revealed that there was not much demand during the mid-part of the days when there was no event at the Community House, so the assumption was there is not a large attraction to employees or others.

Commissioner Hoff asked if the meters on north side of the Community House will stay at two hour limits. Mr. O'Meara responded they will. Commissioner Hoff said she thinks this is a good change, but is concerned about drop-offs with the child care center at the Community House. She asked if that had been taken into consideration. Mr. O'Meara said the 4 PM time was not considered because it is definitely not peak usage time. The Community House was concerned with the two meeting times discussed by the Parking Committee.

MOTION: Motion by Sherman, seconded by Boutros:

To accept the recommendation of the Advisory Parking Committee, and approve an increase in the time limit for the eight (8) metered parking spaces on the south side of W. Merrill St. between Chester St. and Bates St. from two (2) to four (4) hours.

VOTE: Yeas, 7 Nays, None Absent, None

03-71-17 CELEBRATE BIRMINGHAM PARADE SPECIAL EVENT

Commissioner Hoff wanted to alert the public to the change in the route of the parade this year due to the Old Woodward construction. She noted the new route will be from South Old Woodward at Frank, to Brown, then Pierce, then Martin and to Bates, ending at Shain Park. She asked City Engineer O'Meara about his comment on the intersection at Brown and whether there would be ample room for the parade participants to procced through that area. Mr. O'Meara said they will be sure to keep the intersection open enough to get everyone through.

MOTION: Motion by Hoff, seconded by Bordman:

To approve a request submitted by the City of Birmingham to hold Celebrate Birmingham Parade on Sunday, May 21, 2017, 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. VOTE:

Yeas, 7 Nays, None Absent, None

VIII. COMMUNICATIONS

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

Herb Knowles, President of Cinderella Patch Condominium Association commented on the recent power outage and the length of time needed to return service to Birmingham residents. He urged the City to be an advocate for the residents to deal with this type of emergency.

City Manager Valentine said the concerns will be discussed with the companies.

Commissioner DeWeese noted that a lot of his neighbors do not have power.

X. REPORTS

3-72-17 COMMISSIONER REPORTS

The Commission will appoint members to the Architectural Review Committee, Housing Board of Appeals, Board of Building Trades Appeals, and the Brownfield Redevelopment Authority on April 13, 2017.

City Manager Valentine noted we also plan to make appointments to the Storm Water Utility Appeals Board as well as the Parks and Recreation Board on March 27, 2017.

3-73-17 COMMISSIONER COMMENTS

Commissioner Bordman wanted to talk about the attendance on volunteer boards. She has talked to City Manager Valentine about some of the attendance reports we have received, and she discovered that attendance is taking differently by different Boards. She thinks this causes confusion when it is included in the Commissioner packet. One of the things we need to do is standardize the way attendance is taken, in terms of what counts as attendance and what does not. If a person's absence results in a meeting being cancelled, it should be noted that is what happened because of a lack of quorum. Otherwise, it looks like there was no meeting and no reason given for it. Additionally in our packet, sometimes we get the attendance for some Boards and we do not get the attendance for other Boards. For example, tonight the Multi-Modal Board's attendance record was there, but not the Cable Casting Board, so she would like to see that standardized as well.

City Manager Valentine noted the Multi-Modal Board, the Planning Board, and the other Boards that were considered this evening were all City-initiated Boards. The Cable Casting Board is actually run through the Cable Administrator, and is a separate group. The Clerk's office has to solicit those records.

Commissioner Bordman said that does complicate things, but if we are going to be appointing people, I think we should know if they are coming to the meetings or not. She thinks the format is different for all of our Boards, which is one of the problems. Additionally, we have just started appointing more alternate members, and that issue came to her attention as to how we count their attendance and what we expect from them. Do we expect them to appear at all the meetings, or only when called to fill in for someone. She thinks this is worthy of a discussion and a direction to people who are appointed as alternates. She thinks that

alternates should be expected to come to all the meetings for continuity, so that they begin to have institutional knowledge that is part of decision making and for comraderie.

City Manager said this will be on our next agenda, because we have been compiling all the data from all the Boards to put together a summary of where the issues are with attendance. We will try to determine where you want to add alternates and where you want to look at alternative policies.

Mayor Pro Tem Harris expressed his preference to have the material provided in the agenda packet in chronological order to the extent possible. He thinks it is easier to study and prepare for. He added that there is a past practice of the City helping residents who are having problems with utility providers, and he urged the City to do all it can to help residents who are without power for this long of time during winter.

The Commission moved to Closed Session at 10:53 PM.

The Commission returned to Open Session at 11:38 PM.

XI. ADJOURN

The meeting adjourned at 11:38 PM

Cheryl Arft Acting City Clerk

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eck Number	Early Release	vendor #	Vendor	Amount
248922	*	000855	48TH DISTRICT COURT	100.00
248923	*	000855	48TH DISTRICT COURT	1.00.00
248924	*	000855	48TH DISTRICT COURT	100.00
248925	*	000855	48TH DISTRICT COURT	100.00
248926	*	000855	48TH DISTRICT COURT	100.00
248927	*	000855	48TH DISTRICT COURT	100.00
248928	*	000855	48TH DISTRICT COURT	100.00
248929	*	008096	52-1 DISTRICT COURT	1,000.00
248930	*	005358	AARON'S EXCAVATING INC	500.00
248931		001103	BCI ADMINISTRATORS INC	787.00
248932		007345	BEVERLY HILLS ACE	14.93
248933		002231	BILLINGS LAWN EQUIPMENT INC.	3.30
248934	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	120.68
248935		000542	BLUE WATER INDUSTRIAL	. 21.00
248936		004244	BOLYARD LUMBER	27.52
248937	*	006953	JACQUELYN BRITO	89.98
248938	*	005289	BUSINESS CARD	126.37
248939		007875	CANFIELD EQUIPMENT SERVICE INC.	170.00
248940		002067	CENTRAL PARKING SYSTEM	20.00
248941		006244	CHET'S RENT ALL	319.20
248942	*	007575	HANNAH CHUNG	32,50
248943		007710	CINTAS CORP	141.01
248944		000605	CINTAS CORPORATION	86.19
248945	*	000912	MARK CLEMENCE	171.32
248946	*	007625	COMCAST	128.87
248947		008386	CONSOLIDATED PLASTICS COMPANY	653.31
248948		001367	CONTRACTORS CONNECTION INC	248.55
248949		003923	CUMMINS BRIDGEWAY LLC	100.00
248950		004386	CYNERGY PRODUCTS	3,485.77
248951		008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75
248952		003825	DEERE ELECTRIC INC	2,040.00
248953		005115	DETROIT NEWSPAPER PARTNERSHIP	2,774.65
248954	*	000187	JOHN DONOHUE	50.46
248955	*	006700	DRV CONTRACTORS, LLC	12,461.46
248956	*	000179	DTE ENERGY	644.52
248957		007538	EGANIX, INC.	720.00
248958		004671	ELDER FORD	220.55
248959	*	008308	ERADICO PEST SERVICES	27.00
248960		000207	EZELL SUPPLY CORPORATION	269.74
248961		001223	FAST SIGNS	118.13
248962		007941	FOCO, INC.	
248963	*	005103	GORNO FORD, INC.	1,462.50
248964		008293	SOUTO LOUD, THO.	22,591.00

4B

Check Number	Early Release	Vendor #	Vendor	Amount
248965		004983	GREAT AMERICAN BUSINESS PRODUCTS	591.36
248967	*	008382	GREAT LAKES PORTABLE STORAGE LLC	238.00
248968		000249	GUARDIAN ALARM	224.03
248969		001531	GUNNERS METER & PARTS INC	832.00
248970		001672	HAYES GRINDING	30.50
248971		003701	HD SUPPLY WATERWORKS, LTD	668.16
248972		000948	HYDROCORP	1,315.00
248973		MISC	ILIEV, LUSSIEN	15.71
248974		000340	INDUSTRIAL BROOM SERVICE, LLC	471.90
248975		003888	INTERNATIONAL CODE COUNCIL INC	10,062.00
248976		000342	INTERSTATE BATTERY SYSTEM	189.90
248977	*	002576	JAX KAR WASH	158.00
248978		003458	JOE'S AUTO PARTS, INC.	28.95
248979		MISC	KAREN GRAY	126.00
248980	*	007827	HAILEY R KASPER	168.00
248981		000891	KELLER THOMA	1,487.00
248982	*	000352	JILL KOLAITIS	1,116.00
248983		004085	KONE INC	270.48
248984		004931	LOCKBOX IPT BY BIDNET	18.69
248985		008158	LOGICALIS INC	10,000.00
248986	*	008172	MANPOWER	782.00
248987	*	004663	MGIA	833.00
248988		006329	STATE OF MICHIGAN	200.00
248989		006329	STATE OF MICHIGAN	200.00
248990	*	007306	MARK MISCHLE	34.00
248991	*	007462	MICHAEL MORAD	199.00
248992		001089	MUNICIPAL CODE CORP.	978.00
248993		002251	MYERS TIRE - INDIANAPOLIS #42	208.12
248994		006359	NYE UNIFORM COMPANY	398.75
248995		002853	OAKLAND COMMUNITY COLLEGE	795.00
248996	*	000477	OAKLAND COUNTY	674,317.51
248997	*	008214	OAKLAND COUNTY WATER DEPARTMENT	8,459.07
248998		003461	OBSERVER & ECCENTRIC	767.44
248999		004370	OCCUPATIONAL HEALTH CENTERS	356.50
249000	*	000481	OFFICE DEPOT INC	857.57
249001	*	000481	OFFICE DEPOT INC	1,124.41
249002	*	000481	OFFICE DEPOT INC	1,715.77
249003		002767	OSCAR W. LARSON CO.	633.60
249004		006625	PACIFIC TELEMANAGEMENT SERVICES	78.00
249005	*	003352	JAMIE CATHERINE PILLOW	708.00
249006		008066	PINNACLE PEAK HOLDING CORPORATION	829.35
249007		002518	PITNEY BOWES INC	169.99
249008		001062	QUALITY COACH COLLISION LLC	4,675.57

249009 249010				
249010		004137	R & R FIRE TRUCK REPAIR INC	325.47
		001197	RAVEN GOLF BALL CO	300.00
249011	*	003554	RKA PETROLEUM	11,425.78
249012	*	002806	SAM'S CLUB/SYNCHRONY BANK	683.62
249013		000233	DEAN SELLERS	29.92
249014		008383	SEMBOIA, INC.	240.00
249015		004202	SHRED-IT USA	105.03
249016		001824	SOCIETY FOR HUMAN RESOURCE MGMNT	199.00
249017	*	001097	SOCWA	114,157.36
249018		005787	SOUTHEASTERN EQUIPMENT CO. INC	452.11
249019		008381	SUPERIOR MANUFACTURING	2,052.12
249020		004355	SYMETRA LIFE INSURANCE COMPANY	27,966.64
249021		001076	TAYLOR FREEZER OF MICH INC	325.00
249022		008384	THE COMEDIAN AGENCY	850.00
249023		003173	TIFFANY FLORIST	126.90
249024		008371	TREDOC TIRE SERVICES	546.25
249025		000821	UNIVERSITY PRODUCTS INC	540.26
249026		000293	VAN DYKE GAS CO.	383.52
249027	*	000158	VERIZON WIRELESS	1,383.79
249029	*	000158	VERIZON WIRELESS	340.73
249030	*	000158 .	VERIZON WIRELESS	50.37
249031	*	007893	JENNA WADE	345.00
249032		008170	WEST SAFETY SOLUTIONS INC	2,500.00
249033	*	003890	LAUREN WOOD	525.00
249034	*	007083	XEROX CORPORATION	975.38
249035		007083	XEROX CORPORATION	76.85
249036		007083	XEROX CORPORATION	154.13
249037		000309	ZEP SALES AND SERVICE	410.03
			Sub Total Checks:	\$947,523.85
			Sub Total ACH:	\$144,964.20
			Grand Total:	\$1,092,488.05

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

Mark Sulu

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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 3/15/2017

3/27/2017

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	3/13/2017	144,964.20
	TOTAL	144,964.20

Check Number	Early Release	Vendor #	Vendor	Amount
249038		MISC	1ST CHOICE HOME IMPROVMENTS	100.00
249039		MISC	21 ST CENTURY WINDOW REPLACEMENT	500.00
249040		005430	21ST CENTURY MEDIA- MICHIGAN	1,996.75
249041	*	000855	48TH DISTRICT COURT	100.00
249042		005358	AARON'S EXCAVATING INC	1,500.00
249043		002284	ABEL ELECTRONICS INC	1,253.47
249044		MISC	ACOMB, FREDERICK A	1,000.00
249046		007266	AETNA BEHAVIORAL HEALTH LLC	373.75
249047		001007	AGT BATTERY SUPPLY LLC	898.20
249049		003708	AIRGAS USA, LLC	162.11
249050		007745	ALL COVERED	1,192.00
249051		007233	ALL STAR PRO GOLF	419.97
249052		MISC	ALLEN BROTHERS INC.	100.00
249053		005795	ALLIE BROTHERS, INC	209.97
249054		008304	AMERINET	15,250.00
249055		007440	AMICI PET SERVICES, INC	280.00
249056		000282	APOLLO FIRE EQUIPMENT	57.51
249057		000500	ARTECH PRINTING INC	231.00
249058	*	006447	AT&T	35.17
249059	*	006759	AT&T	949.86
249060	*	006759	AT&T	67.50
249061	*	006759	AT&T	41.16
249062	*	006759	AT&T	41.16
249063	*	006759	AT&T	81.43
249064	*	006759	AT&T	172.19
249065	*	006759	AT&T	202.33
249066	*	006759	AT&T	94.97
249067	*	007216	AT&T	115.00
249068		004027	AUTOMATED BENEFIT SVCS INC	7,588.67
249069		MISC	BABI CONSTRUCTION INC	900.00
249075		003012	BATTERIES PLUS	92.31
249077		002597	BELSON OUTDOORS INC	605.70
249078		007345	BEVERLY HILLS ACE	37.66
249079		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	89.67
249080	*	001086	CITY OF BIRMINGHAM	543.32
249082		MISC	BLOOMFIELD CONSTRUCTION CO	100.00
249083		000157	BOB ADAMS TOWING INC.	25.00
249084	*	003282	LISA MARIE BRADLEY	270.00
249085	*	006953	JACQUELYN BRITO	46.95
249086		007365	BSN SPORTS	299.99
249087	*	006177	BULLSEYE TELECOM INC	244.76
249088		MISC	CALANDRA & SONS CONSTRUCTION CO	100.00
249090		008388	CAPITOL BARRICADING, INC.	1,334.40



Check Number	Early Release	Vendor #	Vendor	Amount
249093		MISC	CHRISTINE DALTON	100.00
249094		000605	CINTAS CORPORATION	107.78
249096	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,282.97
249097		001318	CLOVERDALE EQUIPMENT CO	1,610.00
249098		004905	COCM	490.00
249099		004026	COFINITY	1,332.00
249100	*	007625	COMCAST	380.80
249101	*	007774	COMCAST BUSINESS	639.80
249102	*	005074	COMFORT INN & SUITES	484.50
249103	*	000619	THE COMMUNITY HOUSE	200.00
249104		001367	CONTRACTORS CONNECTION INC	151.75
249106	*	MISC	DANIEL H. ALFREDSSON	3,499.05
249107		008390	ROBERT DECOCK	90.00
249108		006907	DENTEMAX, LLC	139.50
249109	*	005125	DEVIN DEROECK	125.00
249111		007359	DETROIT CHEMICAL & PAPER SUPPLY	44.03
249112	*	005313	DOUBLE TREE BY HILTON HOTEL	686.70
249113	*	006700	DRV CONTRACTORS, LLC	21,543.96
249117		MISC	ECOART LLC	100.00
249118		000196	EJ USA, INC.	491.81
249120		008308	ERADICO PEST SERVICES	38.00
249121		MISC	ERIC KAMEN	50.00
249124	*	000213	FIRE DEFENSE EQUIP CO INC	286.00
249125		007314	FLEIS AND VANDENBRINK ENG. INC	1,248.39
249126	*	008154	GREGORY FOLEY	125.00
249127		MISC	FORTUNA CONSTRUCTION	200.00
249128		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
249129		MISC	FRENCH CONSTRUCTION CO LLC	100.00
249131	*	008326	JOHN GALIK	75.00
249132		007172	GARY KNUREK INC	143.00
249133		MISC	GGA SERVICES LLC	1,900.00
249134		004604	GORDON FOOD	158.59
249135		000243	GRAINGER	4.42
249136		007099	GRANICUS, INC.	1,737.00
249139	*	008068	GARY GUSTAFSON	105.00
249140		008122	HALL SIGNS, INC.	247.11
249141		001672	HAYES GRINDING	91.50
249142		MISC	HM HOMES LLC	5,000.00
249144		000331	HUBBELL ROTH & CLARK INC	10,632.85
249145		005827	THOMAS HUGHES	33.50
249146		001234	IAFC MEMBERSHIP	209.00
249147		MISC	INGRAM ROOFING INC	100.00
249148		000342	INTERSTATE BATTERY SYSTEM	225.90

Check Number	Early Release	Vendor #	Vendor	Amount
249149		MISC	ITEC ENTERPRISES LLC	200.00
249150		002407	J & B MEDICAL SUPPLY	356.00
249151		000261	J.H. HART URBAN FORESTRY	15,294.20
249152		000344	J.T. EXPRESS, LTD.	2,005.06
249153		000186	JACK DOHENY COMPANIES INC	398.56
249154		MISC	JAMES RICHARD VERVISCH	4,500.00
249155		004391	JANSSEN REFRIGERATION CO., INC	160.00
249156		003458	JOE'S AUTO PARTS, INC.	1,028.06
249157	*	002555	MICHAEL JUREK	125.00
249158	*	007837	LARYSSA R KAPITANEC	381.00
249159		MISC	KEVIN LORISON TAYLOR	100.00
249160		MISC	KILLER DECKS & SPAS INC	200.00
249161		004085	KONE INC	36,979.45
249162		MISC	L & P CUSTOM BUILDERS LLC	2,500.00
249163	*	005327	L3 TECHNOLOGIES, INC.	290.00
249164		003620	LANGUAGE LINE SERVICES INC	35.00
249166		MISC	LEVINE & SONS INC	93.22
249169		008172	MANPOWER	238.00
249170		MISC	MARCUS JOHN SCHRENK	250.00
249171		MISC	MARCUS SCHRENK	2,550.00
249172		MISC	MARK AND MARY ALHERMIZI FAMILY TRST	2,500.00
249173		MISC	MASSIMO D AGOSTINO	100.00
249174		MISC	MAYHEW, MARTIN R	181.10
249175	*	000337	JIM MCCULLOCH	30.00
249177		000888	MCKENNA ASSOCIATES INC	33,932.50
249178		006362	MDSOLUTIONS INC.	450.00
249179	*	005252	MIAM	225.00
249180		007984	MICHIGAN ACADEMY OF EMER SERVICES	108.00
249181	*	005271	MICHIGAN FIRE INSP SOCIETY	350.00
249183		006461	MID AMERICA RINK SERVICES	20.58
249184		MISC	MIDSTATES ALLIANCE GROUP LLC	100.00
249188		007163	MOBILE HEALTH RESOURCES	2,754.09
249189		006289	NATIONAL ELEVATOR CONSULTANTS, INC.	3,400.00
249192		001864	NOWAK & FRAUS ENGINEERS	52,930.00
249193		006359	NYE UNIFORM COMPANY	397.17
249194		MISC	OAKES ROOFING SIDING & WINDOWS INC	200.00
249195		001686	OAKLAND CO CLERKS ASSOC	25.00
249196		002853	OAKLAND COMMUNITY COLLEGE	500.00
249199		MISC	OLIVER/HATCHER CONSTRUCTION	200.00
249201	*	005794	PAETEC	679.62
249203	*	001753	PEPSI COLA	273.78
249204		MISC	PETRUZZELLO, FRANK	200.00
249206		MISC	PREFERRED BUILDING COMPANY	200.00

Check Number	Early Release	Vendor #	Vendor	Amount
249207		MISC	RAIMI, NIKKI & MICHAEL	285.00
249208	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
249211		MISC	ROBERT J SOWLES	100.00
249212		000495	ROCHESTER LAWN EQUIPMENT CENTER INC	164.25
249213		MISC	ROCK HOMES LLC	100.00
249214		MISC	ROTTNER RENOVATION INC.	100.00
249215		MISC	SHERRIFF-GOSLIN CO.	100.00
249216		007881	SIDOCK GROUP INC	7,730.00
249218		000769	SKILLPATH SEMINARS	149.00
249219		MISC	SOULLIERE DECORATIVE STONE INC	1,100.00
249220		MISC	SOUTH, TIMOTHY	37.82
249227		006783	STATE OF MICHIGAN	30.00
249228		001095	SUBURBAN/PRESTIGE GLASS	2,200.00
249229		MISC	SUNRISE GARAGE BUILDERS INC	125.00
249230		001714	TARGET SPORTS INC	49.98
249231	*	007583	YVONNE TAYLOR	10.76
249233		008346	THYSSENKRUPP ELEVATOR CORP	43,947.09
249234		000275	TIRE WHOLESALERS CO INC	444.00
249235		MISC	TRADEMARK BUILDING COMPANY INC	200.00
249238		000821	UNIVERSITY PRODUCTS INC	24.15
249239		MISC	UZNIS DEVELOPMENT CO	100.00
249240	*	000158	VERIZON WIRELESS	135.12
249241	*	000158	VERIZON WIRELESS	50.37
249242	*	000158	VERIZON WIRELESS	1,702.60
249243		000969	VIGILANTE SECURITY INC	91.00
249244		MISC	WALLSIDE INC	100.00
249245		008170	WEST SAFETY SOLUTIONS INC	4,668.75
249246	*	007894	BRENDA WILLHITE	600.00
249247		MISC	WOLVERINE BUILDING COMPANY LLC	100.00
249248		004512	WOLVERINE POWER SYSTEMS	240.00
249249	*	008387	LOGAN WONFOR	105.00
249250		007083	XEROX CORPORATION	261.59

Check Number Ea	rly Release	vendor #	Vendor		Amount
				Sub Total Checks:	\$328,535.56
				Sub Total ACH:	\$777,612.33
				Grand Total:	\$1,106,147.89

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

Mark Sulu

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.

3/27/2017

City of Birmingham 3/22/2017

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	3/21/2017	132,551.15
Birmingham Schools	3/19/2017	402,868.77
Oakland County Treasurer's Office	3/19/2017	242,192.41
	TOTAL	777,612.33

City of	Birmingham	MEMORANDUM
DATE:	March 17, 2017	Engineering Dept.
TO:	Joseph Valentine, City Manager	
FROM:	Austin W. Fletcher, Assistant City	Engineer
SUBJECT:	Parking Structure Traffic Control E Change Order No. 1 – Contract #1	• •

In the fall of 2016, the City Commission approved Phase II of the Parking Structure Traffic Control Equipment Project – Contract #15-15(PK). This project included the installation of changeable signs (to display the number of available spaces) at each structure.

The original plan called for the installation of these signs at each structure where an existing "P" sign was located (two at N. Old Woodward, two at Pierce, two at Park, one at Peabody and one at Chester). After further review and consideration, it was determined that an additional changeable sign should be installed at the Chester Structure on Maple Road (see attached photos). This will assist the numerous drivers that access the structure via Maple Road. A photoshopped sign has been attached to this report to demonstrate how the sign would be added to the existing sign on the Maple Rd. side of the building. It should be noted that the lettering for the "SPACES AVAILABLE" on the photo representing the proposed sign is not to scale. The proposed sign will have lettering at the same size as the existing sign.

The attached estimate was subsequently prepared by Harvey Electronics and Radio LLC. The work associated with this change order includes a drop-in Daktronic sign with 7" letters, sign enclosure, conduit & cable, graphics and installation.

The Engineering Department recommends that we proceed with Change Order #1 in the amount of \$10,875.00. All costs will be charged to the Parking System Fund 585-538.008-971.0100.

SUGGESTED RESOLUTION:

1

To authorize Change Order #1 to the Parking Structure Traffic Control Equipment Project, Contract #15-15(PK), accepting a proposal from Harvey Electronic and Radio LLC to provide and install a second space counting sign to the Chester St. Parking Structure for a total cost of \$10,875.00, charged to account number 585-538.008-971.0100.



Existing Changeable Sign - Martin Street Entrance



Proposed Changeable Sign – Maple Road

(Lettering on sign not to scale)

Harvey Electronics and Radio LLC

28243 Beck Road Unit B16 Wixom, MI 48393 248-477-7200

> Friday, March 10, 2017 City of Birmingham Mr. Paul O'Meara 151 Martin P.O. Box 3001 Birmingham, MI 48012 pomeara@bhamgov.org

Dear Mr. O'Meara:

Pursuant to your request, the following is an explanation of estimate #459.

- 1. The drop-in Daktronics signs have 7" letters that can be Amber, Red, or green. Daktronics is the market leader in digital signage and is approved for use with the Skidata system. We need to provide two of these for Chester Street so the sign can be read from traffic coming in either direction down Maple Road.
- 2. We need to have a custom aluminum sign enclosure made to retrofit your existing sign. We will place this sign enclosure on top of the existing sign and have it powder coated to match what currently exists.
- 3. We will have our electricians install approximately 300' of conduit from the entry/exit plaza to the sign location and pull a cat 6 network cable to it.
- 4. We will then have our installation team install the drop in Daktronic signs into the new sign enclosure. After installing them we will test them to make sure they work properly. Last, we will have a local sign/graphics shop make lettering for both signs indicating "spaces available" We will have these graphics made in reflective white 3" letters.

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Paul, please let me know if I can be of further service. I look forward to working with you.

Thank you,

Jason A. Wiitala

28243 Beck Rd., Unit B-16 Wixom, MI 48393

Estimate

Date	Estimate #
2/8/2017	459

Name / Address

CITY OF BIRMINGHAM MR. PAUL O'MEARA 151 MARTIN P.O. BOX 3001 BIRMINGHAM, MI 48012

		_	Project
Description	Qty	Cost	Total
Drop in 7' Daktronic Sign Custom Sign Enclosure Electrical/Conduit Harvey Parking Install		2,975.00 1,475.00 2,250.00 1,200.00	5,950.00 1,475.00 2,250.00 1,200.00
Chester Garage		Subtotal	\$10,875.00
		Sales Tax (6.0%)	\$0.00
		Total	\$10,875.00

City of	Birmingham	MEMORANDUM
DATE:	March 17, 2017	Engineering Dept.
то:	Joseph Valentine, City Mar	ager
FROM:	Austin W. Fletcher, Assista	nt City Engineer
SUBJECT:	Video Inspection – Old Wo	odward Ave

1

As you know, our office is currently preparing to reconstruct Old Woodward Ave. (from Willits St. to Brown St.). In preparation for this project, the City would like to document the preconstruction conditions (both outside and inside) of the buildings within the project area. This work is critical due to the type and age of the buildings along this stretch of Old Woodward. It will also assist the City and Contractor when dealing with any claims that may occur during or after construction.

This project was originally bid on March 2, 2017, and no bids were received. Because the City felt this was important to the project, an Invitation to Bid was issued on March 4, 2017 to five (5) potential bidders that expressed an interest in the project.

On March 10, 2017, the Engineering Department opened bids on the above-referenced project. Only one (1) contractor submitted a bid for this project. A bid summary is attached for your reference. It should be noted that this is specialty work and we suspect this attributed to the lack of responses.

The lone bidder was M-1 Studios of Ferndale, MI with their base bid of \$26,450.00. While we have not worked with M-1 Studios in the past, staff checked the references provided and were given positive responses. The company has recently completed similar work at a local Wastewater Treatment Plant. We are confident that they are qualified to perform satisfactorily on this contract.

The project includes video documentation of existing conditions throughout the project area, both inside and outside of the buildings, including basements. Having a record of existing defects will help both the City and the private property owners negotiate a settlement if vibrations or other issues arise that cause interior or exterior damage to these buildings.

The work on this project is expected to commence in early April with a contract completion date of May 19, 2017. This work will be completed prior to the start of the Old Woodward Reconstruction Project.

The cost of the project will be charged to the following accounts:

Major Street Fund	220-449.001-981.0100	\$8,800.00
Sewer Fund	590-536.001-981.0100	\$8,800.00
Water Fund	591-537.004-981.0100	<u>\$8,800.00</u>

TOTAL

\$26,400.00

As is required for all of the City's construction projects, M-1 Studios has submitted a certified check (in the amount of 5% of the base bid) as security with their bid which will be forfeited if they do not provide the signed contracts, bonds and insurance required by the contract following the award by the City Commission.

It is recommended that the Video Inspection – Old Woodward Ave, be awarded to M-1 Studios of Ferndale, MI in the amount of \$26,400.00. All costs will be charged to the various accounts as outlined above.

SUGGESTED RESOLUTION:

To award the Video Inspection – Old Woodward, to M-1 Studios of Ferndale, MI in the amount of \$26,400.00 to be charged to the various accounts as detailed in this report.

CITY OF BIRMINGHAM			
VIDEO INSPECTION SERVICES for OLD WOODWARD AVE PAVING PROJECT			
BID S	UMMARY		
March 9, 2	2017 - 2:00 PN		
Company Name	Addendums	5% Bid Security	Base Bid
M-1 Studios	No. 1	Cashier Check	\$26,450.00

City of	Birmingham	<u>MEMORANDU</u> M
DATE:	March 17, 2017	Engineering Dept.
TO:	Joseph Valentine, City Manage	r
FROM:	Austin W. Fletcher, Assistant C	ity Engineer
SUBJECT:	Old Woodward Sewer Video In	spection

As you know, our office is currently preparing to reconstruct Old Woodward Ave (from Willits St. to Brown St.). In preparation for this project, the City plans to inspect and clean the sewers within the project area. This work is important to prepare the sewers for lining and to identify the locations of the sewer laterals. Due to the long history of the sewers in this area, much of which is not documented, we recommend this extra step on this project to better identify where all buildings are currently connected.

On March 9, 2017, the Engineering Department opened bids on the above-referenced project. Four (4) contractors submitted bids for this project. A bid summary is attached for your reference.

The low bidder was Pipetek Infrastructure Services of Plymouth, MI with their base bid of \$20,575.00. While we have not worked with Pipetek Infrastructure Service in the past, staff has checked the references provided and were given positive responses. The company has performed similar work for several clients. We are confident that they are qualified to perform satisfactorily on this contract.

The project includes the cleaning and inspecting of several sections of combined sewer in preparation for lining as part of the Old Woodward Reconstruction project as well as locating the sewer laterals within the project area. This will greatly assist during construction to help ensure that all necessary laterals are reconnected to the new sewer(s).

The work on this project is expected to commence in early April with a contract completion date of May 19, 2017.

As is required for all of the City's construction projects, Pipetek Infrastructure Services has submitted a 5% bid security with their bid which will be forfeited if they do not provide the signed contracts, bonds and insurance required by the contract following the award by the City Commission.

It is recommended that the Old Woodward Sewer Video Inspection, be awarded to Pipetek Infrastructure Services of Plymouth, MI in the amount of \$20,575.00. All costs will be charged to the Sewer Fund, account number 590-536.001-981.0100.

SUGGESTED RESOLUTION:

To award the Old Woodward Sewer Video Inspection, to Pipetek Infrastructure Services of Plymouth, MI in the amount of \$20,575.00 to be charged to account number 590-536.001-981.0100.

CITY OF BIRMINGHAM					
OLD WOODWARD SEWER VIDEO INSPECTION					
	BID SUMMARY				
	017 - 2:00 PN	5% Bid			
Company Name	Addendums	Security	Base Bid		
Pipetek Infrastructure Services	No.1	Bond	\$20,575.00		
Taplin Group, LLC	No.1	Bond	\$39,134.50		
United Resource, LLC	No.1	Bond	\$44,724.00		
Foco Inc. dba:Dependable Sewer Cleaners	No.1	Cashier Check	\$45,872.00		
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MEMORANDUM

Planning Division

DATE: March 20, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Set Public Hearing for Special Land Use Permit Amendment and Final Site Plan Review at 250 N. Old Woodward – Emagine Palladium and Ironwood Grill

On March 25, 2015, the Planning Board conducted a public hearing to discuss a request by the applicant to open the Emagine Palladium Theatre, along with the Ironwood Grill., in the former Palladium Theatre space at 250 N. Old Woodward. Both the theatre and the restaurant were proposing to serve alcoholic liquors, and thus in accordance with the Zoning Ordinance, they are required to operate under a valid Special Land Use Permit. The existing Class C liquor license owner is The Palladium of Birmingham, LLC (owner of the Palladium Building), which is assigning the license to CH Birmingham, LLC a/k/a Emagine Palladium and Ironwood Grill Inside Emagine Palladium which will own and operate the theatre and restaurant previously proposed and approved. The Planning Board voted to recommend approval of the Final Site Plan and Special Land Use Permit Amendment to the City Commission with the following conditions:

- 1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
- 2. Meet all City Department requests, subject to administrative approval;
- 3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
- 4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
- 5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and
- 6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

On May 18, 2015, the City Commission approved the Final Site Plan and Special Land Use Permit to allow the operation of the Emagine Palladium Theatre and Ironwood Grill restaurant, operating under one Class C Liquor License, with the same conditions noted by the Planning Board. In accordance with this approval, the City Commission passed a resolution approving the Special Land Use Permit Amendment. In accordance with the terms of the SLUP Resolution, Emagine Palladium and Ironwood Grill were required to obtain the prior approval of the City Commission upon change in ownership or name of the establishment.

In or around December 2016, Emagine Palladium and Ironwood Grill changed the name and concept of the eating establishment serving alcoholic liquors. Ironwood Grill was converted into Four Story Burger, a new, casual restaurant concept serving alcoholic liquors. A SLUP Amendment was not requested to permit this change, and the City Commission thus did not provide approval of the name change nor update the provisions of the SLUP to allow for the operation of Four Story Burger.

Accordingly, the City Commission set a public hearing for April 13, 2017 on the SLUP for Emagine Palladium and Ironwood Grill to review the SLUP at 250 N. Old Woodward due to the failure of Emagine to comply with the terms of the SLUP.

On March 22, 2017, the Planning Board will consider a SLUP Amendment application and Final Site Plan for 250 N. Old Woodward to request approval for the name change to the establishment that occurred in December 2016. Given that the City Commission has already scheduled a public hearing on the SLUP for April 13, 2017, the Commission may wish to hold a public hearing on the proposed SLUP Amendment and Final Site Plan on the same date. A copy of the staff report that will be considered by the Planning Board on March 22, 2017 is attached for your review, as are the plans for the proposed changes to the establishment.

SUGGESTED ACTION:

To set a public hearing date for April 13, 2017 to consider a Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant to allow the establishment to change their name to Emagine Palladium Theatre and Four Story Burger.

Planning Board Minutes March 11, 2015

SPECIAL LAND USE PERMIT ("SLUP") FINAL SITE PLAN REVIEW 250 N. Old Woodward Ave. Emagine Palladium Theatre, and Ironwood Grill Application to allow a movie theatre, restaurant and bar serving alcoholic liquors in a portion of the former Palladium Theatre space

Ms. Ecker explained that the subject site is located at 250 N. Old Woodward Ave., on the south side of the existing Palladium building, in a portion of the former Palladium Theatre space. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District.

The applicant, Emagine Palladium Theatre and Ironwood Grill, is seeking approval of the transfer of ownership of one of the Class C liquor licenses that has long been associated with the Palladium Building to allow the owner to operate the Emagine Palladium Theatre and Ironwood Grill under Chapter 10, Alcoholic Liquors, of the City Code. This license was formerly used at Buca di Beppo and is being transferred from 270 N. Old Woodward to 250 N. Old Woodward. This Class C liquor license is proposed to be held by CH Birmingham, LLC,

The applicant has indicated that dancing and entertainment will be offered at special events only. The applicant has also indicated that the additional bar permit is to allow the use of a "floating bar," which will be set up in certain areas of the establishment as needed for special events. Finally, the applicant has advised that the specific purpose permit is to allow the showing of movies and the service of food outside the normal operating hours for the service of alcohol (such as special midnight release showings that could go past 2 a.m., thus the theater would be open past 2 a.m., but alcohol service would cease at 2 a.m.). No outdoor dining permit is requested, nor required.

Emagine Palladium Theatre and Ironwood Grill 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, and for the transfer of ownership of the existing liquor license.

Ms. Ecker advised that the proposed theatre and restaurant space is approximately 31,000 sq. ft. in size, and is proposing to operate five movie screens are proposed with a total of 590 seats. The former Palladium Theatre had 12 screens and 2200 seats. Emagine Palladium Theatre and Ironwood Grill propose to operate under a new neighborhood theatre membership model, where patrons must purchase a yearly membership. Under this model, only members can buy movie tickets, and all individual seats will be reserved for a specific date and time. The applicant does intend to provide guest memberships to visitors staying at the Townsend Hotel. All theatre seating will be luxury recliners and luxury rockers in the digital projection auditoriums.

Ironwood Grill is proposed to be open to the public (with no membership requirement). The restaurant will provide an upscale casual dining experience and offer 198 seats,

including 17 seats at the bar, with an exhibition style brick pizza oven kitchen and an open air dining experience overlooking Hamilton St. Ironwood Grill will offer award winning BBQ specialties and wood-fired Neapolitan style pizzas, a variety of freshly prepared dishes and an extensive selection of craft beer, wine and cocktails. A private banquet room is also proposed with a private bar that will be available for rental.

Design Review

The applicant is proposing several design changes to the existing building. The changes proposed are to the design of the marquis itself, signage changes and the removal of decorative metal elements and fixed windows at the new fourth floor. The applicant is proposing to remove the art deco metal design element from the top of the marquis as well as the changeable channel letter boards that were previously used to list movies being shown in the former Palladium Theatre. In addition, 40 ft. of the fourth floor fixed curtain wall windows are proposed to be replaced with a retractable Nanawall folding window system to provide an open air dining experience in the portion of the Ironwood Grill overlooking Hamilton St. above the existing marquis.

Three new name letter signs and three graphic elements are proposed to be mounted to the existing marquis sign. The sign drawings as submitted do not meet all required sign standards. The applicant has agreed to comply with the sign requirements. Details are needed from the petitioner with regard to the balcony railing, the spandrel glass and signage. This evening the board will consider only the packet that has been submitted and reviewed.

Discussion followed as to whether the membership requirement causes the operation to be a private social club rather than a movie theatre and how that may affect the Liquor License.

Mr. Paul Glance, CEO of Imagine Entertainment, Inc., talked about the project. They have substantially reduced the seat count which is consistent with their goal of serving the local community as a neighborhood theatre. They believe that by creating an economic barrier to entry they will to some degree ensure they are serving the demographic that they endeavor to serve. They are considering a \$400 membership fee which would include a \$250 gift card that could be used at the theatre. Thereafter the membership would be \$150/year. He wants the theatre to be a place where there will be civility and good behavior.

Mr. Glance advised that on occasions when there is a special midnight showing, the theatre may stay open until 2 a.m.

Ms. Whipple-Boyce asked if it is possible to see what is going on in other floors in order to understand how this application fits into the site as a whole. Ms. Lazar said the new concept of requiring membership comes across to her as being very exclusionary and she is uncomfortable with it. Mr. Glance replied the venue is so small that they can't serve a region. The best they can do is to serve a community. He noted they are not selling movies anymore; they are selling an out-of-home entertainment experience. If they don't pick up their game to better serve the market, he thinks they will be relegated to the economic junk heap.

There was no input from the public at 8:50 p.m.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to postpone the Final Site Plan and SLUP for 250 N. Old Woodward Ave, Emagine Palladium Theatre and Ironwood Grill to March 25, 2015, pending receipt of:

1. Detailed elevation drawings to illustrate the design of the proposed safety barrier or the panel that may be attached to the safety barrier;

2. Specification sheets and color selection for all proposed materials, which materials shall not include the use of spandrel glass or glass railings; and

3. Detailed signage drawings with dimensions to show the amount of proposed signage, as well as a section view to show the mounting details and projection information, as well as material and lighting specifications.

Also, staff getting the necessary information about the impact of this being a membership type organization and how it affects Planning and City Code.

No one from the public wished to speak about the motion at 8:54 p.m.

Motion carried, 6-0.

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

Planning Board Minutes March 25, 2015

SPECIAL LAND USE PERMIT ("SLUP") FINAL SITE PLAN REVIEW 250 N. Old Woodward Ave.

Emagine Palladium Theatre, and Ironwood Grill (postponed from March 11, 2015) **Application to allow a movie theatre, restaurant and bar serving alcoholic liquors in a portion of the former Palladium Theatre space**

Ms. Ecker recalled that on March 11, 2015 the applicant appeared before the Planning Board. The Planning Board postponed the matter and requested additional information on the proposed membership theatre concept, an updated and ordinance compliant sign package with all required details, and design and material details on the proposed exterior changes on the fourth floor of the south elevation where open air dining is proposed. At this time the applicant has provided a detailed elevation of the fourth floor of the south elevation where open air dining is proposed spandrel glass and replaced it with metal panels, which are permitted.

Design Review

The applicant is proposing several design changes to the existing building. The changes proposed are to the design of the marquis itself, signage changes, and the removal of decorative metal elements and fixed windows at the new fourth floor. The applicant is proposing to remove the art deco metal design element from the top of the marquis as well as the changeable channel letter boards that were previously used to list movies being shown in the former Palladium Theatre. In addition, 40 ft. of the fourth floor fixed curtain wall windows are proposed to be replaced with a retractable Nanawall folding window system to provide an open air dining experience in the portion of the Ironwood Grill overlooking Hamilton St. above the existing marquis.

Ms. Ecker advised that an updated sign package has been received. However, Article 3 of the Zoning Ordinance provides that only one sign is permitted per entry for each business whose primary square footage is on the first story. *As the primary square footage for both the Emagine Theatre and the Ironwood Grill is on the fourth story, the applicant will be required to obtain a variance from the Board of Zoning Appeals for all exterior entry signage.* Further, the Planning Board must determine if a sign band is architecturally feasible above the theatre entry doors between the first and second floors. As the marquis is located in the area generally reserved for a sign band, the Planning Board may wish to approve it as an alternative design for the placement of signage.

In response to the chairman, Ms. Ecker advised there is currently nothing in the ordinance that prohibits a membership based theatre.

Mr. Paul Glantz, CEO of Emagine Entertainment, Inc., talked about their plans. They have now resolved to take a slightly different tact with respect to their membership concept. The approach now will be that customers can purchase a seat license that will allow preferential booking rights on Friday, Saturday, Sunday and certain holidays. Other than that, the venue

will be open to the public. They do not intend to impose a two-drink maximum restriction. Also, they plan to use low light surveillance cameras to monitor behavior.

Mr. Jason Gekiere, Tower Construction, Construction Manager for the project, explained that a small glass petition that sticks up provides an added level of protection within the curtain wall system. Mr. Michael Southen with Signature Associates, Consultant to Emagine Theatre, described the detail on the partition.

With respect to limiting the number of drinks that can be served to patrons, Mr. DeWeese thought the City could write the agreement to say if they start having problems the SLUP would come back up for review. Mr. Williams stated he is in favor of the project. A little elitism will ease the traffic flow in that neighborhood. Mr. Koseck encouraged the petitioner to take another look at the sign. He thought it could be better. Mr. DeWeese had the concern that the City Attorney should look at the membership concept before it goes to the City Commission.

At 8 p.m. no one from the audience wished to discuss this matter.

Motion by Mr. DeWeese

Seconded by Mr. Williams that the Planning Board recommends approval of the applicant's request for a Final Site Plan and a SLUP approval to permit Emagine Palladium Theatre and Ironwood Grill to operate at 250 N. Old Woodward Ave. with the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;

2. Meet all City Department requests, subject to administrative approval;

3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;

4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;

5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and

6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

No comments were heard from members of the public at 8:03 p.m.

Motion carried, 6-0.

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

City Commission Minutes May 18, 2015

05-110-15

PUBLIC HEARING TO CONSIDER SPECIAL LAND USE PERMIT AMENDMENT FOR 250 NORTH OLD WOODWARD

Mayor Sherman opened the Public Hearing to approve the Final Site Plan and Special Land Use Permit (SLUP) Amendment – 250 N. Old Woodward – Emagine Palladium Theatre and Ironwood Grill restaurant at 7:34 PM.

Planning Director Ecker explained that all liquor license establishments are subject to a SLUP review. The three licenses at this address are being transferred from the former owner to the Jonah family, then to the new operators of each of the new establishments using those licenses. This is to transfer one of the licenses to the Jonah family, then to Emaine Palladium and Ironwood Grill. She explained the layout of the Emagine theater and the Ironwood Grill.

In response to a question from Mayor Pro Tem Hoff, Ms. Ecker explained that there is nothing in the zoning ordinance that restricts the hours of operation to 2:00 AM. The applicant wanted to confirm that there would be no issue if they run past 2:00 AM in the case of special features or premiers.

Mr. Paul Glantz, Emagine Entertainment, explained that there will be no advertising of the film outside of the building. He explained that most users use the internet or phone to look up show times. He explained the preferred seating model and noted that this will be a family environment.

In response to a question from Mayor Sherman regarding the dance permit endorsement, Mr. Glantz explained that the facility has a banquet room. It would be a rare circumstance that there would be dancing.

The Commission received a communication in support of the project from Victor Doherty, 1573 South Eton.

The Mayor closed the Public Hearing at 8:12 PM.

MOTION: Motion by Rinschler, seconded by Nickita:

To approve the Final Site Plan and Special Land Use Permit Amendment at 250 N. Old Woodward to allow the operation of the Emagine Palladium Theatre and Ironwood Grill restaurant, operating under one Class C Liquor License to be held by CH Birmingham, LLC:

WHEREAS, CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium have together filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate two food and drink establishments under common ownership, both serving alcoholic liquors, as required in Article 6, section 6.02(5) of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of N. Old Woodward along Hamilton Row;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits food and drink establishments serving alcoholic liquors with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit 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 on March 25, 2015 reviewed the application for Final Site Plan and Special Land Use Permit and recommended approval with the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;

2. Meet all City Department requests, subject to administrative approval;

3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;

4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;

5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and

6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on March 25, 2015;

WHEREAS, The Birmingham City Commission has reviewed CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium's Special Land Use Permit 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 CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium application for a Special Land Use Permit authorizing the operation of two food and drink establishments, under common ownership, serving alcoholic liquors with a Class C liquor license with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. 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

is granted subject to the following conditions:

1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;

2. Meet all City Department requests, subject to administrative approval;

3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;

4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;

5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band;

6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area;

7. CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium shall abide by all provisions of the Birmingham City Code;

8. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;

9. CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium shall provide for the removal of disposable materials resulting from the operations 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; and

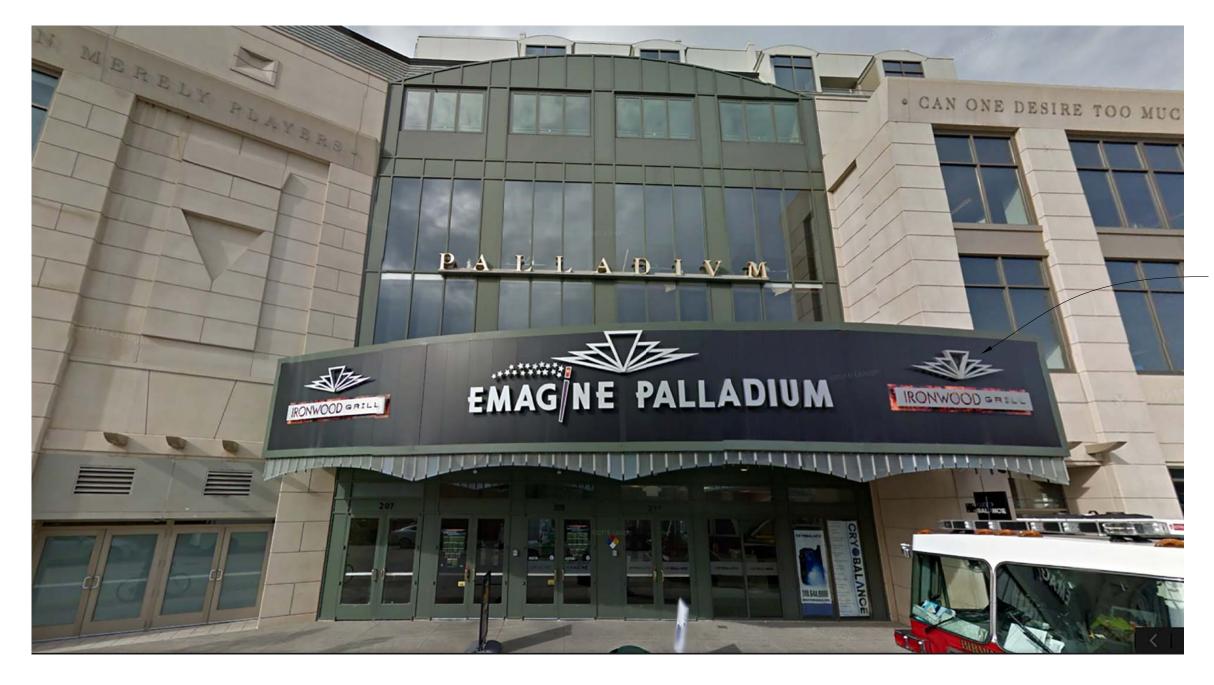
10. CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium shall enter into a contract with the City outlining the details of the operation of the proposed restaurants.

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, CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium 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 CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium 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 CH Birmingham LLC dba Emagine Palladium and Ironwood Grill inside Emagine Palladium are recommended for operation of a theatre and restaurant, under common ownership, serving alcoholic liquors, with a Class C Liquor License with a Direct Connect Endorsement, New Sunday Sales Permit (AM and PM), Dance Permit, Entertainment Permit, (1) New Add Bar Permit, Specific Purpose Permit (food and movies) at 250 N. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

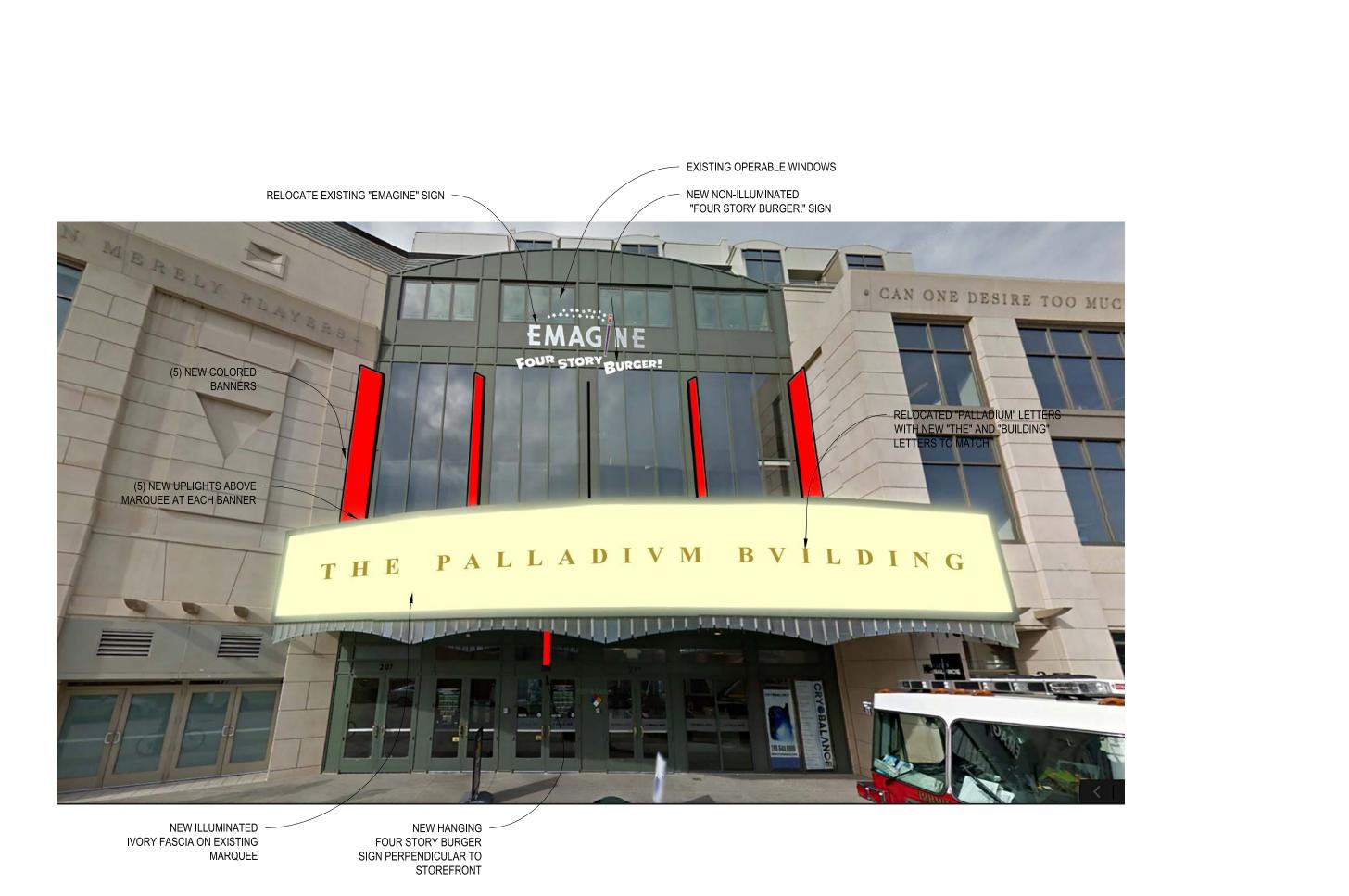
VOTE:	Yeas,	7
	Nays,	None
	Absent,	None



EXISTING ELEVATION N.T.S.



ELIMINATE DECORATIVE EMBLEMS

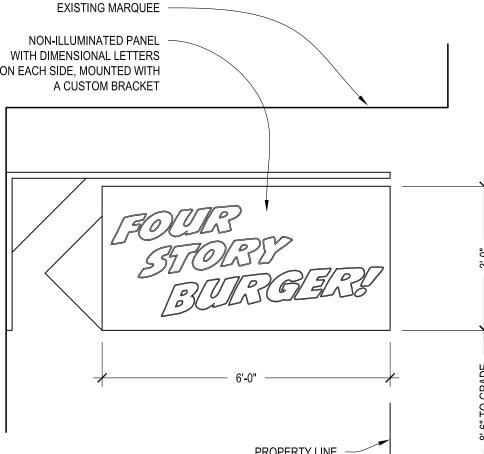


NEW SIGN

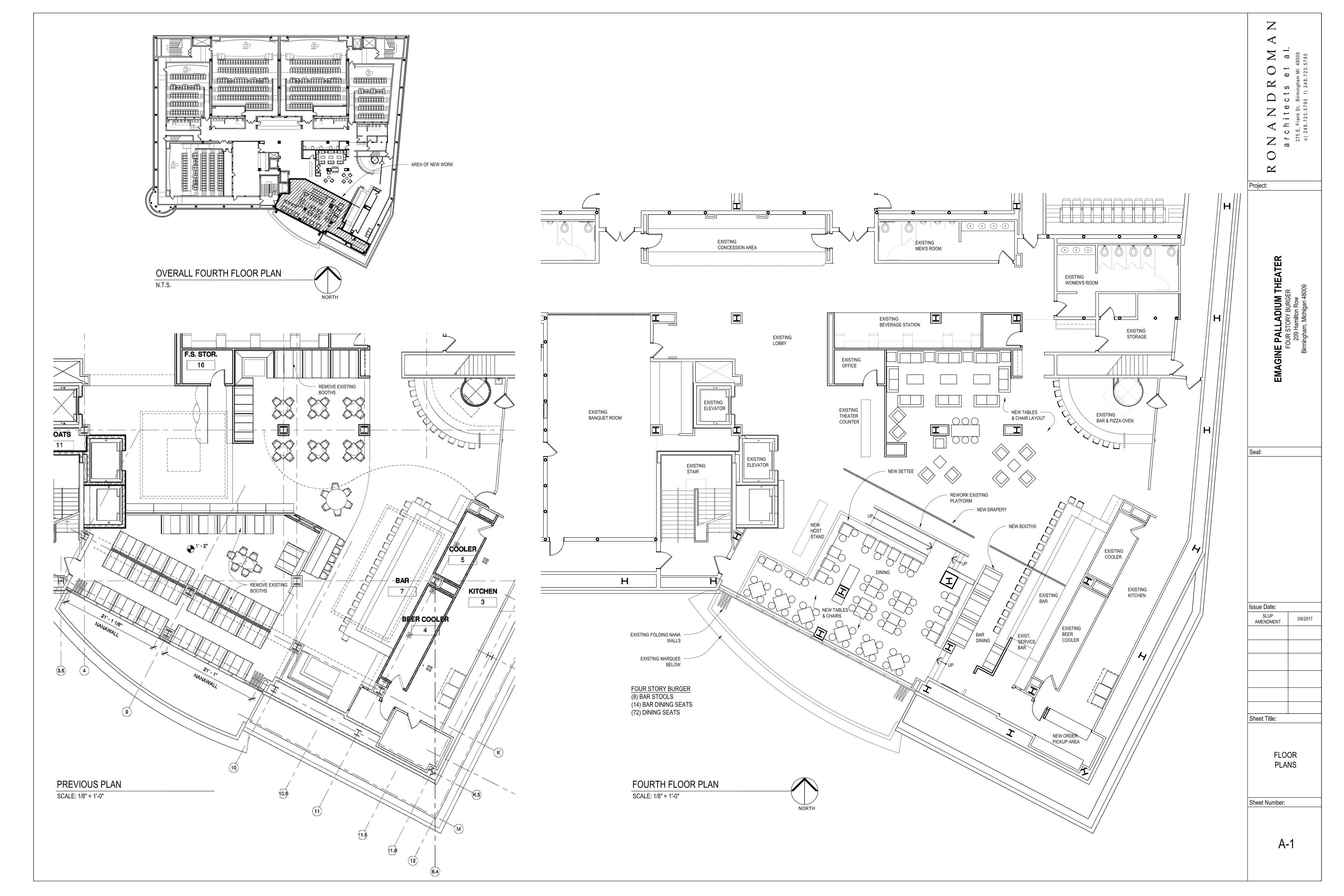
SCALE: 1/2"=1'-0"

PROPOSED ELEVATION N.T.S.

EXISTING MARQUEE -NON-ILLUMINATED PANEL – WITH DIMENSIONAL LETTERS ON EACH SIDE, MOUNTED WITH A CUSTOM BRACKET 6'-0" PROPERTY LINE



RONANDROMAN architects et al. 275 E. Frank St. Birmingham MI 48009 o) 248.723.5790 f) 248.723.5795
EMAGINE PALLADIUM THEATER FOUR STORY BURGER 209 Hamilton Row Birmingham, Michigan 48009
Issue Date: SLUP AMENDMENT 3/6/2017 SLUP AMENDMENT 1/6/2017 Shoot Titlo:
Sheet Title: EXTERIOR ELEVATIONS
Sheet Number: A-2









& INCLUDES OUR HOUSE-MADE BREAD & BUTTER PICKLES & A SPICY GARLIC DILL SPEAR

FOUR STORY BURGER!

CLASSIC BURGER

1/3 lb of Fresh Angus Beef topped with Mayo, Mustard, Butter-Glazed Onions, Cheddar Cheese, Lettuce & Tomato

^{\$}10

Make it a Double! Add an Angus Burger \$3

THE CLUCKING MENACE!

GRILLED CHICKEN

Butter-Grilled Chicken Breast, Shaved Ham, Swiss, Lettuce, Tomato, Red Onion & Our House-Made Horseradish Mustard

⁵12

Extras! -

IT CAME FROM BENEATH THE SEA!

GRILLED SALMON

Bay of Fundy Salmon Filet, Lettuce, Tomato, Red Onion & Green Goddess Dressing



SANDWICH FROM ANOTHER DIMENSION!

GRILLED VEGGIES

Grilled Eggplant, Zucchini, Sautéed Mushrooms, Red Peppers, Onions, Baby Spinach, Feta Cheese & Sweet Red Pepper Aioli on Thick-Cut Crispelli's Texas Toast



MELT! GRILLED CHEESE

Cheddar, Swiss & Parmesan with Sweet Red Pepper Aioli on Thick-Cut Crispelli's Texas Toast



		, ,	
APP	LEWOOD		
SMC	OKED BACON	\$ 2	SMASHED AVOCADO
	-ROASTED		SAUTÉED MUSHROOM
	ADEÑO DEDDEDC	\$ 1	

 $\star \star ADD \star \star$

ONION RINGS \$4

BRAZILIAN ONION & PEPPER SAUCE^{\$}2
 SMASHED AVOCADO
 \$2

 SAUTÉED MUSHROOMS
 \$1

 CHILI & CHEESE
 \$3

 FRIED EGG (over-easy)
 \$2

 $\star \star ADD \star \star$

SIDE SALAD ^{\$}4



Earth SIDES!



FRENCH FRIES

1 lb of Fresh, Hand-Cut Fries Add White Truffle Salt & Shaved Parmesan \$3

\$6

ONION RINGS

Served in a Monstrous Tower

\$8



Topped with Green Onions

\$6

RED RIVER CHILI

Our House-Made Chili with Roast Beef, Pork Sausage & Ground Beef topped with Cheddar Cheese & Sour Cream

THAI-CHILI CAULIFLOWER

Roasted Cauliflower Tossed in a Sweet & Spicy Thai-Chili Sauce & topped with Green Onions



FRESH PICKLES

1 Pint Jar of Our House-Made Pickles Choice of Bread & Butter or Spicy Garlic Dill

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SIDE SALAD

Small Salad with Mixed Greens, Tomato, Cucumber, Red Onion, Carrot, Cheddar Cheese & Bacon

UNBELIEVABLE DESSERTS!



House-Made Brownie Fingers Add a Mini-Milkshake \$3

\$3

MALTS & MILKSHAKES

Locally-Made Custard Choice of Chocolate or Vanilla

ASK ABOUT MENU ITEMS THAT ARE COOKED TO ORDER. CONSUMING UNDERCOOKED MEATS OR EGGS COULD INCREASE YOUR RISK OF FOODBORNE ILLNESS.

		ALAD! \$9
GREENS	CHY BREAD NAME:	TABLE #:
VEGGIES	EDAMAME CHICKPEAS BLACK BEANS QUINOA MUSHROOMS TOMATOES CUCUMBER RED BELL PEPPER	 CORN SHREDDED CARROTS SCALLIONS RED ONIONS KALAMATA OLIVES SUN-DRIED TOMATOES ROASTED BEETS
CHEESE	 BLUE CHEESE SHAVED PARMESAN GOAT CHEESE 	SHREDDED CHEDDAR
CRUNCHY & SWEET	 BACON CROUTONS SUNFLOWER SEEDS TOASTED ALMONDS CANDIED PECANS 	 PEPITAS APPLES DRIED CRANBERRIES GOLDEN RAISINS
DRESSING	RANCH CAESAR GREEN GODDESS RED WINE VINAIGRETTE	SWEET LEMON VINAIGRETTE
EXTRAS	AVOCADO GRILLED CHICKEN GRILLED SALMON	\$2 BURGER PATTY \$3 \$3 GRILLED VEGGIES \$2 \$7

DRAFT BEERS

GRIFFIN CLAW NORM'S RAGGEDY ASS	\$7	\$9
SAM ADAMS SEASONAL	\$7	\$9
LEINENKUGEL'S BAVARIAN DUNKLE	\$7	59
BELL'S TWO-HEARTED ALE	\$7	\$9
SHORT'S HUMA LUPA LICIOUS	\$7	\$9
ROCHESTER MILLS RED	\$7	\$9
FOUNDER'S SEASONAL	\$7	\$9
ATWATER VANILLA JAVA PORTER	\$7	\$9
FOUNDER'S DIRTY BASTARD	\$7	\$9
ANGRY ORCHARD	\$7	\$9
BLUE MOON	\$7	59
SAM ADAMS BOSTON LAGER	\$7	\$9
FAT TIRE	\$7	\$9
GUINNESS	\$7	\$9
STELLA ARTOIS	\$7	\$9
BUD LIGHT	\$5	57
MILLER LIGHT	\$5	\$7

16 oz | 23 c

BOTTLED BEERS

AMSTEL LIGHT	\$5	DOS EQUIS	\$5
COORS LIGHT	\$4	LABATT LIGHT	\$4
CORONA	\$5	LABATT (N/A)	\$4
HEINEKEN	\$5	PABST BLUE RIBBON	\$4
MIKE'S HARD	\$4	BUDWEISER	\$4
MILLER LIGHT	\$4	BUD LIGHT	\$4
MOLSON CANADIAN	54	MICHELOB ULTRA	\$4

COCKTAILS

SPICY DILL BLOODY MARY Tito's Vodka, Bloody Mary Mix, Pickle Juice & a Spicy Garlic Dill Spear	\$9
	\$9
BREAD & BUTTER BLOODY MARY	
Tito's Vodka, Bloody Mary Mix, Pickle Juice & Bread & Butter Pickles	
GREEN IGUANA MARGARITA	\$10
Patron Silver, Melon Liqueur & Lime	
BIRMINGHAM SWEET TEA	\$9
Sky Citrus Vodka, Sweet Tea Vodka & Lemon	
RASPBERRY MOJITO	\$9
Sky Raspberry Vodka & Pomegranate Liqueur	
HENDRICK'S CUCUMBER COCKTAIL	\$10
Hendrick's Gin, St Elders, Simple Syrup, Cucumber Slices & Lemon	
CARIBBEAN STYLE RUM RUNNER	\$9
Sugar Island Coconut Rum, Creme de Banana, Orange Juice,	
Pineapple Juice & Grenadine	
rineapple soles a createstine	

R-RATED CUSTARD DRINKS

HENNESSY ALEXANDER Hennessy, Dark Creme de Cocoa & Custard Mix	\$10
GRASSHOPPER Green Greme de Menthe, Dark Creme de Cocoa & Custard Mix	^{\$} 10
COCONUT RUM TWISTER Sugar Islane Coconut Rum, Myers Dark & Custard Mix	\$10
THE ANNABEL Bailey's, Kahlua, Chocolate Syrup & Custard Mix	\$10

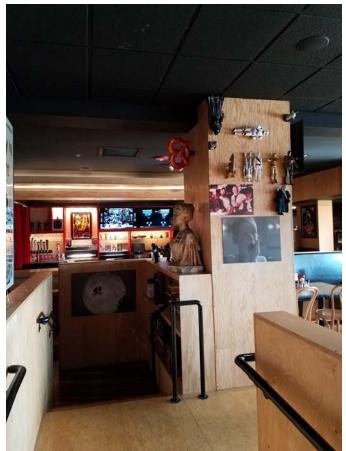












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		4 Walkable Community

MEMORANDUM

Planning Division

DATE: March 16, 2017

TO: Planning Board

FROM: Jana L. Ecker, Planning Director

SUBJECT: Final Site Plan & Special Land Use Permit Amendment 250 N. Old Woodward – Emagine Palladium and Four Story Burger

The subject site is located at 250 N. Old Woodward, on the south side of the existing Palladium building, in a portion of the former Palladium Theatre space. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District.

On March 25, 2015, the Planning Board conducted a public hearing to discuss a request by the applicant to open the Emagine Palladium Theatre, along with the Ironwood Grill., in the former Palladium Theatre space at 250 N. Old Woodward. Both the theatre and the restaurant were proposing to serve alcoholic liquors, and thus in accordance with the Zoning Ordinance, they are required to operate under a valid Special Land Use Permit. The existing Class C liquor license owner was The Palladium of Birmingham, LLC (owner of the Palladium Building), which assigned the license to CH Birmingham, LLC a/k/a Emagine Palladium and Ironwood Grill inside Emagine Palladium which owns and operates the theatre and restaurant previously proposed and approved. The Planning Board voted to recommend approval of the Final Site Plan and Special Land Use Permit Amendment to the City Commission with the following conditions:

- 1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;
- 2. Meet all City Department requests, subject to administrative approval;
- 3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;
- 4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;
- 5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and
- 6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.

On May 18, 2015, the City Commission approved the Final Site Plan and Special Land Use Permit ("SLUP") to allow the operation of the Emagine Palladium Theatre and Ironwood Grill restaurant, operating under one Class C Liquor License, with the same conditions noted by the Planning Board. In accordance with this approval, the City Commission passed a resolution approving the Special Land Use Permit Amendment, and the applicant entered into a contract

with the City. In accordance with the terms of the SLUP Resolution, Emagine Palladium and Ironwood Grill were required to obtain the prior approval of the City Commission upon change in ownership or name of the establishment. A copy of the approved resolution is attached for your review, and the relevant sections have been highlighted in yellow for your consideration.

In or around December 2016, Emagine Palladium and Ironwood Grill changed the name and concept of the eating establishment serving alcoholic liquors. Ironwood Grill was converted into Four Story Burger, a new, casual restaurant concept serving alcoholic liquors. A SLUP Amendment was not requested to permit this change, and the City Commission thus did not provide approval of the name change nor update the provisions of the SLUP to allow for the operation of Four Story Burger.

On March 13, 2017, the City Commission held a public hearing to determine whether to renew the applicant's liquor license for the coming year, given the current SLUP violation due to the name change prior to obtaining a SLUP Amendment. The City Commission postponed the public hearing to March 27, 2017 to allow the Planning Board to review the recent SLUP Amendment request.

On March 13, 2017, the City Commission also set a public hearing to consider revoking the existing SLUP for Emagine Palladium and Ironwood Grill for failure to abide by the terms of the SLUP given the name change to Emagine Palladium and Four Story Burger without the required SLUP Amendment from the City Commission. This SLUP violation hearing is scheduled for April 13, 2017.

The applicant and Special Land Use Permit holder, Emagine Palladium Theatre and Ironwood Grill, is now seeking a Special Land Use Permit Amendment to grant approval to change the name of their establishment to Emagine Palladium Theatre and Four Story Burger. Ironwood Grill was closed at the end of 2016, and the new concept Four Story Burger restaurant was opened.

Chapter 10 and Chapter 126 of the City Code require that the applicant obtain a Special Land Use Permit Amendment approval from the City Commission to change the name of an existing liquor establishment operating under a Special Land Use Permit. Emagine Palladium Theatre and Ironwood Grill 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 to change the name of the establishment to Emagine Palladium Theatre and Four Story Burger.

1.0 Land Use and Zoning

- 1.1 <u>Existing Land Use</u> A portion of the tenant space is used for Emagine Theatre, and a portion was previously used for the Ironwood Grill restaurant. Land uses surrounding the site are retail, commercial and residential.
- 1.2 <u>Existing Zoning</u> The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.

1.3 <u>Summary of Land Use and Zoning</u> - 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	Commercial / Retail	Commercial / Retail	Commercial / Retail	Commercial / Retail
Existing Zoning District	B-4 Business- Residential	B-4 Business- Residential	B-4 Business- Residential	B-4 Business- Residential
Downtown Overlay Zoning District	D-4	D-4	D-4	D-4

2.0 Proposed Theatre and Restaurant Operations

Both movie theatres and food and drink establishments are permitted in the B4 zoning district, and alcoholic beverages may be served with approval of a valid SLUP. The existing theatre and restaurant space is approximately 31,000 sq.ft. in size. No changes are proposed to the existing theatre layout or operation.

The new Four Story Burger is currently open to the public (with no membership requirement), as was Ironwood Grill. The new restaurant is located in the space that Ironwood Grill previously occupied, however many interior changes will now provide a casual dining experience and offer 145 seats (Ironwood Grill was previously 198 seats), including 18 seats at the bar, with an exhibition style brick pizza oven kitchen and an open air dining experience overlooking Hamilton above the theatre marquis. Four Story Burger will offer unique sandwiches, salads and sides with locally sourced ingredients and baked goods, as well as an assortment of local craft beers and creative cocktails. A private banquet room is also proposed with a private bar that will be available for rental for birthday parties, meetings, bridal showers and similar functions. The proposed hours of operation for the Four Story Burger are 10:00am – 12:00am, seven days a week.

Emagine Palladium Theatre members will be entitled to priority reserved seating at the Four Story Burger during busy periods and be entitled to call ahead food service. Theatre members can enjoy concession stand food and beverages that will be offered in the theatre lobby, or they may order from Four Story Burger and restaurant wait staff will provide the service of food and beverages from Four Story Burger to patrons' theatre seat prior to the start of the movie.

The applicant will be required to execute an amended contract with the City outlining the details of the proposed theatre and restaurant operations that must be fully executed upon approval of the SLUP.

3.0 Screening and Landscaping

- 3.1 <u>Screening</u> No changes are proposed. If any additional mechanical units or venting are required, all changes must be submitted to the Planning Division for approval.
- 3.2 <u>Landscaping</u> –No changes are proposed. All existing street trees are proposed to remain.

4.0 Parking, Loading, Access, and Circulation

- 4.1 <u>Parking</u> As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking for theatre or restaurant uses.
- 4.2 <u>Loading</u> Loading spaces are not required, nor proposed for this tenant space individually. Loading areas for the entire building are provided off of Ferndale Avenue.
- 4.3 <u>Vehicular Access & Circulation</u> Vehicular access to the building will not be altered.
- 4.4 <u>Pedestrian Access & Circulation</u> Pedestrian access to both the theatre and the restaurant will be available directly from the City sidewalk. Patrons will walk into the first floor lobby and will be greeted by a concierge who will assist both restaurant and movie membership guests with reservations and ticketing, and direct patrons to the stairs and elevators to the second floor.
- 4.5 <u>Streetscape</u> The existing sidewalk conforms to the current Downtown Birmingham Streetscape Standards. No changes are proposed.

5.0 Lighting

No exterior lighting changes are proposed.

6.0 Departmental Reports

- 6.1 <u>Engineering Division</u> No concerns were reported from the Engineering Division.
- 6.2 <u>Department of Public Services</u> No concerns were reported from the Department of Public Services.
- 6.3 <u>Fire Department</u> No concerns were reported from the Fire Department.

- 6.4 <u>Police Department</u> No concerns were reported from the Police Dept.
- 6.5 <u>Building Department</u> As requested, the Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Board and/or Design Review Board and applicant consideration:
 - 1. The restaurant renovation was recently completed in accordance with the building codes. There are no apparent construction concerns with the proposed exterior changes.

7.0 Design Review

The applicant was originally proposing signage and lighting changes to the southern elevation of the building above and below the existing marquis. However, the applicant has now advised that no exterior changes are proposed to the building and no new signage is proposed on the building. All changes have already been made on the interior of the building, on the fourth floor in the previous Ironwood Grill space. The large bar for Ironwood Grill has been maintained, and booths have been added in the bar area. The main seating area that lines the large windows has been converted from a 98 seat booth seating area into a more casual 72 seat area with moveable bistro tables and chairs. The former secondary dining area closer to the theatres has been converted from a 56 seat dining area with booths and freestanding tables to a 41 seat lounge area with couches and club chair seating. The existing pizza oven and bar seating surrounding it is proposed to remain. The new Four Story Burger theme is movie and entertainment based with movie posters, movie reels and other film-related design elements scattered throughout the restaurant.

The applicant intends to continue to offer open air dining in good weather by opening the operable Nanawall window system. As the proposed open air dining is not located outside of the building footprint at grade or in the public right-of-way, most of the normal outdoor dining requirements do not apply. No outdoor dining permit or license agreement is required. However, the applicant is proposing that the Nanawall window system will only be open during the regular hours of business for Four Story Burger (weather permitting). As the restaurant will not be open past midnight on any evening, no open air dining will be offered past midnight.

<u>Signage</u>

At this time, no exterior signage is proposed on the building. The applicant previously installed new signage on the interior of the restaurant space. However, no sign permits were required as all interior signage was placed at least 3' back from the windows.

8.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. Specifically, the 2016 Plan recommends a mix

of retail, office, restaurant, entertainment and residential uses downtown, and thus the Palladium Building itself and the theatre and restaurant proposed are exactly the uses encouraged in the 2016 Plan. As noted, no exterior changes are proposed at this time on the building.

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 Planning Department Findings

Based on a review of the site plans submitted, the Planning Department suggests that the Planning Board recommend approval of the applicant's request for a Special Land Use Permit Amendment to change the name of Emagine Palladium and Ironwood Grill to Emagine Palladium and Four Story Burger with the condition that the applicant execute an amended contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP Amendment.

12.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Board recommends APPROVAL of the applicant's request for a Final Site Plan and a SLUP Amendment to permit Emagine Palladium – Four Story Burger to operate at 250 N. Old Woodward with the following condition:

1. The applicant will be required to execute an amended contract with the City outlining the details of the proposed theatre and restaurant operations that must be fully executed upon approval of the SLUP Amendment.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP Amendment to the City Commission for 250 N. Old Woodward, Emagine Palladium – Four Story Burger, for the following reasons:

1.	
2.	
3.	

OR

Motion to recommend POSTPONEMENT of the Final Site Plan and SLUP Amendment to the City Commission for 250 N. Old Woodward, Emagine Palladium – Four Story Burger, pending receipt of the following:

- 1. _____
- 2. ______



Jana Ecker <jecker@bhamgov.org>

Four Story Burger Planning Board Application

1 message

Jon Goldstein <highline21@me.com> To: jecker@bhamgov.org Fri, Mar 17, 2017 at 9:37 AM

Jana,

As per our conversation, Emagine Palladium and Four Story Burger would like to remove any exterior design elements for our review with the Planning Board next Wednesday, March 22nd. We would only like to discuss and review the name change and interior elements of the premises. We hope to resubmit the exterior elements and signage at a later date.

Thank you for your assistance with this matter.

Sincerely,

Jon Goldstein Partner Emagine Entertainment



Jana Ecker <jecker@bhamgov.org>

Fri, Mar 17, 2017 at 10:14 AM

Four Story Burger Name Change

1 message

Jon Goldstein <highline21@me.com> To: jecker@bhamgov.org Cc: Roman Bonislawski <roman@ronandroman.com>

Dear Jana/ Birmingham City Planning Board,

I would like to take this opportunity to explain the name change of the Ironwood Grill to Four Story Burger within the Emagine Palladium. By way of background, the Palladium establishment is owned by a single entity called CH Birmingham, LLC. The initial concept was to open an upscale movie theater complemented by a full service restaurant. CH Birmingham is a partnership owned by The Maple Theater in Bloomfield Township, and CH Royal Oak, the entity that owns Emagine Royal Oak. While our companies have a great expertise with movie theaters, we decided to contract out our restaurant operations with Ironwood Grill of Plymouth. This arrangement was more of a licensing agreement that allowed our company to use the intellectual property of Ironwood and leverage their operational experience. Unfortunately, the public did not embrace the concept and the arrangement did not work out.

We believe there were many reasons that Ironwood was not a success, but mostly, we believe that the location presents many challenges. After a serious review of our time as Ironwood, we came up with what we believed were the four main issues:

1. The restaurant that we had designed was too big. Most successful restaurants in Birmingham are small and intimate at 50-70 seats. Ironwood was 175 seats.

2. The restaurant is on the fourth floor and only accessible by elevator.

3. The menu, like the floor plan was too big and confusing.

4. The restaurant was a "business within a business". Most people would only be coming to a movie, and many people would think of the restaurant in that light.

Hence, we took time to try and create a new restaurant experience that would overcome these issues. Opening a restaurant is a tough business, and we understood the risks and challenges that were going to be associated with the operation. Before we made changes, we knew we would need experienced advice from professionals that understood these challenges, and could help overcome them. We quickly identified Ron and Roman LLC in Birmingham as the right people for the job. Ron Rea has designed many of the successful Birmingham restaurants, and we felt that he and his partner Roman gave us the best chance for success.

Ron's initial concept was always a casual, fun "burger joint". Modeled after a restaurant in New York City called "The Burger Joint", our location was similar. The New York Burger Joint is a business within a business, and is located on the third floor of a posh hotel. Ron's original name for our concept was "Burger Boy of Birmingham". However, after a few creative sessions, we decided on **Four Story Burger**.

Four Story Burger was named and designed to address the challenges listed above. First we changed the floor plan to a 70 seat layout that allowed the entire restaurant to see out the windows at the city. Second, we created a name that celebrated the fact that we are on the fourth floor. The name "Four Story" tries to make our location an asset instead of a liability. Third, we simplified the menu from over 200 items to 20 items that we can execute at a high level. Finally, we embraced the idea of being at a movie theater by incorporating a movie theme throughout the restaurant.

So far the restaurant has been well received and we are excited for Spring to arrive and people to be walking around Birmingham once again. We have become a favorite lunch spot for our neighbors in the building and I believe that we are on a path of success. I appreciate the opportunity to discuss these changes with the planning board, and welcome any input/direction that needs to be taken to be embraced by the Birmingham community.

Thank you for your consideration.

Sincerely,

Jon Goldstein Partner Emagine Entertainment

City of T	Birmingham	MEMORANDUM
		Planning Division
DATE:	March 20, 2017	
то:	Joseph A. Valentine, City M	anager
FROM:	Matthew Baka, Senior Plan	ner
APPROVED:	Jana L. Ecker, Planning Dire	ector
SUBJECT:	Set Public Hearing for 325 S Special Land Use Permit an	S. Old Woodward, Adachi Bistro d Final Site Plan

The subject site is a 0.3 acre site located at 325 S. Old Woodward, also known as the Peabody Mansion, a designated historic structure within the City of Birmingham. The parcel is zoned B2. The applicant, Adachi Restaurant Group LLC, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. The applicant is proposing to convert the first floor of the Peabody Mansion into a bistro which will serve customers and provide indoor and outdoor seating.

Thus, at this time the applicant is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code to allow the service of alcoholic beverages in the proposed bistro. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License. As the property is also a designated historic structure, the applicant is also required to obtain approval from the Historic District Commission for any changes to the exterior of the building.

On February 1, 2017, the Historic District Commission conducted a historic design review for changes to the building in relation to the proposed bistro. The Commission voted to postpone the proposal to allow the applicant to incorporate some of their requests.

On February 15, 2017, the Historic District Commission continued the historic design review for changes to the building in relation to the proposed bistro. The Commission voted to approve the proposal with the following condition;

1. The northern metal will be powder coated zinc color and that the new doors will be zinc color as well.

On February 22, 2017, the Planning Board conducted a public hearing to discuss a request by the applicant to operate a new bistro. The Planning Board voted unanimously to recommend approval to the City Commission of the Special Land Use Permit ("SLUP") and Final Site Plan for 325 S. Old Woodward, Adachi Bistro with the following conditions:

- 1. The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;
- 2. The applicant must provide specifications on the materials for the new staircases and doors;
- 3. The applicant must provide wooden gates on the dumpster enclosure or obtain a variance from the BZA;
- 4. The applicant submit details of outdoor lighting for the bistro for review and approval by the Planning Staff;
- 5. The applicant provide sidewalk lighting (two standard lamps in accordance with the current Downtown design) plus an appropriate bike rack on the adjacent plaza, for review and approval by Planning Staff;
- 6. The applicant is required to obtain a variance from the BZA in lieu of providing the required 70% glazing;
- 7. The applicant will be required to have the final sign design administratively approved by the Planning Department; and
- 8. The applicant complies with the requests of all City Departments.

In addition, after reviewing all three bistro applications for 2017 licenses, the Planning Board also discussed whether to recommend a priority order for recommendation to the City Commission. The board passed a unanimous motion to rank Lincoln Yard bistro as the number one priority because it best fits the goal to activate an area within the Rail District that merits activation. The Planning Board did not provide a ranking for a second or third priority among the bistro applications.

On April 18th, 2017, the Board of Zoning Appeals will consider the applicants request for a variance in lieu of providing the required 70% glazing.

Thus, the Planning Division requests that the City Commission set a public hearing date for **April 24**, **2017** to consider approval of the Final Site Plan and Special Land Use Permit to allow the operation of Adachi Bistro at 325 S. Old Woodward. 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 of April 24, 2017 to consider the Final Site Plan and Special Land Use Permit for 325 S. Old Woodward – Adachi Bistro, to allow the operation of a new bistro.

ADACHI BISTRO 325 S. OLD WOODWARD SPECIAL LAND USE PERMIT 2017

- WHEREAS, Adachi Bistro filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a new restaurant as a bistro as defined in Article 9, section 9.02 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of S. Old Woodward between E. Brown St. and Hazel;
- WHEREAS, The land is zoned B2, General Business, which permits bistros with a Special Land Use Permit in the Downtown Overlay District;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit 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 Historic District Commission on February 15, 2017 reviewed the application for Historic Design Review and granted approval with the following condition:
 - 1. The northern metal will be powder coated zinc color and that the new doors will be zinc color as well.
- WHEREAS, The applicant has committed to comply with all conditions for approval as required by the Historic District Commission on February 15, 2017;
- WHEREAS, The Planning Board on February 22, 2017 reviewed the application for Final Site Plan Review and a Special Land Use Permit and recommended approval with the following conditions:
 - 1. The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;
 - 2. The applicant must provide specifications on the materials for the new staircases and doors;
 - 3. The applicant must provide wooden gates on the dumpster enclosure or obtain a variance from the BZA;
 - 4. The applicant submit details of outdoor lighting for the bistro for review and approval by the Planning Staff;
 - 5. The applicant provide sidewalk lighting (two standard lamps in accordance with the current Downtown design) plus an appropriate bike rack on the adjacent plaza, for review and approval by Planning Staff;

- 6. The applicant is required to obtain a variance from the BZA in lieu of providing the required 70% glazing;
- 7. The applicant will be required to have the final sign design administratively approved by the Planning Department; and
- 8. The applicant complies with the requests of all City Departments.
- WHEREAS, The applicant has committed to comply with all conditions for approval as recommended by the Planning Board on February 22, 2017;
- WHEREAS, The Board of Zoning Appeals on April 18th, 2017 will review the variance application regarding the deficiency in the required 70% glazing on the first floor.
- WHEREAS, The Birmingham City Commission has reviewed the Adachi Bistro Special Land Use Permit 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 Adachi Bistro's application for a Special Land Use Permit authorizing the operation of a bistro at 325 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 is granted subject to the following conditions:
 - 1. Adachi Bistro shall abide by all provisions of the Birmingham City Code;
 - 2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest;
 - 3. The hours of operation for outdoor dining shall cease at 12:00 a.m. 7 days a week;
 - 4. The use of eisenglass and other enclosure materials on any outdoor dining area shall require approval by the City Commission through a Special Land Use Permit Amendment;
 - 5. Outdoor dining is seasonally permitted from April 1st through November 15th only, with an Outdoor Dining Permit. The use of an enclosure system(s) does not allow the outdoor dining season to be extended.
 - 6. Adachi Bistro 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;

- 7. Adachi Bistro shall enter into a contract with the City outlining the details of the proposed bistro option, and enter into an outdoor dining license agreement with the City;
- 8. Adachi Bistro shall not increase the number of interior or exterior seats at any time without approval by the City Commission through a Special Land Use Permit Amendment;
- 9. Adachi Bistro shall have a duty of continuing compliance with regards to off-street parking as required in the Zoning Ordinance;
- 10. Adachi Bistro agrees to resolve any future parking issues that may arise, including but not limited to parking overflow and encroachment into residential areas or public parking facilities, to the satisfaction of the City or the Special Land Use Permit may be cancelled by the City Commission; and
- 11. Adachi Bistro is required to have any modifications to the site plan, floor plan or operation of the bistro approved through a Special Land Use Permit Amendment as required in 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, Adachi Bistro 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 Adachi Bistro to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, Acting 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 April 24, 2017.

Cheryl Arft, Acting City Clerk

(Huntington

April 21, 2016

To Whom It May Concern:

The Koza family is a highly valued client of the Bank and we know the family to be of the highest character and integrity. The Family has access to significant liquidity and additional borrowings for future investments and endeavors. The Family has extensive experience and reputation in developing, operating and managing retail and mixed use real estate and hospitality assets. The Family has exceeded expectations on all new development projects and has handled all accounts and arrangements as agreed.

Sincerely,

Adam Mastrangelo Vice President Senior Relationship Manager 248-244-2947 Adam.Mastrangelo@huntington.com



Location

The *Ford-Peabody* Mansion is located on the Southeast corner of Brown Street and South Old Woodward, an area lacking retail establishments and pedestrian traffic. Our restaurant location in the Ford-Peabody Mansion will continue and increase the viability of an Historic asset, activate this corner and serve as a link to the South Old Woodward corridor directly increasing Birmingham's overall "Walkability" score.

Name Inspiration

The historic architecture and landscape of the Ford-Peabody Mansion served as the inspiration for our name Adachi. Adachi is the most famous garden in Japan; a garden so elaborate and detailed it is considered a living work of art and is formally known as "The Adachi Museum of Art." The Adachi Garden has six different types of gardens. We anticipate reflecting many aspects of these six different and beautiful gardens, through landscape and through the artwork that will be placed within the restaurant.

Our Vision

Our vision is to create a garden-themed restaurant that would be a casual elegant place to indulge in Asian Cuisine taking advantage of the Mansion's architecture and landscaped front yard for outdoor dining. We want Birmingham visitors and residents alike to experience the beauty of the building and its garden. Adachi is intended to be a destination.

The best local example of a similar historic adaptive re-use in an urban setting (as we are proposing) is The Whitney Detroit.

The Restaurant

We intend this restaurant to be an award-winning restaurant showcasing Eastern Asian and Southeast Asian regional cuisine. We will offer surprising, simple and flavorful dishes that are to be served and shared. A full sushi bar will provide an assortment of sushi, sashimi and nigiri options prepared by our experienced chefs display the art of sushi making. The floor plan divides our stylish intimate chic restaurant into a main dining room, cocktail lounge, and sushi bar. Specialties includes the signature Crispy Rice with Toppings (Hand-Cut Spicy Tuna, Seared Kobe Beef Tartare and Spicy Shrimp Tempura); Crab-Crusted Ahi Tuna with Japanese Hot Mustard Soy Glaze; Miso Bronzed Black Cod Seasonal Vegetables, along with many others.

By seamlessly melding many of the cooking techniques and flavors found throughout the entirety of Asia, Adachi creates a menu that allows customers to choose the dining experience they desire. Adachi's extensive cross-cultural Asian menu spans many diverse Asian flavors and price points. Adachi also provides a progressive list of premium sakes, an assembly of Asian beers, champagnes, sparkling wines, white wines and red wines to complement the cuisine.

We also intend to provide one of the most diverse and healthy kids menu in the market. I have noticed that not all the restaurants in Birmingham have kid's menus or even high-chairs. This goes against what we believe in as restaurant owners as we want to appeal to the masses, and that extends to the children.

Restaurant Hours (lunch & diner)Monday – Wednesday 11:30 am –10:30 pmThursday - Saturday11:30 am - 11:30 pmSundays11:30 am - 10:00 pm

It is our expectation to open summer of 2017







About Us/Ownership

Kenny Koza has over 15 years of experience in the hospitality industry. He is an owner and the operating partner of 11 hotels, 5 full service/fine dining restaurants, and 3 fast causal restaurants. Some familiar names to recognize in his ownership include Marriott Hotels, Sheraton Hotels, Hilton Hotels, Baskin Robins, and Dunkin Donuts, among others. He has created brands such as Center Square, which are convenience stores, and restaurant brands that include Hopunion Gastropub, Taps Bar and Grill, The Fork, and Urban Steak.

Brian Friedman is a seasoned real estate developer and investor, who is also a co-founder and Managing Partner of Foxhall Partners, a commercial real estate firm that specializes in opportunistic, value-added, and core-plus equity and participating debt investments in the Washington, D.C. metropolitan area, with primary focus on urban and infill neighborhoods. Friedman has spear headed dozens of real estate developments including purchasing two iconic Washington D.C. hotels the Carlye and Savoy and converting both into Kimpton Hotels, a leading Boutique Brand. His two Kimpton Hotels are state of the art and truly one of a kind, with locations that are impossible to beat. One of his hotels, the Kimpton Carlyle Hotel in Dupont Circle, is in one of the highest profile areas in all of Washington, D.C., featuring the Riggsby, a Michael Schlow restaurant. The hotel has received many awards and most recently received the "Certificate of Excellence, 2016" by TripAdvisor. Friedman's other hotel, Kimpton Glover Park, is in close proximity to the best of what downtown D.C. has to offer. Kimpton Glover Park features Casalore, the newest Michael Schlow restaurant.

Michael Schlow will further advance our culinary vision. Adachi founders have teamed up with, one of the most influential and respected chef/restaurateurs in America today. His ability to capture a variety of global cuisines and techniques has led to appearances on The Tonight Show with Jimmy Fallon, Bravo's Top Chef Masters, The Today Show, Good Morning America, The Rachel Ray Show, CBS This Morning, Nightline, and The Food Network. He is the recipient of many awards including being named "Best Chef in the Northeast" by the James Beard Foundation, "Best Chef in the Country" by Sante Magazine, as well as the "Culinary Award of Excellence" given out by Robert Mondavi to only 6 culinary geniuses each year. His restaurants have been recognized as some of the best in the world by Esquire, Food & Wine, Conde Nast Traveler, and Gourmet. He is the author "It's About Time, Great Recipes for Everyday Life," and is regularly requested to appear and speak about the restaurant and hospitality industry. Michael Schlow will aid and facilitate every aspect of the restaurant business such as hiring, training, design and implementation.

We have dedicated staff in all of our projects that are trained and ready to move up in their fields. Our Hospitality culture has grown due to our ability to promote within, which is how we continue to grow successfully. Our greatest assets are our employees, and without them we could not do what we do successfully.

It would be an honor to have the privilege to operate a restaurant in Birmingham and we hope you find the prospect as appealing as we do.

Sincerely,

Kenny Koza









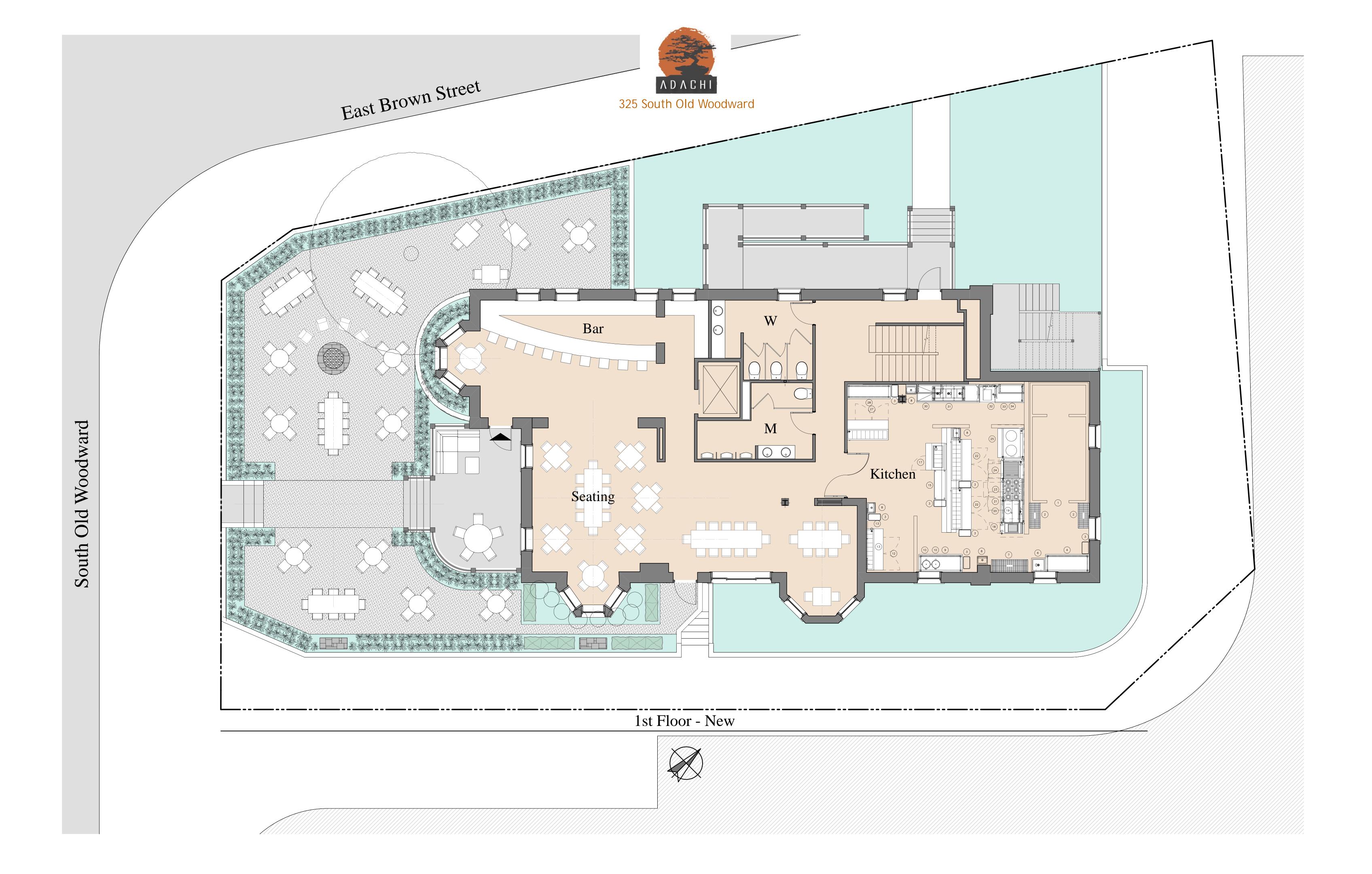
Starters	
Edamame Sea Salt	5
Organic Miso soup Tofu, Seweed	4
Organic Field Greens Miso, Ponzu or Carrot Ginger Vinaigrette	6
Seasonal Chopped Salad Yuzu Balsamic Vinaigrette	6
Cucumber Sunomono Pickled Cucumber, Sesame Seeds	6
Seaweed Salad Soy Vinaigrette	4
Warm Baby Spinach & Mushrooms Ponzu Dressing	6
Crispy Calamari Salad Frisee, Aji Amarillo, Cilantro Dressing	12
Lobster Salad Avocado, Mizuna, Shitake, Tofu-Lime Dressing	18
Roasted Shishito Peppers Sweet Soy	7
Shared Plates	
Adashi Crispy Rice topped with Spicy Tuna or Yellowtail Tartare	18
Creamy Shrimp Tempura or Creamy Sea Bass Tempura	16
Tuna Tartare on Crispy Wontons	16
Salmon Carpaccio Black Truffles, Ponzu	18
Hamachi Fusion Soy Yuzu, Truffle Essence	18
Kobe Wagyu Carpaccio Crisp Shitake, Yuzu Dressing, Chive Oil	24
Foie Gras on Seared Tuna White Truffle Oil	20
Spicy Seared Albacore Crispy Onions, Ponzu	18
Lobster Tacos Mango Salsa, Yuzu Guacamole	18
Edamame Dumplings Lobster, Mushroom Mirin Broth or Sake Butter	20
Kobe Style Potstickers Scallion Ponzu Chef's Tempura Selection Seafood or Vegetable	16 16
chers rempura selection searood or vegetable	10
Entrees	
Miso Bronzed Black Cod Seasonal Vegetables	28
Grilled Tiger Prawns Pearl Onions, Sweet Potatoes, Kumquat Glaze	24
Lobster Tail Sake Truffle Butter Sauce	42
Steamed Chilean Sea Bass Ichimi, Ginger, Shiitake Broth	32
Pan Seared Salmon, Seasonal Vegetables	26
Spicy Braised Short Ribs, Plum Wine Reduction, Wasabi Cauliflower Puree	32
Organic Chicken Breast Orange Jus, Seasonal Vegetables	22
Roasted Duck Breast Ginger Vinaigrette, Roasted Shishito Peppers	32
Grilled Lamb Chops Ichimi Glaze, Shishito Potato Mash	32 36
Peppercorn Filet Mignon Toban Yaki Shishito Potato Mash	30
Signature Rolls	
Dragon Roll Shrimp Tempura, Eel, Baked Crab & Tempura Flakes	16
Spicy Shrimp Tempura Hand Roll	8
Baked Lobster Roll	18
Adachi Roll Salmon Sashimi on Snow Crab & Avocado Roll with Black Truffle	18
Double Tuna Roll Tuna Sashimi on Spicy Tuna Roll with Wasabi Tobiko & Aioli	16
Sunfire Roll Lobster, Snow Crab, Cucumber & Cilantro topped with Mango, Avocado & Ichimi	24

Adachi also provides a progressive list of premium sakes, an assembly of Asian beers, champagnes, sparkling wines, white wines and red wines to complement the cuisine.











City of Z	Sirmingham	MEMORANDUM
		Planning Division
DATE:	January 24, 2017	
то:	Historic District Commis	ssion
FROM:	Matthew Baka, Senior P	lanner
SUBJECT:	325 S. Old Woodward –	Adachi Bistro

Zoning: B-2, General Business, D-3, Downtown Overlay

Existing Use: Office

Proposal

The applicant proposes to make alterations to the exterior of the Ford-Peabody Mansion and implement an outdoor dining and landscaping plan to allow for the operation of the Adachi Bistro, a newly proposed Bistro in the CBD Historic District. The building was originally constructed in 1878 by Frank Ford. The building was designed by Detroit based architect Almon Varney as a Victorian style home. The building was sold in 1920 to be used as a Masonic Lodge. The building was then sold again in 1968 to be used as commercial space.

In order to gain approval of the Bistro, the applicant is required to obtain a Special Land Use Permit. This requires approval from the HDC as well as a review and recommendation from the Planning Board. Final approval will be determined by the City Commission.

The applicant proposes to alter the exterior of the building by converting five (5) existing windows into doors. In addition, the applicant proposes to remove the existing ramp and staircase on the north elevation and replace it with a larger one that extends further west along the north elevation to allow for access to the two new door openings. Also, the applicant is proposing to construct a small staircase on the south elevation that would allow access to the new doors on the south elevation.

Two of the window conversions are located on the front elevation. As with the other proposed conversions, the applicant proposes to remove the window and the brick below the window sill in order to install a new door jam and French door. Above the door a transom window is proposed that would retain the existing curve of the window. This process is proposed to be repeated on the window conversions on the north and south elevations.

Outdoor Dining Area

The outdoor dining area is proposed to be located predominately in the front open space of the building. All of the outdoor dining is proposed to be located on private property. The applicant is proposing a total of 86 seats in the expanded outdoor dining area, 79 of which are located at dining tables, and 7 of which are labeled as casual seating. Four (4) of the casual seats are located around an outdoor fire pit and the other three are located on the front porch of the building.

Landscaping

The applicant is proposing an extensive landscaping plan for the outdoor dining area and surrounding property inspired by the Adachi Museum of Art in Japan. The proposed landscaping will be a combination of rock outcroppings, gravel gardens, ground covers, ornamental grasses, and several new and existing trees. The plan also calls for a new Japanese inspired perimeter rail, a water feature and a fire pit. The applicant has submitted a detailed description which is attached to this report.

Trash/HVAC Enclosure

The applicant is proposing to construct a new 6' high masonry enclosure with gates that will contain the trash receptacles and the HVAC units for the building.

Sec. 127-11. Design review standards and guidelines.

- (a) In reviewing plans, the commission shall follow the U.S. secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the commission may be followed if they are equivalent in guidance to the secretary of interior's standards and guidelines and are established or approved by the state historic preservation office of the Michigan Historical Center.
 - (b) In reviewing plans, the commission shall also consider all of the following:
 - (1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
 - (2) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
 - (3) The general compatibility of the design, arrangement, texture, and materials proposed to be used.
 - (4) Other factors, such as aesthetic value, that the commission finds relevant.

RECOMMENDATION

The Planning Division finds that the proposed changes to the building will not significantly alter or destroy historic materials that characterize the building. However,

generally changes to the front elevation of a historic resource are not recommended. The Historic District Commission may wish to consider whether the installation of the two new doors in place of the existing windows is appropriate. With that being said, staff does feel that the overall character of the building will be retained and recommends that the Commission issue a Certificate of Approval for the historic design review application for 325 S. Old Woodward. The work meets The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, standard number 9, "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, scale, and architectural features to protect the historic integrity of the property and its environment."

WORDING FOR MOTIONS

I move that the Commission issue a Certificate of Appropriateness for _____. The work as proposed meets "The Secretary of the Interior's Standards for Rehabilitation" standard number_____.

I move that the Commission issue a Certificate of Appropriateness for _____, provided the following conditions are met: (List Conditions). "The Secretary of the Interior's Standards for Rehabilitation" standard number_____ will be met upon fulfillment of condition(s).

I move that the Commission deny the historic _____application for _____. Because of _____ the work does not meet 'The Secretary of the Interior's Standards for Rehabilitation" standard number_____.

"THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS"

The U. S. secretary of the interior standards for rehabilitation are as follows:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development,

such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Notice To Proceed

I move the Commission issue a Notice to Proceed for number _____. The work is not appropriate, however the following condition prevails: _____and the proposed application will materially correct the condition.

Choose from one of these conditions:

a) The resource constitutes hazard to the safety of the public or the structure's occupants.

- b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district. have been attempted and exhausted by the owner.
- d) Retaining the resource is not in the best of the majority of the community.

BIRMINGHAM HISTORIC DISTRICT COMMISSION MINUTES OF FEBRUARY 1, 2017

Municipal Building Commission Room

151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, February 1, 2017. Vice-Chairperson Shelli Weisberg called the meeting to order at 7 p.m.

- **Present:** Board Members Mark Coir, Keith Deyer, Natalia Dukas, Thomas Trapnell, Vice-Chairperson Shelli Weisberg, Michael Willoughby
- Absent: Chairman John Henke; Alternate Board Members Adam Charles, Dulce Fuller
- Administration: Matthew Baka, Sr. Planner Carole Salutes, Recording Secretary

<u>Note</u>: Let the record reflect that Chairman Henke was not present because he has recused himself from the Adachi Bistro hearing, since they are his client and it is the only hearing on the agenda this evening.

02-02-17

HISTORIC DESIGN REVIEW 325 S. Old Woodward Ave. Adachi Bistro CBD Historic District

Zoning: B-2 General Business, D-3 Downtown Overlay

<u>Proposal</u>: The applicant proposes to make alterations to the exterior of the Ford-Peabody Mansion and implement an outdoor dining and landscaping plan to allow for the operation of the Adachi Bistro, a newly proposed Bistro in the CBD Historic District.

The building was originally constructed in 1878 by Frank Ford and designed by Detroit based architect Almon Varney as a Victorian style home. The building was sold in 1920 to be used as a Masonic Lodge. It was then sold again in 1968 to be used as commercial space.

In order to gain approval of the Bistro, the applicant is required to obtain a Special Land Use Permit ("SLUP"). This requires approval from the HDC as well as a review and recommendation from the Planning Board. Final approval will be determined by the City Commission.

The applicant proposes to alter the exterior of the building by converting five (5) existing windows into doors. In addition, the applicant proposes to remove the existing

ramp and staircase on the north elevation and replace it with a larger one that extends further west along the north elevation to allow for access to the two new door openings. Also, the applicant is proposing to construct a small staircase on the south elevation that would allow access to the new doors on the south elevation.

Two of the window conversions are located on the front elevation. As with the other proposed conversions, the applicant proposes to remove the window and the brick below the window sill in order to install a new door jam and French door. Above the door a transom window is proposed that would retain the existing curve of the window. This process is proposed to be repeated on the window conversions on the north and south elevations.

<u>Outdoor Dining Area</u>: The outdoor dining area is proposed to be located predominately in the front open space of the building. All of the outdoor dining will be located on private property. The applicant is proposing a total of 86 seats in the expanded outdoor dining area, seventy-nine (79) of which are located at dining tables, and seven (7) are labeled as casual seating. Four (4) of the casual seats are located around an outdoor fire pit and the other three are located on the front porch of the building.

Landscaping: The applicant is proposing an extensive landscaping plan for the outdoor dining area and surrounding property inspired by the Adachi Museum of Art in Japan. The proposed landscaping will be a combination of rock outcroppings, gravel gardens, ground covers, ornamental grasses, and several new and existing trees. The plan also calls for a new Japanese inspired perimeter rail, a water feature and a fire pit. The applicant has submitted a detailed description.

<u>Trash/HVAC Enclosure</u>: The applicant is proposing to construct a new 6 ft. high masonry enclosure with gates that will contain the trash receptacles and the HVAC units for the building.

Mr. Baka said he was somewhat concerned with the conversion of the windows to doors but he has since found some photos that show those windows are not even original.

Mr. Chris Longe, the architect, explained the fence will be just a gateway with two panels on each side of the entrance to the garden. The dining area is defined by landscaping. The doors that would replace the windows will be original to the design of the building, all full height. In response to Mr. Deyer, he noted the balcony they have added on the second floor makes the north (Brown St.) side of the building more significant and interesting.

Ms. Dukas thought this restaurant and Japanese garden will be a great addition to the City; but she was not sure this is the right building for it. Mr. Longe replied the plan gives this building a potential for activity that it hasn't ever had.

Mr. Willoughby indicated his sense is that it would be very cool to restore the front of the building back to its absolute original, and on the north side follow the Secretary of the Interior Standards by not trying to replicate the 1890s, but do something that is

more modern but compatible. Further, he explained there is a lot of Japanese influence in Victorian architecture. Therefore, to him it is not foreign.

Mr. Ken Koza, the restaurant owner, noted there are many homes in Japan that are inspired by Victorian architecture. The building appealed to them because of the front garden area. They named the restaurant Adachi, after the world famous gardens. They are adding the doors in the front because of the functionality of serving the patios and all the areas, which is also why they have added doorways on the side.

Mr. Willoughby noted he designed the Museum of Japanese Folk Culture in Florida. Their thinking was if the Japanese had grown up in Florida, what would they do based on the resources they had. He talked about the philosophy behind it all and suggested using actual Michigan plants and planting elements for the garden. Mr. Koza indicated that everything they are using is indigenous to Michigan except for the Japanese maples. All of the landscaping will do well here.

Mr. Coir was not opposed to puncturing through some of the elongated windows to create doors. The restaurant will need access capability. He wanted to see an alternative view of the porch and some of the details. He is not opposed to this adaptation of the building.

Mr. Willoughby announced he would restore the S. Old Woodward Ave. facade to its original condition. He would take the north (Brown St.) facade and apply the Secretary of the Interior Standards so as not to re-create some 1890s look. He would give liberty to the east (back half) of the building because it was done at a time when the thought was to mimic the original architecture. He agreed this is a great thing to have come to Birmingham. The principals of a Japanese garden are more appealing to him than applying the pieces of a Japanese garden.

Ms. Dukas was in agreement. However, she was not thrilled with changing five windows into doors. However, she understood that some of that is necessary for what they are trying to accomplish. There are a lot of people going in and out of a restaurant by nature. She thought some of it can be fixed by restoring the original porch.

Mr. Deyer concurred with the previous comments, but he was also troubled with the terrace on the west elevation. There are seventeen (17) tables and a fire pit and there really isn't a lot of space to do very many Japanese type Adachi things. Further, he was concerned with the lack of permeability of that whole surface. The water has to go somewhere and this property is elevated.

Mr. Trapnell agreed with the comments about the historical standards for the north balcony look. He was not terribly concerned about turning several of the windows into doors. In terms of the planting elements, the water flow is a major issue to address, but the garden incorporates Birmingham and Japanese influences. Therefore it is not going to be faithful to a given Japanese garden and concepts. As long as it is tastefully executed he is not concerned about it.

Mr. Willoughby summarized what the board is looking for:

- On the S. Old Woodward Ave. side, restore the building to its original look;
- Any additions to the north (Brown St.) elevation should meet the Secretary of the Interior's Standards by distinguishing from the original architecture;
- With respect to the garden, focus more on the spirit of a Japanese garden and less on the parts. It is a western philosophy to line the fire pit with the bay window. In Japan it would not be there.

Mr. Deyer noted that the board wants to work with this applicant. They would like to see the building reflect as much as possible what it was, but also as pointed out, the Secretary of the Interior's Standards. So, this is just offering some suggestions for when the applicant comes back in two weeks with a proposal.

Motion by Mr. Willoughby

Seconded by Ms. Dukas to postpone the Historic Design Review for 325 S. Old Woodward Ave., Adachi Bistro, to February 15.

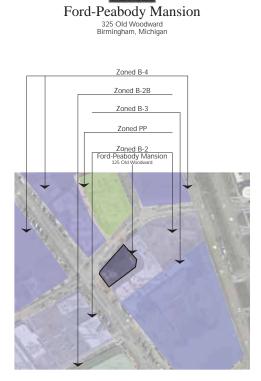
Motion carried, 6-0.

VOICE VOTE Yeas: Willoughby, Dukas, Coir, Deyer, Trapnell, Weisberg, Willoughby Nays: None Absent: Henke









ADACHI



 $\begin{array}{ccccc} CHRISTOPHER & J. & LONGE & AIA \\ A & R & C & H & I & T & E & C & T & U & R & E \\ I & N & T & E & R & I & O & R & S \\ 124 \ \mbox{Psabody}, \ \mbox{Birmingham}, \ \mbox{Michigan} & 48009 & 248.258.6940 \end{array}$

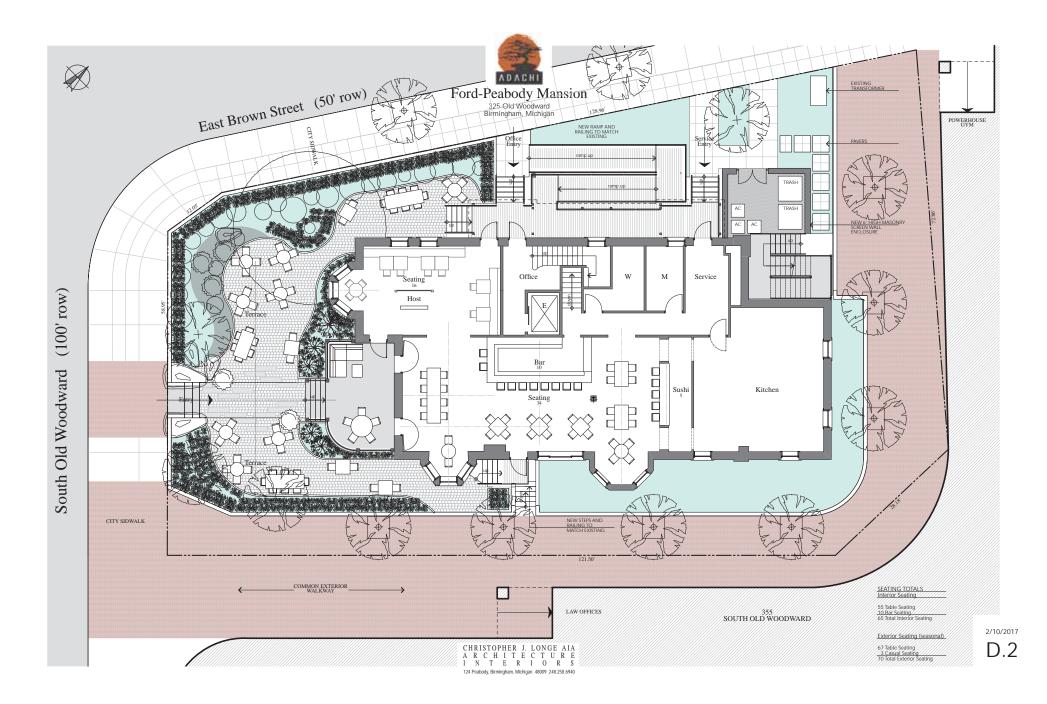
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---Ford-Peabody Mansion 325 Old Woodward Zoned: B-2 Overlay: D-3





^{2/10/2017}





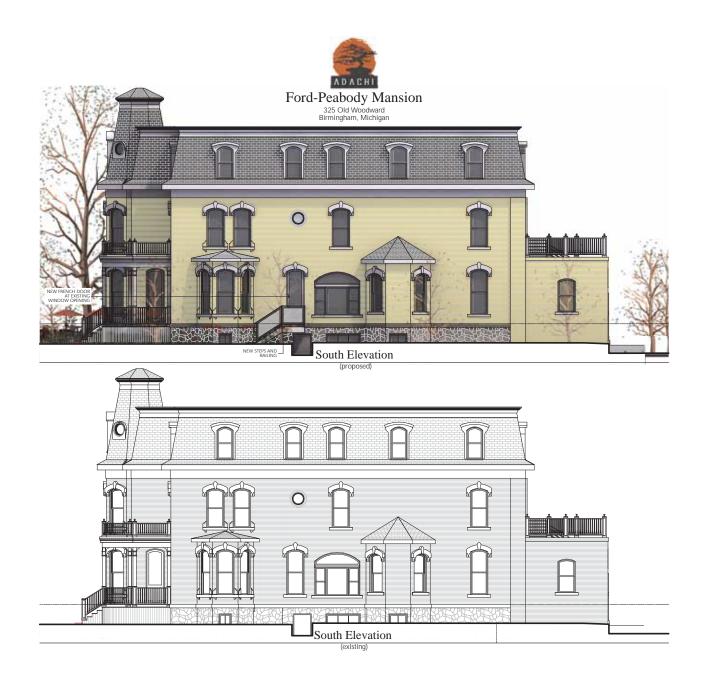








^{2/10/2017} D.4



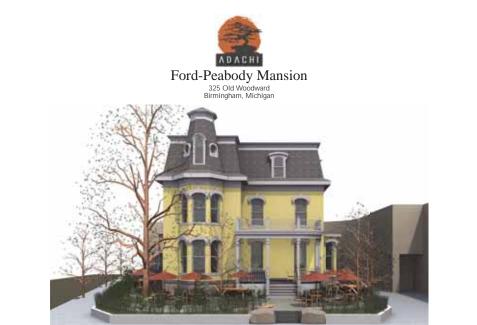
^{2/10/2017} D.5







2/10/2017 D.6



Front View



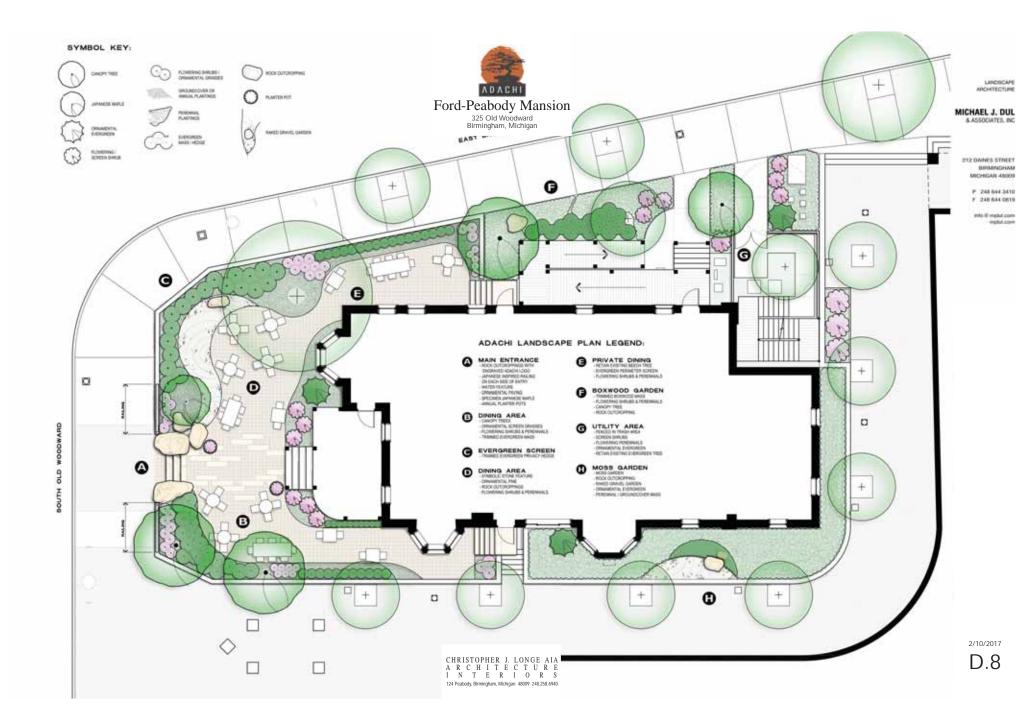


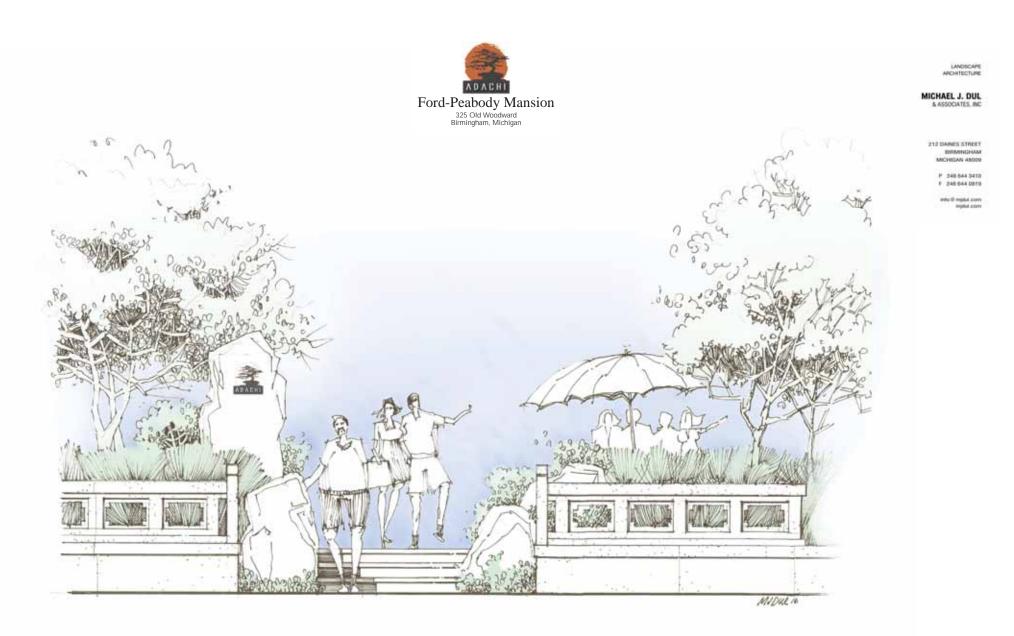
Right Side Vew (bird's eye)

2/10/2017 D.7

Left Side View (brown street)

 $\begin{array}{c} \mathsf{CHRISTOPHER} & \mathsf{J}. \ \mathsf{LONGE} \ \mathsf{AIA} \\ \mathsf{A} \ \mathsf{R} \ \mathsf{C} \ \mathsf{H} \ \mathsf{I} \ \mathsf{T} \ \mathsf{E} \ \mathsf{C} \ \mathsf{T} \ \mathsf{U} \ \mathsf{R} \ \mathsf{E} \\ \mathsf{I} \ \mathsf{N} \ \mathsf{T} \ \mathsf{E} \ \mathsf{R} \ \mathsf{I} \ \mathsf{O} \ \mathsf{R} \ \mathsf{S} \\ \mathsf{124} \ \mathsf{Peabody}, \mathsf{Birmingham}, \mathsf{Michigan} \ \mathsf{48009} \ \mathsf{248} \ \mathsf{258} \ \mathsf{6940} \end{array}$





 $\begin{array}{ccccc} CHRISTOPHER & J. & LONGE & AIA \\ A & R & C & H & I & T & E & C & T & U & R & E \\ I & N & T & E & R & I & O & R & S \\ 124 \mbox{ Peabody, Birmingham, Michigan $ 48009 $ 248 $ 258.6940 } \end{array}$

2/10/2017 D.9



Florida Seating Synthetic Teak Restaurant Armchair

Back to: Outdoor Synthetic Teak (/virtuemart/148/outdoor-synthetic-teak)

📙 (/virtuemart/775/florida-seating-synthetic-teak-restaurant-armchair_fs-al-5602slv-tk-detail?tmpl=component&format=pdf) 큻 (/virtuemart/775/florida-seating-synthetic-teak-restaurant-armchair_fs-al-5602slv-tk-detail?tmpl=component&print=1)= (/virtuemart/775/148/outdoor-synthetic-teak/florida-seating-synthetic-teak-restaurant-armchair_fs-al-5602slv-tk-detail/recommend? tmpl=component)

Purchasing%20your%20Products")

Silver Aluminum Frame, synthetic teak seat, arms, and back



\$131.25

Ask a question about this product (/virtuemart/775/148/outdoor-synthetic-teak/florida-seatingsynthetic-teak-restaurant-armchair_fs-al-5602slv-tkdetail/askquestion?tmpl=component)

(http://www.outdoorrestaurantseating.com/images/stories/virtuemart/product/fsal-5602tk-a-53cf177f8e7d5.jpg)

Description

Powder coated silver aluminum frame, synthetic teak seat, arms, and back Overall height 29", seat height 18", seat depth 18", seat width 22" Also available with Black Frame



Back to: Outdoor Synthetic Leak (/virtuemart/148/outdoor-synthetic-teak)

BFM Largo Side Barstool Synthetic Teak Silver Frame

📙 (/virtuemart/408/bfm-largo-side-barstool-synthetic-teak-silver-framelargo-side-ba-detail?tmpl=component&format=pdf) 🔿 (/virtuemart/408/bfm-largo-side-barstool-synthetic-teak-silver-framelargo-side-ba-detail?tmpl=component&print=1) (/virtuemart/408/148/outdoor-synthetic-teak/bfm-largo-side-barstool-synthetic-teak-silver-framelargo-side-ba-detail/recommend? tmpl=component)

'Purchasing%20your%20Products") Largo Side Barstool Synthetic Teak Silver Frame



\$148.99

Ask a question about this product (/virtuemart/408/148/outdoor-synthetic-teak/bfm-largo-sidebarstool-synthetic-teak-silver-framelargo-side-badetail/askguestion?tmpl=component)

(http://www.outdoorrestaurantseating.com/images/stories/virtuemart/product/largo arm bar stool synthetic teak silver frame.png)

Description

Largo Side Barstool Synthetic Teak Silver Frame

- Synthetic teak seat & back
- · Available in armchair, side chair, arm barstool, and side barstool
- Overall height 45.75", seat height 29.25", seat depth 18.0", seat width 18.75"
- No assembly requiredFrame color options black or silver



Tables



Silver Frame

Longport table tops

Available Sizes

Shape	Top Size	
Square	24", 32", 36"	
Rectangle	24" × 32", 32" × 48"	
Round	24", 32", 36"	

Materials: Powder coated aluminum, synthetic teak Finishes: Black, Silver powder coat Umbrella hole drilled upon request



Longport 4-Leg Available Sizes

Shape	Table Size	
Square	32", 36"	
Rectangle	32" × 48"	

Materials: Powder coated aluminum, synthetic teak Finishes: Black, Silver powder coat Umbrella hole drilled upon request ADA compliant





Umbrella

RH MODERN RH BABY & CHILD RH TEEN RH INTERIOR DESIGN



Shown in natural Sunbrella Canvas with weathered Aluma-Teak finish.

TUUCI® OCEAN MASTER HEXAGONAL ALUMA-TEAK™ UMBRELLA \$1950 - \$2150 regular \$1462 - \$1612 member

Designed after the clean, polished components of a luxury sailing yacht, this market-style umbrella offers marine-grade materials and construction equal to its inspiration. Made to withstand the most challenging environments on earth, it's the premium way to shade.

SHOW DETAILS +

DIMENSIONS

8%' Hexagonal: 9'4" diam., 8'5"H Head Clearance: 6'5"H Mast: 1½" diam. Weight: 22 lbs.

10' Hexagonal: 10'4" diam., 8'5"H Head Clearance: 6'8"H Mast: 1½" diam. Weight: 24 lbs.

OPERATING INSTRUCTIONS > DETAILED PRODUCT DIMENSIONS >

VIEWS

Weathered

Jav



City of I	Birmingham	MEMORANDUM
	A manada Commanney	Planning Division
DATE:	February 10, 20	017
TO:	Historic Distric	t Commission
FROM:	Matthew Baka,	Senior Planner
SUBJECT:	325 S. Old Woo	dward – Adachi Bistro (changes in Blue)

Zoning: B-2, General Business, D-3, Downtown Overlay

Existing Use: Office

Proposal

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The applicant appeared before the Historic District Commission on February 1, 2017. After extensive discussions, the review was postponed to allow the applicant time to make revisions to the plans. Of primary concern was the design of the new staircases and porches on the north and south elevations of the building. The Commission requested that the plans be altered to be more in accordance with standard #9 which states, "*The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*" Accordingly, the proposed ramps and staircases have been changes to a more modern aesthetic while maintain the previously proposed size and scale.

The applicant proposes to make alterations to the exterior of the Ford-Peabody Mansion and implement an outdoor dining and landscaping plan to allow for the operation of the Adachi Bistro, a newly proposed Bistro in the CBD Historic District. The building was originally constructed in 1878 by Frank Ford. The building was designed by Detroit based architect Almon Varney as a Victorian style home. The building was sold in 1920 to be used as a Masonic Lodge. The building was then sold again in 1968 to be used as commercial space.

In order to gain approval of the Bistro, the applicant is required to obtain a Special Land Use Permit. This requires approval from the HDC as well as a review and recommendation from the Planning Board. Final approval will be determined by the City Commission.

The applicant proposes to alter the exterior of the building by converting five (5) existing windows into doors. In addition, the applicant proposes to remove the existing ramp and staircase on the north elevation and replace it with a larger one that extends further west along the north elevation to allow for access to the two new door openings. Also, the applicant is proposing to construct a small staircase on the south elevation that would allow access to the new doors on the south elevation.

Two of the window conversions are located on the front elevation. As with the other proposed conversions, the applicant proposes to remove the window and the brick below the window sill in order to install a new door jam and French door. Above the door a transom window is proposed that would retain the existing curve of the window. This process is proposed to be repeated on the window conversions on the north and south elevations.

Outdoor Dining Area

The outdoor dining area is proposed to be located predominately in the front open space of the building. All of the outdoor dining is proposed to be located on private property. The applicant is proposing a total of 86 seats in the expanded outdoor dining area, 79 of which are located at dining tables, and 7 of which are labeled as casual seating. Four (4) of the casual seats are located around an outdoor fire pit and the other three are located on the front porch of the building. The number of outdoor dining seats has been reduced from 86 to 70 and the fire pit has been eliminated.

Landscaping

The applicant is proposing an extensive landscaping plan for the outdoor dining area and surrounding property inspired by the Adachi Museum of Art in Japan. The proposed landscaping will be a combination of rock outcroppings, gravel gardens, ground covers, ornamental grasses, and several new and existing trees. The plan also calls for a new Japanese inspired perimeter rail, a water feature and a fire pit. The applicant has submitted a detailed description which is attached to this report. The landscaping plan has been altered to expand the area at the northwest corner of the property. In this area the fire pit has been removed and the rock outcropping has been moved from under the existing canopy tree towards the front property line.

Trash/HVAC Enclosure

The applicant is proposing to construct a new 6' high masonry enclosure with gates that will contain the trash receptacles and the HVAC units for the building.

Sec. 127-11. Design review standards and guidelines.

- 2. (a) In reviewing plans, the commission shall follow the U.S. secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the commission may be followed if they are equivalent in guidance to the secretary of interior's standards and guidelines and are established or approved by the state historic preservation office of the Michigan Historical Center.
 - (b) In reviewing plans, the commission shall also consider all of the following:
 - (1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.

- (2) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
- (3) The general compatibility of the design, arrangement, texture, and materials proposed to be used.
- (4) Other factors, such as aesthetic value, that the commission finds relevant.

RECOMMENDATION

The Planning Division finds that the proposed changes to the building will not significantly alter or destroy historic materials that characterize the building. However, generally changes to the front elevation of a historic resource are not recommended. The Historic District Commission may wish to consider whether the installation of the two new doors in place of the existing windows is appropriate. With that being said, staff does feel that the overall character of the building will be retained and recommends that the Commission issue a Certificate of Approval for the historic design review application for 325 S. Old Woodward. The work meets The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, standard number 9, "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, scale, and architectural features to protect the historic integrity of the property and its environment."

WORDING FOR MOTIONS

I move that the Commission issue a Certificate of Appropriateness for _____. The work as proposed meets "The Secretary of the Interior's Standards for Rehabilitation" standard number_____.

I move that the Commission issue a Certificate of Appropriateness for _____, provided the following conditions are met: (List Conditions). "The Secretary of the Interior's Standards for Rehabilitation" standard number_____ will be met upon fulfillment of condition(s).

I move that the Commission deny the historic _____application for _____. Because of _____ the work does not meet 'The Secretary of the Interior's Standards for Rehabilitation'' standard number____.

"THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS"

The U. S. secretary of the interior standards for rehabilitation are as follows:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Notice To Proceed

I move the Commission issue a Notice to Proceed for number ______. The work is not appropriate, however the following condition prevails: ______and the proposed application will materially correct the condition.

Choose from one of these conditions:

- d) The resource constitutes hazard to the safety of the public or the structure's occupants.
- e) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- f) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district. have been attempted and exhausted by the owner.
- d) Retaining the resource is not in the best of the majority of the community.

City of	Birmingham	MEMORANDUM
		Community Development
DATE:	February 13, 2017	
TO:	Planning Board	
FROM:	Matthew Baka, Senior Pl	anner
SUBJECT:	Final Site Plan & Special 325 S. Old Woodward – <i>I</i>	

Executive Summary

The subject site is located at 325 S. Old Woodward, at the corner of Brown and S. Old Woodward. The parcel is zoned B-2, Business-Residential and D-3 in the Downtown Overlay District. The applicant is proposing to open a new restaurant by the name of 'Adachi", is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. The subject property is a designated historic building known as the Ford-Peabody Mansion. Adachi was approved for exterior changes by the Historic District Commission on February 15, 2017 (minutes attached). Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham in order to sell alcoholic liquors. Adachi will be required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License.

1.0 Land Use and Zoning

- **1.1** Existing Land Use 325 S. Old Woodward is currently used as office. Land uses surrounding the site are retail, commercial and residential.
- 1.2 <u>Existing Zoning</u> The property is currently zoned B-2, Business-Residential, and D-3 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- **1.3** <u>Summary of Land Use and Zoning</u> 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	Commercial / Retail	Commercial / Retail	Commercial / Retail	Commercial / Retail
Existing Zoning District	B-4 Business- Residential	B-3 Business- Residential	B-2 Business- Residential	B-2 Business- Residential
Downtown Overlay Zoning District	D-4	D-3	D-4	D-3

2.0 Bistro Requirements

Article 9, section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. Adachi is proposing to consist of 65 interior seats; 10 of which are proposed at a bar. Adachi will be a new restaurant applying for a new bistro license. Adachi proposes to operate a full service kitchen, with Eastern Asian and Southeast Asian regional cuisine. Adachi is proposed to have outdoor dining for 70 patrons on private property directly adjacent to the building.

Article 3, section 3.04(C)(10) Building Use of the Zoning Ordinance permits bistros in the Overlay District as long as the following conditions are met:

- (a) No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- (b) Alcohol is served only to seated patrons, except those standing in a defined bar area;
- (c) No dance area is provided;
- (d) Only low key entertainment is permitted;
- (e) Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
- (f) A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1' and 8' in height;
- (g) All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
- (h) Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an

elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.

Adachi is proposing to have 10 seats situated at a bar. No direct connect bar permit will be permitted from this license if it is approved. Alcohol may only be served to seated patrons and those standing in the bar area only. The plans as submitted do not indicate a defined bar area. The applicant will be required to revised the plans to indicate a defined bar area.

Adachi is not proposing any entertainment at this time.

Adachi does propose to install seating along the front windows of the property. However, as the building was originally constructed as a single-family residential home it does not front directly on the street. In addition, due to the residential design of the building, it does not provide the required 70% glazing along the front façade. However, such changes would require approval by the Historic District Commission as the building is a designated historic structure. Altering the facades would violate the Secretary of Interior standards for historic rehabilitation and therefore could not be approved by the Historic District Commission. However, after consulting with the City Attorney it has been determined that the applicant is still required apply to the BZA for a variance from this requirement. Accordingly, the applicant is required to obtain a variance from the Board of Zoning Appeals in lieu of providing the require 70% glazing.

The applicant has not provided a signed copy of the contract with the City that must be fully executed upon approval of the SLUP and bistro license.

Adachi is proposed to have outdoor dining for 70 patrons on private property in the front open space of the building. The outdoor dining area as proposed provides for safe and efficient pedestrian flow and it is completely contained on private property.

3.0 Screening and Landscaping

- 3.1 <u>Screening</u> The applicant is proposing to construct a 6' masonry enclosure in the rear of the restaurant near Brown St that will contain three AC units and two trash containers. The enclosure is proposed to be painted yellow to match the building with metal gates. The Birmingham Zoning Ordinance require wooden gate. Accordingly, the applicant is required to provide wooden gates on the dumpster enclosure or obtain a variance from the Board of Zoning Appeals. If any additional mechanical units or venting are required, all changes must be submitted to the Planning Division prior to installation or changes.
- 3.2 <u>Landscaping</u> The applicant is proposing an extensive landscaping plan for the outdoor dining area and surrounding property inspired by the Adachi Museum of Art in Japan. The proposed landscaping will be a

combination of rock outcroppings, gravel gardens, ground covers, ornamental grasses, a water feature and several new and existing trees. The applicant has submitted a detailed description which is attached to this report. No specification sheet on the water feature has been provided

4.0 Parking, Loading, Access, and Circulation

- 4.1 <u>Parking</u> As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.
- 4.2 <u>Loading</u> Loading spaces are not required, nor proposed.
- 4.3 <u>Vehicular Access & Circulation</u> Vehicular access to the site will not be altered.
- 4.4 <u>Pedestrian Access & Circulation</u> Pedestrian access to the restaurant is available directly from the City sidewalk. Under the 2016 Plan, outdoor cafes are encouraged as they create a more pedestrian friendly environment. All outdoor dining areas must maintain a 5 foot minimum width of unobstructed pedestrian access in the public right-of-way. This proposal will not extend into the right of way and therefore does not impede pedestrian circulation.
- 4.5 <u>Streetscape</u> The existing streetscape along S. Old Woodward does not conform to the new standards being implemented in the downtown but is scheduled to be completely reconstructed with the rest of S. Old Woodward from E. Brown to E. Lincoln in 2021. The streetscape on the Brown St. elevation was reconstructed in 2004.

5.0 Lighting

No new lighting is proposed for the site. Any lighting added in the future must be approved through the Planning Department.

6.0 Departmental Reports

- 6.1 <u>Engineering Division</u> Paving the front yard will require the installation of an underground drainage system connected to the City's storm sewer. Further, if the new impervious surface being added to the site is in excess of 3500 sq. ft., a storm water detention system must be built on site to conform to the storm water runoff ordinance.
- 6.2 <u>Department of Public Services</u> No comments regarding Forestry and Landscaping.

- 6.3 <u>Fire Department</u> This building may require Emergency Responder Radio Coverage, see IFC section 510. This building may require Fire Suppression, see IFC section 903.2.
- 6.4 <u>Police Department</u> No concerns were reported from the Police Dept.
- 6.5 <u>Building Department</u> In addition to their standard comments, the following was received from the Building Department:
 - 1. A change of occupancy is proposed on the first floor of the building requiring the main entrance off of Old Woodward to the space be made accessible. The existing and proposed secondary entrance from Brown Street may be acceptable if the applicant can demonstrate in accordance with Section 3411.1 of the Building Code that it would be technically infeasible to make the primary entrance accessible.
 - 2. The door swing from the N/W seating area to the patio encroaches into the required landing at the top of the stairs from the lower terrace.
 - 3. Details for the second floor of the building have not been provided. This review assumes that the existing second story will remain office and has the minimum required toilet fixtures.
 - 4. The plans lack sufficient code data to determine if the required fire separation assemblies exist between the proposed assembly space on the first floor and the existing business use above on the second level. The proposed assembly use may trigger the installation of a fire suppression system, if not already existing.
 - 5. The electrical service will need to be altered to supply separate service to each tenant space.

7.0 Design Review

The applicant was approved by the Historic District Commission at the meeting held on February 15, 2017 to make alterations to the contributing historic building in the CBD Historic District. The applicant was approved to convert 5 existing windows into doors, construct the trash enclosure at the rear of the restaurant, and to construct two new staircases/ramps on the north and south elevations. The staircase and ramp on the north elevation will replace the existing structure. Both of the staircases will be constructed with modern materials and design in order to differentiate the new construction from the historic materials in accordance with 'The Secretary of the Interior's Standards for Rehabilitation'' standard number 9 which states, "The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment." The new doors will be painted to match the new staircases in

order to further differentiate the new materials from the old. The applicant has not provided spec sheets on the materials for the stair cases or doors. The applicant must provide specifications on the materials proposed for the new staircases/ramps and doors.

The building does not comply with the 70% glazing requirement on the first floor. As described above the applicant is required to obtain a variance from the Board of Zoning Appeals.

Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.

2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.

3. When an outdoor dining area is immediately adjacent to any singlefamily or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.

4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.

5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.

6. For outdoor dining located in the public right-of-way:

- (a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
- (b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
- (c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- (d) No such facility shall erect or install permanent fixtures in the public right-of-way.
- (e) Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not

less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or nonrenewal to be sent to the city's Director of Finance.

The applicant has not provided trash receptacles within the outdoor dining areas as required by Article 04, section 4.42 OD-01 of the Zoning Ordinance. The applicant must provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance. The proposed outdoor café is not immediately adjacent to single-family or multi-family zoned property and therefore may stay open until 12am. The applicant has not provided the hours of operation.

The applicant is proposing to create an outdoor dining area with seventy (70) seats located directly in front of the building in the front open space. The proposal includes four (4) two top tables, eight (8) four top tables, one (1) five top table, one (1) six top table and two (2) eight top tables. There are also three casual seats located on the porch. The tables and chairs are proposed to be Florida Seating synthetic teak restaurant armchairs and tables with silver powder coated finish on the frames. The applicant is also proposing Tuuci Ocean Master hexagonal aluma-teak umbrellas with black Sunbrella canvas. Specification sheets on the tables and chairs have been included for your review. The applicant is proposing to enclose the outdoor dining area with a landscaping hedge that will extend around the perimeter of the property. The state requires that any outdoor dining area where alcohol is served must be "enclosed".

The applicant will be required to obtain an outdoor dining license, and to provide the required insurance.

<u>Signage</u>

The applicant has submitted plans that indicate one small sign at the front property line next to the walkway. No dimensions were provided for the sign. However, as presented, it appears that the sign would be well within the allowable size restrictions for the property. The applicant will be required to have the final sign design administratively approved by the Planning Department.

Illumination

No new lighting is currently proposed for this project.

8.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-3 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. Specifically, the 2016 Plan recommends the addition of outdoor dining areas in the public right-of-way as it is in the public's best interest as it enhances street life, thus promoting a pedestrian friendly environment. The 2016 Plan also recommends that the 5' clear pedestrian passage be provided against the storefronts to ensure that merchants can display and sell their products and so as not to distort the flow of pedestrians. As stated previously, the Planning Board has previously determined that the location of the outdoor dining will be on a case by basis. The applicant's proposal to provide an outdoor dining on private property eliminates this concern.

9.0 Selection Criteria for Bistro Licenses

Chapter 10, Alcoholic Liquors, section 10-82 provides a limitation on the number of Bistro Licenses that the City Commission may approve, and provides selection criteria to assist the Planning Board and City Commission in evaluating applications for Bistro Licenses. For existing restaurants in the City of Birmingham, section 10-82 states:

(a) **Maximum Number of Bistro Licenses**. The city commission may approve a maximum number of license transfers for Bistro licenses per calendar year as follows:

New establishments. Two (2) Bistro Licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in (a)(1) above. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:

- The applicant's demonstrated ability to finance the proposed project.
- The applicant's track record with the city including responding to city and/or citizen concerns.
- Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
- Whether the applicant has adequate health and sanitary facilities.
- The establishment's location in relation to the determined interest in the establishment of bistros in the Overlay District and the Triangle District.
- The extent that the cuisine offered by applicant is represented in the city.
- Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).

The Adachi application for a bistro license is one of three bistros that were forwarded by the City Commission. Adachi will be a new bistro in the City.

The selection criteria provided above must be considered to provide a recommendation to the City Commission as to whether or not to approve the operation of a Bistro License for Adachi.

The applicant has provided a letter to the City from Huntington National Bank indicating that the family has access to significant liquidity and additional borrowings for future investments and endeavors.

The applicant has no outstanding violations or overdue taxes due to the City.

The proposed site plan does provide adequate space to handle the proposed bistro operation in terms of food and drink preparation and service. The proposed outdoor dining also provides for safe and efficient pedestrian flow as all outdoor dining would be on private property.

Adachi is located within the Overlay District. The City is interested in attracting bistro operations within the Downtown Overlay District, the Triangle District and the Rail District. Therefore, this operation fits into the parameters outlined by the Bistro Ordinance guidelines.

Adachi provides an extensive menu of Eastern Asian and Southeast Asian regional cuisine. A sample menu is provided for your review. While some of the items may be found in other local restaurants, many of the menu items specifically are not offered anywhere else within the City of Birmingham.

10.0 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.

11.0 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.

12.0 Planning Department Findings

Based on a review of the site plans submitted, the Planning Department finds that the applicant meets all of the established ordinance requirements to qualify for approval of a Bistro License. The following sample motion with the attached conditions has been provided in the event that the Planning Board deems it appropriate to send a recommendation of approval forward to the City Commission.

13.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Adachi at 325 S. Old Woodward with the following conditions:

- 1) The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;
- 2) The applicant must provide specifications on the materials for the new stair cases and doors;

- 3) The applicant must provide wooden gates on the dumpster enclosure or obtain a variance from the Board of Zoning Appeals;
- 4) The applicant will be required to revised the plans to indicate a defined bar area;
- 5) The applicant is required to obtain a variance from the Board of Zoning Appeals in lieu of providing the require 70% glazing;
- 6) The applicant will be required to have the final sign design administratively approved by the Planning Department.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP to the City Commission for Adachi at 325 S. Old Woodward for the following reasons:

OR

Motion to recommend POSTPONE of the Final Site Plan and SLUP to the City Commission for Adachi at 325 S. Old Woodward, for the following reasons:

BIRMINGHAM HISTORIC DISTRICT COMMISSION

MINUTES OF FEBRUARY 15, 2017

Municipal Building Commission Room 151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, February 15, 2017. Chairman John Henke called the meeting to order at 7 p.m.

- Present: Chairman John Henke; Board Members Mark Coir, Keith Deyer, Natalia Dukas, Thomas Trapnell, Michael Willoughby; Alternate Board Member Adam Charles
- Absent: Board Members Mark Coir, Vice Chairperson Shelli Weisberg; Alternate Board Member Dulce Fuller
- Administration: Matthew Baka, Sr. Planner Carole Salutes, Recording Secretary

02-06-17

HISTORIC DESIGN REVIEW 325 S. Old Woodward Ave. Adachi Bistro CBD Historic District

Chairman Henke once again recused himself and Mr. Deyer took over as temporary chairman.

Zoning: B-2 General Business, D-3 Downtown Overlay

<u>Proposal</u>: The applicant appeared before the Historic District Commission on February 1, 2017. After extensive discussions, the review was postponed to allow the applicant time to make revisions to the plans. Of primary concern was the design of the new staircases and porches on the north and south elevations of the building. The Commission requested that the plans be altered to be more in accordance with standard #9 which states, *"The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."* Accordingly, the proposed ramps and staircases have been changed to a more modern aesthetic while maintaining the previously proposed size and scale.

In order to gain approval of the Bistro, the applicant is required to obtain a Special Land Use Permit ("SLUP"). This requires approval from the HDC as well as a review and recommendation from the Planning Board. Final approval will be determined by the City Commission.

The applicant proposes to alter the exterior of the building by converting five (5) existing windows into doors. In addition, the applicant proposes to remove the existing ramp and staircase on the north elevation and replace it with a larger one that extends further west along the north elevation to allow for access to the two new door openings. Also, the applicant is proposing to construct a small staircase on the south elevation that would allow access to the new doors on the south elevation.

Two of the window conversions are located on the front elevation. As with the other proposed conversions, the applicant proposes to remove the oval window and the brick below the window sill in order to install a new door jam and French door. Above the door a transom window is proposed that would retain the existing curve of the window. This process is proposed to be repeated on the window conversions on the north and south elevations.

<u>Outdoor Dining Area</u>: The outdoor dining area is proposed to be located predominately in the front open space of the building. All of the outdoor dining will be located on private property. The applicant is proposing to reduce the outdoor seating from a total of 86 seats to 70 along with eliminating the fire pit.

<u>Landscaping</u>: The applicant is proposing an extensive landscaping plan for the outdoor dining area and surrounding property inspired by the Adachi Museum of Art in Japan. The landscaping plan has been altered to expand the area at the northwest corner of the property. In this area the fire pit has been removed and the rock outcropping has been moved from under the existing canopy tree towards the front property line.

<u>Trash/HVAC Enclosure</u>: The applicant is proposing to construct a new 6 ft. high masonry enclosure with gates that will contain the trash receptacles and the HVAC units for the building.

Mr. Christopher Longe, the architect, was present with Mr. Ken Koza, the restaurant owner and Mr. Michael Dul, Landscape Architect. Mr. Longe described the railings, which are composed of zinc grey panels inside the verticals. The canopy is now powder coated zinc grey and the spindles are gone.

On the front elevation the oval window has been changed to a door in order to emit more natural light to the inside. Seating is rather arbitrary at this moment, subject to change. There will be 1,400 sq. ft. of paving, which is fairly modest. The intent is to drain the patio area into the storm sewer so there is no runoff onto the right-of-way.

The proposal for signage is to have "Adachi" written on one of the outcroppings on either side of the front entrance. Mr. Baka said it will obviously be well within what is allowed.

Discussion concluded there are now three (3) doors on the front porch. A historic photograph cannot be found that shows what the original front door looked like. All of the doors being replaced will replicate the existing 9 ft. front door. The existing front door and the door to the far right will be operational. Mr. Longe thought it looks more appropriate to have the three (3) doors rather than the oval window and two (2) doors.

Ms. Dukas agreed that leaving the oval window would make the front elevation too chopped up.

Mr. Longe replied to Mr. Willoughby that he would be willing to make the five (5) doors zinc grey. The existing front door would be left as a wood door.

Motion by Mr. Willoughby

Seconded by Mr. Trapnell to approve the plans for 325 S. Old Woodward Ave., Adachi Bistro, as submitted for the building, the site plan concept, and the signage with the understanding that the northern metal will be powder coated zinc color and that the new doors will be zinc color as well.

There was no discussion from the audience at 7:26 p.m.

Motion carried, 5-0.

VOICE VOTE Yeas: Willoughby, Trapnell, Charles, Deyer, Dukas Nays: None Recused: Henke Absent: Coir, Weisberg

CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, FEBRUARY 22, 2017 City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 22, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

- Present: Vice Chairperson Gillian Lazar; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Daniel Share
- Absent: Chairman Scott Clein; Alternate Board Member Lisa Prasad

Administration: Matt Baka, Sr. Planner

Jana Ecker, Planning Director

Carole Salutes, Recording Secretary

02-36-17

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

1. 325 S. Old Woodward Ave. Adachi Bistro (Peabody Mansion)

Request for a SLUP and Final Site Plan Review to allow the operation of a new Asian Fusion Bistro serving alcoholic liquors.

Mr. Baka advised that the subject site is located at 325 S. Old Woodward Ave., at the corner of Brown and S. Old Woodward. The parcel is zoned B-2, Business-Residential and D-3 in the Downtown Overlay District. The applicant is proposing to open a new restaurant by the name of "Adachi," and is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. The subject property is a designated historic building known as the Ford-Peabody Mansion. Adachi was approved for exterior changes by the Historic District Commission ("HDC") on February 15, 2017. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham in order to sell alcoholic liquors. Adachi 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, SLUP, and for the operation of a Bistro License.

Adachi is proposing to have 65 interior seats, 10 of which will be located at a bar. No direct connect bar permit will be permitted from the license if it is approved. Alcohol may only be served to seated patrons and those standing in the bar area.

Adachi provides an extensive menu of Eastern Asian and Southeast Asian regional cuisine. Many of the menu items are not offered anywhere else within the City of Birmingham.

The applicant is proposing to construct a 6 ft. masonry enclosure with metal gates in the rear of the restaurant near Brown St. that will contain three AC units and two trash containers. The Birmingham Zoning Ordinance requires wooden gates. *Accordingly, the applicant is required to provide wooden gates on the dumpster enclosure or obtain a variance from the Board of Zoning Appeals ("BZA").*

Due to the residential design of the building, it does not provide the required 70% glazing along the front facade. Altering the facades of this designated historic structure would violate the Secretary of Interior Standards for historic rehabilitation and therefore could not be approved by the HDC. However, the City Attorney has determined that the applicant is still required to apply to the BZA for a variance from the glazing requirement. *Accordingly, the applicant is required to obtain a variance from the BZA in lieu of providing the required 70% glazing.*

Design Review

Adachi has proposed to have outdoor dining for 70 patrons on private property in the front open space of the building. The outdoor dining area will be enclosed with a landscaping hedge that will extend around the perimeter of the property.

The applicant was approved at the HDC meeting held on February 15, 2017 to make alterations to the designated historic building in the CBD Historic District. The applicant was approved to convert five existing windows into doors, construct the trash enclosure at the rear of the restaurant, and to build two new staircases/ramps on the north and south elevations. The staircase and ramp on the north elevation will replace the existing structure. Both of the staircases will be constructed with modern materials and design in order to differentiate the new construction from the historic materials in accordance with "The Secretary of the Interior's Standards for Rehabilitation" standard number 9.

Signage

The applicant has submitted plans indicating one small sign at the front property line next to the walkway that must receive administrative approval by the Planning Dept.

Illumination

No new lighting is currently proposed for this project.

Ms. Ecker explained the City Commission did the pre-screening of bistro applications in October. They selected three to move forward, even though only two can be approved for year 2017. All three applications will go to the City Commission after review by the Planning Board. The Planning Board has the choice of reviewing the applications and

sending them back to the City Commission, or prioritizing them first. The City Commission will make the ultimate decision on which, if any, to approve.

Mr. Christopher Longe, the architect, was present with Mr. Ken Koza, the restaurateur, and Mr. Michael Dul, the landscape architect. Mr. Longe said there will be landscape lighting along with other lighting. Any lighting will need Planning approval. He described how both the north and south sides of the patio will be serviced. The building is three stories and the intent is for office to occupy the second and third floors. They are keeping the openings where they are, and simply changing some windows into doors for access. There is no designated area for loading and unloading but there is no parking in front of the building so there is adequate area for a truck to pull in.

There were no comments from members of the public at 8:05 p.m.

Ms. Ecker advised that the City has updated the contract that bistro applicants must execute. Three new sections have been amended that have to do with the following: no modifications to seating, layout, name change, or outdoor dining enclosures are permitted unless approved by the City Commission through a SLUP amendment; the restriction of outdoor dining to seasonal use from April 1st through November 15th only with a valid Outdoor Dining Permit; and a duty of continuing compliance with off-street parking as required in the Zoning Ordinance, as well as the responsibility to resolve future parking issues that may arise.

Mr. Baka discussed streetscape requirements that may need to be upgraded. The board then determined that two pedestrian scale lights would be needed on the south side of Brown. Bike racks will be added according to a schedule that the Engineering Dept. has.

Motion by Mr. Boyle

Seconded by Mr. Williams to recommend approval the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Adachi at 325 S. Old Woodward Ave. with the following conditions:

1) The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;

2) The applicant must provide specifications on the materials for the new staircases and doors;

3) The applicant must provide wooden gates on the dumpster enclosure or obtain a variance from the BZA;

4) The applicant submit details of outdoor lighting for the Bistro for review and approval by the Planning Staff;

5) The applicant provide sidewalk lighting (two standard lamps in accordance with the current Downtown design) plus an appropriate bike rack on the adjacent plaza, for review and approval by Planning Staff;

6) The applicant is required to obtain a variance from the BZA in lieu of providing the required 70% glazing;

7) The applicant will be required to have the final sign design administratively approved by the Planning Department; and

8) The applicant complies with the requests of all City Departments.

Motion carried, 7-0.

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

	-	
Ci	tv of ${\cal B}i$	rmingham
		A Walkable Community
601 J 10		

MEMORANDUM

Planning Division

DATE: March 20, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Set Public Hearing for 2100 E. Maple, Whole Foods Bistro Special Land Use Permit and Final Site Plan

The subject site is a 4.95 acre site located at 2100 E. Maple Rd. The parcel is zoned B2 (Grocery Store use only). The applicant, Whole Foods, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. As part of the previously approved grocery store, the applicant is now proposing a small bistro which will serve customers and provide indoor and outdoor seating. This will be located on the northeast portion of the building.

Thus, at this time the applicant is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code to allow the service of alcoholic beverages in the proposed bistro. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License.

On February 22, 2017, the Planning Board conducted a public hearing to discuss a request by the applicant to operate a new bistro. The Planning Board voted unanimously to recommend approval to the City Commission of the Special Land Use Permit ("SLUP") and Final Site Plan for 2100 E. Maple, Whole Foods Bistro with the following conditions:

1) The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;

2) Comply with the requirements of City departments; and

3) The applicant must provide appropriate restroom facilities to be submitted to staff in the Planning Dept. and approved.

In addition, after reviewing all three bistro applications for 2017 licenses, the Planning Board also discussed whether to recommend a priority order for recommendation to the City Commission. The board passed a unanimous motion to rank Lincoln Yard bistro as the number one priority because it best fits the goal to activate an area within the Rail District that merits activation. The Planning Board did not provide a ranking for a second or third priority among the bistro applications.

Thus, the Planning Division requests that the City Commission set a public hearing date for **April 24, 2017** to consider approval of the Final Site Plan and Special Land Use Permit to allow the operation of Whole Foods Bistro at 2100 E. Maple. 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 of April 24, 2017 to consider the Final Site Plan and Special Land Use Permit for 2100 E. Maple - Whole Foods Bistro, to allow the operation of a new bistro within the Whole Foods grocery store.

WHOLE FOODS BISTRO 2100 E. MAPLE SPECIAL LAND USE PERMIT 2017

- WHEREAS, Whole Foods Bistro filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a new restaurant as a bistro as defined in Article 9, section 9.02 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of E. Maple between Eton and Coolidge Highway;
- WHEREAS, The land is zoned B2 (Grocery Store use only), General Business, which permits bistros as an accessory use with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit 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 on February 22, 2017 reviewed the application for Final Site Plan Review and a Special Land Use Permit and recommended approval with the following conditions:

1) The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;

2) Comply with the requirements of City departments; and

3) The applicant must provide appropriate restroom facilities to be submitted to staff in the Planning Dept. and approved.

- WHEREAS, The applicant has committed to comply with all conditions for approval as recommended by the Planning Board on February 22, 2017;
- WHEREAS, The Birmingham City Commission has reviewed the Whole Foods Bistro Special Land Use Permit 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 Whole Foods Bistro's application for a Special Land Use Permit authorizing the operation of a bistro at 2100 E. Maple 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 is granted subject to the following conditions:
 - 1. Whole Foods Bistro shall abide by all provisions of the Birmingham City Code;

- 2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest;
- 3. The hours of operation for outdoor dining shall cease at 10:00 p.m. 7 days a week;
- 4. The use of eisenglass and other enclosure materials on any outdoor dining area shall require approval by the City Commission through a Special Land Use Permit Amendment;
- 5. Outdoor dining is seasonally permitted from April 1st through November 15th only, with an Outdoor Dining Permit. The use of an enclosure system(s) does not allow the outdoor dining season to be extended.
- 6. Whole Foods Bistro 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;
- 7. Whole Foods Bistro shall enter into a contract with the City outlining the details of the proposed bistro option, and enter into an outdoor dining license agreement with the City;
- 8. Whole Foods Bistro shall not increase the number of interior or exterior seats at any time without approval by the City Commission through a Special Land Use Permit Amendment;
- 9. Whole Foods Bistro shall have a duty of continuing compliance with regards to off-street parking as required in the Zoning Ordinance;
- 10. Whole Foods Bistro agrees to resolve any future parking issues that may arise, including but not limited to parking overflow and encroachment into residential areas or public parking facilities, to the satisfaction of the City or the Special Land Use Permit may be cancelled by the City Commission; and
- 11. Whole Foods Bistro is required to have any modifications to the site plan, floor plan or operation of the bistro approved through a Special Land Use Permit Amendment as required in 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, Whole Foods Bistro 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 Whole Foods Bistro to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, Acting 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 April 24, 2017.

Cheryl Arft, Acting City Clerk



Whole Foods Birmingham Bistro

2100 East Maple Road Birmingham, Michigan 48009

Proposal for Bistro License October 1, 2016

Submitted by: Kelly A. Allen Adkison, Need, Allen, & Rentrop, PLLC 39572 Woodward Ave., Suite 222 Bloomfield Hills, MI 48304

WHOLE FOODS BIRMINGHAM BISTRO (WORKING NAME)

Whole Foods is a store unique in character, philosophy, and spirit. Whole Foods is likely the best source for healthy eating and cooking in the country. But "healthy" means a whole lot more at Whole Foods. It goes beyond "good for you" to also encompass the "greater good."

Whole Foods stocks organic produce, fresh seafood, prime meats, shelf staples, and natural body care and safe cleaning products. Whole Foods also has a full calendar of special events, such as speakers and Oktoberfest celebrations. Honestly, a customer could spend hours at Whole Foods and not run out of opportunities!

Whole Foods will be operating its full service grocery with licenses which allow for the sale of beer, wine, and spirits "to go." Whole Foods seeks a Bistro license to enable the customer to enjoy a glass of wine or beer with lunch or dinner. This is a perfect complement to a slice of hand-tossed pizza from a brick oven, fresh sushi, hot soup, salad, or an item from the "hot bar." Whole Foods has perfected the art of fresh, "homemade" prepared foods and meals made to order. Whole Foods' meals will be available to enjoy on site in two sections of the store; the Bistro, and the other cafeteria-style area of the store.

Whole Foods Birmingham Bistro will be a laid-back "flex casual" style of dining. Guests will order their choices at the counter. When the order is ready, a Whole Foods team member will deliver the order to the guest's table. A guest may also have a seat at the small bar to order beverages, coffee, juices, and gelatos. Many guests prefer to enjoy their meal at the bar. Of course, Whole Foods has a strict procedure in place to ensure that alcohol beverages are served <u>only</u> to those guests who are over the age of 21. Whole Foods operates with liquor licenses in Michigan at seven of their stores; of these, six stores operate with Class C licenses similar to this Bistro proposal.

The idea behind Whole Foods Birmingham Bistro is to further enhance the neighborhood store feeling. The addition of the Bistro will instantly convert the venue into a gathering place for families to enjoy a healthy meal with an adult beverage. Whole Foods will truly be a one-stop shop, offering all the best things the community of Birmingham will love.

HOURS: Whole Foods hours of operation will be seven days a week from 8:00 a.m. to 10:00 p.m. **OPENING:** The anticipated opening date of Whole Foods is November of 2017.

Financial feasibility information can be made available upon request.

WHOLE FOODS BIRMINGHAM BISTRO

DAILY SPECIALS

Monday – All MN drafts \$4 Tuesday – Select \$2 drafts (with burger purchase) Wednesday – Half off wines by the glass Thursday – All drafts \$4 (All day!) Saturday & Sunday – \$3 Micheladas & mimosas All Day Every Day – \$3 Staff Pick Drafts

HAPPY HOUR

Monday –Friday, 4-6pm Select \$3 wine + Select \$3 draft beer

DRINKS \$5

BEER-MOSA – Destihl Hefeweizen with fresh squeezed orange juice MIMOSA – Prosecco with fresh squeezed orange juice MICHELADA – Lager, cholula, lime

BOTTLES & CANS \$2

Central Waters Mudpuppy Porter Lagunitas Pils Founders All Day IPA Destihl Hefeweizen Two Brothers Ebel's Weiss Bell's Amber Ale Loon Juice Cider Great Lakes Commodore Perry IPA Left Hand Milk Stout Two Brothers Prairie Path – Gluten Free

WINE BY THE GLASS

SPARKLING

Riondo Prosecco \$5 Henriot Brut \$8

WHITE WINE

Clos Du Bois Chardonnay \$5 Ruffino Pinot Grigio \$5 Hogue Riesling \$5 Apothic White Blend \$5 William Fevre Chablis \$8 Kim Crawford Sauvignon Blanc \$8

RED WINE

La Vielle Ferme Rose \$5 Josh Cabernet Sauvignon \$5 Alamos Malbec \$5 Apothic Red Blend \$5 Tenuta di Ghizzano Toscana \$8 Bouchard Pinot Noir \$8 Meomi Pinot Noir \$8 Ghost Pines Cabernet Sauvignon \$8

SIDES \$2.50 each

FRENCH FRIES POTATO CHIPS LOADED BAKED POTATO TOTS BROCCOLI TOTS

BREAKFAST Servedallday!

SIDE OF BACON OR SAUSAGE \$2

2 EGGSANY STYLE \$6 Served with home fries & toast

3 EGG OMELETTE \$7 Choice of three ingredients: mushroom, onion, spinach, peppers, tomato, ham, bacon, mozzarella, cheddar or Swiss cheese. Served with home fries & toast

BREAKFAST SANDWICH \$5 Fried egg, cheddar cheese, choice of buttermilk biscuit. Add bacon, sausage patty or Black Forest ham \$1

SINGLE BUTTERMILK PANCAKES 🕚 \$2 each Served with maple syrup & butter

STACK OF PANCAKES (1) \$6 3 buttermilk pancakes served with maple syrup & butter

BISCUITS AND GRAVY \$5 Split buttermilk biscuit topped with sausage cream gravy

BREAKFAST POUTINE \$6 Hand-cut French fries, beef gravy, white cheddar cheese curds topped with 2 fried eggs. Add Black Forest ham \$1

SNACK BASKETS

FRIED CHEESE CURDS 🕚 \$5 Served with classic ranch dipping sauce

LOADED TATER TOT NACHOS \$5 Bacon, sour cream, chive and cheese stuffed tater tots topped with taco meat, cheese sauce, sour cream, olives, jalapeño & green onions

POUTINE \$5 Hand-cut French fries topped with beef gravy & white cheddar cheese curds

SANDWICHES

*All sandwiches served with choice of side

BLACKENED CHICKEN PO' BOY \$8 Chicken breast, spicy remoulade, shredded lettuce, tomato & pickle onciabatta

WALLEYE PO' BOY \$8 Breaded walleye, spicy remoulade, lettuce, tomato & pickle on a ciabatta

GRILLED PORTOBELLO 👽 \$8 Marinated portobello mushroom, balsamic aioli, lettuce, tomato, red onion & avocado on a toasted sesame bun

BEET REUBEN 👽 \$8 Smoked beets, sauerkraut, Thousand Island & Swiss cheese on marble rye

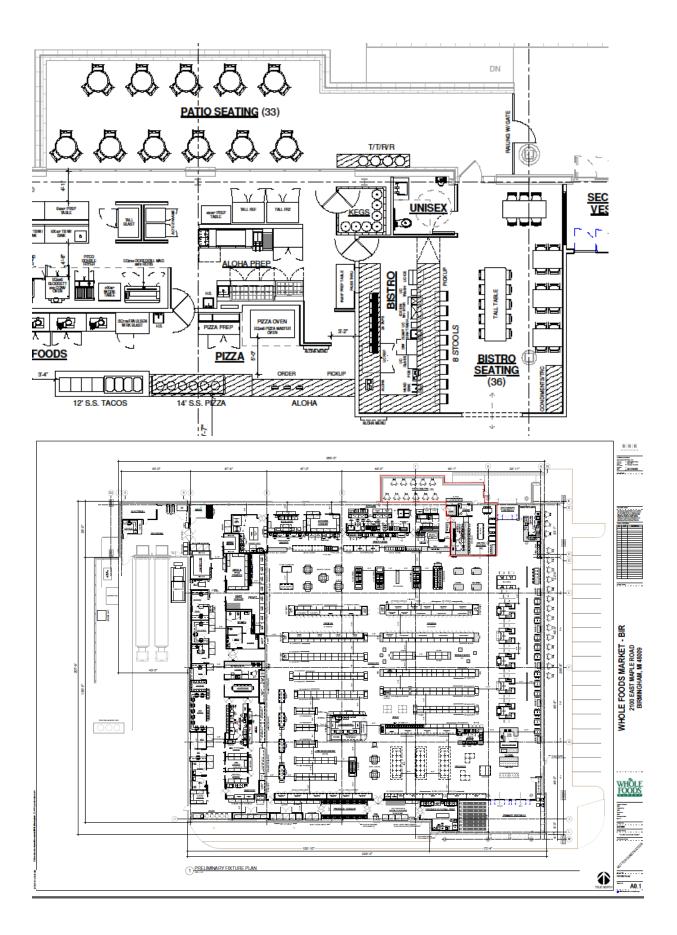
BURGERS

*All burgers served with choice of side

CLASSIC BURGER \$8 American cheese, lettuce, tomato & red onion on a sesame seed bun

BLUE BURGER \$8 Blue cheese, mushrooms, lettuce, tomato & red onion on a sesame seed bun

UPINSMOKEBURGER \$8 Chipotle pepper, cheddar cheese, bacon, lettuce, tomato & red onion on a sesame seed bun









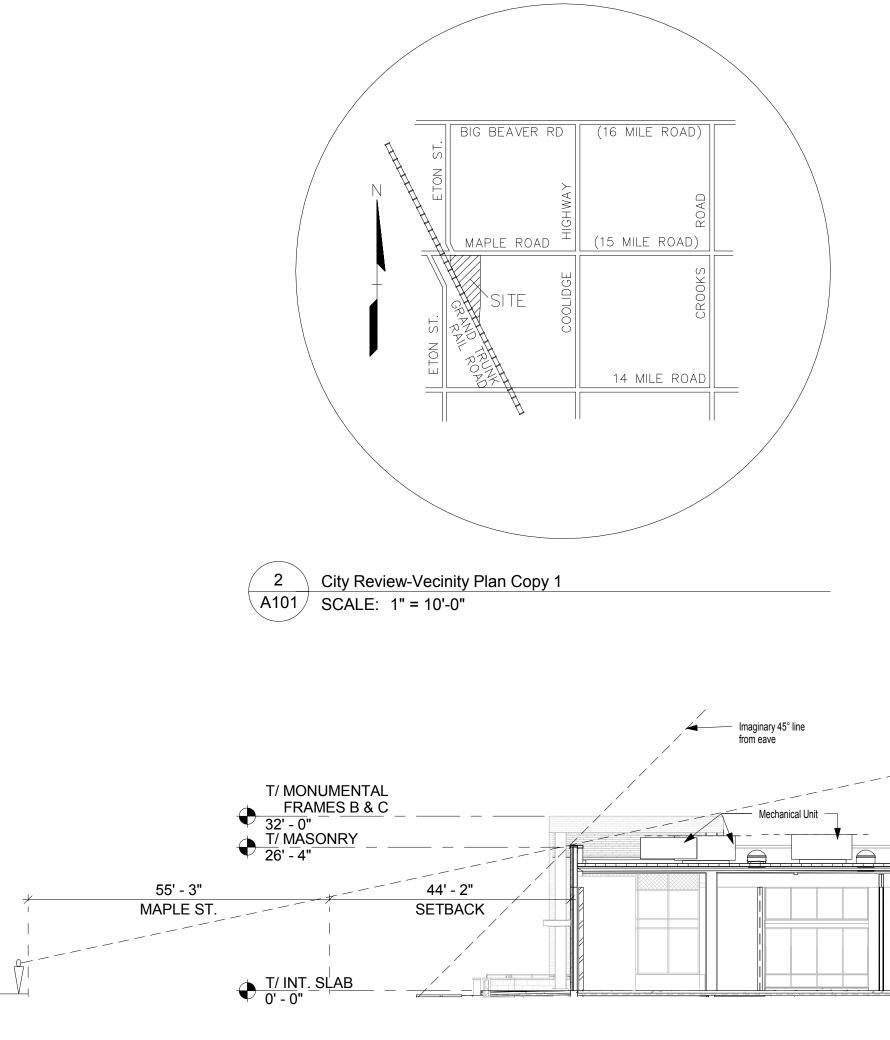










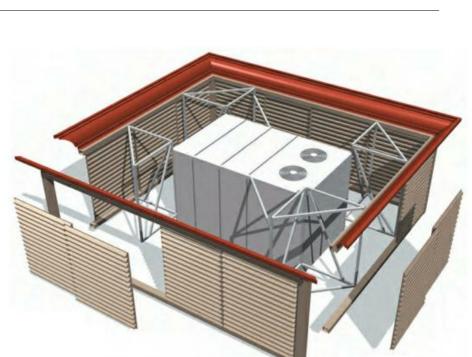


1 Section View: North-South 1/16" = 1'-0"



PROPOSED DESIGN INTENT *CORNICE TRIM TBD

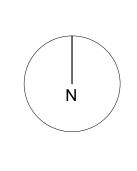
ENVISOR SCREENING SYSTEMS BY CITYSCAPES

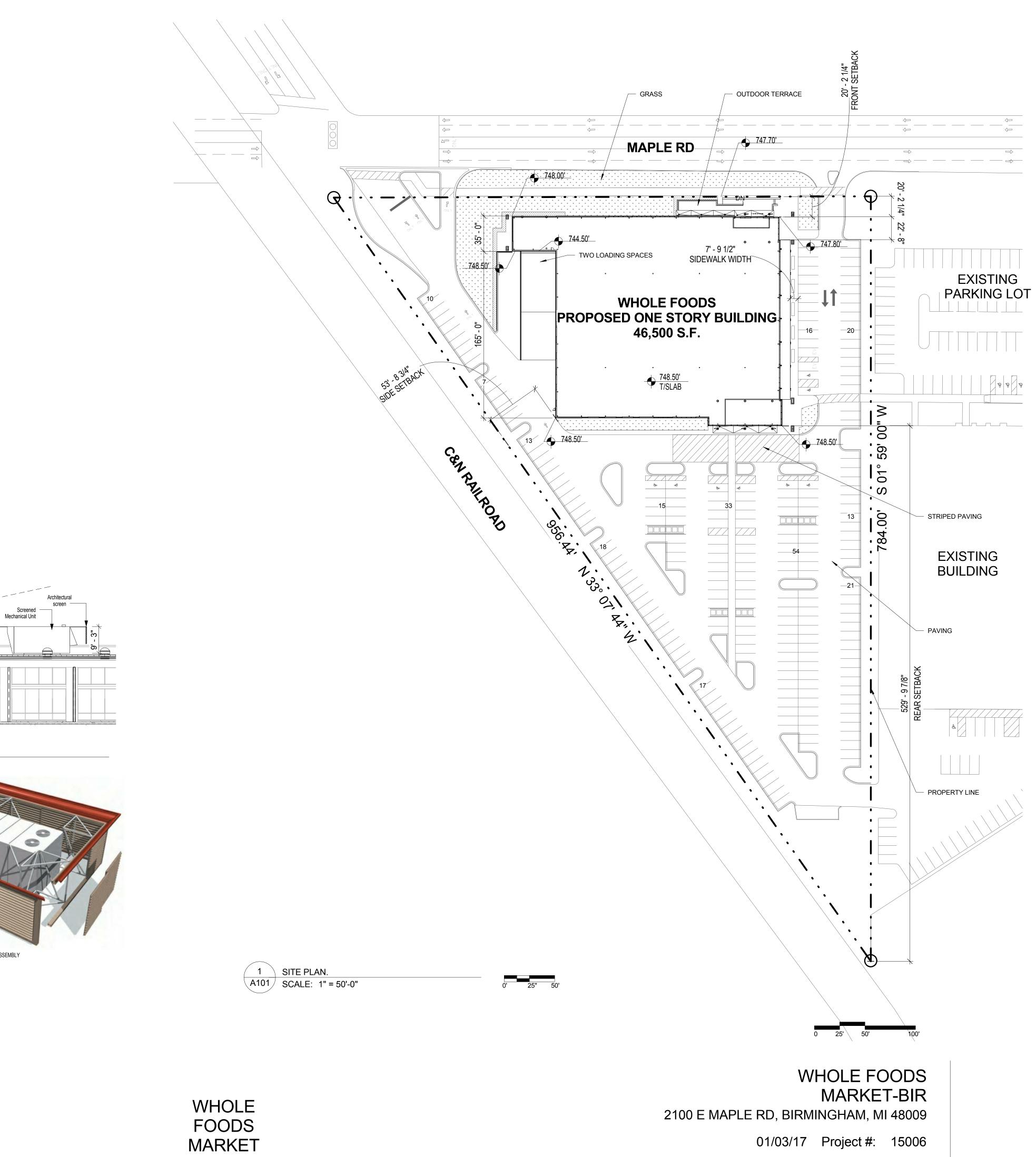


Architectural screen —



OKW ARCHITECTS 600 W. Jackson, Suite 250 Chicago, IL 60661





SYSTEM ASSEMBLY



Vicinity Plan

N 1/4 CORNER ↔ SECTION 31 T.02N., R.11E. FND O.C.R. BRASS CAP #17623 IN MON BOX (L.17156, P.280)

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	WLA	6		2DSXW2 LED WITH 3 LIGHT ENGINES, 30 LED's, 1000mA DRIVER, 4000K LED, TYPE 3 MEDIUM OPTIC	LED	DSXW2_LED_ 30C_1000_40K _T3M_MVOLT. ies	Absolute	0.93	109
	LBA	6	LITHONIA #KBR8 LED 16C 700 50K SYM MVOLT	KBR8 WITH 4 LIGHT BOARDS (16 LEDS), 700mA DRIVER, 5000K COLOR TEMP, AND SYMMETRIC OPTIC	LED	KBR8_LED_16 C_700_50K_S YM_MVOLT.ie s	Absolute	0.93	39
Ļ	LH	7	LITHONIA #DSX1 LED 60C 700 40K T3M MVOLT HS	DSX1 LED WITH (2) 30 LED LIGHT ENGINES, TYPE T3M OPTIC, 4000K, @ 700mA WITH HOUSE SIDE SHIELD	LED	DSX1_LED_60 C_700_40K_T3 M_MVOLT_HS .ies	Absolute	0.93	131
	LK	11	LITHONIA #DSX1 LED 60C 700 40K T4M MVOLT HS	DSX1 LED WITH (2) 30 LED LIGHT ENGINES, TYPE T4M OPTIC, 4000K, @ 700mA WITH HOUSE SIDE SHIELD	LED	DSX1_LED_60 C_700_40K_T4 M_MVOLT_HS .ies	Absolute	0.93	131
	LL	4	LITHONIA #DSX1 LED 60C 700 40K T3M MVOLT	DSX1 LED WITH (2) 30 LED LIGHT ENGINES, TYPE T3M OPTIC, 4000K, @ 700mA	LED	DSX1_LED_60 C_700_40K_T3 M_MVOLT.ies	Absolute	0.93	130.6
	LL2	14	LITHONIA #DSX1 LED 60C 700 40K T3M MVOLT	DSX1 LED WITH (2) 30 LED LIGHT ENGINES, TYPE T3M OPTIC, 4000K, @ 700mA	LED	DSX1_LED_60 C_700_40K_T3 M_MVOLT.ies	Absolute	0.93	261.3

STATISTICS						
Description	Symbol	Avg	Мах	Min	Max/Min	Avg/Min
60' ROW - VALUES 3' AFG	Ж	0.1 fc	1.0 fc	0.0 fc	N / A	N / A
PARKING & DRIVE AREAS - VALUES 3' AFG	° *	4.8 fc	11.5 fc	0.8 fc	14.4:1	6.0:1
SOUTH & EAST SIDEWALK VALUES AT GRAGE	+	4.2 fc	15.1 fc	1.0 fc	15.1:1	4.2:1
TRUCK DOCK AREA - VALUES 3' AFG	×	4.3 fc	7.8 fc	1.8 fc	4.3:1	2.4:1

	NAIRE LO	LUMI	NAIRE L					
No.	Label	Loca X	ation Y	мн	Orientation	Tilt	No.	Label
1	WLA	345.2	686.8	25.0	270.0	0.0	25	LK
2	WLA	347.4	753.2	25.0	270.0	0.0	26	LK
3	WLA	349.0	821.2	25.0	270.0	0.0	27	LL
4	WLA	318.5	841.8	25.0	180.0	0.0	28	LK
5	WLA	346.2	719.1	25.0	270.0	0.0	29	LK
6	WLA	349.0	788.6	25.0	270.0	0.0	30	LK
7	LBA	485.8	662.5	3.5	0.0	0.0	31	LK
8	LBA	460.8	663.3	3.5	0.0	0.0	32	LL
9	LBA	435.9	664.1	3.5	0.0	0.0	33	LL
10	LBA	410.9	664.9	3.5	0.0	0.0	34	LL
11	LBA	385.9	665.7	3.5	0.0	0.0	35	LL2
12	LBA	361.9	666.6	3.5	0.0	0.0	36	LL2
13	LH	352.0	583.4	16.0	58.7	0.0	37	LL2
14	LH	316.4	642.2	16.0	58.7	0.0	38	LL2
15	LH	287.9	687.8	16.0	58.7	0.0	39	LL2
16	LH	257.0	732.3	16.0	58.7	0.0	40	LL2
17	LH	395.3	520.5	16.0	58.7	0.0	41	LL2
18	LH	439.5	454.0	16.0	58.7	0.0	42	LL2
19	LH	512.9	340.1	16.0	58.7	0.0	43	LL2
20	LK	227.4	777.3	16.0	58.7	0.0	44	LL2
21	LK	654.7	834.5	16.0	269.3	0.0	45	LL2
22	LK	201.6	822.8	16.0	58.7	0.0	46	LL2
23	LK	170.4	859.7	16.0	58.5	0.0	47	LL2
24	LK	644.6	647.9	16.0	269.3	0.0	48	LL2

		Loca	ation			
No.	Label	x	Y	МН	Orientation	Tilt
25	LK	649.3	699.4	16.0	269.3	0.0
26	LK	650.7	745.0	16.0	269.3	0.0
27	LL	233.2	886.3	16.0	179.8	0.0
28	LK	652.1	789.9	16.0	269.3	0.0
29	LK	646.4	544.0	16.0	269.3	0.0
30	LK	642.7	447.1	16.0	269.3	0.0
31	LK	642.7	356.7	16.0	269.3	0.0
32	LL	587.7	827.7	16.0	90.0	0.0
33	LL	586.8	776.7	16.0	90.0	0.0
34	LL	584.0	725.4	16.0	90.0	0.0
35	LL2	590.2	315.9	16.0	0.0	0.0
36	LL2	577.5	392.6	16.0	0.0	0.0
37	LL2	580.3	473.3	16.0	0.0	0.0
38	LL2	582.8	545.1	16.0	0.0	0.0
39	LL2	585.3	619.0	16.0	0.0	0.0
40	LL2	463.2	511.4	16.0	0.0	0.0
41	LL2	452.8	576.7	16.0	0.0	0.0
42	LL2	454.4	624.4	16.0	0.0	0.0
43	LL2	521.3	420.0	16.0	0.0	0.0
44	LL2	524.7	620.6	16.0	0.0	0.0
45	LL2	397.9	616.7	16.0	0.0	0.0
46	LL2	288.3	814.4	16.0	90.0	0.0
47	LL2	521.1	546.2	16.0	0.0	0.0
48	LL2	519.1	476.1	16.0	0.0	0.0

NOTES

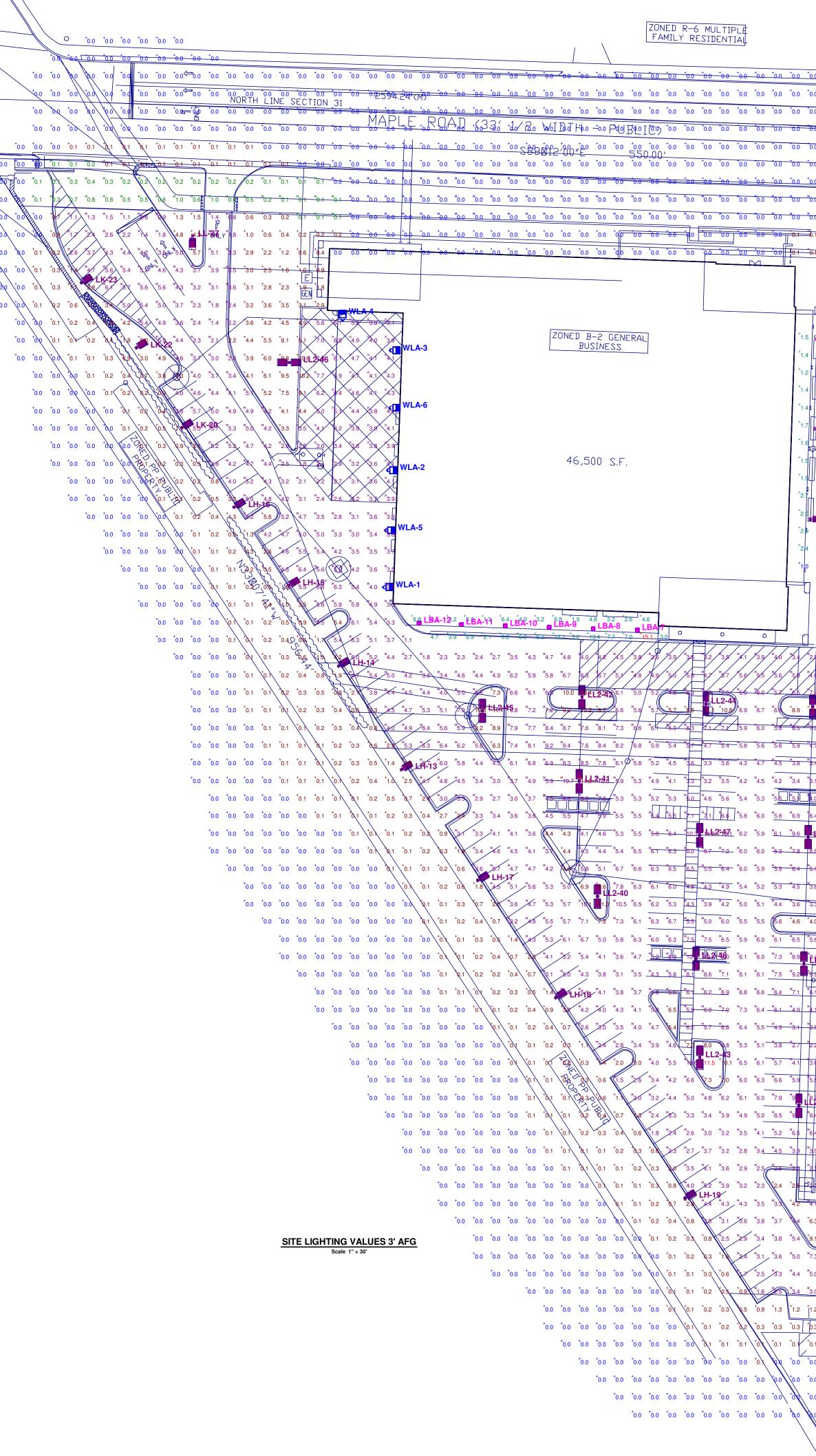
SEE MH COLUMN OF LUMINAIRE LOCATIONS FOR MOUNTING HEIGHTS.
 SEE LUMINAIRE SCHEDULE FOR LIGHT LOSS FACTORS.
 CALCULATIONS ARE SHOWN IN FOOTCANDLES AT 3' ABOVE FINISH GRADE.

THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT

TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S

LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.

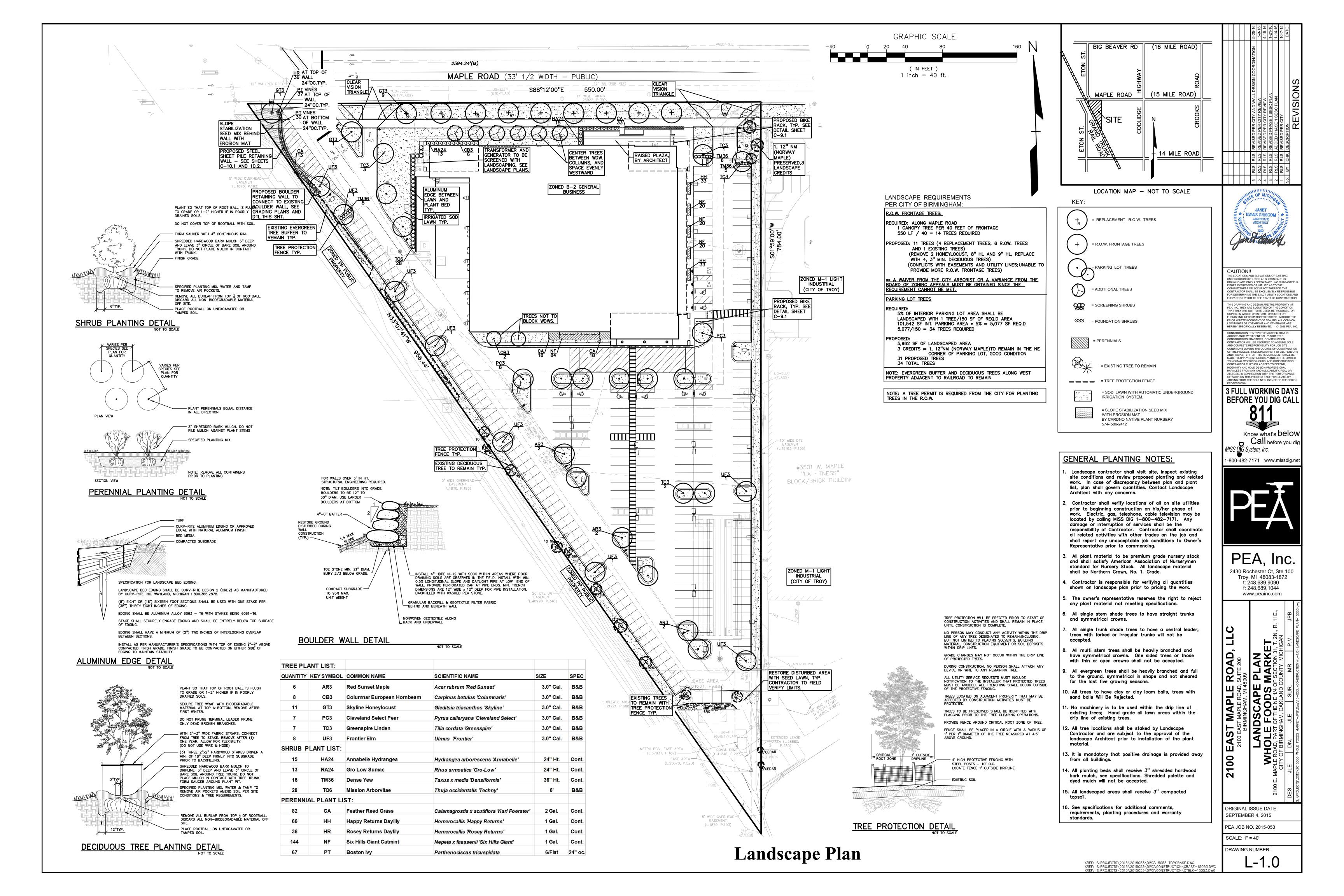
THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND LIGHTING QUALITY COMPLIANCE.

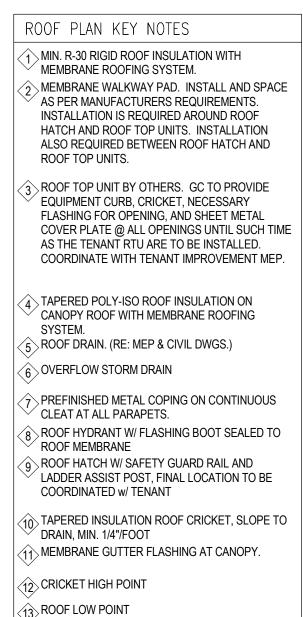


Site Lighting Plan

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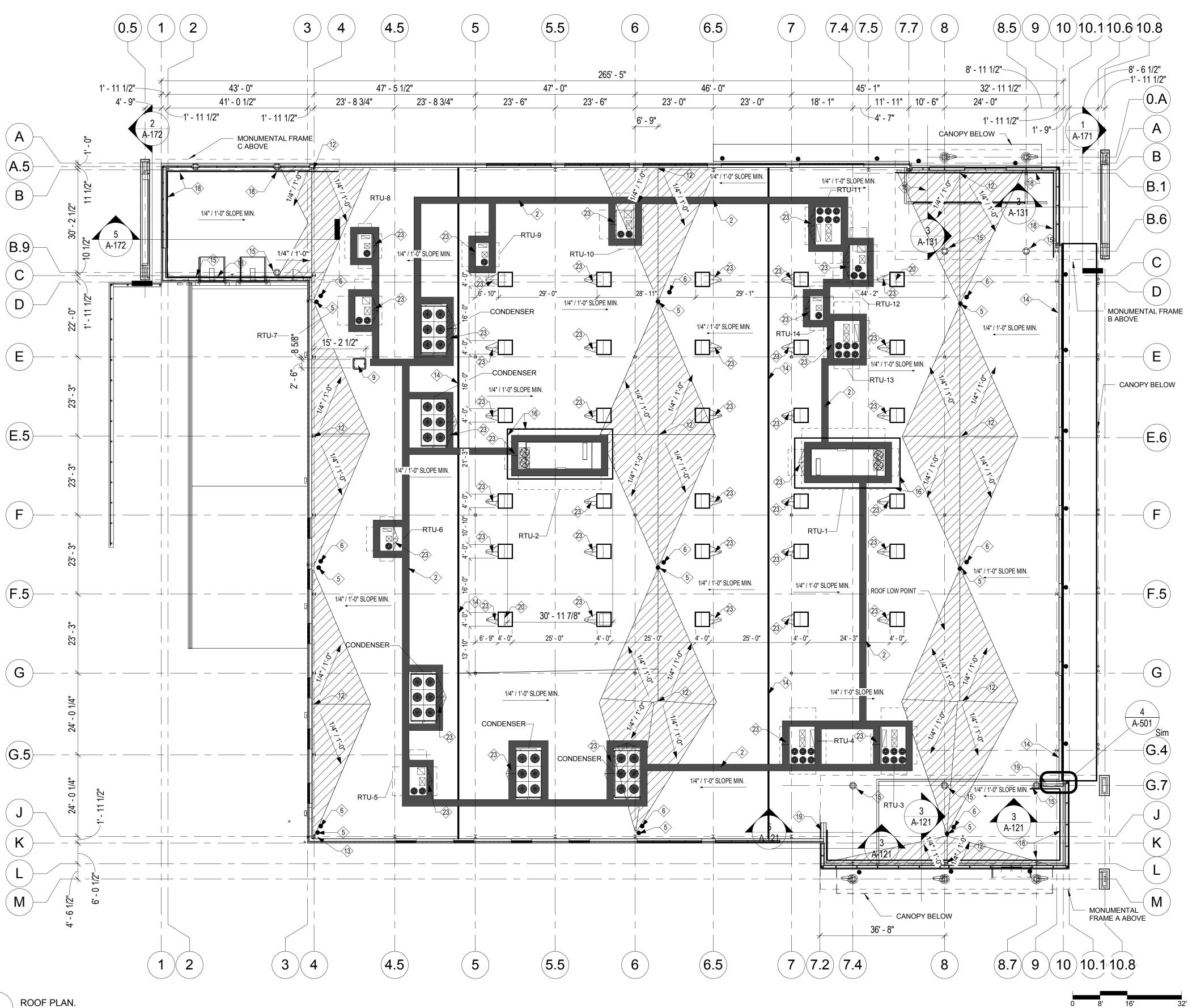
- ROOF HIGH POINT
- DOWNSPOUT FROM ROOF ABOVE PROVIDE CONCRETE PAVER SPLASH BLOCK AND TPO PAD AT EACH LOCATION
- 6 10'-0" HIGH CITY SCAPES ENVISOR® 70 VERTICAL STYLE LOUVER EQUIPMENT SCREEN
- > WEATHERHEAD FOR FUTURE SATELLITE w/ 2" CONDUIT STUBBED THROUGH ROOF SYSTEM AND INTO CEILING SPACE OF PREMISES, O-Z/GEDNEY MODEL #17-200G OR APPROVED EQUAL, FINAL LOCATION TO BE COORDINATED w/ TENANT
- ARCHITECTURAL LINEAR LED LIGHTS
- PARAPET WALL EXTENSION WITH GREY MCM PANEL FINISH
- SKYLIGHT; TUFFLITE ALIT-SF-2-WPC-C16MM10-INS, OR APPROVED EQUAL
- 51 STORM DRAIN SLOPED WITH IN CANOPY
- 55 STORM DRAIN DOWN ADJACENT TO STEEL
- CRICKETS TO BE PROVIDED AT ALL RTUS AND SKYLIGHTS

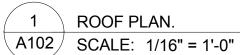
GENERAL NOTES

1. TAPERED INSULATION SHALL HAVE A MINIMUM NET SLOPE OF 1/4" PER FOOT. VALLEYS SHALL HAVE A MINIMUM NET SLOPE OF 1/8" PER FOOT. VARIATIONS FROM THIS MINIMUM SHALL BE APPROVED BY THE ARCHITECT & NOT AFFECT THE WARRANTY OF THE ROOF. 2. ALL MEMBRANE FLASHING SHALL BE FULLY ADHERED.

3. ROOFING CONTRACTOR SHALL SUPPLY ALL NECESSARY FLASHING ASSEMBLIES FOR ALL ROOF PENETRATIONS.

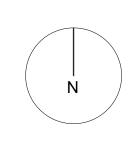
ROOF CONSTRUCTION KEYNOTES SCALE: 1/4" = 1'-0"







OKW ARCHITECTS 600 W. Jackson, Suite 250 Chicago, IL 60661

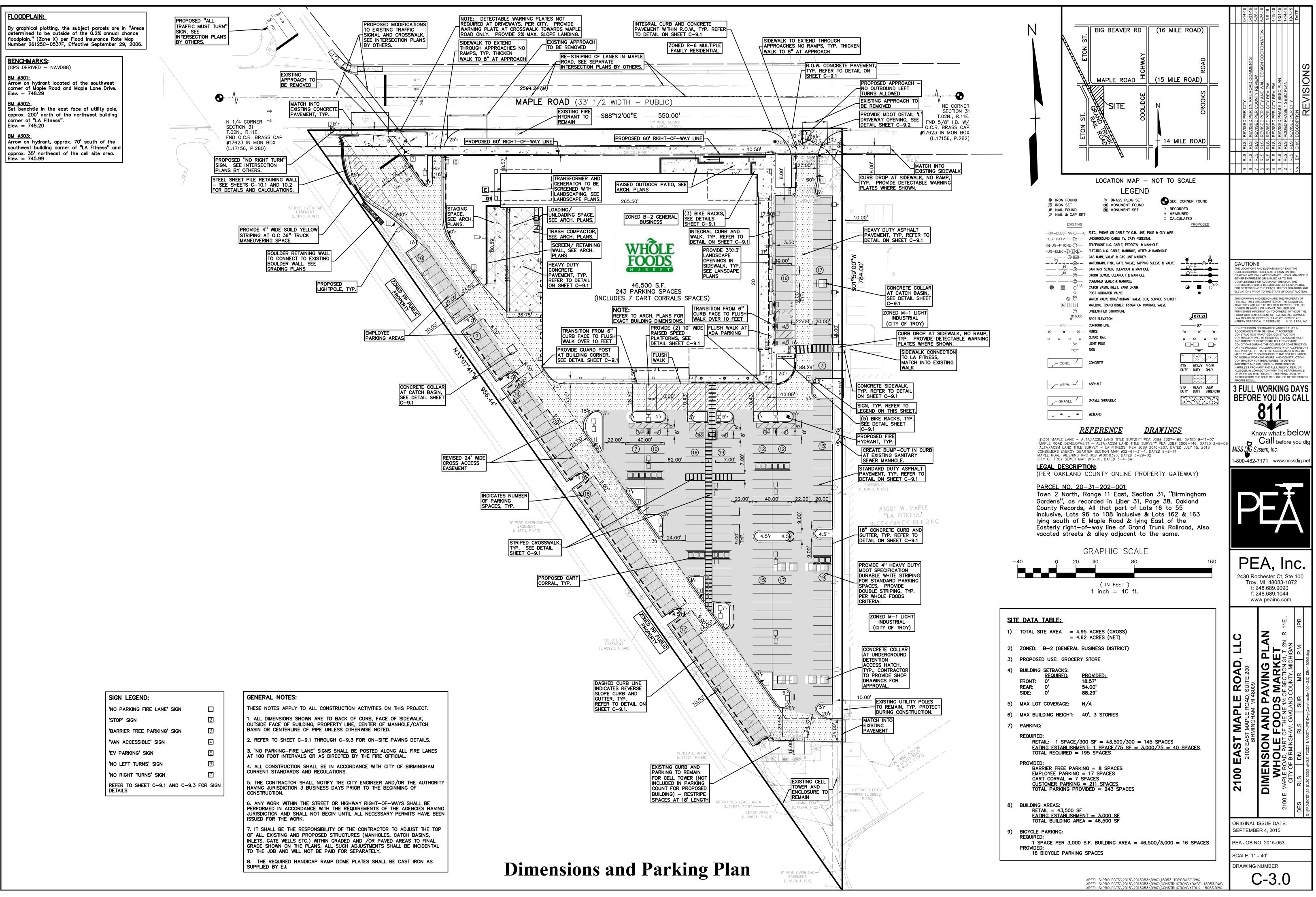


WHOLE FOODS MARKET

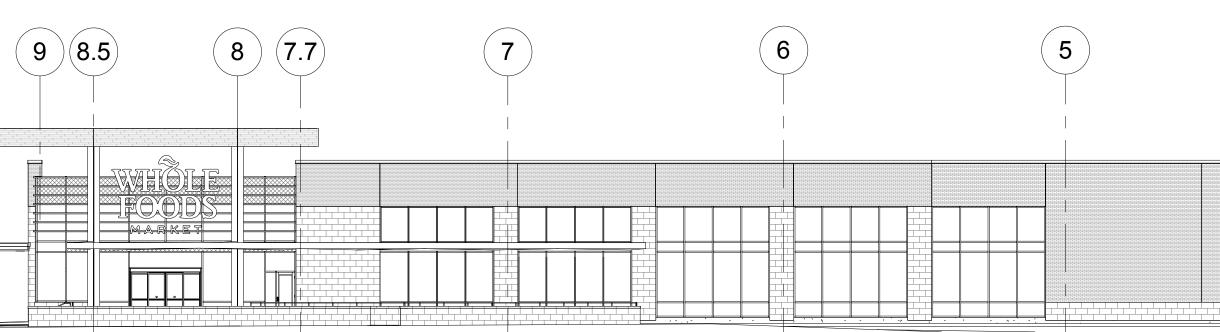
Floor Plan

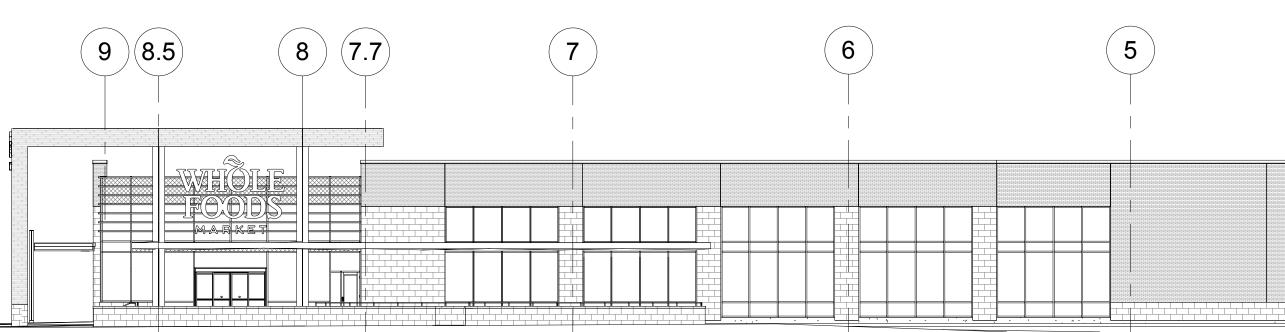
WHOLE FOODS MARKET-BIR 2100 E MAPLE RD, BIRMINGHAM, MI 48009

01/03/17 Project #: 15006



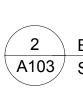
SIGN LEGEND:	
'NO PARKING FIRE LANE' SIGN	1
'STOP' SIGN	2
'BARRIER FREE PARKING' SIGN	3
'VAN ACCESSIBLE' SIGN	4
'EV PARKING' SIGN	5
'NO LEFT TURNS' SIGN	6
'NO RIGHT TURNS' SIGN	7
REFER TO SHEET C-9.1 AND C-9.3	FOR SIGN

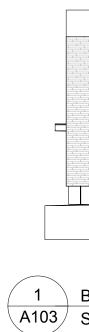


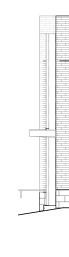








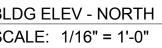


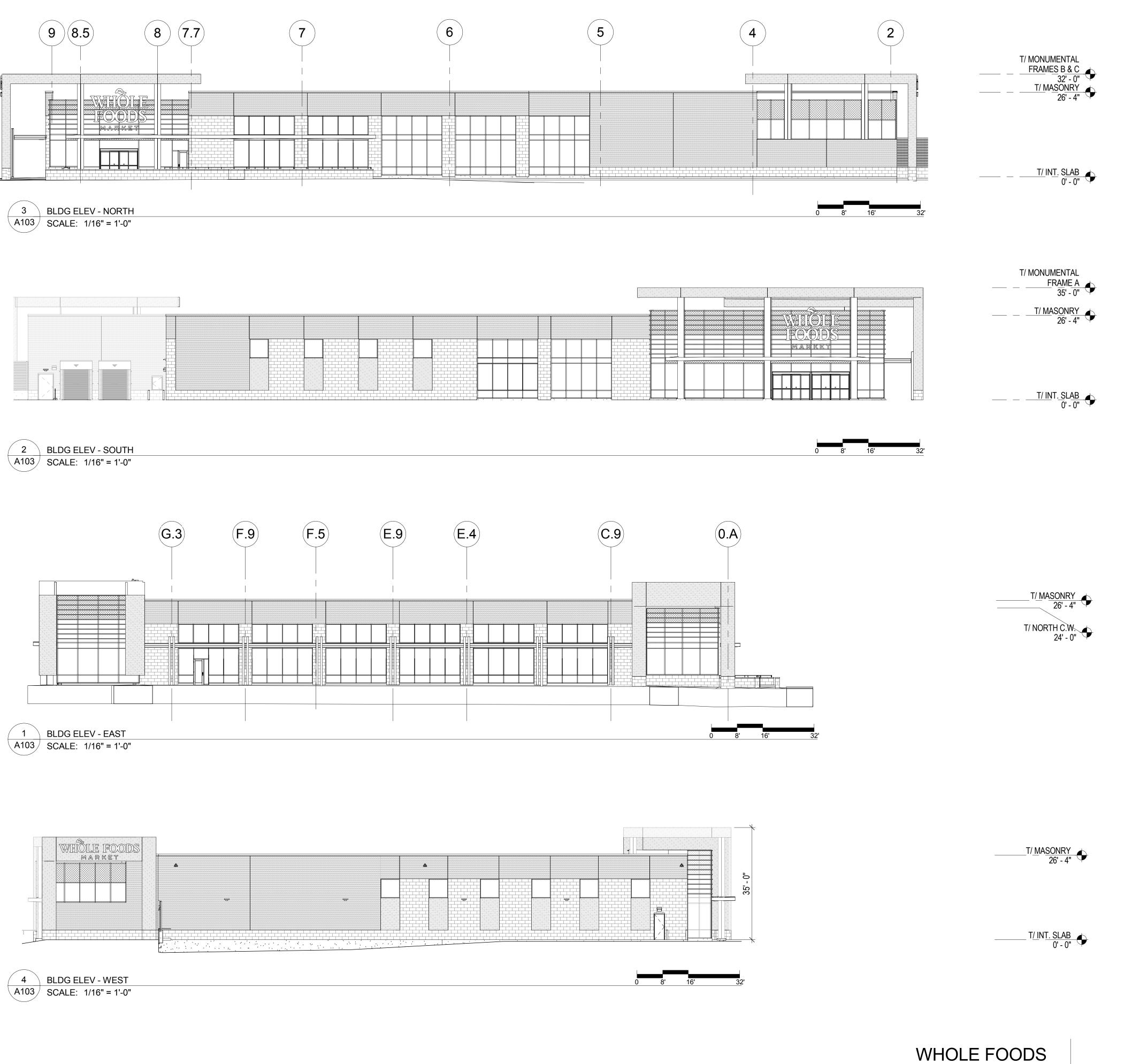


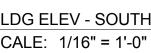


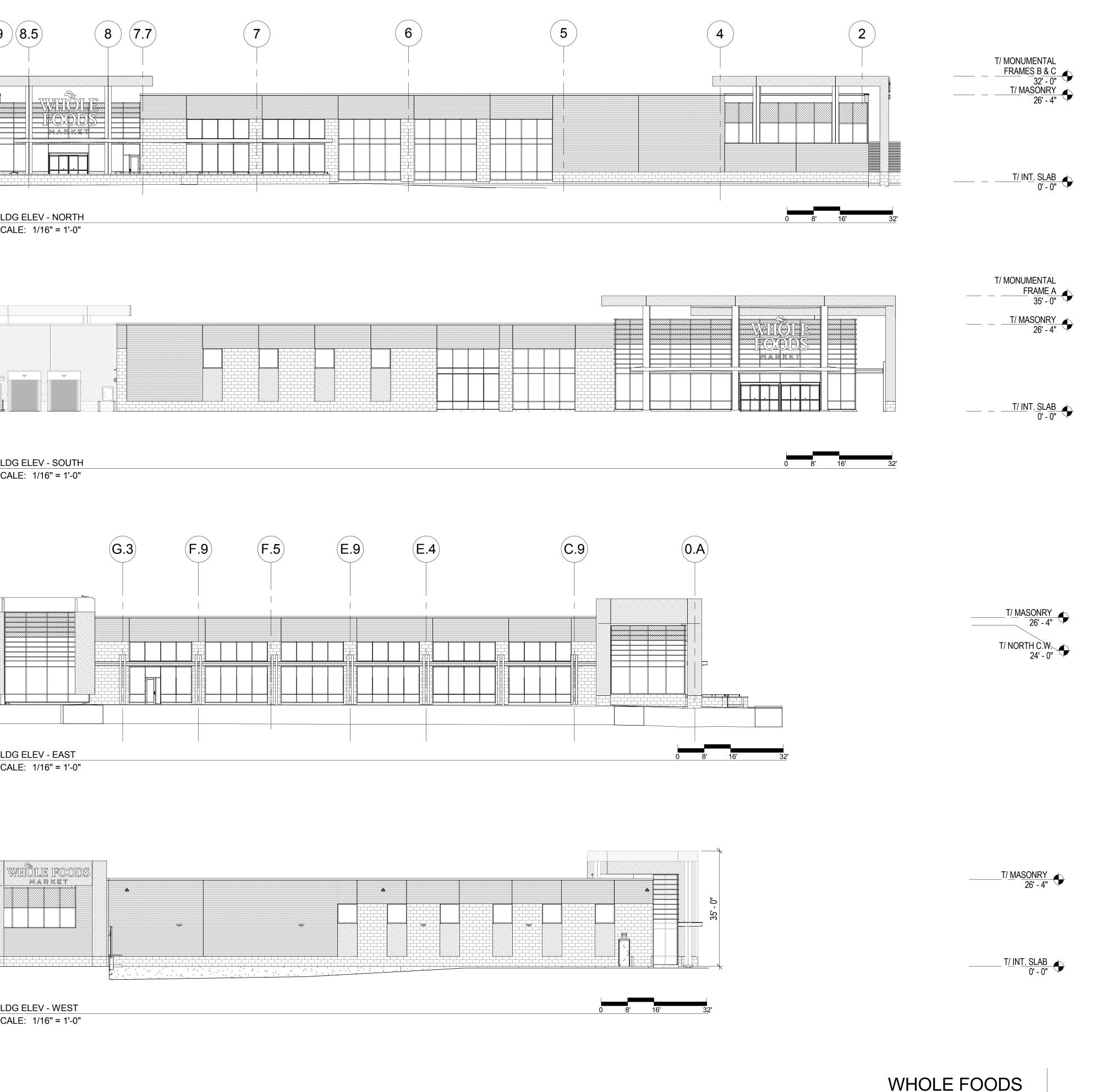


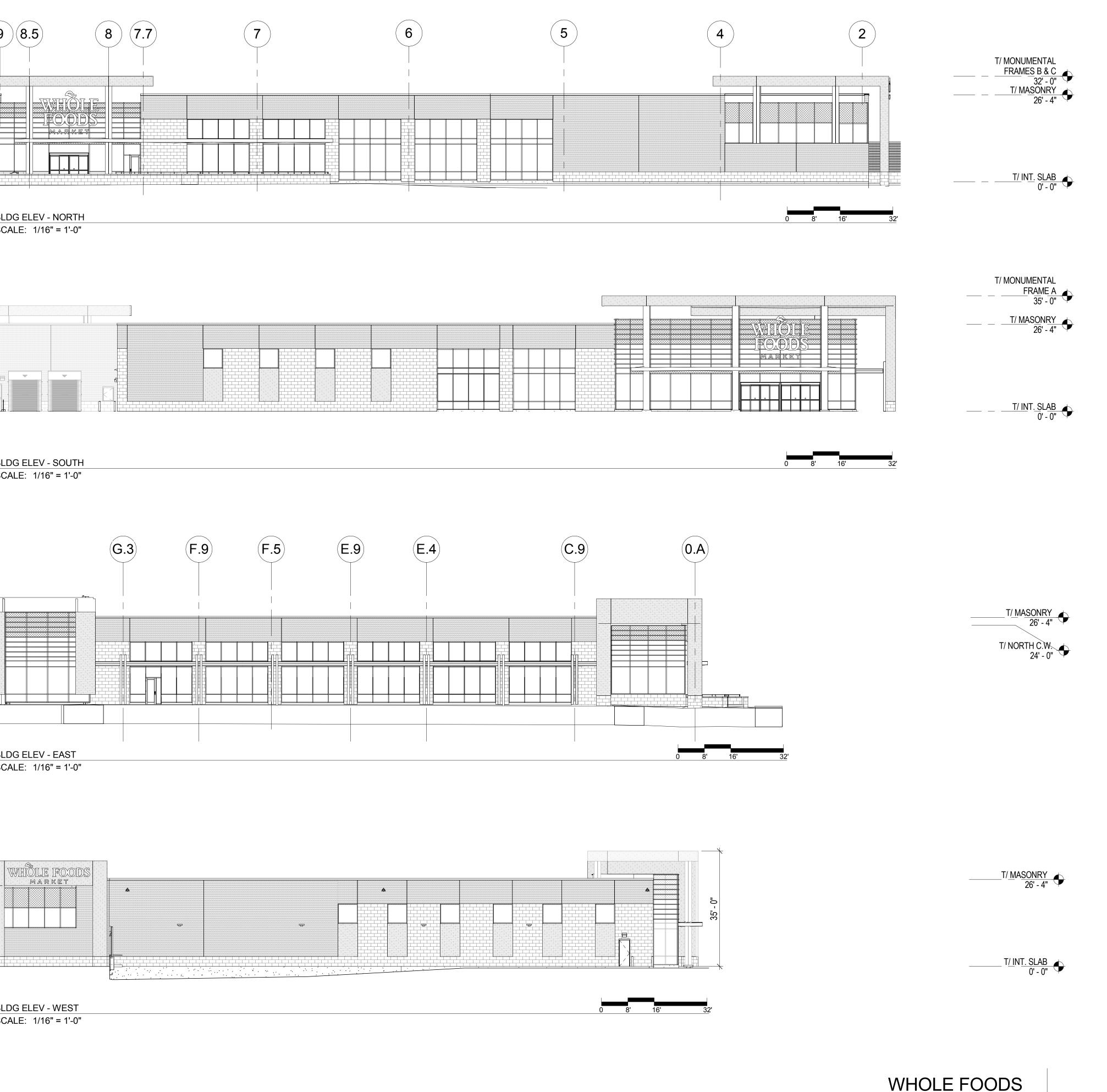
OKW ARCHITECTS 600 W. Jackson, Suite 250 Chicago, IL 60661











WHOLE FOODS MARKET

Building Elevation

MARKET-BIR

2100 E MAPLE RD, BIRMINGHAM, MI 48009

01/03/17 Project #: 15006



Whole Foods Market

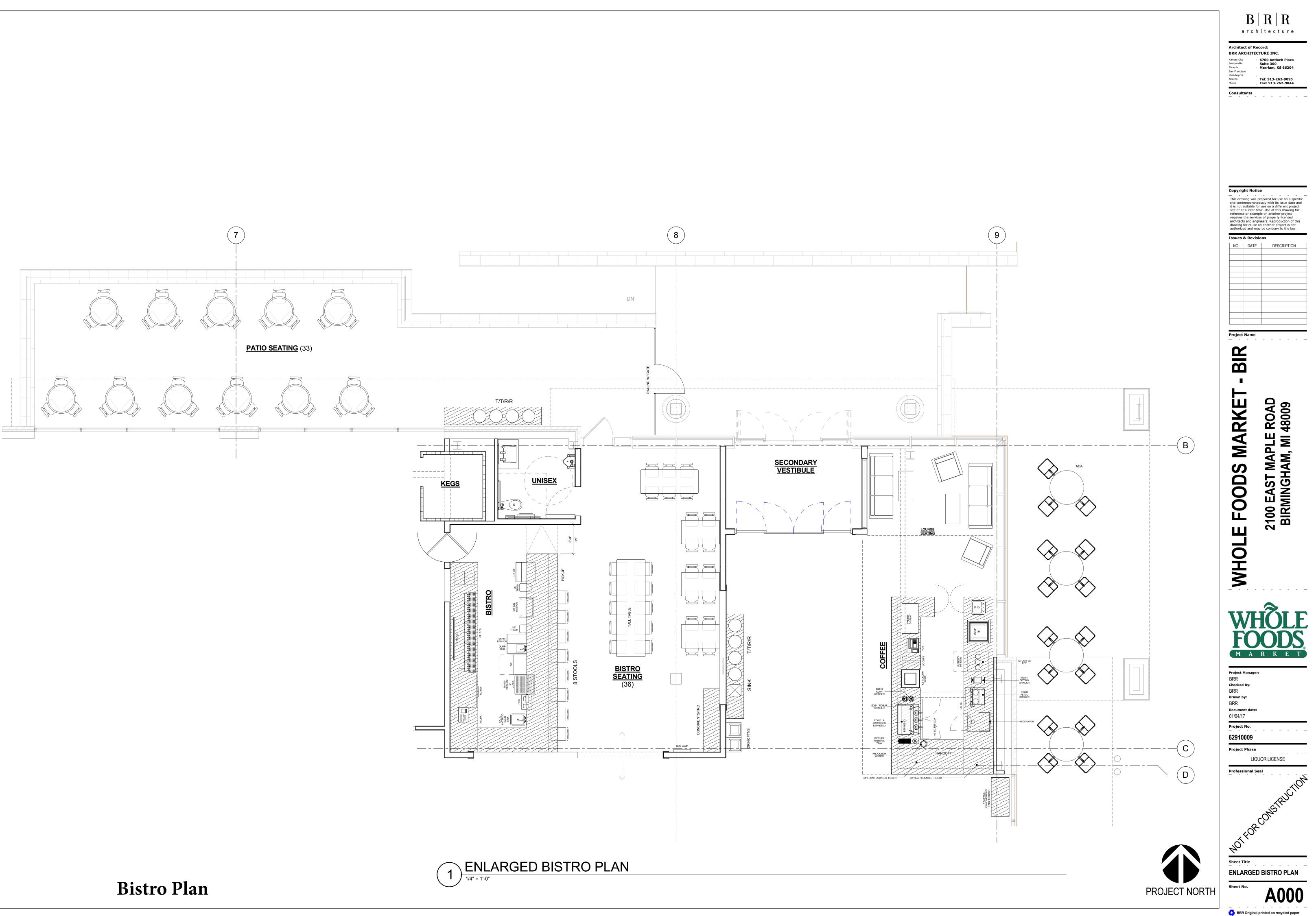
Birmingham, Michigan

T/FRAME 35' - 0" T/ PARAPET 26' - 6'' T/FINISHED FL 0' - 0"





OKW Architects PROJ. NO.: 15006



PROOF OF ABILITY TO FINANCE THE PROPOSED PROJECT

Whole Foods Market successfully owns and operates 467 stores across North America and the United Kingdom, with seven of those stores in the State of Michigan. Whole Foods Market has sufficient ability to finance the project in Birmingham. If further information is required, a copy of Whole Foods Market's most recent corporate annual report (10k) is available on the Whole Foods Market website, http://www.wholefoodsmarket.com/.

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MEMORANDUM

Planning Department

DATE: February 13, 2017

TO: Planning Board

FROM: Lauren Chapman, Assistant Planner

SUBJECT: 2100 E. Maple, Whole Foods Bistro – Final Site Plan and Special Land Use Permit Review

Executive Summary

The subject site is a 4.95 acre site located at 2100 E. Maple Rd. The parcel is zoned B2. The applicant, Whole Foods, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License.

As part of the previously approved grocery store, the applicant is now proposing a small bistro which will serve customers and provide indoor and outdoor seating. This will be located on the northeast portion of the building.

1.0 Land Use and Zoning

- 1.1 <u>Existing Land Use</u> Currently, the applicant is constructing a 46,500 sq. ft. grocery store, and an adjacent surface parking lot. An existing cell tower and associated equipment enclosure at the far south end of the site will remain.
- 1.2 <u>Existing Zoning</u> The property is currently zoned B-2, General Business, with the limitation of grocery stores as the only primary permitted use. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 <u>2016 Report</u> The subject site is not located within the boundaries of the Downtown Birmingham 2016 Overlay District.
- 1.4 <u>Summary of Land Use and Zoning</u> 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	Residential and Commercial	Railroad/ Industrial	Retail/ Commercial	Railroad/ Commercial
Existing Zoning District	R6 Multiple-Family Residential and B1 Neighborhood Business	PP Public Property (Grand Trunk Railroad)	M-1 Light Industrial (City of Troy)	PP Public Property (Grand Trunk Railroad)
Overlay Zoning District	N/A	N/A	N/A	N/A

2.0 Setback, Height, and Floor Area Requirements

A summary of all standards is provided for your review on the attached Zoning Compliance Summary. The summary demonstrates that the proposed plan does meet all the setback, height and floor area requirements for a B-2 (General Business) development.

3.0 Bistro Requirements

Article 9, section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. Whole Foods is proposing a bistro with 28 seats in the main dining room, and an additional 8 seats at the bar, for a total of 36 interior seats. Thirty-three outdoor dining seats are also proposed. Whole Foods Bistro will be a new restaurant applying for a new bistro license.

On February 13, 2017, the City Commission voted to amend the Zoning Ordinance to permit bistros in a B2 (General Business) zone located within the Rail District. The applicant is currently applying for a bistro license in the Rail District. The applicant must meet the following conditions to be approved for a bistro:

- (a) No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- (b) Alcohol is served only to seated patrons, except those standing in a defined bar area;
- (c) No dance area is provided;
- (d) Only low key entertainment is permitted;
- (e) Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
- (f) A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1' and 8' in height;
- (g) All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and

(h) Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.

As previously mentioned, Whole Foods is proposing 8 seats at a bar towards west side of the dining room. No direct connect additional bar permit will be permitted from this license if approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 257 sq.ft. designated bar area, which includes the 8 seats, drink storage, and a beverage station. Whole Foods does not propose any dancing or entertainment area.

Whole Foods is proposing to have 6 seats in the restaurant dining space lining E. Maple Rd. The applicant has not provided glazing calculations for the front wall of the bistro. A minimum of 70% glazing is required between 1' and 8' in height, or the applicant will be required to obtain a variance from the Board of Zoning Appeals.

Whole Foods is proposing 33 outdoor dining seats. All of the seats will be on a raised patio, located on the E. Maple frontage of the building.

The applicant intends to have business hours of 8 am to 10 pm seven days a week for both the indoor and outdoor areas of the bistro.

The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation. This must be signed by the applicant prior to review by the City Commission.

4.0 **Screening and Landscaping**

- 4.1 <u>Dumpster Screening</u> All trash will be stored within a designated trash room within the building. A trash compactor will be located on the west side of the building within the loading dock screened by a 12' screen/retaining wall and 6' Arborvitae shrubs.
- 4.2 <u>Parking Lot Screening</u> –Portions of the parking lot along E. Maple Road (both east and west of the building) are not screened by the proposed building. The applicant is proposing 36" high Dense Yew shrubs to act as a screen wall. The shrubs are evergreen and thus meet the screening requirement. The Planning Board may approve an evergreen screen in place of a screen wall.
- 4.3 <u>Mechanical Equipment Screening</u> –The rooftop mechanical units will be screened by Envisor Screening Systems by Cityscapes using thermoplastic panels. No new rooftop mechanical units are proposed as part of the bistro improvements.
- 4.4 <u>Landscaping</u> The applicant is proposing 42 trees and 75 shrubs for the entirety of the property. The trees and shrubs are located around the outer edges of the

property and the interior parking lot area. The species and sizes have been provided; they include: Red Sunset Maples, Columnar European Hornbeams, Skyline Honeylocusts, Black Gum, Cleveland Select Pears, Greenspire Lindens and Frontier Elm trees, as well as Annabelle Hydrangea, Gro Low Sumac, Neon Flash Spirea, and Mission Arborvitae.

Article 4, section 4.20 (LA) of the Zoning Ordinance requires that one street tree be provided in the right-of-way for every 40' of street frontage. Thus, 14 trees are required along the E. Maple frontage (550 / 40). The plans note that the applicant is proposing to remove 2 existing street trees, and to plant 5 new street trees. The applicant has stated that more trees cannot be provided due to conflicts with easements and utility lines. The applicant is also proposing 8 new Columnar European Hornbeam trees along the proposed storefront, 6 on the north elevation and 2 on the south elevation, but none of these count as street trees as they are set back on private property up against the building. One Skyline Honeylocust and three Greenspire Linden trees are proposed to be on private property within the landscaped areas to the west of the building. The applicant obtained a waiver from the Arborist to reduce the number of street trees along E. Maple.

In accordance with Article 4, section 4.20 (LA) of the Zoning Ordinance, parking lots larger than 7,500 sf must contain interior landscaping areas for no less than 5% of entire lot. The proposed parking lot is 101,702sq.ft. in size, thus requiring a total of 5,085sq.ft. of landscaped area, with one canopy tree required for each 150 sq.ft. of required landscaped area. Thus, the applicant is required to provide a total of 34 canopy trees. The applicant is proposing a total of 5,962 sq.ft. of landscaped area in the parking lot interior. The landscape plan indicates 31 proposed trees, 28 new and 3 preserved. The applicant sought, and was granted, a credit of three trees based on the size of one of the existing trees on site. The applicant has indicated that the tree to be preserved is a Norway Maple of 12" caliper which does meet the credit requirements, and thus the required number of trees have been provided.

5.0 Parking, Loading, Access, and Circulation

- **5.1** <u>Parking</u> The applicant has indicated 237 parking spaces are proposed for the entire site. The proposed building is 46,500 sq ft, and requires 1 parking space per 300 sq ft, thus the applicant is required to provide 152 spaces for the store, plus 10 additional parking spaces for the bistro with indoor and outdoor seating (1 parking space / 75 sq.ft. in the bistro area 760 sq.ft.), for a total of 162 parking spaces.
- **5.2** <u>Loading</u> In accordance with Article 4, section 4.22 of the Zoning Ordinance, two loading spaces are required for the proposed development. Both loading spaces are proposed to be located on the west side of the building in a loading dock area which will be screened by both the building itself at the northwest corner, and by a 12' high wood slat screen wall on a masonry base which is further obscured with the planting of 28 Mission Arborvitae shrubs. The loading spaces are depressed below the grade of the adjacent parking area to further screen the loading area.

5.3 Vehicular Circulation and Access – There are currently three curb cuts off of E. Maple onto the subject site. The applicant is proposing to maintain three curb cuts, but is proposing to shift and reconfigure each one. The approach at the west end of the site near the intersection of N. Eton and E. Maple will be widened by approximately 5' to the east and 10' to the west to allow for inbound truck traffic turning left from westbound E. Maple. No inbound right turns will be permitted from eastbound W. Maple. The applicant is proposing one 12' wide inbound lane running south into the site, and two outbound lanes, one left turn only 12' lane and one through lane 14' in width. On July 22, 2015, concerns were raised regarding the capacity of the N. Eton intersection to handle cars gueing to make all turning movements, and concerns over traffic being allowed to travel north from the Whole Foods site to travel northbound on N. Eton. Currently, both the N. Eton and the S. Eton intersections are now controlled by one signal controller and thus are timed together. The applicant is now proposing to add a new controller for the S. Eton intersection to the west, which would allow both intersections to be controlled independently and to provide a longer green signal at S. Eton for most of the signal cycle, allowing more cars to clear the intersection, thus reducing congestion. With regards to the issue of closing northbound traffic flow onto N. Eton, it was determined that eliminating this flow will create more problems than it solves by forcing vehicles off of N. Eton (a minor collector road) and onto surrounding local streets such as St. Andrews and Edenborough which are designed for residential traffic only. Vehicles wishing to turn right are proposed to be accommodated at the next curb cut approximately 40' to the east. This curb cut is proposed to allow one lane to exit the site to accommodate right turns onto eastbound E. Maple. The third existing curb cut will be shifted to the west slightly, and be configured to allow right turns in and right turns out only. No left turns from westbound E. Maple will be permitted, and a median is proposed to eliminate this movement.

With regards to internal circulation on the site, 22' and 24' wide two way drives have been provided running north and south through the parking lot. The 24' wide lane running down the west side of the proposed parking area and curving to the east at the south end of the site is proposed to accommodate delivery trucks exiting from the loading area. These trucks will continue east onto the LA Fitness property to access E. Maple to the east of the subject site. A 28.5' wide drive running east and west along the south elevation of the proposed grocery store is also proposed to accommodate drop off and pick up of patrons. The proposed drive widths on the interior of the site are adequate for proper maneuvering within the site.

- 5.4 <u>Pedestrian Access & Circulation</u> Pedestrian access to both the interior and exterior seating areas of the Whole Foods bistro is available directly from the City sidewalk along E. Maple Rd. The proposed bistro is also open to the interior of the grocery store. The proposed layout provides for good circulation between the restaurant and the outdoor dining area.
- 5.5 <u>Streetscape</u> The existing sidewalk along E. Maple is concrete. The applicant is proposing eleven street trees on E. Maple. A waiver from the City Arborist was obtained since the requirement of 14 street trees cannot be met. The proposed outdoor dining will complement the existing streetscape, and add life. The windows

along the E. Maple will provide visibility of activity between patrons seated indoors and out, and will assist in creating visual interest at this location.

6.0 Lighting

No new lighting is proposed for the bistro.

7.0 **Departmental Reports**

- 7.1 <u>Engineering Department</u> The Engineering Department has no concerns with the development as proposed.
- 7.2 <u>Department of Public Services</u> The Department of Public Services has no concerns with the development as proposed. They do request that the new trees planted in the ROW are watered regularly to guarantee their survival.
- 7.3 <u>Fire Department</u> The Fire Department has no concerns with the development as proposed.
- 7.4 <u>Police Department</u> The Police Department has no concerns with the development as proposed.
- 7.5 <u>Building Division</u> The Building Division has no concerns with the development as proposed, and has provided their standard comments with regards to Building Code requirements.

8.0 **Design Review**

The applicant is proposing to utilize the following materials for the exterior of the building (which is already under construction):

- Cast stone to be used on the building base and main body of the building;
- Brick to be used on main body of the building;
- Ceramic tile "wood-look" siding used as detail around smaller windows and at prominent corners of the building;
- Aluminum and glass storefronts with clear glazing; Pre-finished metal coping along the parapet
- Tinted glass for upper windows along the west, north and east elevations. All glazing is required to be clear, or lightly tinted in neutral colors. The applicant has not specified the degree to which the glass is tinted;
- Clear glass
- Metal canopies and column covers along the east, west and north elevations; and
- Metal frame sunshades surrounding windows along the east and west elevations.
- Metal Coping
- Brick

The north elevation is framed at each corner with Ceramic tile "wood-look" siding. The base of the building is cast stone except in three instances where windows extend to the bottom

of the building. The remaining building face is composed of brick and clear glass windows. The east entrance is framed with two columns covered in metal with a green and white "Whole Foods Market" sign centered above the entrance. The entrance is surrounded by a patio that extends towards E. Maple Road and the east parking lot. The patio is shaded with a projecting metal canopy, and contains guard rails along its cast stone retaining wall base. The bistro is proposed to be just west of the large Whole Foods entry doors.

Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

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

The applicant has not provided a trash receptacle within the outdoor dining area along the E. Maple as required by Article 04, section 4.42 OD-01 of the Zoning Ordinance, and is required to do so.

The applicant intends to have business hours of 8am to 10pm seven days a week for both the indoor and outdoor dining areas. The proposed outdoor dining area is immediately adjacent to multi-family zoned property to the north and therefore all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.

The applicant has provided specification sheets of the proposed tables and chairs. The applicant is proposing a total of 11 tables and 33 chairs in the outdoor dining area. The tables are round perforated steel mesh umbrella tables, with tubular steel legs. **The color of the tables has not been provided.** The chairs proposed are Darwin #522; the chairs have a tubular steel frame and seats and backs of extended steel mesh. **The color of the chairs has not been provided.** The same tables are proposed for the interior and the exterior dining areas.

Eleven Shade #980 umbrellas are proposed for the outdoor dining area with either a furniture grade fabric cover or an awning commercial grade fabric. This umbrella does not impede views into any E. Maple storefronts.

The applicant is proposing outdoor seating along the north side of the building, along (but not on) an existing City sidewalk. The outdoor café area is proposed on a raised patio to be enclosed with a railing. The café area is proposed to directly adjacent to the northern building façade. The café area proposes to maintain the required 5' pedestrian pathway at the tightest point.

<u>Signage</u>

No new signage is proposed at this time for the bistro.

9.0 Overlay District

The site is located within the newly created Rail District. The City Commission recently established the boundaries of the Rail District to include 2100 E. Maple, and amended the permitted uses in B2 and B2B zone districts located within the Rail District to allow a bistro with an approved Special Land Use Permit.

10.0 Selection Criteria for Bistro Licenses

Chapter 10, Alcoholic Liquors, section 10-82 provides a limitation on the number of Bistro Licenses that the City Commission may approve, and provides selection criteria to assist the Planning Board and City Commission in evaluating applications for Bistro Licenses. For existing restaurants in the City of Birmingham, section 10-82 states:

(a) Maximum Number of Bistro Licenses. The City Commission may approve a maximum number of license transfers for Bistro licenses per calendar year as follows:

- (b) New establishments. Two (2) Bistro Licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in (a)(1) above. In addition to the usual criteria used by the City Commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:
 - The applicant's demonstrated ability to finance the proposed project.
 - The applicant's track record with the city including responding to city and/or citizen concerns.
 - Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
 - Whether the applicant has adequate health and sanitary facilities.
 - The establishment's location in relation to the determined interest in the establishment of bistros in the Overlay District and the Triangle District.
 - The extent that the cuisine offered by applicant is represented in the city.
 - Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).

Whole Foods' application for a bistro license was one of the three applications sent to the Planning Board for consideration for the 2017 calendar year. Whole Foods' bistro will be a new establishment.

The selection criteria provided above must be considered to provide a recommendation to the City Commission as to whether or not to approve the operation of a Bistro License at Whole Foods.

The applicant has stated that Whole Foods owns 467 stores nationwide, and has sufficient resources to open and successfully operate the Birmingham store and proposed bistro.

Whole Foods was not previously located in the City of Birmingham, however they have been responsive to citizen concerns raised during construction.

The plans proposed for the Whole Foods bistro are adequate to handle the bistro food and liquor activities. The applicant has adequate health and sanitary facilities for the proposed bistro.

Whole Foods is now located in the newly created Rail District, and thus is located in one of the areas of interest for bistro establishments.

Whole Foods Bistro is proposing to serve healthy "American" style food. American style food can be found in other restaurants in the City, although the Whole Foods bistro may offer more organic and healthier dishes.

The applicant does not currently have any outstanding obligations to the City.

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.

11.0 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.

12.0 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 to the City Commission to permit a Bistro License for Whole Foods at 2100 E. Maple Rd. with the following conditions:

- 1. The applicant must provide a minimum of 70% glazing between 1' and 8' in height for the front of the bistro space or obtain a variance from the Board of Zoning Appeals;
- 2. The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;
- 3. The applicant must provide a trash receptacle within the outdoor dining area along the E. Maple or obtain a variance from the Board of Zoning Appeals;
- 4. The applicant must provide the proposed colors of all of the outdoor furnishings; and
- 5. Comply with the requirements of City departments.

13.0 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 to the City Commission to permit a Bistro License for Whole Foods at 2100 E. Maple Rd.

- 1. The applicant must provide a minimum of 70% glazing between 1' and 8' in height for the front of the bistro space or obtain a variance from the Board of Zoning Appeals;
- 2. The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;
- 3. The applicant must provide a trash receptacle within the outdoor dining area along the E. Maple or obtain a variance from the Board of Zoning Appeals;
- 4. The applicant must provide the proposed colors of all of the outdoor furnishings; and
- 5. Comply with the requirements of City departments.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP amendment to the City Commission for the commercial space at 2100 E. Maple Rd. for the following reasons:

OR

Motion to recommend POSTPONEMENT of the Final Site Plan and SLUP amendment to the City Commission for the commercial space at 2100 E. Maple Rd, with the following conditions:

1.______ 2._____

Planning Board Minutes February 22, 2017

3. 2100 E. Maple Rd. Whole Foods (inside the Whole Foods building)

Request for a SLUP and Final Site Plan Review to allow the operation of a new bistro serving alcoholic liquors inside the Whole Foods Grocery Store currently under construction.

Ms. Ecker explained the applicant went before the City Commission last Monday evening with the recommendations from the Planning Board that the City Commission either clarify the boundaries of the Rail District and include Whole Foods and allow bistros in B-2 if they are in the Rail District; or approve an amendment to the Economic Development Map to include this site to allow an Economic Development License and to allow Economic Development Licenses in B-2. The City Commission decided to go with the Rail District option and concluded this property is not qualified for an Economic Development License.

Ms. Ecker advised the subject site is a 4.95 acre site that is zoned B-2. The applicant, Whole Foods, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is 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, SLUP, and for the operation of a Bistro License. As part of the previously approved grocery store, the applicant is now proposing a small bistro which will serve customers and provide indoor and outdoor seating. This will be located in the northeast portion of the building.

The proposal is to serve healthy American food.

Whole Foods is proposing 28 seats in the main dining room and eight seats at a bar towards the west side of the dining room. No direct connect additional bar permit will be permitted from this license if approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 257 sq. ft. designated bar area, which includes the eight seats.

Whole Foods is proposing to have six seats in the restaurant dining space lining E. Maple Rd. The applicant has not provided glazing calculations for the front wall of the bistro. *A minimum of 70% glazing is required between 1 ft. and 8 ft. in height, or the applicant will be required to obtain a variance from the Board of Zoning Appeals.*

Whole Foods is proposing 33 outdoor dining seats. All of the seats will be on a raised patio, located on the E. Maple Rd. frontage of the building.

They are only required to have 162 parking spaces and they have 237.

The north elevation is framed at each corner with Ceramic tile "wood-look" siding. The base of the building is cast stone except in three instances where windows extend to the bottom of the building. The remaining building face is composed of brick and clear glass windows. The east entrance is framed with two columns covered in metal with a green and white "Whole Foods

Market" sign centered above the entrance. The entrance is surrounded by a patio that extends towards E. Maple Rd. and the east parking lot.

The patio is shaded with a projecting metal canopy, and contains guard rails along its cast stone retaining wall base. The bistro is proposed to be just west of the large Whole Foods entry doors.

Outdoor seating is proposed along the north side of the building, along (but not on) an existing City sidewalk. The outdoor cafe area is proposed on a raised patio enclosed with a railing adjacent to the northern building facade.

The applicant must provide a trash receptacle within the outdoor dining area along E. Maple Rd. or obtain a variance from the BZA.

Ms. Kelly Allen was present on behalf of Whole Foods. She introduced Mr. Scott Salsbury, Executive Director of Store Development from their Chicago office; and Mr. Mark Sherrer, BRR Architecture. She stated this will be the Whole Foods Birmingham Bistro and it is a destination.

Mr. Sherrer talked about how they are able to meet the 70% glazing requirement by shifting the bistro wall. They just found out that two bathrooms rather than one are needed and they will have to work on that.

Mr. Salsbury said these bistros are a key design in their new stores and they are retrofitting their older stores with them. This is a great location and they would love to have a bistro at this store. There will be a fixed menu and the plan is to have wait service inside and outside for dinner.

Mr. Williams said he will not be present at the next meeting. Therefore, he offered the comment that he doesn't understand why the Economic Development License wasn't granted by the City Commission. His view is that they sent three bistros to this board and this board should send the three bistros back to them without prioritizing, since they created the problem.

There were no comments from the public at 10:30 p.m.

Motion by Mr. Boyle

Seconded by Mr. Williams that the Planning Board recommend approval of the applicant's request for Final Site Plan and a SLUP to the City Commission to permit a Bistro License for Whole Foods at 2100 E. Maple Rd. with the following conditions:

1) The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;

2) Comply with the requirements of City departments; and

3) The applicant must provide appropriate restroom facilities to be submitted to staff in the Planning Dept. and approved.

No one from the audience wished to discuss the motion at 10:33 p.m.

Motion carried, 7-0.

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

City of	F Rir	mingham
	Den	A Walkable Community

MEMORANDUM

Planning Division

DATE: March 20, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Set Public Hearing for 2159 E. Lincoln, Lincoln Yard Bistro Special Land Use Permit and Final Site Plan

The subject site is located at 2159 E. Lincoln Street, between S. Eton and Commerce. The parcel is zoned MX. The applicant is seeking approval to add a small addition to the existing one-story building to house a new bistro, Lincoln Yard. A small area of the building will be used for a future independent restaurant, which is not the subject of this application. The City Attorney has advised that a separate application for design review must be filed for the addition of a second restaurant.

Thus, at this time the applicant is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code to allow the service of alcoholic beverages in the proposed bistro. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License.

On March 8, 2017, the Planning Board conducted a public hearing to discuss a request by the applicant to operate a new bistro. The Planning Board voted unanimously to recommend approval to the City Commission of the Special Land Use Permit ("SLUP") and Final Site Plan for 2159 E. Lincoln, Lincoln Yard Bistro with the following conditions:

- 1. The applicant will be required to submit specification sheets on the proposed rooftop mechanical equipment and mechanical screening for administrative approval;
- 2. The City Commission approves the use of at least seven on-street parking spaces or a shared parking agreement is approved with 2125 E. Lincoln;
- 3. The applicant enter into and record a shared vehicular access agreement with the owners of 2125 E. Lincoln in the form approved by the City Attorney;
- 4. The applicant amend the photometric plan to meet all required parking lot lighting standards or obtain a variance from the Board of Zoning Appeals;
- 5. The applicant obtain administrative approval for all signage; and
- 6. The applicant comply with the requests of all City departments.

In addition, after reviewing all three bistro applications for 2017 licenses, the Planning Board also discussed whether to recommend a priority order for recommendation to the City Commission. The

board passed a unanimous motion to rank Lincoln Yard bistro as the number one priority because it best fits the goal to activate an area within the Rail District that merits activation. The Planning Board did not provide a ranking for a second or third priority among the bistro applications.

Thus, the Planning Division requests that the City Commission set a public hearing date for **April 24**, **2017** to consider approval of the Final Site Plan and Special Land Use Permit to allow the operation of Lincoln Yard bistro at 2159 E. Lincoln. 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 of April 24, 2017 to consider the Final Site Plan and Special Land Use Permit for 2159 E. Lincoln - Lincoln Yard Bistro, to allow the operation of a new bistro.

LINCOLN YARD 2159 E. LINCOLN STREET SPECIAL LAND USE PERMIT 2017

- WHEREAS, Lincoln Yard filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a new restaurant as a bistro as defined in Article 9, section 9.02 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the north side of E. Lincoln Street between S. Eton and Commerce;
- WHEREAS, The land is zoned MX, Mixed Use, which permits bistros with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit 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 on March 8, 2017 reviewed the application for Final Site Plan Review and a Special Land Use Permit and recommended approval with the following conditions:
 - 1. The applicant will be required to submit specification sheets on the proposed rooftop mechanical equipment and mechanical screening for administrative approval;
 - 2. The City Commission approves the use of at least seven on-street parking spaces or a shared parking agreement is approved with 2125 E. Lincoln;
 - 3. The applicant enter into and record a shared vehicular access agreement with the owners of 2125 E. Lincoln in the form approved by the City Attorney;
 - 4. The applicant amend the photometric plan to meet all required parking lot lighting standards or obtain a variance from the Board of Zoning Appeals;
 - 5. The applicant obtain administrative approval for all signage; and
 - 6. The applicant comply with the requests of all City departments.
- WHEREAS, The applicant has committed to comply with all conditions for approval as recommended by the Planning Board on March 8, 2017;
- WHEREAS, The Birmingham City Commission has reviewed the Lincoln Yard Special Land Use Permit 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 Lincoln Yard's application for a Special Land Use Permit authorizing the operation of a bistro at 2159 E. Lincoln 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 is granted subject to the following conditions:

- 1. Lincoln Yard shall abide by all provisions of the Birmingham City Code;
- 2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest;
- 3. The hours of operation for outdoor dining shall cease at midnight 7 days a week;
- 4. The use of eisenglass and other enclosure materials on any outdoor dining area shall require approval by the City Commission through a Special Land Use Permit Amendment;
- 5. Outdoor dining is seasonally permitted from April 1st through November 15th only, with an Outdoor Dining Permit. The use of an enclosure system(s) does not allow the outdoor dining season to be extended.
- 6. Lincoln Yard 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;
- 7. Lincoln Yard shall enter into a contract with the City outlining the details of the proposed bistro option, and enter into an outdoor dining license agreement with the City;
- 8. Lincoln Yard shall not increase the number of interior or exterior seats at any time without approval by the City Commission through a Special Land Use Permit Amendment;
- 9. Lincoln Yard shall have a duty of continuing compliance with regards to offstreet parking as required in the Zoning Ordinance;
- 10. Lincoln Yard agrees to resolve any future parking issues that may arise, including but not limited to parking overflow and encroachment into residential areas or public parking facilities, to the satisfaction of the City or the Special Land Use Permit may be cancelled by the City Commission; and
- 11. Lincoln Yard is required to have any modifications to the site plan, floor plan or operation of the bistro approved through a Special Land Use Permit Amendment as required in 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, Lincoln Yard 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 Lincoln Yard to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, Acting 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 April 24, 2017.

Cheryl Arft, Acting City Clerk





THE CONCEPT IS STRAIGHTFORWARD



IMAGINE THE KIND OF COMFORT FOOD YOU'D HAVE GROWN UP WITH

if your mom lived on a commune outside San Diego and your dad was a biker who raised chickens. There, you've got the picture ... now, imagine that it's in a bustling district of Birmingham that leverages the light-industrial buildings that lined the streets that flanked the rail line on the city's border. Bingo. You've got something that you can only find here: a light-industrial building that serves light-industrial food in a neighborhood that's truly charming. Welcome to Lincoln Yard. This is a joint born from a local restaurant group that was built to repurpose. This is the kind of place that's wide open: in structure ... in menu ... and in attraction. The parents looking for dinner after dropping their Birmingham bantam off for practice? Check. The digital artist who's looking to take a muffin and a pour-over coffee back to her desk before pouring over the data that awaits her? Check. The kid who bet his best friend a smoothie that he could land an ollie off a transition at the skate park? Check. The couple who met at Midtown Cafe on a Thursday night in '85 and still make it a date every Thursday night? Check, please. This is a former bus garage that has what it takes to be a stop in itself.

THIS IS LINCOLN YARD.

AMBIANCE: WARM, AIRY & RUSTIC

Casual, bright, open-format dining includes plenty of natural light, high ceilings, vast garage doors and a window-wall running the expanse of the space. Organic materials with light-wood tables and natural textures lend warmth to salvaged industrial materials befitting a garage structure. A small, organic garden will add to the menu offerings, as well as the natural decor of the Yard. Several shipping containers on the rooftop will provide a bar and cubby spaces for dining. The boxcar vibe offers a nod to the rail freight that comes from the line itself. Charming activation of an outdoor alley garden will provide intimate place making for dining as well.

TYPE OF FOOD/PRICING: \$\$ AMERICAN/TRADITIONAL

As Chef Cozadd develops the menu, some of our traditional Joints' comfort-food items, as well as a fair share of vegetarian and gluten-free options, will be included. Unique to this location will be a focus on light, clean eating with a variety of locally sourced, seasonal specials, featuring Lincoln Yard's own harvest offerings in addition to local farmer's market goods. Pricing will be comparable to other Union Joints, with mid-range pricing that yields to an active family. There will be starters, sides, a kids menu, and the traditional Joints' Mac & Cheese. A pick-up area will serve grab and go coffee, pastries, and dinner for the family at home or the rec center across the street.

HOURS OF OPERATION/OPENING DATE:

Approximate hours will be 8AM-12AM, serving breakfast through dinner daily, with the kitchen closing at 11PM. The coffee and libations bar will serve until approximately midnight. Opening date is TBD, based on project approval, construction and permits. Experience has shown, our team will be prepared to open within one year of building acquisition and final architectural plans.

AROUT USE

CURT CATALLO

Union Joints LLC/Union AdWorks With over 20 years growing the restaurants. Catallo is the business and marketing developer leading the Joints operation. He has also served as president and creative director of his ad agency, Union AdWorks, since 2010. Previously at BBDO Detroit, which shuttered in 2009 due to the economic downturn and their automotive client's status. Catallo set precedence with an opportunity. Pitching the experience of the BBDO group he directed to the FCA client. the business was awarded and Union AdWorks was launched. He brought 35 talented employees to start it up, which has nearly doubled in six years.

ANN STEVENSON

Co-Owner/Designer Union Joints LLC

An Art & Design graduate of Bennington College, VT. Stevenson has worked for 20 years in commercial, restaurant, office and retail interior design. She has been the owner/operator of Clarkston Union's sister store, Union General, for 19 years; concurrently managing the interior design projects for the Union restaurants and agency. In 2013, she received The Detroit Home Magazine design awards for the Commercial Interiors of Vinsetta Garage and Union AdWorks, as well as named Metro Times editor's choice in 2014 for Best Reuse of an Existing Building for Vinsetta Garage. Working closely with our architect, builder, carpenters, painters, and marketing staff. Stevenson is responsible for the overall look of each Union business. As the lead designer, her role includes space planning, selecting furniture. fixtures and artwork along with all décor



THE CLARKSTON UNION 2,700 sq. ft. – 90 employees Opened in 1995, the Union is the place that mac built. The Union's Mac & Cheese has taken in top honors. Last year, the legendary dish won the Detroit News' Mac & Cheese Taste Panel competition. It has been featured on the cover of the Wall Street Journal, in countless publications, and on Diners, Drive-Ins and Dives with Kid Rock and Guy Fieri. With the Mac as its undisputed foundation, the first Union Joint works to surprise devout regulars and the continual wave of first-timers with a scratch-built menu and weekly specials of seasonal, locally sourced comfort dishes.

THE UNION WOODSHOP 6,100 sq. ft. – 116 employees Opened in 2009, the Union Woodshop is a handcrafted joint that delivers big time small-town BBQ. The Woodshop immediately made its mark as a joint that put out the most legitimate kind of BBQ with the highest level of culinary care. The care was recognized by the Detroit Free Press, where the Woodshop was honored with the prestigious Restaurant of the Year for 2011. Featured in Food & Wine magazine and on the Food Network, this Joint wasted little time making a big name for itself where Chef, Aaron Cozadd, and his team take down-home food very seriously.

UNION GENERAL

BOUTIQUE + CUPCAKERY 900 sq. ft. – 8 employees Housed since 1997 in the 1850s building that served as a church parsonage, the General is more than the Clarkston Union's store next door. It's a true standalone destination. From baked goods that have the most loyal following to coffee, Ray's ice cream, bath and body products, stationary, books, toys, gifts and goods. It's a one-of-a-kind store that delights with a rare combination of old-school charm.

THE WOODSHOP SHOP 2,400 sq. ft. — Union Woodshop employees When the Shop opened in 2012 above the Union Woodshop restaurant, it was about more than giving waiting patrons a place to sit while their names moved up the list; it's another reason to spend time in downtown Clarkston. The combination of retail, billiards, foosball and shuffleboard bowling make it a place worth hanging out in even when you're not waiting for a table.

INCOME MEANS ECONOMIC REVENUE:

CASE

STUDY

Union Joints employs over 400 hard-working, income-earning staff in Metro Detroit with 1/3 residing in the zip code of the location they work. Since opening in 2012, Vinsetta Garage has provided over \$6.2M in income to its 165 staffers alone.

A MISSION OF EMPLOYING MORE:

Most of our chefs started as dishwashers our servers stay for the long haul. We offer competitive wages, health insurance and a retirement savings plan to our employees

GIVING BACK:

Union Joints is highly active in charitable causes from SCAMP to AFG to Detroit Public Theater and all points in between, contributing to local organizations, food drives, and much more.

ARDUTUSE

ERICH LINES

Managing Partner, Union Joints LLC A dorm mate from Catallo's Cranbrook days, Lines has worked for Union Joints since its 1996 inception with the Clarkston special events to General Manager and Managing Partner for the group, his dedication to the growth of the restaurant operation, front to back of the house, is unparalleled. From hiring the restaurant's staff to promoting the business, his capacity to get the lights on in time through the development and launch of five new Joints is nothing short of impossible. Serving as the ringleader and host to 17 consecutive Clarkston Oktoberfests has made him a local personality to hungry and thirsty gatherers far and wide, and the purveyor of Union Joints' culture.

AARON COZADO

Executive Chef. Union Joints LLC Chef Cozadd joined the Clarkston Union as a line cook prior to attending New York's Culinary Institute of America. Graduating with honors, he returned to Michigan and put his skills to work at the fine dining Coach Center before the Union lured him back in 2009. He bases the Joints' menus on local produce, classical French and American techniques along with wood-fired cooking. A Top Chef casting finalist, Cozadd projects his passion whether it's visiting a table or taking Guy Fieri through menu items as the Food Network's cameras roll for Diners, Drive Ins and Dives. His unique approach includes taking casual, comfort food to dish out a blend of fresh. house-made concoctions that are at once familiar and surprising.



VINSETTA GARAGE 5,200 sq. ft. – 112 employees

Partnering with KC Crain of Crain Communications, Vinsetta Garage took in its first customers in July 2012, the space that once housed the oldest garage east of the Mississippi began bustling with a new kind of custom work. Original at every level, this joint sets the stage: a car place that now turns its skills to cooking with the same seriousness and handcrafted care. While the mechanics have long since moved their tools out of the station, the menu is built on the kind of custom Detroit eats they would have called their own back in the day. With burgers, Union Mac & Cheese, coal-fired pies and the like, the crew works to keep the legend of Woodward Avenue alive.

PUMPHOUSE CUSTARD 173 sq. ft. – 14 employees

It's fair to say that the city of Fenton wasn't sure what use their former pumping station could serve on the banks of the Shiawassee River. Our vision was accepted and the building was awarded to us by the Fenton DDA. In a few short months, we hit our midsummer grand opening target date (July 2014), giving the city one more reason to make patronizing the town and its businesses an event in and of itself.

FENTON FIRE HALL 14,269 sq. ft. – 108 employees

In 2012, as part of Fenton's Downtown Development Association (DDA) initiative, Union Joints was awarded the Fire Hall in the city's objective to bestow the landmark to a worthy business. We restored the 1938 landmark into a full restaurant with rooftop dining that also pays homage to its original purpose. Throughout construction and since opening in December 2013, the Fenton Fire Hall Taproom and Kitchen has been out to deliver the kind of grub that's as honest as the building it's served in. A wood-fired grill, 48 beers on tap and all the care that the Union Joints family can put into a place, it's our honor to serve. The Fire Hall was awarded the regional prize for the Michigan Municipal League in 2014.

HONCHO now hiring

When the key Union Joints' players embarked on a reconnaissance trip to Mexico City last year to research the next restaurant development, the menu and aesthetic for Honcho Latin American Street Food was conceived. Negotiating the preferred location took an entrepreneurial strategy of owner, Curt Catallo, to approach the existing business in the desired downtown Clarkston spot. He convinced them to relocate, helping to facilitate a remodel, and move to a building up the street that he owned. Demo and construction began early this year and Honcho is slated to begin soft openings in early October.

MOST MACKED MAC & CHEESE:

FIELD

NOTES

Union Joints is the little house that Mac & Cheese built. We've sold more than 2-million Mac & Cheese orders Joints wide — more than 1-million Macs at the Clarkston Union alone since opening in 1995.

COMMUNITY SERVICE:

When you bring a 130-year-old building back to life-and up to code you have given the community something in return before you even open the doors for business.

NO VALET SERVICE REQUIRED:

The most exclusive part about this joint is the sharedparking arrangement only we will have with our good friends and neighbors/landlords at Armstrong-White.

AWARDS/ Appearances

DETROIT FREE PRESS RESTAURANT OF THE YEAR UNION WOODSHOP

BEST BARS IN AMERICA ESQUIRE TV VINSETTA GARAGE

BITE THIS WITH NADIA G COOKING CHANNEL VINSETTA GARAGE

MLIVE BEST MAC & CHEESE IN MICHIGAN CLARKSTON UNION

MLIVE BEST ICE CREAM ON THE PLANET VINSETTA GARAGE

USA TODAY ONE OF TEN BEST MAC & CHEESE IN USA CLARKSTON UNION

YOU GOTTA EAT HERE FOOD NETWORK VINSETTA GARAGE

THRILLIST BEST BBQ IN MICHIGAN UNION WOODSHOP

WALL STREET JOURNAL MAC & CHEESE FEATURE CLARKSTON UNION

PRESERVATION MAGAZINE CLARKSTON UNION

FOOD & WINE MAGAZINE

DINERS, DRIVE-INS AND DIVES CLARKSTON UNION UNION WOODSHOP

HUFFINGTON POST VINSETTA GARAGE

HOUR DETROIT BEST OF DETROIT UNION JOINTS



WE ARE A RESTAURANT GROUP WITH REPURPOSING ON OUR MENU.

FINANCIAL VIABILITY

Union Joints LLC is a multimillion-dollar revenue-generating restaurant group. The group currently operates four restaurants with an additional Joint opening in October 2016. Individual financial statements are available upon your request. Financial inquiries may be made to the following:

Curt Catallo

Owner, President Union Joints/Union AdWorks 90 North Main St. Clarkston, MI 48346 (248) 343-3332 catallo@unionadworks.com

Anil Thakady

Chief Financial Officer Union Joints/Union AdWorks 90 North Main St. Clarkston, MI 48346 (313) 969-7390 Thakady@unionadworks.com

Bryan Dobbs

Vice President & Alternate Group Manager Middle Market Banking – East Oakland Loan Group 188 N. Old Woodward Mail Code 5300 Birmingham, MI 48009 (248) 988-2625 (desk) **IT'S A CALLING FOR US** Today, we are not in the restaurant business; the restaurant business is in us. We are restorers, preservationists, and business people. And when it comes to restoring buildings, we are gluttons for punishment. It's a calling that's practically paramount to the restaurant business itself. There's something to be said about re-purposing — reinventing, reinvigorating and restoring — a historic building with our on-staff contractor, that provides a level of satisfaction that exceeds anything that completing a new construction could give you. For us, restaurants are the perfect vehicle to ensure that historic buildings will continue making history and serving as structural icons of their communities. To us, at the end of the day, that's what it's all about. **THANK YOU.**



krieger klatt ARCHITECTS architecture interiors consulting

2.17.2017

Jana L. Ecker Planning Director City of Birmingham

Re: 2159 E. Lincoln (Lincoln Yard) Special Land Use - Bistro Review Comments

Thank you for your review of the Lincoln Yard project dated 01.10.17. Following our earlier verbal conversation, this letter is to address the following review comments below.

1. All rooftop mechanical unit specifications are to be provided with submission.

Rooftop units indicated on plan are in approximate location. The mechanical system for this project has not been designed yet. Mechanical unit specification to be provided at a later date. All rooftop mechanical equipment is to be by code and all rooftop screening is to comply with the zoning ordinance. We are seeking administrative approval for this item.

2. The photometric plan does not include the light spill into the parking lot. Also, the number of exterior building lighting fixtures indicated on the elevations does not equal out to the number of fixtures on the photometric plan.

We will revise and adjust the photometric plan to accurately depict the correct quantity of light fixtures proposed and to comply with all lighting standards of the zoning ordinance.

3. Per the signage ordinance, a maximum square footage is allowed for building signage.

Final sign size has not been determined. It is understood that the total amount of signage to may not exceed 120 square feet on the building façade.

If you have any further comments, concerns, or questions; please do not hesitate to contact me.

Thank you,

Jeff Klatt Krieger Klatt Architects , Inc.



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THE CONCEPT IS STRAIGHTFORWARD



IMAGINE THE KIND OF COMFORT FOOD YOU'D HAVE GROWN UP WITH

if your mom lived on a commune outside San Diego and your dad was a biker who raised chickens. There, you've got the picture ... now, imagine that it's in a bustling district of Birmingham that leverages the light-industrial buildings that lined the streets that flanked the rail line on the city's border. Bingo, You've got something that you can only find here: a light-industrial building that serves light-industrial food in a neighborhood that's truly charming. Welcome to Lincoln Yard. This is a joint born from a local restaurant group that was built to repurpose. This is the kind of place that's wide open: in structure ... in menu ... and in attraction. The parents looking for dinner after dropping their Birmingham bantam off for practice? Check. The digital artist who's looking to take a muffin and a pour-over coffee back to her desk before pouring over the data that awaits her? Check. The kid who bet his best friend a smoothie that he could land an ollie off a transition at the skate park? Check, The couple who met at Midtown Cafe on a Thursday night in '85 and still make it a date every Thursday night? Check, please. This is a former bus garage that has what it takes to be a stop in itself.

THIS IS LINCOLN YARD.



DEPART THE EXPECTED.





LINCOLN YARD RESTAURANT

There's nothing quite like finding something real. In today's dining scene, the majority of patrons find themselves eating in chain restaurants on concrete pad sites or in the mall's corridors. But people want something different: something real. People deserve something that they can call their own, not something that belongs to a home office back in Phoenix. Metro Detroit's burgeoning independent restaurant movement is testament to the everexpanding tastes of American restaurant-goers; and our Joints have been feeding that appetite nonstop since 1995.

Lincoln Yard's restaurant will embody all we've learned from every dish we've served in the past 20 years: food that is familiar and surprising at the same time. The kind of food that's brought us this far — honest American comfort food with unbridled influence that's all-around real. It's the kind of food that's built for a setting as authentic as Lincoln Yard. From the main area that would serve as the restaurant, to the rooftop garden and eat-in space that would give a prime view of the neighborhood in a way that respects its surrounding and gives people an experience that's altogether original.



LITTLE YARD

The separate entrance to this on-the-go setup reveals a welcoming spot to pick up orders to bring to the rec center across the street or to grab a coffee or house-baked goods in the morning. This is healthy, hearty, real food that you won't feel guilty grabbing after a yoga class or giving to your kids before the game. This is walk up, take-away that's been crafted with hearty care with an emphasis on honest ingredients, simplicity and accessibility. There, we've used every buzzword of the hyper-focused (another one!) restaurant world. This is the kind of food that delivers to the busy men, women and children of Birmingham. This is to-go for those on-the-go.



TYPE OF FOOD/PRICING: \$\$ AMERICAN/TRADITIONAL

As Chef Cozadd develops the menu, some of our traditional Joints' comfort-food items, as well as a fair share of vegetarian and gluten-free options, will be included. Unique to this location will be a focus on light, clean eating with a variety of locally sourced, seasonal specials, featuring Lincoln Yard's own harvest offerings in addition to local farmer's market goods. Pricing will be comparable to other Union Joints, with midrange pricing that yields to an active family. There will be starters, sides, a kids menu, and the traditional Joints' Mac & Cheese. A pick-up area will serve grab and go coffee, pastries, and dinner for the family at home or the rec center across the street.

AMBIANCE: WARM, AIRY & RUSTIC

Casual, bright, open-format dining includes plenty of natural light, high ceilings, vast garage doors and a window-wall running the expanse of the space. Organic materials with light-wood tables and natural extures lend warmth to salvaged industrial materials befitting a garage structure. A small, organic garden will add to the menu offerings, as well as the natural decor of the Yard. Several shipping containers on the rooftop will provide a bar and cubby spaces for dining. The boxcar vibe offers a nod to the rail freight that comes from the line itself. Charming activation of an outdoor alley garden will provide intimate place making for dining as well.





Project Description

CONCEPT

LINCOLN YARD RESTAURANT Casual Dine-in Eatery/seats 65 Total SF: 6,200 sq. ft.

FOUR-SEASON FRONT PATIO Covered Single story pavilion/seats 24

LITTLE YARD

Separate-entrance bistro coffee/breakfast/lunch/dinner to go Seats 18 Kitchen shared with main restaurant

ROOFTOP GARDEN & AL FRESCA DINING

Semi-private shipping container cubbies offer full table service along with umbrella tables. An organic herb garden enhances the ambiance, as well as the fresh fare. Seats 64

ALLEY GARDEN DINING Trellised, intimate dining. Seats 24

HOURS OF OPERATION

Approximate hours will be 8AM-12AM, serving breakfast through dinner daily, with the kitchen closing at 11PM. The coffee and libations bar will serve until approximately midnight.



LINCOLN YARD MENU —

APPS

Wood-fired breadsticks – Brushed with garlic butter, side of herb cheese dip – \$4.95

House -smoked chicken wings - 6 @ \$7.95; 12 @ \$14.95

buttermilk blue cheese & celery side for \$1.50 Blistered shishito peppers – Tossed in togarashi and sesame seeds with black garlic dipping sauce - \$5.95 Sticky Ribs – Crispy house-smoke spare ribs tossed in Korean BBQ and Szechuan peppercorn with a jicama mango slaw topped with East Asian herbs and Aleppo chili \$12.95

Lobster Bao – Chilled maine lobster, celery, onion, tarragon aioli and micro purple raddish in buttered seared Bao buns – \$10.95

Smoked Salmon Pate - Scratch-made w/housesmoked salmon, house-made pretzel bread - \$6.95

SALADS & VEGGIES

Roasted Carrots – Caramelized with thyme, cumin and chili flakes in citrus tahini vinaigrette with avocado, peas shoots and spiced pepitas – \$7.95

Roasted Beets – Tarragon, orange zest, Aleppo chili and olive oil over labneh topped with toasted pistachio – \$8.50

Chop – Chopped romaine, quinoa, black beans, grilled red onion, radish, avocado, tomatoes, grilled sweet corn, chopped carrot, spiced pumpkin seeds, tossed in cilantro lime vinaigrette – \$11.95

Baby Kale Salad – Organic baby kale, grilled sweet corn, rice wine onions, shiitake bacon and masa croutons, tossed in balsamic vinaigrette – \$11.95 **Chipotle lime Caesar** – Romaine, queso fresco, masa croutons, scratch chipotle lime Caesar dressing – \$8.95

BURGERS

Served with hand cut fries and Memphis mayo **Cover Crop** – 8 oz Cover Crop Ranch beef patty, smoked gouda, Woodshop MI maple bacon, McClure's pickles, L.T.O. and V.B.S. – \$13.95 **The Gatherer** - House-made vegan patty, tomato jam, arugula, broccoli sprouts, goat cheese, shiitake bacon,roasted garlic balsamic mayo – \$12.95 **Turkey Burger** – Smoked cheddar, tomato jam, arugula, fresh avocado, chipotle lime mayo – \$12.95

MEAT AND FISH

With your choice of two sides Rotisserie Chicken with Peruvian chili sauce - \$17.95 Chili Rubbed Flank Steak with chimichurri - \$17.95 Smoked Ribeye with Koji Butter - \$28 Pulled Pork in NC vinegar sauce - \$15.95 Cedar Plank Salmon with Yuzu glaze - \$19.95

PASTA

Served with Grilled sourdough, olive oil and sea salt **Strozzapreti** - Grilled sweet corn, slow roasted plum tomatoes, grilled radicchio, thyme and shallots topped with pecorino, aleppo chili oil and lemon - \$12.95 **Linguine** - Lobster, vanilla miso butter, tarragon, roasted tomatoes and scallions topped with sourdough breadcrumbs - \$19.95

Orechiette – House made turkey sausage, butternut squash, garlic chips, chili flakes, broccoli rabe and fried sage in E.V.O.O. topped with pecorino and herbs – \$14.50 **Union Mac & Cheese** – Vermont sharp cheddar, Pinconning, penne rigate, bechamel, parmesan & crunchy crust – \$13.75 (add house-cut ham for \$2.25)

Gluten-Free Mac & Cheese – Vermont sharp cheddar, Pinconning, ziti rice noodles, gluten-free bechamel, parmesan & crunchy flour-less crust – Half – 9.95

WOOD-FIRED PIES

YOU-CHOOSE PIZZA — Our base pizza includes your choice of crust, sauce & either our house cheese blend or fresh mozzarella. Add any item from the toppings list for a small fee -- 7.95

DOUGH — 12" Hand-Tossed • 12" Gluten Free (+2.95) SAUCE — San Marzano Tomato • Pecorino Cream • Rocket Pesto Cream • Garlic Butter • House Coney Chili BASE CHEESE — House Cheese Blend • Fresh Mozzarella

(polka dotted)

TOPPINGS: CHEESES (1.50 per) — House-Smoked Cheddar • Swiss • Gruyère (3.00) • American • Feta • Pepper Jack • Goat Cheese (1.75) • Fresh Mozzarella • Cheese Curds • House Cheese Blend • Pecorino • Amish Blue Cheese • Vegan Cheese (3.00)

MEATS (1.75 per) — Pepperoni • House Italian Sausage • Spicy Tasso Ham (2.25) • Mini Meatballs • Ground Vinsetta Burger Blend • Coal-Fired Chicken • Woodshop MI Maple Bacon • Spicy Brown Sugar-Glazed Salmon (4.95) • Gulf Shrimp (4.95) • Prosciutto • Chili-Rubbed Flank (4.95) • Sunny Fried or Chopped Cage Free Egg • Canadian Bacon • Winter's 901-L Hot Dog • Chopped Clams • Anchovies

PRODUCE (.75 per) — Coal-Fired Tomato • Roasted Red
Pepper • Red Onion • Caramelized Onions • Spicy Fried
Onions • Pickled Red Onions • Roasted Garlic • Scallions
• Fresh Tomato • Arugula • Spinach • Broccoli Sprouts •
Broccolini • House-Pickled Chilies • Mixed Olives • Capers
• Chopped McClure's Pickles • Shiitake Bacon (2.00) •
Grilled Pineapple (1.00) • Mushroom Smother • Fresh Basil
• Fresh Chives • Shallots • Organic Baby Kale (1.00) •

SIGNATURE PIES

MARGHERITA — Coal-fired roasted tomatoes, fresh mozzarella, cheese blend, crushed tomato basil sauce, fresh basil -- 10.95 **PESTO** — Coal-fired chicken, rocket pesto, goat cheese, roasted bell pepper, shallots, cheese blend -- 12.95

PINEAPPLE & TASSO — House-made spicy tasso ham, grilled pineapple, red onion, crushed tomato basil sauce, cheese blend -- 11.95

LOADED POTATO — Redskin potatoes, house-smoked cheddar, cheese blend, garlic butter, shiitake bacon, chives, sour cream side -- 11.95

MEATBALL PIE — Mini meatballs, fresh mozzarella, fresh oregano, olives, chili flakes, crushed tomato basil sauce, olive oil -- 12.95

SIDES - \$3.50

Sweet potato mash with charred jalapeño & Michigan maple syrup Diane's cheesy potatoes Cauliflower Fried Rice, milled and sautéed with English peas, eggs, carrots and scallions in soy glaze Hand-cut home fries served with Memphis mayo Roasted Seasonal Veg Union Mac & Cheese (side order) Hand-dipped onion rings Badass Beer-battered served with Memphis mayo Black Bean & Quinoa salad with sweet peppers, scallions, lime juice and fresh dill Old school slaw

DESSERT

Mini Donuts – Fried to order, dusted with cinnamon and sugar, Michigan maple bourbon and salted caramel dipping sauces on the side – \$4.95

Mexican Chocolate Bundt Cake – Crispy and warm with cayenne and cinnamon topped with salted caramel and house made nitro horchata ice cream - \$6.95

Wood-fired fruit Galette – Scratch made seasonal warm fruit pie, served with appropriate liquid nitrogen ice cream pairing - \$6.95 **Peanut Butter Icebox Pie** — Chocolate cookie crust, cream cheese-peanut butter filling, bitter chocolate glaze, milk chocolate whipped cream, chopped peanut brittle — \$3.75 **Carrot Cake** – Scratch made with cream cheese frosting and spiced candied walnuts – \$4.50

KIDS MENU

All served with some sort of fruit or vegetable & a pop cup! **Side of Union Mac & Cheese** - It's the stuff of legend! - \$4.95 **Kids' Coco Pizza** - Cheese or pepperoni - \$4.95 **Little Wing** - Three house smoked wings served with hand-cut fries - \$4.95

Grilled Cheese - American cheese on grilled bread with a pickle & fries - \$4.95

Project Description



LINCOLN YARD'S TARGET AUDIENCE

A funny thing happens when you provide something accessible: not only does everyone have access to you, but you have access to everyone. The success of Union Joints is built upon being all-inviting. We serve food that you can pronounce in a way that leaves you speechless. The dozen or so historic structures in our portfolio have been transformed into more than barrier-free buildings: they are buildings that house businesses that have no barriers themselves. All encompassing. All-around welcoming, that's what's made us a destination for patrons, families and our crew alike.











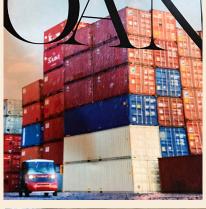


ORGANIC, WARM & INDUSTRIAL

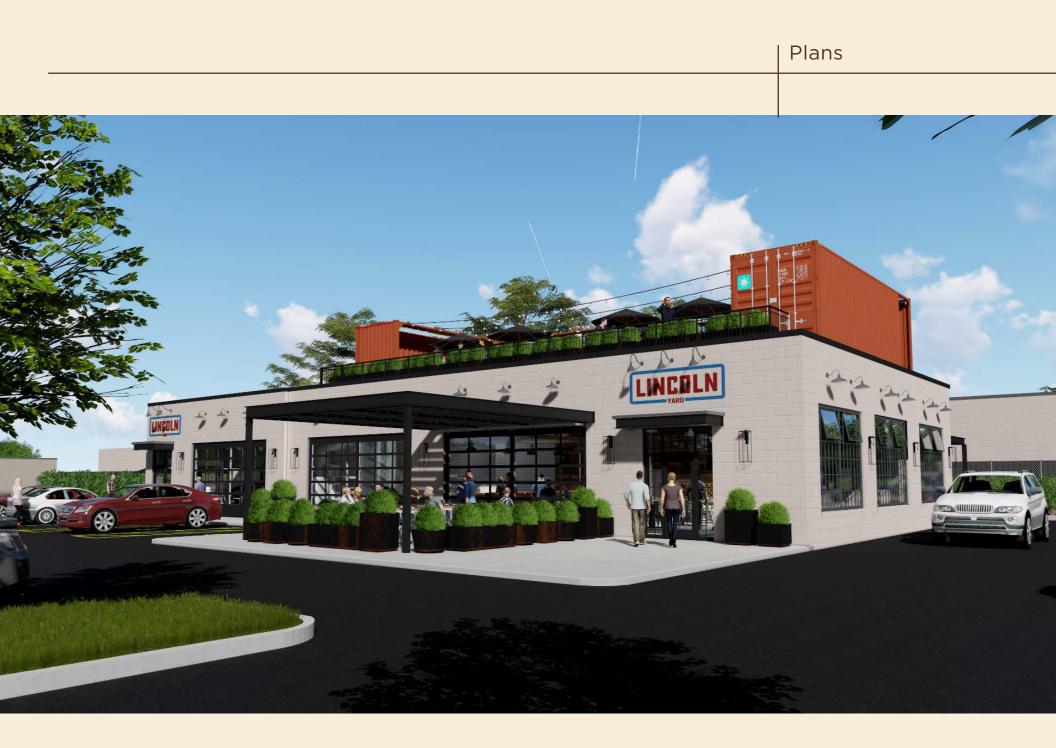






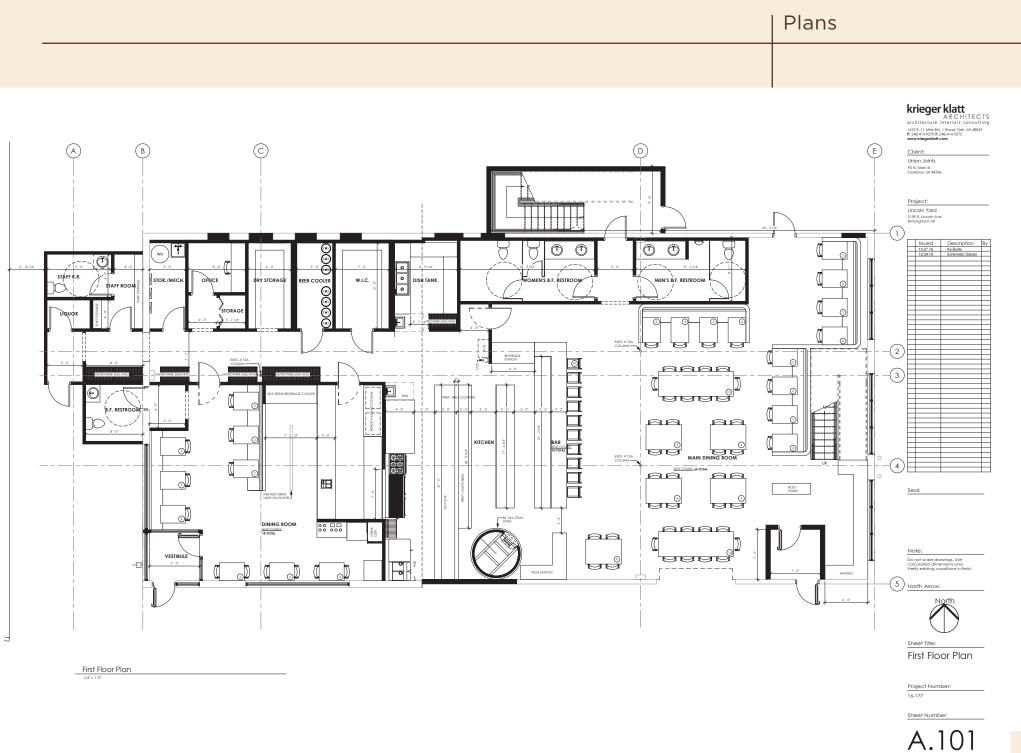














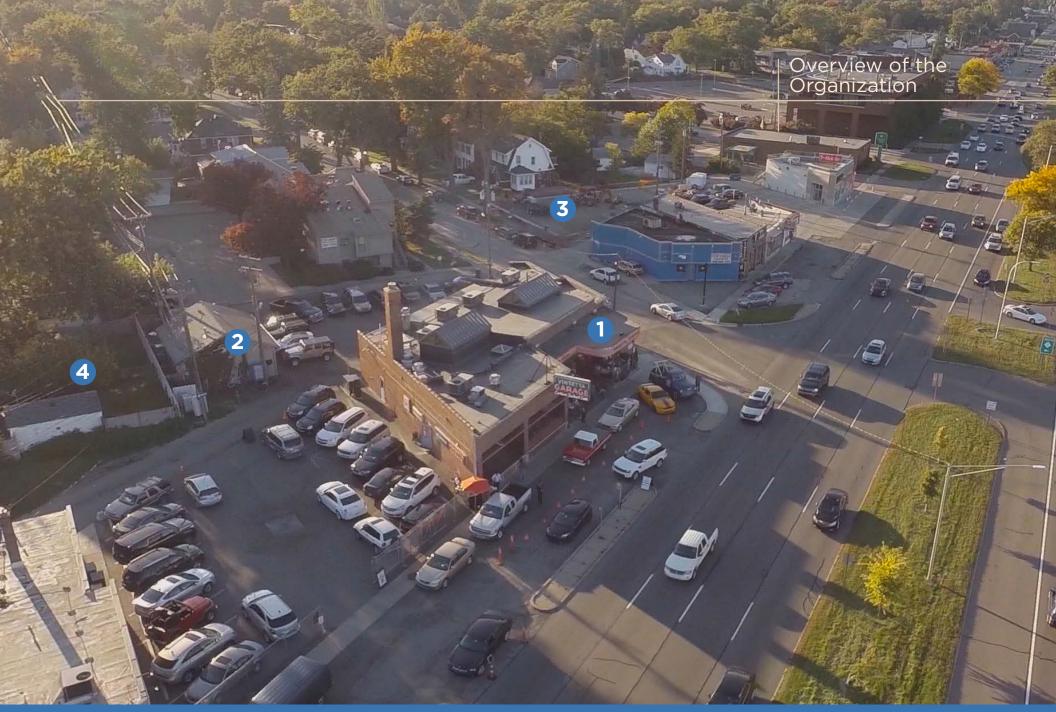
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Krieger Klatt Architects is a full service architecture and design firm that specializes in custom residential and commercial architectural design. Krieger Klatt Architects provides design services for custom new homes, custom renovations, additions, vacation homes, salons, day care centers, office buildings, night clubs, restaurants, hotels and commercial tenant build-outs. The firm serves all of Michigan, Ohio, and Indiana including the cities of Berkley, Beverly Hills, Birmingham, Bloomfield, Bloomfield Hills, Bloomfield Village, Ferndale, Huntington Woods, Pleasant Ridge, Royal Oak and Troy. Their associate firm, Krieger Klatt Interiors, is a full service residential and commercial interior design firm that provides design and cabinetry services for custom new homes, renovations, additions, vacation homes, kitchens, bathrooms, salons and restaurants.



(1) VINSETTA GARAGE (2) PREP HOUSE (3) DEVELOPED PARKING (4) PARKING IN DEVELOPMENT



THE BONES OF OUR BUILDINGS HAVE SOUL.

VINSETTA GARAGE Restaurant, Berkley, MI – 2012 www.vinsettagarage.com

As one of the oldest garages east of the Mississippi, Vinsetta Garage was a building full of legacy, opportunity and challenges. Built in conjunction with the widening of iconic Woodward Avenue in 1919, the Kurta family designed Vinsetta Garage to be at the forefront of automotive service. Built with steel to clear-span the service floor, skylights to provide ample natural light, and garage doors that would allow tow trucks to pull through the building as they delivered vehicles, the space has a certain industrial ingenuity. As the family's primary residence, the garage also had some unusual touches like terrazzo floors and an apartment off the main shop floor. The goal here was to transform the space without losing any of the character that blanketed this unrestored legend. Upon successful remediation of the property, the skylights were replaced with panes and angles that precisely matched. The safety glass was salvaged and re-purposed as lensing along the outer edge of the clouds that defined the kitchen and woodfired pizza station spaces. The shop's job tickets, discovered during the restoration, were re-purposed as wallpaper in the waiting lounge and communal portion of the restroom. The celebration of the space's hardworking roots extends beyond the patina and repurposing of the shop sink: details throughout the open space point to a level of sophisticated craft that permeates through every detail of the design, the space, and the food. Like the mechanics who made the space a legend, the design approach was at once deliberate and humble.



(1) FENTON FIREHALL (2) THE PUMPHOUSE

Overview of the Organization

FENTON FIRE HALL Kitchen & Bar - Fenton, MI - 2013 www.fentonfirehall.com

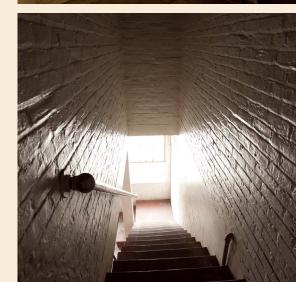
As the entrusted stewards of the Old Fenton Fire Hall, the Union Family of Joints entered this project with a proven respect for fire, fare and city zoning commissioners. If there's two things we knew before we threw our hat into the ring to take over this monument, it was food and old buildings. Not just any food, wood-fired, house-made, comfort food with not-so-subtle gourmet twists. And not just old buildings but hundred-year-old historical landmarks that communities were built around. Places that employed, inspired and served generations of community residents in Michigan in only the way independent, owner-operated establishments do. Like our other places, the Fenton Fire Hall was built to serve a noble purpose and it was our goal to re-purpose it to serve another.

Since 1938, the Fenton Fire Hall was a town beacon that stood on the corner between a waterfall behind Fenton's City Hall and the Saarinen-designed community center. And it stood for more than just the home for the volunteer firefighters. It stood for something that has what it takes to stand the test of time. All this had been taken into thoughtful consideration in our approach to breathe new life into this space of serving Fenton and surrounding residents — To create a destination of celebration and respect for the flame.

Our plan that was proposed to Fenton's City Council when the long-vacant building became available was to embrace the reward of the great structure from the city's generous leaseto-renovate contract. Union Joints was awarded the building and \$100,000 by the Fenton DDA. A challenge of monumental proportions yet a reward if re-purposing antiquated and dilapidating architecture is your thing, which it is, besides our food. It's not that we chose to bring our format to a place, but let the place define the Joint. Simply put, this fire hall Joint would be just that. The Fenton Fire Hall. With the project management of our undaunted team, including our architect, construction crew, interior designer, and culinary masters, we opened the Fenton Fire Hall restaurant in December 2013. After more than a year of renovation to the historical landmark, it pays homage to the firefighters that it housed before us. It is an important part of this small community, as well as the municipality that voted for our business to care for their cherished historical structure in the quaint downtown.







	Overview of the Organization



(1) UNION WOODSHOP (2) WOODSHOP SHOP (3) HONCHO (4) UNION GENERAL (5) CLARKSTON UNION (6) COMMISSARY

Overview of the Organization

THE DOWNTOWN CLARKSTON UNION CAMPUS

CLARKSTON UNION Kitchen & Bar - Clarkston, MI - 1996 www.clarkstonunion.com

Those who wish to preserve historic structures believe that a building must be used in order to be saved. That's exactly what happened to the 1847 church on Main St., in downtown Clarkston, MI. Upon the completion of a successful business plan and Clarkston City Council zoning approvals, the main church structure was allotted to renovate and turn into a restaurant that became The Clarkston Union.

Falling within the Clarkston Historical Dept. Jurisdiction, we left much of the old building intact. The restoration took more than a year. Ann Arbor carpenter Cameron Magoon crafted the bar and did all the finish work. Artist and designer, Ann Stevenson, was in charge of the décor, while the owners did much of the unskilled work themselves (like peeling paint off of old wood wainscoting). Inside, the ceiling needed the most attention. Though a suspended ceiling with fluorescent lighting was successfully removed, it revealed layers of sub-ceilings and sub-walls. Once all the debris was removed, they were delighted to find a coved ceiling with gracefully curved corners. Four large ceiling fans were added and an array of factory lights from the 1920s on long poles to the now 30-foot ceiling. The original walls were plastered and stuccoed, and the natural oak wood floors needed only to be refinished. The woodwork for the 100-seat restaurant — bar, booths, tables and chairs — quarter-sewn oiled white oak with natural finish. The padded oak pews were re-purposed and are also used for seating.









THE DOWNTOWN CLARKSTON UNION CAMPUS (cont)

Enter the golden space with the sky-high ceiling, stained-glass windows and vintage factory lighting and take in the artful touches: A pair of matching stained glass windows is more than 100 years old and a leaded-glass window in a waiting area at the front is about a century old. Parallel with the booths and tables is a long bar with chairs and a row of spigots for the 35 beers on tap. At the rear is the former altar, now an open-kitchen; where customers can see the kitchen staff prepare unpretentious bistro-style dishes. Framed family photos and old Italian travel posters fill the wall above the pews; across the room, a drop-dead gorgeous bar featuring 35 beers on tap is flanked by mirrored shelving and huge windows that impart a heavenly glow. What was once a cry room for babies is now a burgundy-walled sitting area with velvet sofas and chairs for adults.

The city council approval terms for the building permit required the exterior stay in tact due to its historic designation. They also required a four-foot fence or greenbelt with shrubs, be built behind the parking lot to help maintain the privacy of nearby homes. Some low-impact exterior changes were necessary for the business including the addition of a door, which was an existing stained-glass window that they brought down two feet to create the entrance. They also added a concrete ramp to the main side entrance for barrier-free access to physically challenged patrons. Other exterior changes included repairing rotted wood siding sections and removing old siding to expose natural wood, which they painted.

Commenting on the community controversy of turning a church into a restaurant/bar, as well as the zoning and permit approvals and inspections, the partners attested, "Any time you open a restaurant, it's difficult. If you try to restore an old building, it's difficult. Any time you try to do both at the same time, you're going to hit hurdles. Clearly, these hurdles didn't prevent the expansion of the group into taking on new hurdles and becoming the Union Joints restaurant group.

Overview of the Organization



UNION WOODSHOP Restaurant and Bar – Clarkston, MI – 2009 www.unionwoodshop.com

Having a vested interest in the commercial viability and downtown sustainability of the district, the vacant spot opened the door for the Joints' next venture up the block from the Union campus. Having been a high-end dining establishment prior, the new concept eatery sought to take the "fine" down a few notches by turning up the flame. The Joints turned it into an approachable experience by bringing a casual, woodsy, wood-burning aesthetic to the BBQ. The trademark sawed-off wood ends-turned-wall-décor was the brilliant handiwork and design of Matt Leoni and Ann Stevenson. What it delivered is a hot spot worthy of a wait for a table as customers stroll the now open-late retail businesses and a continuation of a commercial use through the decades in a commercial space in a downtown setting.





ARDUT USE

CURT CATALLO

Union Joints LLC/Union AdWorks With over 20 years growing the restaurants. Catallo is the business and marketing developer leading the Joints operation. He has also served as president and creative director of his ad agency, Union AdWorks, since 2010. Previously at BBDO Detroit, which shuttered in 2009 due to the economic downturn and their automotive client's status. Catallo set precedence with an opportunity. Pitching the experience of the BBDO group he directed to the FCA client. the business was awarded and Union AdWorks was launched. He brought 35 talented employees to start it up, which has nearly doubled in six years.

ANN STEVENSON

Co-Owner/Designer Union Joints LLC

An Art & Design graduate of Bennington College, VT. Stevenson has worked for 20 years in commercial, restaurant, office and retail interior design. She has been the owner/operator of Clarkston Union's sister store, Union General, for 19 years; concurrently managing the interior design projects for the In 2013, she received The Detroit Home Magazine design awards for the Commercial Interiors of Vinsetta Garage and Union AdWorks, as well as named Metro Times editor's choice in 2014 for Best Reuse of an Existing Building for Vinsetta Garage. Working closely with our architect, builder, carpenters, painters, and marketing staff, Stevenson is responsible for the overall look of each Union business. As the lead designer, her role includes space planning, selecting furniture. fixtures and artwork along with all décor



THE CLARKSTON UNION 2,700 sq. ft. – 90 employees Opened in 1995, the Union is the place that mac built. The Union's Mac & Cheese has taken in top honors. Last year, the legendary dish won the Detroit News' Mac & Cheese Taste Panel competition. It has been featured on the cover of the Wall Street Journal, in countless publications, and on Diners, Drive-Ins and Dives with Kid Rock and Guy Fieri. With the Mac as its undisputed foundation, the first Union Joint works to surprise devout regulars and the continual wave of first-timers with a scratch-built menu and weekly specials of seasonal, locally sourced comfort dishes.

THE UNION WOODSHOP 6,100 sq. ft. – 116 employees Opened in 2009, the Union Woodshop is a handcrafted joint that delivers big time small-town BBQ. The Woodshop immediately made its mark as a joint that put out the most legitimate kind of BBQ with the highest level of culinary care. The care was recognized by the Detroit Free Press, where the Woodshop was honored with the prestigious Restaurant of the Year for 2011. Featured in Food & Wine magazine and on the Food Network, this Joint wasted little time making a big name for itself where Chef, Aaron Cozadd, and his team take down-home food very seriously.

UNION GENERAL

BOUTIQUE + CUPCAKERY 900 sq. ft. – 8 employees Housed since 1997 in the 1850s building that served as a church parsonage, the General is more than the Clarkston Union's store next door. It's a true standalone destination. From baked goods that have the most loyal following to coffee, Ray's ice cream, bath and body products, stationary, books, toys, gifts and goods. It's a one-of-a-kind store that delights with a rare combination of old-school charm.

THE WOODSHOP SHOP 2,400 sq. ft. — Union Woodshop employees When the Shop opened in 2012 above the Union Woodshop restaurant, it was about more than giving waiting patrons a place to sit while their names moved up the list; it's another reason to spend time in downtown Clarkston. The combination of retail, billiards, foosball and shuffleboard bowling make it a place worth hanging out in even when you're not waiting for a table.

ABUUT USE

ERICH LINES

Managing Partner, Union Joints LLC A dorm mate from Catallo's Cranbrook days, Lines has worked for Union Joints since its 1996 inception with the Clarkston special events to General Manager and Managing Partner for the group, his dedication to the growth of the restaurant operation, front to back of the house, is unparalleled. From hiring the restaurant's staff to promoting the business, his capacity to get the lights on in time through the development and launch of five new Joints is nothing short of impossible. Serving as the ringleader and host to 17 consecutive Clarkston Oktoberfests has made him a local personality to hungry and thirsty gatherers far and wide, and the purveyor of Union Joints' culture.

AARON COZADO

Executive Chef. Union Joints LLC Chef Cozadd joined the Clarkston Union as a line cook prior to attending New York's Culinary Institute of America. Graduating with honors, he returned to Michigan and put his skills to work at the fine dining Coach Center before the Union lured him back in 2009. He bases the Joints' menus on local produce, classical French and American techniques along with wood-fired cooking. A Top Chef casting finalist, Cozadd projects his passion whether it's visiting a table or taking Guy Fieri through menu items as the Food Network's cameras roll for Diners, Drive Ins and Dives. His unique approach includes taking casual, comfort food to dish out a blend of fresh, house-made concoctions that are at once familiar and surprising.



VINSETTA GARAGE 5,200 sq. ft. – 112 employees

Partnering with KC Crain of Crain Communications, Vinsetta Garage took in its first customers in July 2012, the space that once housed the oldest garage east of the Mississippi began bustling with a new kind of custom work. Original at every level, this joint sets the stage: a car place that now turns its skills to cooking with the same seriousness and handcrafted care. While the mechanics have long since moved their tools out of the station, the menu is built on the kind of custom Detroit eats they would have called their own back in the day. With burgers, Union Mac & Cheese, coal-fired pies and the like, the crew works to keep the legend of Woodward Avenue alive.

PUMPHOUSE CUSTARD 173 sq. ft. – 14 employees

It's fair to say that the city of Fenton wasn't sure what use their former pumping station could serve on the banks of the Shiawassee River. Our vision was accepted and the building was awarded to us by the Fenton DDA. In a few short months, we hit our midsummer grand opening target date (July 2014), giving the city one more reason to make patronizing the town and its businesses an event in and of itself. **FENTON FIRE HALL** 14,269 sq. ft. – 108 employees In 2012, as part of Fenton's Downtown Development Association (DDA) initiative, Union Joints was awarded the Fire Hall in the city's objective to bestow the landmark to a worthy business. We restored the 1938 landmark into a full restaurant with rooftop dining that also pays homage to its original purpose. Throughout construction and since opening in December 2013, the Fenton Fire Hall Taproom and Kitchen has been out to deliver the kind of grub that's as honest as the building it's served in. A wood-fired grill, 48 beers on tap and all the care that the Union Joints family can put into a place, it's our honor to serve. The Fire Hall was awarded the regional prize for the Michigan Municipal League in 2014.

HONCHO 5,300 sq. ft. – 91 employees

When the key Union Joints' players embarked on a reconnaissance trip to Mexico City to research the next restaurant development, the menu and aesthetic for Honcho Latin American Street Food was conceived. Its kitchen takes something from one culinary continent and smashes it into another: Latin food that speaks with an Asian accent. It came from the markets and ended up here on Main street; and it's at home at Honcho. Construction began early 2016 and Honcho opened in early October.



DETROIT FREE PRESS RESTAURANT OF THE YEAR UNION WOODSHOP

BEST BARS IN AMERICA ESQUIRE TV VINSETTA GARAGE

BITE THIS WITH NADIA G COOKING CHANNEL VINSETTA GARAGE

MLIVE BEST MAC & CHEESE IN MICHIGAN CLARKSTON UNION

MLIVE BEST ICE CREAM ON THE PLANET VINSETTA GARAGE

USA TODAY ONE OF TEN BEST MAC & CHEESE IN USA CLARKSTON UNION

YOU GOTTA EAT HERE FOOD NETWORK VINSETTA GARAGE

THRILLIST BEST BBQ IN MICHIGAN UNION WOODSHOP

WALL STREET JOURNAL MAC & CHEESE FEATURE CLARKSTON UNION

PRESERVATION MAGAZINE CLARKSTON UNION

FOOD & WINE MAGAZINE

DINERS, DRIVE-INS AND DIVES CLARKSTON UNION UNION WOODSHOP

HUFFINGTON POST VINSETTA GARAGE

HOUR DETROIT BEST OF DETROIT UNION JOINTS



WE ARE A RESTAURANT GROUP WITH REPURPOSING ON OUR MENU.

IT'S A CALLING FOR US Today, we are not in the restaurant business; the restaurant business is in us. We are restorers, preservationists, and business people. And when it comes to restoring buildings, we are gluttons for punishment. It's a calling that's practically paramount to the restaurant business itself. There's something to be said about re-purposing — reinventing, reinvigorating and restoring — a historic building with our on-staff contractor, that provides a level of satisfaction that exceeds anything that completing a new construction could give you. For us, restaurants are the perfect vehicle to ensure that historic buildings will continue making history and serving as structural icons of their communities. To us, at the end of the day, that's what it's all about. **THANK YDU.**



FINANCIAL VIABILITY

Union Joints LLC is a multimillion-dollar revenue-generating restaurant group. The group currently operates five restaurants. Individual financial statements are available upon your request. Financial inquiries may be made to the following:

Curt Catallo

Owner, President Union Joints/Union AdWorks 90 North Main St. Clarkston, MI 48346 (248) 343-3332 catallo@unionadworks. com

Anil Thakady

Chief Financial Officer Union Joints/Union AdWorks 90 North Main St. Clarkston, MI 48346 (313) 969-7390 Thakady@unionadworks.com

GOVERNMENT CONTACTS

The City of the Village of Clarkston

Mayor, Steve Percival – 248-625-1559 City Manager, Rich Little – 248-625-1559

City of Berkley

Mayor, Phil O'Dwyer - 248-658-3350 - podwyer@berkleymich.net City Manager, Matthew Baumgarten - 248-658-3350

City of Fenton

Mayor, Sue Osborn – 810-629-2261 City Manager, Lynn Markland – 810-629-2261 Imarkland@cityoffenton.org

Bryan Dobbs

Vice President & Alternate Group Manager Middle Market Banking – East Oakland Loan Group 188 N. Old Woodward Mail Code 5300 Birmingham, MI 48009 (248) 988-2625 (desk)

UNION JOINTS BELIEVES THAT LINCOLN YARD CAN ONCE AGAIN BE A STATION TO GATHER; IN A COMMUNITY BUILT FOR FAMILIES. THANKYOU.

		Specifications A812
	Customer No 10 1/4" Fixture Type	e:
A812 RLM Shades m 1100 aluminum 12" ANGLE SHADE .08125 thickne	Inufactured using Light Source & Dimming N alloy, typically RUM Style Watage Dimming	W 40K RTC E6 PC 41
1 A812	2 3 4	5 6 7 8
1 LIGHT SOURCE & WATTAGES Wattage Catalog # GU 24 Socket Option M009LD 9w M009LD 13w M013LD 21w M021LD 2 DIMMING/NO DIMMING N (No Dimming) D 0 (Dimming) S (Sunset - Dims smoothly from 2700K to 1800K) 3 DISTRIBUTION 4 COLOR TRIBUTION with Dome LED leshibution with Dome LED leshibution with Flat LED leshibution with Flat LED CCT Catalog# 2700K 37K 3000K 30K 3500K 35K 4000K 40K	6 MOUNTING SOURCES Arm Mounts (Come Standard with CB) E1 E2 E3 E4 E5 E6 E7 E8 E9 E10 E11 E12 E13 E15 E16 E17 E18 E18SC E19 E20 E21 E22 E23 E25 E26 Wall Mounts WM40 (driver hous ing not required) WM55 WM55C WM318 (requires remote driver) WM85C (requires remote driver) WM85SCBP (requires remote driver) WM85SCBP (requires remote driver) PM10 PM20 PM30 PM40 PM50 PM60 PM40 PM40 PM50 Decomt Mounts	7 ACCESSORIES CB (Cast back plate) CBC (Cast back plate Spun Alum Cover) GR12 (12" wire gril) CG (Button Photo Cell) Remote Only SC (Scroll for Arms) SL C (Sloped Ceiling Mount) SQ (Square Back Plate) ST C (Flat Ceiling Stem Canopy) SWL (Swivel) SWL (Swivel)
	WHC (white cord - includes canopy and 8' cord) 1/2" stems (Comes Standard with STC) 2ST6 2ST12 2ST18 2ST24 2ST36 2ST48 2ST60 2ST72 2ST96 3/4" stems (Comes Standard with STC) 3ST6 3ST12 3ST18 3ST24 3ST36 3ST48 3ST60 3ST72 3ST96	

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1-800-548-3227 ANPlighting.com

Fresno Long Wall Sconce Item # CHD 2936AI-CG

W514

W514

GU24 socket option

N (No Dimming)

D (Dimming)

CCT

3000K

3500K

4000K

Wattage

14" Warehouse Shade .08-.125 thickness

1 LIGHT SOURCE & WATTAGES

Catalog #

M009LD

M013LD

2 DIMMING/NO DIMMING

S (Sunset - Dims smoothly from 2700K to

DISTRIBUTION

W (T5 Wide Distribution with Dome LED

N (T5 Narrow Distribution with Flat LED

4 COLOR TEMPERATURE (CCT)

Catalog#

30K

35K

40K

5 DRIVER HOUSING

RTCNC (Driver Canopy/No Spun Cover)

2700K 27K

RTC (Driver Canopy)

RLM Shades manufactured using

2

WM55

PM10

PM20

PM30

PM40

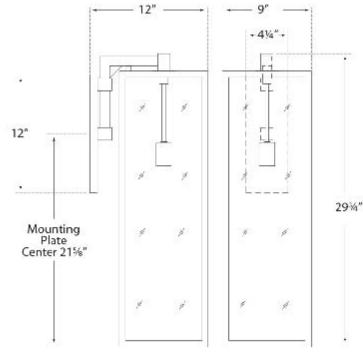
PM50

WM55SC

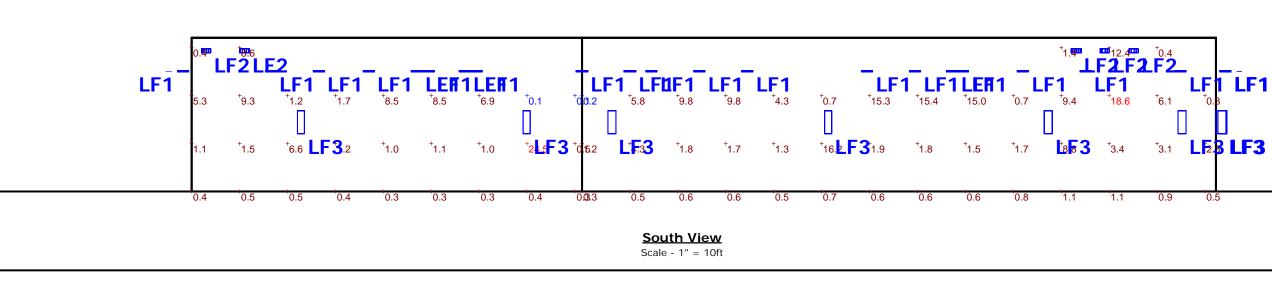
1100 aluminum alloy, typically

Designer: E. F. Chapman

Height: 29.75" Width: 9" Extension: 12" Backplate: 4.25" x 12" Rectangle Finishes: Al, WZ Glass Options: CG Socket: E26 Keyless Wattage: 60 T ©EFC DESIGNS

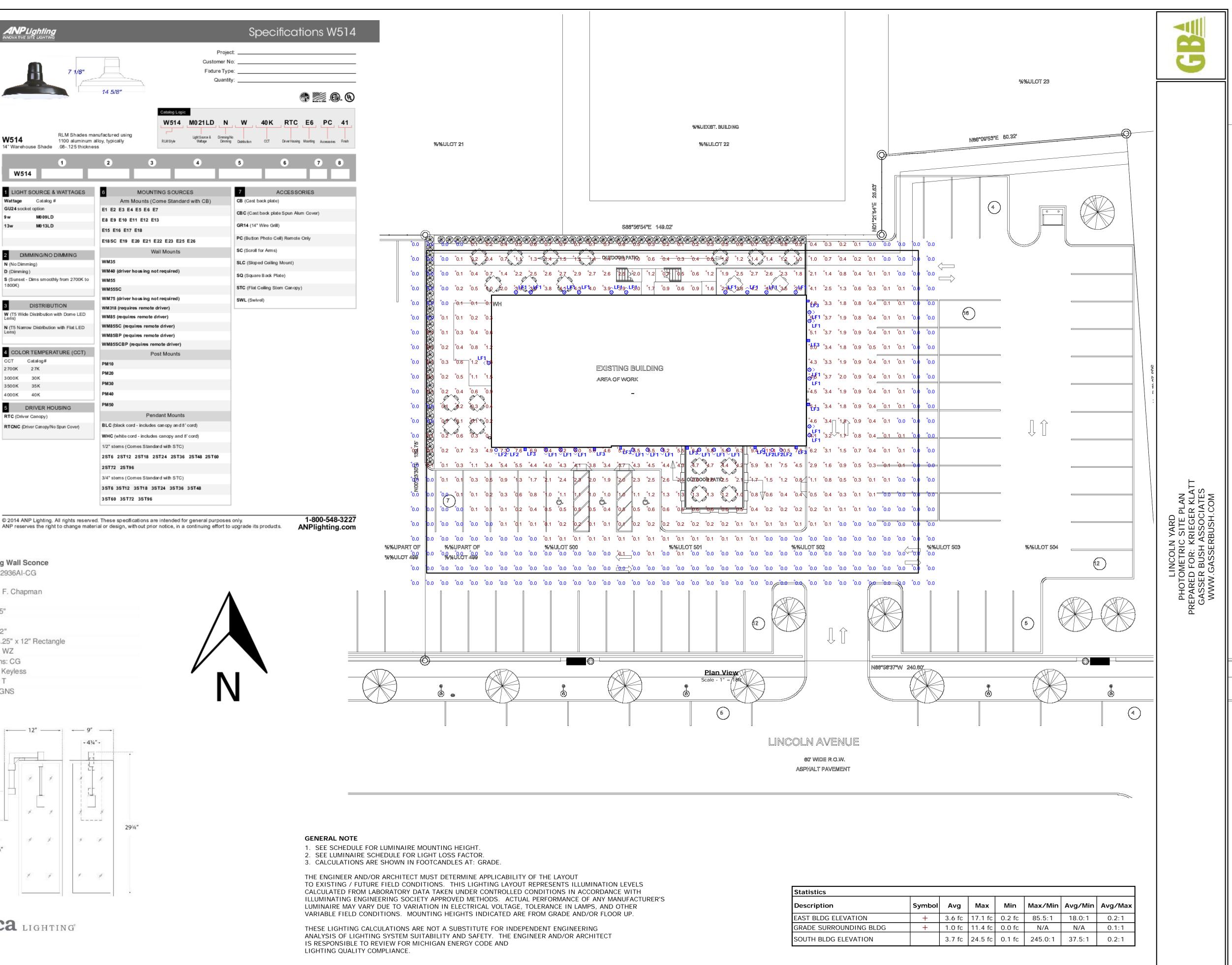


circa LIGHTING



(h) (**) (4)

SPEC SHEET



Symbol Label QTY Manufacturer Catalog Number Description Filename Lamp Number Lumens per LLF	Wattage Mount
	Heig
26 ANP Lighting, Inc RD150-10-NW-LED-UE 14" Warehouse Shade. T5 Wide Distribution with Dome LED Lens. (alt IES file used) W514 M009LD N W 40K RTC E.IES LED 1 871 0.9	11 12'-6"
S ANP LIGHTING, INC. A812-M021LDNW40K 12" ANGLE SHADE. Wide Distribution with Flat LED Lens. 4K. A812-M021LDNW40K.ies LED 1 1517 0.9	25.76 14'-6"
LF3 9 Circa Lighting CHD 2936AI-CG Fresno Long Wall Sconce. (lamp output assumed to be h/- 500 lumens) A19_L485_C30_B220_R_98778.IES LED 1 574 0.9	6.6 5'-6"

Designer LM/AAM Date 1/10/2017 rev 2/21/2017 Scale Not to Scale Drawing No. #17-66502-V2 1 of 1



Jana Ecker <jecker@bhamgov.org>

Panning Board Meeting 2/22/17

1 message

Jay Yaldoo <yaldoo@comcast.net> To: Jana Ecker <Jecker@bhamgov.org>

Sat, Feb 18, 2017 at 12:48 AM

Jana can you please forward my comments to the Planning Board committee

I would like to express my concerns regarding 2159 E. Lincoln – Request for a Special Land Use Permit to allow the operation of a new American style bistro serving alcoholic liquors and Request for Final Site Plan Review for a new American style bistro.

I am not opposed to more Bistros in the rail district area and I do believe having more options in this area will benefit the City, however, before any of this is approved I think we should have the parking issues figured out. Where are these cars going to park? Griffin Claw parking is not working and causing issues for the residential streets nearby. Is this going to happen to the residential streets near Lincoln too? What would be the hour of operations? We also need better cross walk designs to slow traffic and allow people to cross Eton safely. We have families with children and the more intense activities in the rail district, the more vehicular traffic. Whole Foods has not opened yet and we do not know how this will impact the traffic in the area. I can tell you that during peak hours traffic on Eton is backed up to Villa Street. When Whole Foods opens up back ups could be and probably will be down to Bowers. Adding more Bistros in the area will only increase the traffic. I think that before more bistros are opened in the rail district area lets figure out the current traffic issues we have before adding more issues. Another issue is the residential cut through traffic that will occur. When traffic backs up down Eton people will the residential streets to get to Maple or Adams.

Thank you,

Jerry Jay Yaldoo 1997 Haynes Street



Jana Ecker <jecker@bhamgov.org

Re: Allowing Bistros in Rail District

1 message

Larry Bertollini <lbertollini@att.net>

Mon, Feb 20, 2017 at 4:32 PM To: larry bertollini <lbertollini@att.net>, "<mnickita@bhamgov.org>" <mnickita@bhamgov.org>, "<pboutros@bhamgov.org>"

<pboutros@bhamgov.org>, "<cdeweese@bhamgov.org>" <cdeweese@bhamgov.org>, "<rackyhoff@hotmail.com>" <rackyhoff@hotmail.com>, "<ssherman@bhamgov.org>" <ssherman@bhamgov.org>, "<aharris@bhamgov.org>" <aharris@bhamgov.org>, "<pbordman@bhamgov.org>" <pbordman@bhamgov.org> Cc: "<jecker@bhamgov.org>" <jecker@bhamgov.org>, Joe Valentine <jvalentine@bhamgov.org>

Dear Planning Board

Lincoln Yard restaurant going before Planning Board Wednesday for final site plan approval.

The outdoor seating ground level is 64 Rooftop is 68 Main dining is 56 Then another inside dining section at 18

Great idea for a different location if this much seating is necessary. Seems like a lot of activity during peak periods for the surrounding residents.

The plan provides the required 56 on site parking required for a 4154 SF 1st floor area .There is an additional rooftop seating area that does not appear to be in the parking calc's., as well as seating for 64 on the ground level.

I am scratching my head because I am told outdoor restaurant seating is seasonal and doc no parking requirements are required.

Other communities such as Saint Clair Shores require some parking factor for outdoor dining probably to help avoid over stressing the surrounding areas with overflow parking.

This appears to be too much activity to expect on the people who live nearby should the restaurant ever be using both indoor & outdoor seating at the same time.

Also note the bistro seating requirement of 65 seats max seems to have a separation to get additional customers. Does this follow the spirit of the bistro ordinance?

Larry Bertollini

Sent from my iPhone

> On Feb 13, 2017, at 10:19 AM, larry bertollini < lbertollini@att.net> wrote:

> >

>

>

> Honorable Mayor City Commissioners,

> Please be aware of my concerns regarding bistros in Rail District

> 1. Outdoor parking requirements-as far as I know there are no parking requirements for outdoor dining. This creates parking issues during peak demand periods which is usually on a regular basis. This topic should also be included with the Ad Hoc Rail District Report during the Planning Board's review.

>

> 2. There are no measures yet on slowing traffic, creating better pedestrian crosswalks, & better visibility on Eton between Maple & Lincoln & between Lincoln & 14 Mile. More traffic due to restaurants serving alcohol > will only make the area less safe for families with children. The City seems to always be quick to allow Bistros & other commercial developments but lagging with improvements to address the impact of commercial traffic & parking to the

residents of the surrounding areas.

>

> 3. Limits to hours of operation & limiting the number of bistros. Has there been any additional provisions to the bistro conditions custom tailoring them for this district or are the requirements the same as the business district
 > west of Woodward. The Rail District is unique in all the surrounding residential areas that are effected by traffic & parking. One of the initial reasons for the bistros was to help the retail districts west of Woodward.
 > Please have a way to restrain an overage of bistros.

> Larry bertollini

> >

>

Planning Board Minutes February 22, 2017

2. 2159 E. Lincoln Lincoln Yard (Vacant, former BPS bus garage)

Request for a SLUP and Final Site Plan Review to allow the operation of a new Am Style bistro serving alcoholic liquors.

American

Motion by Mr. Williams

Seconded by Mr. Koseck to receive and file four documents that have been received:
1) e-mail from Jerry J. Yaldoo, 1997 Haines dated Saturday February 18th;
2) e-mail from Larry Bertollini dated Monday, February 20th;
3) e-mail from Jennifer Wheeler dated Wednesday, February 22nd; and
4) letter from the City of Birmingham Building Dept. dated February 22nd.

Motion carried, 7-0.

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

Ms. Ecker advised the subject site is located at 2159 E. Lincoln St., between S. Eton and Commerce. The parcel is the former Birmingham Public Schools bus garage repair center and is zoned MX. The applicant is seeking approval to renovate the existing building and add a small addition to the existing one-story building to house a new restaurant named Lincoln Yard. A small area of the building will be used for a future independent restaurant, which is not the subject of this application.

At this time the applicant is seeking approval of a bistro license under Chapter 10, Alcoholic Liquors, of the City Code to allow the service of alcoholic beverages in the proposed bistro. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is 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, SLUP, and for the operation of a Bistro License.

Lincoln Yard is proposing a full menu of comfort-food items, as well as vegetarian and gluten-free options with a focus on light, clean eating with a variety of locally sourced, seasonal specials. While Lincoln Yard will clearly provide a unique dining experience, the type of cuisine offered is currently represented in the City.

Lincoln Yard is proposing 10 seats at a bar located on the first floor at the west side of the dining room. No direct connect additional bar permit will be permitted from this license if approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 257.5 sq. ft. designated bar area.

Lincoln Yard is proposing to have 55 seats in the restaurant. They have proposed a glazing percentage of 71.5% for the street facing the building facade, thus meeting the required 70% minimum.

As required, Lincoln Yard is proposing outdoor dining along E. Lincoln, as well as in the rear of the building and on the roof. A total of 132 outdoor dining seats is proposed, of which 64 will be at ground level, and 68 are planned for the rooftop. A portion of the rooftop outdoor dining seats is partially covered by shipping containers made out of corrugated steel. The rooftop seating area has a steel guard rail system proposed around the perimeter that is not enclosed by the shipping containers, and planters are proposed along the south side.

The photometric plan provided does not specify illumination levels for the entire parking lot. In addition, the levels that are shown exceed the 20:1 max min ratio. *Thus, the applicant will be required to meet all lighting requirements, or obtain a variance from the BZA.*

The bistro requires 59 parking spaces. There are 56 on-site and they are seeking approval of 9 along the right-of-way.

Design Review

The applicant is proposing to update the entire property, to completely renovate the existing building by adding a small addition of 292 sq. ft. on the west side of the building, and open up the building to light by adding new openings and windows throughout. The entire building is proposed to be painted ivory with pre-finished metal coping in bronze added along the roofline, and extensive pedestrian scale architectural details. The applicant is proposing to add three new 20 ft. wide overhead garage doors with clear vision glass along the front (south) elevation. Each of these doors will be operable and can be opened in good weather. Two new steel channel awnings are proposed above the new doors.

On the east elevation facing the parking lot, the applicant is proposing three new divided light windows to replace the existing overhead panel garage doors. Also visible on the east elevation will be a new steel egress stair on the rear of the building, rooftop mechanical screening panels and a wood pergola to be mounted on the rear of the building.

On the rear (north) elevation of the building, the applicant is proposing to infill several existing windows and doors, and add three new single glass doors to provide access to the rear at grade outdoor dining area. A new steel egress/service stair structure is proposed to provide secondary roof access. Two wood pergolas are also proposed to be mounted on the rear elevation to provide shade to the rear, at grade outdoor dining areas.

On the west elevation facing Armstrong White at 2125 E. Lincoln, the applicant is proposing to remove the existing covered porch structure and a door, and to construct a small addition with three new windows.

Signage

The applicant is permitted to have a total of 102 sq. ft. of signage for the entire building. At this time, a rendering of proposed signage above the front entrance to Lincoln Yard is shown, but no dimensions or material specifications have been proposed and the applicant will be required to obtain administrative approval for all signage prior to fabrication and installation.

Mr. Williams observed that two of the e-mails deal with parking. At the last meeting it was determined that parking in the entire Rail District is sufficient. The e-mails also talk about traffic in the area. In his view, the traffic in the area needs to be slowed down on S. Eton, particularly between Lincoln and Maple Rd. Further, stop signs are needed so pedestrians can get across Eton. In his e-mail Mr. Bertollini addresses the issue of the parking requirement when there is outdoor dining. This is a topic that needs to be considered in the future Master Plan. Ms. Ecker confirmed that if there are parking concerns and spillovers into the neighborhood and they come up, the City Commission can require that they be dealt with, or the SLUP can be revoked under the revised contract terms.

Mr. Boyle suggested that traffic along Lincoln could be slowed down by having striped parking on both sides. Immediately across the street from Lincoln Yard is a huge parking facility that is only used to its capacity during limited sporting activities. Most of the time there would be additional parking opportunities there. Further, the office parking on the adjacent lot will empty out at night and shared parking can occur. Lastly, Mr. Boyle questioned where people who are waiting to be seated will be accommodated.

Mr. Share wondered whether the use of a shared parking arrangement could be conditioned upon breaking up the lot with landscaping.

Ms. Whipple-Boyce observed that the majority of the dining activity in this plan occurs behind the building or on the roof rather than along the street. However, the whole point of the Bistro License is to encourage activation of the streetscape.

Mr. Curt Catallo from Union Joints, the applicant, came forward. Also present were Mr. Eric Lyons, Managing Partner; Mr. Chuck White and Ms. Catherine Abhoud from Armstrong White; and Mr. Jeff Klatt from Krieger Klatt Architects. Mr. Catallo explained they have a close relationship with the owners of Armstrong White who own the property. He noted they are always looking for a building that only served one purpose. They feel this project would allow them to bring something to an area that is already vibrant and changing. The shipping containers are not only right at home in the bus garage, but they are right at home in the Rail District with its industrial back bone that they want to celebrate.

They propose an interesting combination of three different outdoor settings within one. The interior plans for the bistro show it to be as honest as the food they serve. He believes this building fits into the vision of the Rail District Master Plan.

Mr. Koseck spoke to say he thinks there are some fundamental site plan design flaws such that he could never support the plan today even though he likes the project. In response to Mr. Koseck, Ms. Ecker explained there is not a hard and fast deadline for the bistros to go back to the City Commission. There would still be enough time if this were postponed to get a decision by the Planning Board prior to a hearing before the City Commission.

Mr. Koseck went on to describe the project as an island surrounded by a sea of parking. There are fundamental things that can be done to improve the site to make it into what his view is of a bistro

and how it works within the City. Mr. Catallo explained the section that is not included in the SLUP application will be a tenant within the building that will be called "Little Yard." It is meant to accommodate takeout food, "grab and go." He said the cyclone fence at the west property line between them and Armstrong White will go away so they can share parking.

Mr. Koseck indicated that painted stripes on a driveway is not a great design to integrate the building with pedestrian sidewalks. He suggested that he could take the 3 ft. that is not required by Code out of each of the 23 ft. parking aisles. Then move the green belt on the east side of the parking lot and place it up against the building so it can become a sidewalk or landscaping. With the current design patrons inside looking out only see asphalt, driveway and cars, as opposed to landscaping. He would like to see the site read like a peninsula that engages with the street rather than an island.

Mr. Koseck made additional suggestions:

- Move the dumpster to the back of the building and provide some additional parking and eliminate some of the parking in front of the building to have the pedestrian entryway extend out and engage with the street;
- Place the energy of the building towards the front by removing dining from the rear north side so that patrons can see, be seen and engage with the street.
- He was concerned that more than a third of the building's facade is in the future tenant space, not in the bistro;
- Create a mirror image of the plan. Shift the entrance drive to the west so that people come in through the curb cut and have to go east. They would exit where they enter.

Mr. Boyle said that to him this is an industrial area and the site should be left hard to reflect that and not have trees and bits of green.

Discussion concluded that the fence between the two parking lots must come down because otherwise there would be a traffic flow problem there. Either a shared parking arrangement and/or an easement would need to be executed and recorded at the time they seek approval.

Ms. Whipple-Boyce noted the Bistro Ordinance is designed specifically to activate the streets Downtown. Now that the board is seeing projects in the MX District, she thinks maybe they should have tweaked the ordinance to be a little less restrictive in the MX. She is supportive of the 150 outdoor dining seats and not worried about the parking and changing the green area. However, she does think it is important to engage the street and that is lacking in this design. She would like to see the tables in back come up to the front. Mr. Catallo advised they would not do this project if they thought it would create a parking problem.

Vice Chairperson Lazar opened discussion from the public at 9:47 p.m.

Ms. Catherine Abhoud said they absolutely will take down the cyclone fence. They will have an open parking and access arrangement. Mr. Williams reiterated that needs to be documented.

Street lighting inconsistencies in the Rail District were discussed and Ms. Ecker said that DTE is trying to select a new manufacturer that will not be so bright and will match the existing lighting at Armstrong White, which is the approved standard.

Motion by Mr. Share

Seconded by Mr. Koseck that the Planning Board postpone to March 8, 2017 the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Lincoln Yard at 2159 E. Lincoln.

Mr. Boyle explained the postponement will allow time for the applicant to come to the City with an appropriate document that states what they will do. It will also give the architect and the prospective tenant the opportunity to consider whether they might want to propose changes to the site plan.

There were no further comments from the public at 9:48 p.m.

Motion carried, 7-0.

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

At this time the board took a short recess.



Lincoln Yard

1 message

Jennifer Wheeler <jennybwheeler@gmail.com> To: jecker@bhamgov.org Wed, Feb 22, 2017 at 2:14 PM

Good evening,

I am a resident on Holland Street and absolutely love the possibility of Lincoln Yard and think it would be an amazing addition to our neighborhood. I feel the restaurant would fit right in with the revitalization of the area. Having another restaurant we can all walk to would be ideal for the space. A lot of other parents in the area enjoy putting the kids in the stroller and walking up to Griffen Claw, it would be amazing to have another dining option besides the brewery. The location is perfect for family dining with it's location so close to the swim club, Kenning Park, the skate park, ice rink, tennis courts and baseball fields.

I have lived in the Torry neighborhood since 2010, formerly on Cole Street and currently on Holland. While I understand there are traffic concerns it is my understanding that there is a traffic study in progress currently and this spring we are getting crosswalk signs across Eaton. I feel there are other solutions to traffic issues other than banning fun and vibrant businesses from coming to our community.

Thank you,

Jennifer Wheeler 1665 Holland Street Birmingham, MI 48009



YES on Lincoln Yard

1 message

Aaron McNamara <aaron.mcnamara@gm.com> To: "jecker@bhamgov.org" <jecker@bhamgov.org> Mon, Feb 27, 2017 at 10:40 AM

Hi there,

My fiancé and I live on Emmons and would like to vote YES on the Lincoln Yard restaurant proposal. Having another great restaurant in the area would be an amazing addition to the neighborhood.

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

Confidentiality Note: This message is intended only for the person or entity to which it is addressed. It may contain confidential and/or privileged material. Any review, transmission, dissemination or other use, or taking of any action in reliance upon this message by persons or entities other than the intended recipient is prohibited and may be unlawful. If you received this message in error, please contact the sender and delete it from your computer.



YES on Lincoln Yard

1 message

Warren Frenkel <Warren.Frenkel@rocorealestate.com> To: "jecker@bhamgov.org" <jecker@bhamgov.org> Mon, Feb 27, 2017 at 10:24 AM

Please include my vote as a Yes for the Lincoln Yard proposal. It would be another reason for me to stay in the neighborhood.

Let me know if you need any additional information from me.

Thanks,



Warren Frenkel

ROCO Real Estate

33 Bloomfield Hills Parkway, Suite 135

Bloomfield Hills, MI 48304

248.516.1657 - Direct

248.593.1919 - Main

248.250.0026 - Mobile



Mon, Feb 27, 2017 at 10:52 AM

YES on Lincoln Yard

1 message

Scott Weller <scott.d.weller@gmail.com> To: jecker@bhamgov.org

Hello -

My wife and I live off Holland St and wanted to let you know that we strongly support moving forward with the Lincoln Yard restaurant. It would be great to have another restaurant in walking distance to our home.

Please let me know if you have any questions.

Thanks! scott

Scott Weller scott.d.weller@gmail.com



YES on Lincoln Yard

1 message

Marcus McNamara <marcus.t.mcnamara@gmail.com> To: jecker@bhamgov.org Mon, Feb 27, 2017 at 10:15 AM

Hello, my wife and I live on Webster Street and strongly vote YES on the Lincoln Yard restaurant proposal. The rail district desperately needs another restaurant and it would be an amazing addition to the neighborhood.

Please let me know if you need anything at all.

Marcus McNamara Cell: 248-941-7837

Sent from my iPhone



VOTE YES TO LINCOLN YARD

1 message

Emily Catton <cattonem@me.com> To: jecker@bhamgov.org Mon, Feb 27, 2017 at 10:55 AM

Hello, my husband and I live on Webster Street and strongly vote YES on the Lincoln Yard restaurant proposal. The rail district desperately needs another restaurant and it would be an amazing addition to the neighborhood.

Please let me know if you need anything at all.

Emily McNamara Cell: 248.821.5054

Sent from my iPhone



(no subject)

1 message

jen.spagnuolo@gmail.com <jen.spagnuolo@gmail.com> To: jecker@bhamgov.org Tue, Feb 28, 2017 at 8:40 AM

My husband and I live on Cole and are very excited about the news of the New restaurant going in on Lincoln!! Hope it goes through! Jennifer Walsh



Lincoln Yard Support

1 message

Danielle Petty <drpetty04@yahoo.com> Reply-To: "drpetty04@yahoo.com" <drpetty04@yahoo.com>

To: "jecker@bhamgov.org" <jecker@bhamgov.org>

Wed, Mar 1, 2017 at 9:39 AM

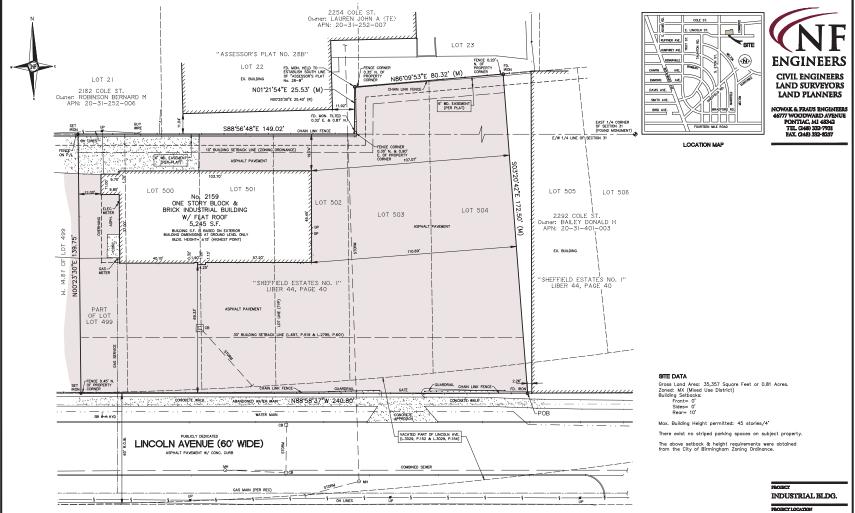
Good morning Ms. Ecker,

My family currently owns a home on Webster St near the rail district. I wanted to reach out and let you know that we fully support the approval Lincoln Yard. The rail district has a great need for more restaurants and upscale shopping. We think Lincoln Yard will be a great addition to the neighborhood.

Thank you,

Danielle Petty

Sent from Yahoo Mail on Android



- LEGEND ASPH = Asphalt Aspirat
 Cable
 Cable TV/Box/Riser
 Catch Basin
 Clean Out
 Concrete
 Electric
 Electric Meter
 Electric Meter C CATV CB CO CONC EM EC F.I. = Electric Conduit/Riser
- F.L = F G. = Gro. G.P = Gurc. GV = Gate V. HD = Hydrontol. L/S = Londecope MH = Manhole MON. = Monitor With W UNES = None/Bay/Riter PH = Physically Handloop YV = Posting/Later PH = Physically Handloop YV = Posting/Later Right of Way = Sanitary Sever = Stat Iron Stat Iron Stat Iron PH PIV PM RON SAB S.I. SO STM SSD TRANS UP WM (R) (M) = Sanitary Sewer = Stop Box (Water) = Set Iron = Shutoff (Water) = Storm Sewer = Transformer = Utility Pole = Water Main = Poner Magarappe = Record Measurement Surveyed Measurement (C) = Calculated 0 10 20 20

GRAPHIC SCALE 1"=20'

FLOOD HAZARD NOTE

The Property described on this survey does not lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency, the property lies within Zone X of the Flood Insurance Rate Map Identified as Map No. 26125C0537F bearing an effective date of 9-29-2006.

CEMETERY NOTE

There was no observable evidence of cemeteries or burial grounds within the subject property.

UTILITY NOTE

All utilities are underground unless otherwise noted.

The utilities shown on this survey were determined by field observation. All locations are approximate. The location of any other underground services which may exist can only be depicted if a Utility Plan is furnished to the surveyor.

SURVEY NOTES

There was no observable evidence of current earth moving work, building construction or building additions.

There are no known proposed changes in street right-of-way lines available from the controlling jurisdiction.

There was no observable evidence of recent street or sidewalk construction or repairs.

There was no observable evidence of site use as a solid waste dump, sump or sanitary landfill.

TITLE NOTES Subject to:

1. Rights or claims of parties in possession not shown by the public records 3. Easements or claims of easements not shown by the public records and existing water, mineral, oil and exploration rights.

5. Restrictions upon the use of the premises not appearing in the chain of

9. Easement for public utilities over the North 6 feet as shown on the recorded plat. [Said easement is plotted hereon].

10. Building and Use restrictions and other covenants and conditions, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions, or restrictions violate 42 USC 3604(c), disclosed in instrument recorded in Liber 697, Page 519, and Liber 2795, Page 601 Oakland County Records. [Front building setback line restriction is plotted hereon].

All exceptions shown or noted on this survey were obtained from Title Commitment No. WS11687, Revision No. 1, dated 07-31-2012, issued by William T. Sheahan Title Company.

LEGAL DESCRIPTION

Land Situated in the City of Birmingham, County of Oakland, State of Michigan, and described as follows:

Lot 499 (except for the West 14.81 feet) through Lot 504, also part of vacated Lincoln Avenue adjacent to same as vacated by resolutions in Liber 3029, Page 152 and Liber 3029, Page 154, inclusive, of Sheffield Estates No. 1, as recorded in Liber 44, Page 40 of Oakland County Records.

Tax ID: Part of 20-31-401-006

BASIS OF BEARING NOTE

All bearings are in relationship to the previously established North & South 1/4 line of Section 31 of "Sheffield Estates No. 1" as recorded in Liber 44, Page 40, Oakland County Records. Record bearing: 5.002330° W.

SURVEYOR'S CERTIFICATION

Don Balley School District of the City of Birmingham, a Municipal corporation William T. Sheahan Title Company First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Survey, jointly established on adapted by ALTA and NSPS, and includes items 2, 3, 4, 6(a), 6(b), 7(a), 7(b)1, 7(c), 8, 9, 11(a), 13, 16, 17, & 18 of Table A thereof.

The field work was completed on 9-26-2012.

Į. Kevin Navaroli, P.S. No 53503 Dated: 10-17-2012 Rev. 10-18-2012



KEVIN NAVAROLI PROFESSIONAL SURVEYOR NO. 53503

FFSSI

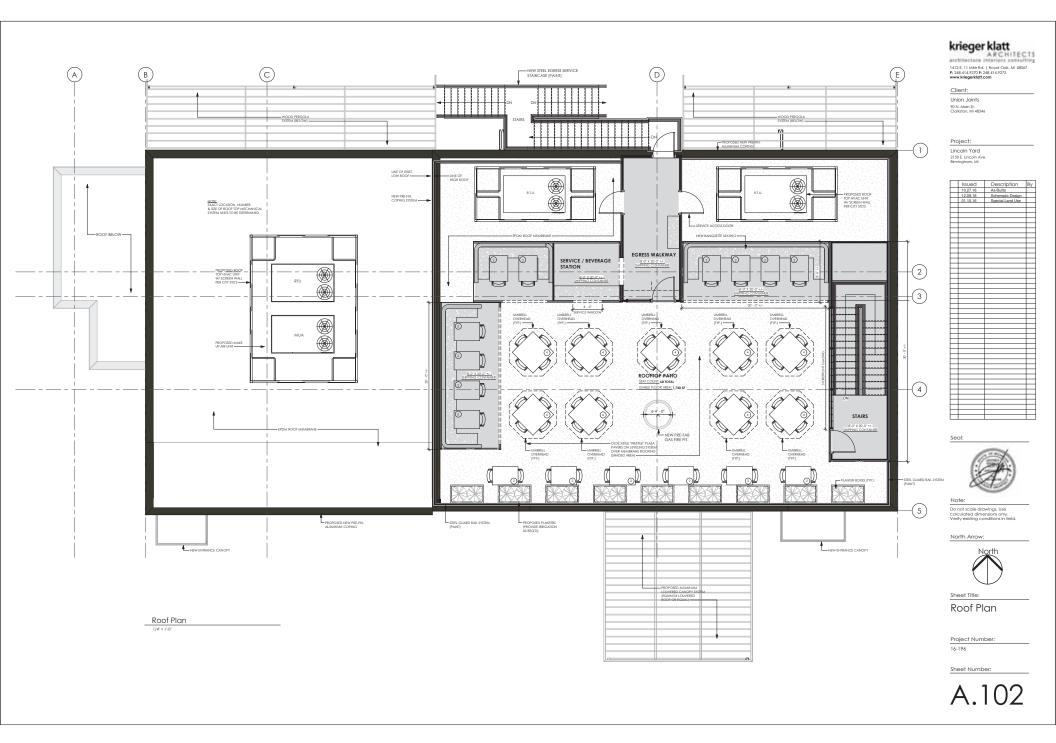
No. 2159 E. Lincoln Street Part of the SE. 1/4 of Section 31, T.2N., R.11E., City of Birmingham, Oakland County, MI

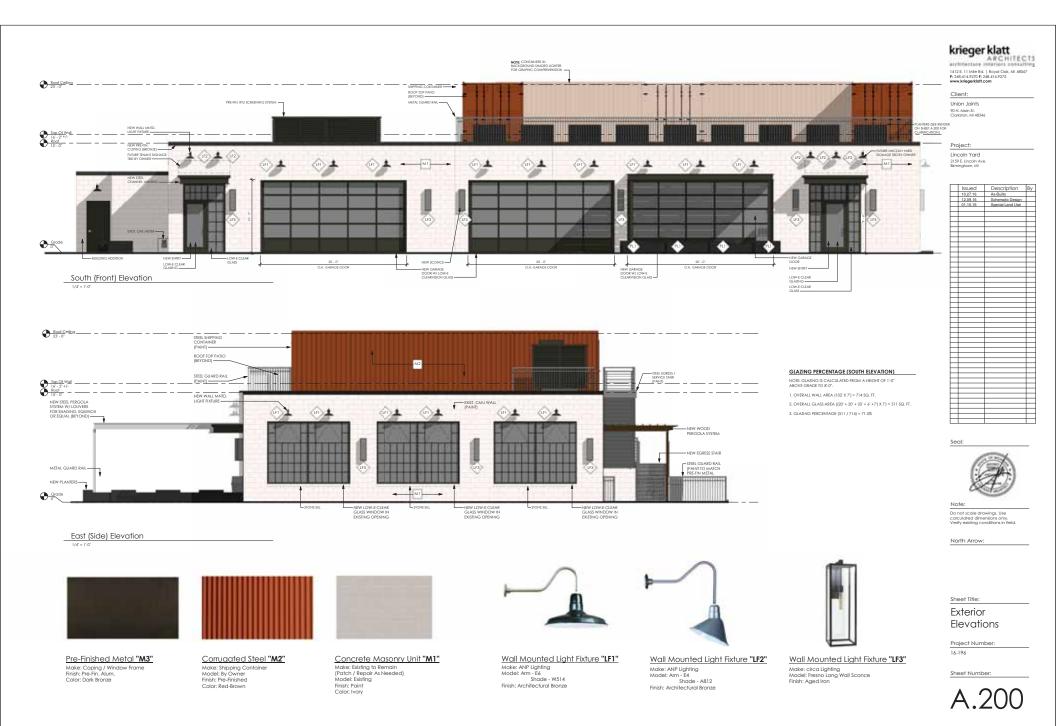
ALTA/ACSM Land Title Survey

10-17-2012 ORIGINAL SURVEY 10-18-2012 REV. PARCELS











A.201

<u>Planterworx Arena Rectangular Planter "PL1"</u> Manufacturer: Design Within Reach Model: Planterworx Finish: Pre-Fin. Metal



Travira Square Bistro Table Make: Oxford Garden Model: Vintage Tekwood Top Finish: Aluminum, Tekwood Color: Vintage Tekwood



Equinox Opening Shade System Make: Equinox Louvers Madel: Harizontal, Operable Finish: Charcoal Color: Charcoal



Brushed Aluminum Chair "C1" Make: Brushed Aluminum (Navy) Chair Model: Fashion Seating - Item #L5801 Finish: Aluminum

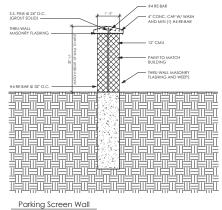


Market Umbrella Make: FF Design Model: Orange White Striped 9-FT Patio Umbrella With Push Button Till Materiai: Olefin / Aluminum Color: Orange / White

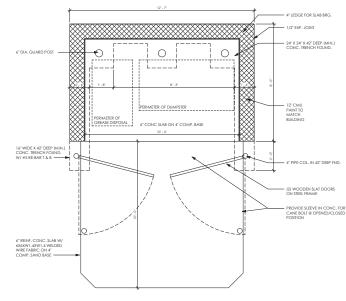
New Pre-Fab Steel Staircase

Steel Channel Stringers Shop drawings to be provided at a later date for final design of straircase. Finish: Pre-Finished

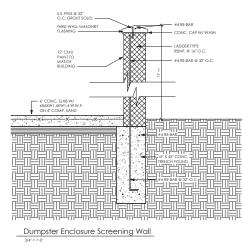
Steel Handrail & Guardrail (Per code)



3/4" = 1'-0"



Dumpster Enclosure Plan

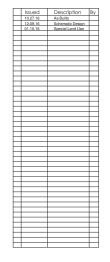


krieger klatt

1412 E. 11 Mile Rd. | Royal Oak, MI 48067 P: 248.414.9270 F: 248.414.9275 www.kriegerklaft.com

Client: Union Joints 90 N. Main St. Clarkston, MI 48346

Project: Lincoln Yard 2159 E. Lincoln Ave. Birmingham, MI



Seal:



Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field

North Arrow:

Site Details

Project Number:

16-196

Sheet Number:

C.101

krieger klatt H12E1 I Me Rel, Royal Ock, MI 48047 P: 248.H49270 P: 28.41.49275 www.kiegerklatt.com

Client: Union Joints 90 N. Main St. Clarkston, MI 48346

Project: Lincoln Yard 2159 E. Lincoln Ave. Birmingham, MI







Do not scale drawings. Use calculated dimensions only Verify existing conditions in I

North Arrow

Sheet Title: Existing Site & Building Photographs Project Number: 16-196

Sheet Number:





View of East Side of Building

View of North Side of Building



View of West Side of Building



View of South Side of Building



Lincoln Yard

<u>Addition & Renovation</u> 2159 E. Lincoln Birmingham, MI 48009

General Scope of Work

1. Exterior and interior renovation of existing building to incorporate a new bistro with a roof top patio.

2. Demolition as required for new build-out and roof level improvements.

3. Interior retrofit with new mechanical, electrical, and plumbing system as required for the new concept

Building Owner

Lincoln Station (Chuck White / Katherine Abboud) 2125 E. Lincoln St. Birmingham, MI 48009 P.248.594.1818

Tenant

Union Joints (Curt Catallo) 90 N. Main St. Clarkston, MI 48346 P.248.795.2483

Architect

Krieger | Klatt Architects Inc. (Jeff Klatt, R.A.) 1412 E. 11 Mile Rd. Royal Oak, MI 48067 P.248.414.9270 F.248.414.9275

Architectural Sheet Index

Sheet No	Title
G.001	Cover Sheet
1	Boundary & Topographic Survey
C.100	Architectural / Landscape Site Plan
C.101	Site Details
C.102	Photometric Plan
C.103	Streetscape Plan & Details
C.104	Existing Site & Building Photographs
A.101	Floor Plan
A.102	Roof Plan
A.200	Exterior Elevations
A.201	Exterior Elevations
A.300	Exterior Renderings

Zoning Information (City of Birmingham)

Lots: Part of Lots 499, 500, 501, 502, 503, & 504 Zoned: MX, Mixed-Use Lot Area: 35,337 SQ. FT. Maximum Lot Coverage Allowed: 6,000 S.F. Max Floor Area

Lot Coverage (Footprints)

1. Existing Building

5,074 SQ. FT. 292 SQ. FT. 5,366 SQ. FT.

5,366 SQ. FT. / 35,337 SQ. FT. = **15.2 %** Lot Coverage

<u>Height</u>

2. Addition

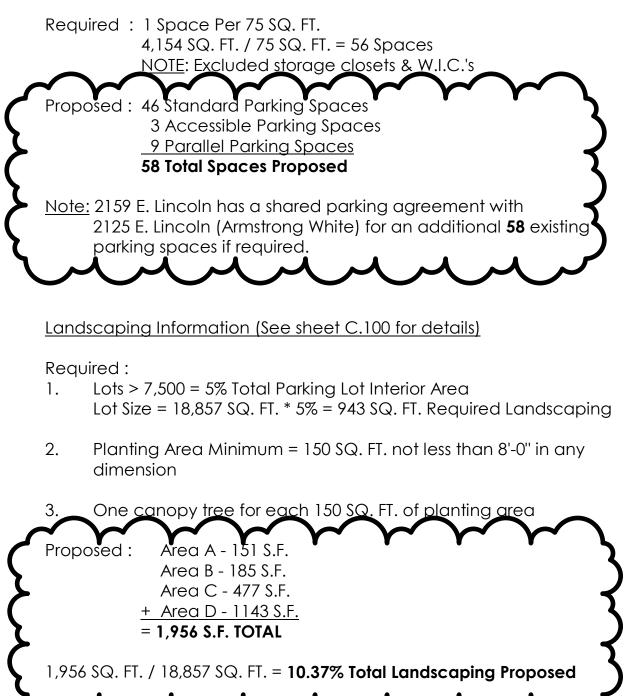
Total:

Maximum Building Height (For Flat Roofs): 45.00' / 4 Stories - Existing Roof Height at Top of Parapet: 16.16' +/-- Roof Height at Top of Shipping Container: 23.00' +/-

Setback Information

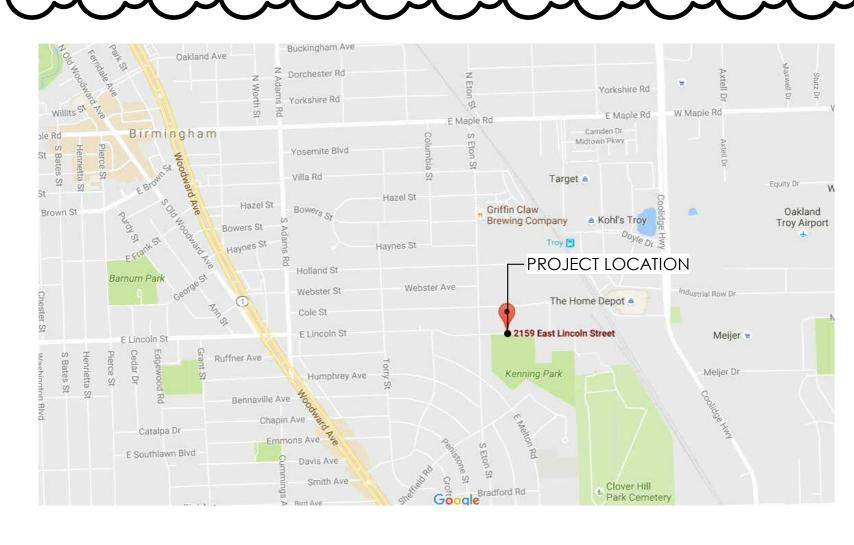
- Front Yard Required: 0.00'
 Existing Front Yard Setback to Remain
- 2. East Side Yard Required: 0.00'
 Existing Side Yard to Remain
- West Side Yard Required: 0.00'
 West Side Yard Existing: 12.00'
 West Side Yard Proposed: 9.33'
- 4. Rear Yard Required: 10.00'
 Existing Rear Yard to Remain

Parking Information





View of Front Facade









krieger klatt

A R C H I T E C T S architecture interiors consulting 1412 E. 11 Mile Rd. | Royal Oak, MI 48067 P: 248.414.9270 F: 248.414.9275 www.kriegerklaft.com

Client:

Union Joints

90 N. Main St. Clarkston, MI 48346

Project:

Lincoln Yard 2159 E. Lincoln Ave. Birmingham, MI

Issued	Description	By
10.27.16	As-Builts	
12.09.16	Schematic Design	
01.10.16	Special Land Use	
2.28.17	SLU - Revisions	
2.20.17		

Seal:



Note: Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:



Sheet Title:

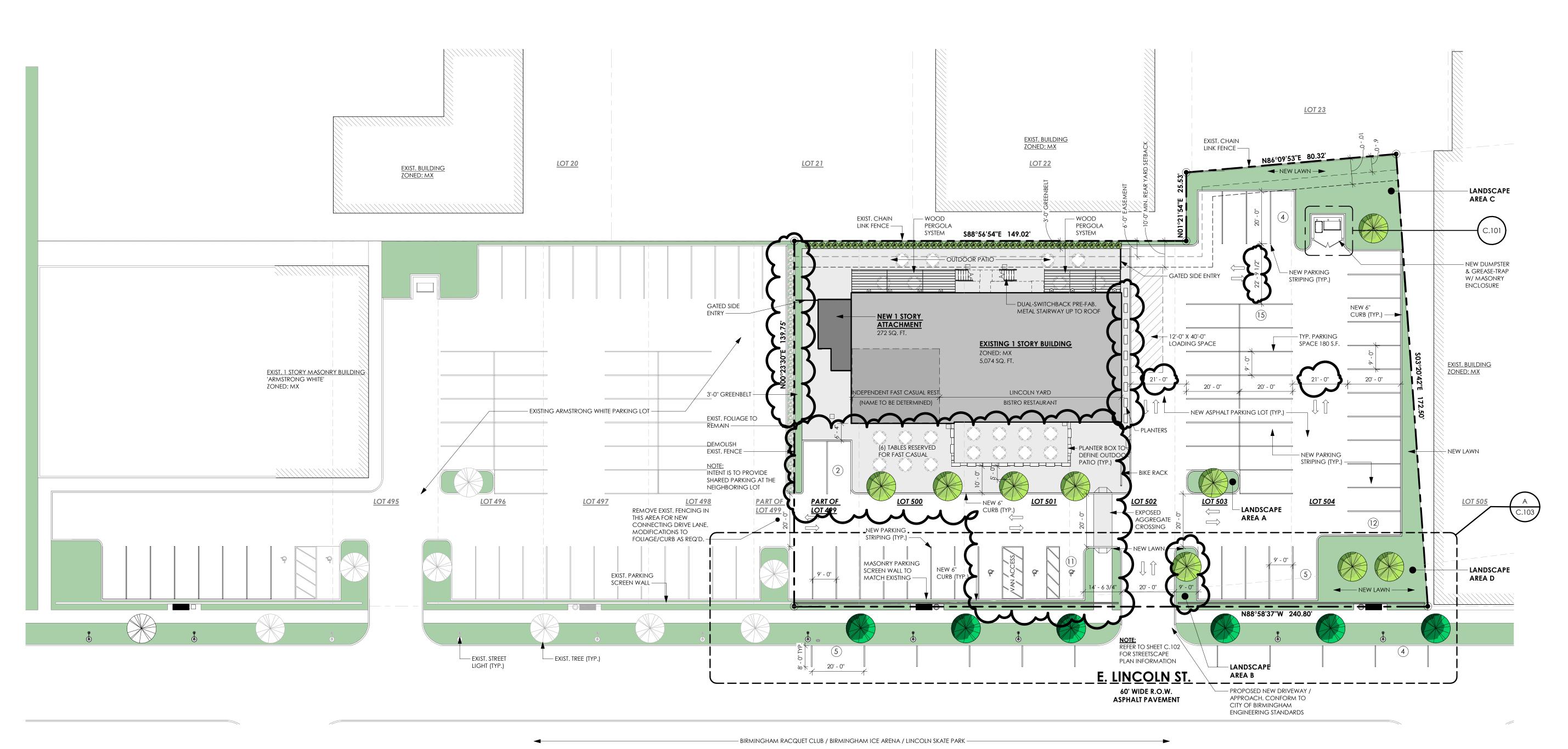
Cover Sheet

Project Number: 16-196

Sheet Number:

7

Aerial Map







krieger klatt ARCHITECTS

architecture interiors consulting 1412 E. 11 Mile Rd. | Royal Oak, MI 48067 P: 248.414.9270 F: 248.414.9275 www.kriegerklaff.com

Client:

Union Joints

90 N. Main St. Clarkston, MI 48346

	SIZE	SPACING	ROOT
PEAR	3" CAL.	SEE PLAN	B&B
	5' HGT.	2'-0" O.C.	B&B
	-	-	-
AM	3" CAL.	SEE PLAN	B&B
Л	-	-	-

Project:

Lincoln Yard 2159 E. Lincoln Ave. Birmingham, MI

	Issued	Description	By
	10.27.16	As-Builts	
	12.09.16	Schematic Design	
	01.10.16	Special Land Lice	
		Special Land Use	
	2.28.17	SLU - Revisions	
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Seal:



Note: Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:

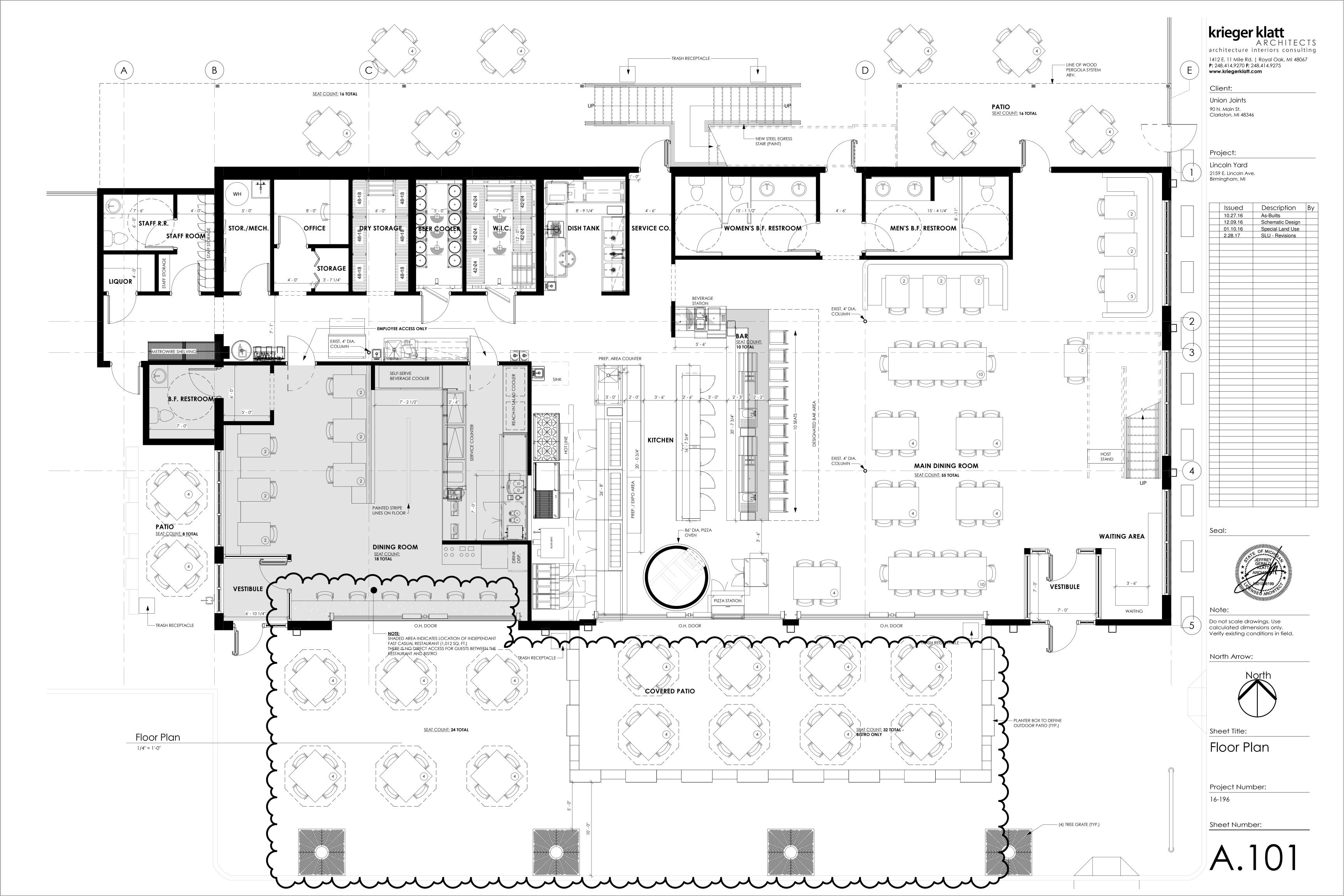


Sheet Title:

Architectural / Landscape Site Plan Project Number: 16-196

Sheet Number:

C.100





View of Lincoln Yard Front Entrance



Top View of Rooftop Patio



View of Future Restaurant Entrance



View from Rooftop Patio towards Lincoln St.

krieger klatt ARCHITECTS architecture interiors consulting

architecture interiors consulting 1412 E. 11 Mile Rd. | Royal Oak, MI 48067 P: 248.414.9270 F: 248.414.9275 www.kriegerklatt.com

Client:

Union Joints 90 N. Main St. Clarkston, MI 48346

Project:

Lincoln Yard 2159 E. Lincoln Ave. Birmingham, MI

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10.27.16	As-Builts	
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01.10.16	Special Land Use	
2.28.17	SLU - Revisions	
2.20.17		
		-

Seal:



Note: Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:

Sheet Title:

Exterior Renderings

Project Number: 16-196

Sheet Number:



Aluminum Door Systems

ALUMINUM SECTIONAL DOORS



VISUAL ACCESS. LIGHT INFILTRATION. CONTEMPORARY LOOK.

511/521



INDUSTRY LEADING COMMERCIAL & INDUSTRIAL SOLUTIONS



Standard features at a glance

Overhead Door aluminum sectional doors offer an attractive solution for commercial and industrial applications where visual access, light infiltration and aesthetics are key design considerations.

Durable construction for years of reliable operation

- 1 3/4" (45 mm) thick, corrosion-resistant 6063-T6 aluminum sections with galvanized fixtures and hinges promotes durability and trouble-free operation
- 1/4" (6 mm) diameter through-rods on all stiles and rails enhances strength and sturdiness
- Top-quality materials, excellent field service and optional maintenance program contribute to extended door life, low maintenance costs and maximum productivity

A variety of standard features and options

- Doors up to 26'2" (7976 mm) wide and 20'1" (6121 mm) high (Model 521)
- Glazing choices include DSB glass, acrylic, tempered glass, clear polycarbonate, multi-wall polycarbonate, wire glass, Low E, Lexan and laminate
- Standard clear anodized finish for low-maintenance and corrosion-resistance
- Optional finishes include a wide range of powder coat colors offering an attractive and durable finish
- Manual pull rope operation with optional chain hoist or electric motor operator

Available In 197 powder coat colors

Cover image: Model 521, clear anodized finish with clear glass.

Image above: Model 521, powder coat green finish. Choose from a selection of 197 powder coat colors to match the aesthetic and design of your project. This color optional upgrade includes a hardening additive that provides an attractive and durable finish and easy-to-clean surface.

ALUMINUM DOOR SYSTEMS MODELS 511/521



General specifications	Model 511	Model 521
Panel thickness	1 3/4" (45 mm)	1 3/4" (45 mm)
Max. width	16′2″ (4928 mm)	26'2" (4928 mm)
Max. height	16′1″ (4902 mm)	20'1" (6121 mm)
Rails standard material	6063–T6 aluminum	6063–T6 aluminum
Rails standard finish	204R–1 clear anodized	204R–1 clear anodized
Center stile widths	21/32" (17 mm)	2 11/16" (68 mm)
End stile widths	2 3/4" 2 3/4"	3 5/16" (85 mm)
Top rail widths	2 3/8", 3 3/4" (60 mm, 95 mm)	2 3/8", 3 3/4" (60 mm, 95 mm)
Intermediate rail pair widths	1 3/8" (40 mm)	3 11/16" (94 mm)
Bottom rail widths	2 3/8",3 3/4",4 1/2" (60 mm/95 mm/114 mm)	3 3/4",4 1/2" (95 mm/114 mm)

Available options	Model 511	Model 521
1/8" (3 mm) DSB	•	•
1/8" (3 mm) or 1/4" (6 mm) acrylic	•	•
1/8" (3 mm) or 1/4" (6 mm) tempered	•	•
1/8" (3 mm) or 1/4" (6mm) clear polycarbonate	•	•
1/4" (6 mm) wire glass	•	•
1/2"(12mm) insulated glass	•	•
Electric operator	•	•
Bottom sensing edge	•	•
Chain hoist	•	•
3" track	•	•
Bracket mounting	•	•
High-cycle springs	•	•
Posi-tension drums	•	•
Pass door		•
Exhaust ports	•	•
Bronze anodization	•	•
Powder coat paint finish	•	•

ALUMINUM DOOR SYSTEMS MODEL 511

ALUMINUM SECTIONAL DOORS

P

ALUMINUM DOOR SYSTEMS MODEL 511

doors are designed in sizes up to 16'2" wide and 16'1" high (4928 mm and 4902 mm). Featuring a narrow center stile width of 21/32" (17 mm), these doors are sleek, attractive and permit maximum visibility. An array of glazing choices, top-and bottom-rail widths, finishes and special options customizes the 511 Model to satisfy nearly any project requirement.

(0.00

Standard features at a glance

Panel thickness	1 3/4" (45 mm)
Maximum standard width	16'2" (6147 mm)
Maximum standard height	16'1" (4902 mm)
Material	6063-T6 aluminum
Standard finish	204R-1 clear anodized
Center stile width	21/32" (17 mm)
End stile width	2 3/4" (70 mm)
Top rail width	2 3/8" (60 mm) or 3 3/4" (95 mm)
Top intermediate rail width	3/4" (19 mm)
Bottom intermediate rail width	5⁄8" (16 mm)
Bottom rail width	2 3/8" (60 mm) or 3 3/4" (95 mm) or 4 1/2" (114 mm)
Weatherseals	Bottom, flexible PVC
Standard springs	10,000 cycle
Track	2" (51 mm)
Mounting	Angle
Operation	Manual pull rope
Hinges and fixtures	Galvanized steel
Lock	Galvanized, interior-mounted single unit
Color palette	197 powder coat finishes are available from your Overhead Door distributor
	and the second se
Warranty	12-month limited; 3-year powder coat finish

Options

Glazing options*: 1/8" (3 mm) DSB; 1/8" (3 mm) or 1/4" (6 mm) acrylic; 1/8" (3 mm) or 1/4" (6 mm) tempered; 1/8" (3 mm) or 1/4" (6 mm) clear polycarbonate; 1/4" (6 mm) and 3/8" twin-wall polycarbonate, 5/8" triple-wall polycarbonate; 1/4" (6 mm) 3/8" (10 mm) and 5/8" (16 mm) twin-wall polycarbonate, triple-wall polycarbonate 1/4" (6 mm) wire glass; 1/2" (12 mm) insulated glass

Electric operator or chain hoist

Bottom sensing edge

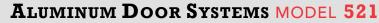
3" track

Bracket mounting (not available on full vertical door tracks)

Higher-cycle springs in 25k, 50k, 75k, 100k cycles

Panel schedule		Section schedule	
Door width	Number of panels	Door height	Number of sections
to 9'2" (2794 mm)	2 or 3	to 8'6" (2591 mm)	4
9'3" to 11'11" (2819 mm to 3632 mm)	3	8'7" to 10'1" (2616 mm to 3073 mm)	5
12'0" to 14'11" (3658 mm to 4547 mm)	4	10'2" to 12'1" (3099 mm to 3683 mm)	6
15'0" to 16'2" (4572 mm to 4928 mm)	5	12'2" to 14'1" (3708 mm to 4293 mm)	7
		14'2" to 16'1" (4318 mm to 4902 mm)	8

ALUMINUM SECTIONAL DOORS



is appropriate for environments where maximum light infiltration and/or visual access is required. Designed to fit openings up to 26'2" (7976 mm) wide and 20'1" (6121 mm) high, the 521 Model features a wide, 2 11/16" (68 mm) center stile, a 2 3/8" (60 mm) or 3 3/4" (95 mm) top rail, and 3 3/4" (95 mm) or 4 1/2" (114 mm) bottom rail. A variety of glazing choices, finishes and special options are available.

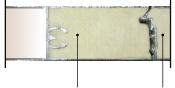
> Model 521, white powder coat finish and clear glass.

Standard features at a glance

Section thickness	1 3/4" (45 mm)
Maximum standard width	26'2" (7976 mm)
Maximum standard height	20'1" (6121 mm)
Material	Extruded 6061-T6 aluminum
Standard finish	204R-1 clear anodized (painted white at no charge)
Center stile width	2 11/16" (68 mm)
End stile width	3 5/16" (85 mm)
Top rail width	2 3/8" (60 mm) or 3 3/4" (95 mm)
Top intermediate rail width	2 1/8" (54 mm)
Bottom intermediate rail width	1 19/32" (40 mm)
Bottom rail width	3 3/4" (95 mm) or 4 1/2" (114 mm)
Weatherseals	Bottom, flexible PVC
Standard springs	10,000 cycle
Track	2" (51 mm)
Mounting	Angle
Operation	Manual pull rope
Hinges and fixtures	Galvanized steel
Lock	Galvanized, interior-mounted single unit
Color palette	197 powder coat finishes
Warranty	12-month limited; 3-year powder coat finish

Optional polyurethane insulation for stiles and rails up to 18'2" wide

1/2" insulated glazing unit	Door R-value (K m²/W)
DSB- clear, tempered, obscure	2.87
Clear polycarbonate	2.93
DSB - Solar Bronze	3.17
DSB - Low E coating	3.43
SolarBan 70XL argon filled	4.09
Multi-wall polycarbonate	Door R-value (K m²/W)
1/4" tick unit	2.75
3/8" tick unit	3.21
5/8" tick unit	3.48
Insulated panels	Door R-value (K m²/W)
3/8" EPS solid panels	2.60



Polyurethane filled rails and stiles

*R-value: Overhead Door Corporation uses a calculated door section R-value for our insulated doors.

Warranty

Options

Glazing options†: 1/8" (3 mm) DSB; 1/8" (3 mm) or 1/4" (6 mm) acrylic; 1/8" (3 mm) or 1/4" (6 mm) tempered; 1/8" (3 mm) or 1/4" (6 mm) clear polycarbonate; 1/4" (6mm) and 3/8" twin-wall polycarbonate, 5/8" triple-wall polycarbonate; 1/4" (6 mm) 3/8" (10 mm) and 5/8" (16 mm) twin-wall polycarbonate, triple-wall polycarbonate 1/4" (6 mm) wire glass; 1/2" (12 mm) insulated glass

Electric operator or chain hoist

Bottom sensing edge

3" track

Bracket mounting (not available on full vertical door tracks)

Higher-cycle springs in 25k, 50k, 75k, 100k cycles

Exhaust ports

Four-section pass door

Wind load and impact rated door available

[†]Contact your local Overhead Door Distributor for special glazing requirements. Verify 1/4" (6 mm) glass applications with factory.

Panel schedule		Section schedule	
Door width	Number of panels	Door height	Number of sections
to 8'2" (to 2489 mm)	2	to 8'6" (2591 mm)	4
8'3" to 12'2" (2515 mm to 3708 mm)	3	8'7" to 10'1" (2616 mm to 3073 mm)	5
12'3" to 16'2" (3734 mm to 4953 mm)	4	10'2" to 12'1" (3099 mm to 3683 mm)	6
16'3" to 19'2" (4978 mm to 5842 mm)	5	12'2" to 14'1" (3708 mm to 4293 mm)	7
19'3" to 20'11" (5867 mm to 6375 mm)	6**	14'2" to 16'1" (4318 mm to 4902 mm)	8
21'0" to 23'11" (6401 mm to 7290 mm)	8**	16'2" to 18'1" (4928 mm to 5512 mm)	9
24'0" to 26'2" (7315 mm to 7976 mm)	10**	18'2" to 20'1" (5537 mm to 6121 mm)	10

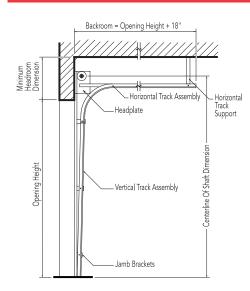
**Special construction. Consult your local Overhead Door Distributor for additional information.

Track detail

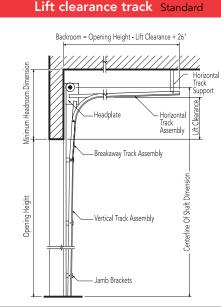
Any of the following track configurations can be selected for 511 and 521 Aluminum door models.

O.H.=Opening height L.C.=Lift clearance D.H.=Door height

Standard lift track



2" (51 mm) Track [15" (381 mm) radius]				
Door height	Centerline of shaft	Minimum headroom		
Thru 12'0" (3658 mm)	O.H. + 11 5/8" (295 mm)	14 1/4" (362 mm)		
Thru 16'0" (4877 mm)	O.H. + 12 5/8" (321 mm)	20 1/2" (521 mm)		
3" (76 mm) Track [15" (381 mm) radius]				
Thru 18'0" (5486 mm)	O.H. + 14 5/8" (372 mm)	18" (457 mm)		
Thru 32'0" (9754 mm)	O.H. + 16 7/8" (429 mm)	21 1/2" (546 mm)		



 2" (51 mm)
 Track [15" (381 mm) radius]

 Door height
 Centerline of shaft
 Minimum headroom

 Thru 12'0" (3658 mm)
 O.H. + LC. + 5 5/8" (143 mm)
 LC. + 8 3/4" (222 mm)

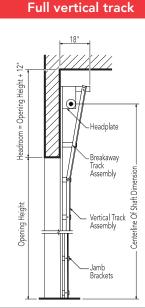
 Thru 16'0" (4877 mm)
 O.H. + LC. + 5 5/8" (143 mm)
 LC. + 8 3/4" (222 mm)

 Thru 16'0" (4877 mm)
 O.H. + LC. + 5 5/8" (143 mm)
 LC. + 11 1/4" (286 mm)

 3" (76 mm)
 Track [15" (381 mm) radius]
 LC. + 11 1/4" (286 mm)

 Thru 22'0" (6706 mm)
 O.H. + L.C. + 6 5/8" (168 mm)
 L.C. + 11 1/2" (292 mm)

 Thru 32'0" (9754 mm)
 O.H. + L.C. + 6 5/8" (168 mm)
 L.C. + 12 1/4" (311 mm)

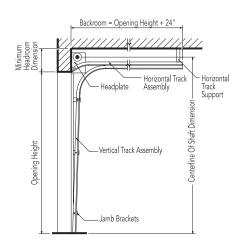


2" (51 mm) Track [15" (381 mm) radius]				
Door height	Centerline of shaft	Minimum headroom		
Thru 11′0″ (3353 mm)	O.H. + O.H. + 3/8" (10 mm)	O.H. + 10 1/4" (260 mm)		
Thru 16'0" (4877 mm)	O.H. + O.H. + 3/8" (10 mm)	O.H. + 10 1/4" (260 mm)		
3" (76 mm) Track [15" (381 mm) radius]				

Thru 18'0" (5486 mm) O.H. + O.H. + 3/8" (10 mm) O.H. + 10 1/4" (260 mm)

Low headroom track Springs to front

Low headroom track Springs to rear



2" (51 mm) Track [15" (381 mm) radius]

 Door height
 Centerline of shaft
 Minimum headroom

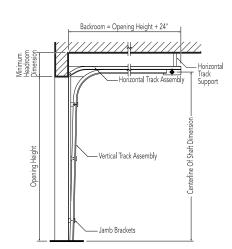
 Thru 12'0" (3658 mm)
 D.H. + 8" (203 mm)
 11 3/4" (299 mm)

 Thru 16'0" (4877 mm)
 D.H. + 8" (203 mm)
 12 1/2" (318 mm)

 3" (76 mm)
 Track [15" (381 mm) radius]

 Thru 12'0" (3658 mm)
 D.H. + 9" (229 mm)
 13" (330 mm)

 Thru 32'0" (5486 mm)
 D.H. + 9" (229 mm)
 13 3/4" (349 mm)



2" (51 mm) Track [15" (381 mm) radius]				
Door height Centerline of shaft Minimum headroom				
Thru 12'0" (3658 mm)	O.H. + 2" (51 mm)	7 1/2" (191 mm)		
Thru 16'0" (4866 mm)	O.H. 2" (51 mm)	8" (203 mm)		
3" (76 mm) Track [15" (381 mm) radius]				
Thru 18'0" (5486 mm)	O.H. 6 3/4" (171 mm)	9 3/4" (248 mm)		

Framing and pad detail

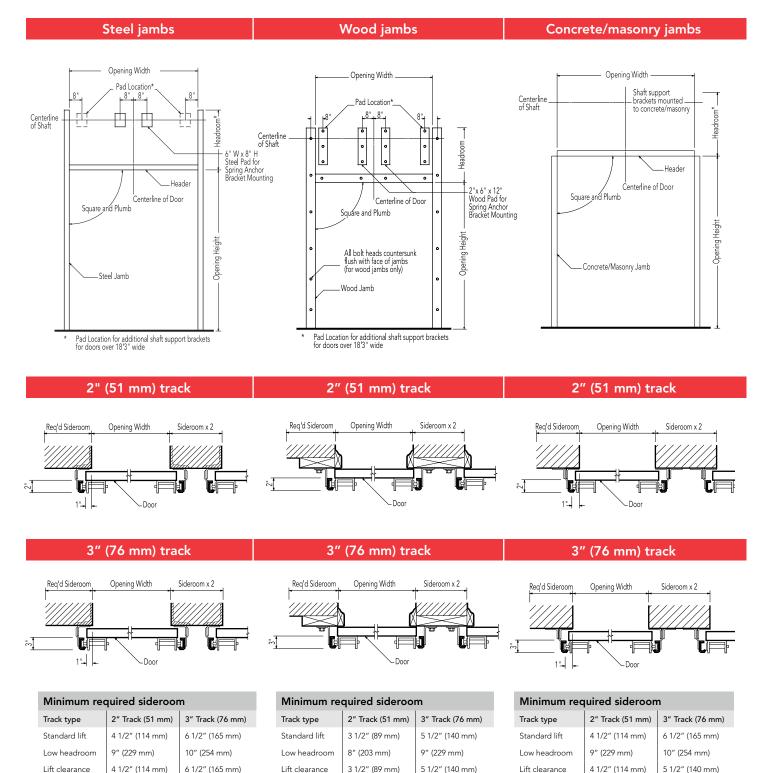
Full vertical

4 1/2" (114 mm)

6 1/2" (165 mm)

Full vertical

Framing and pad details for common installation of Aluminum doors in steel, wood, concrete and masonry jambs are provided here. If you require additional information or have special project requirements, refer to the Overhead Door Architectural Design Manual, (www.OverheadDoor.com/ADM/base.html) or consult with the Overhead Door Applications Engineering Group or your local Overhead Door distributor.



www.overheaddoor.com

5 1/2" (140 mm)

Full vertical

4 1/2" (114 mm)

5 1/2" (140 mm)

3 1/2" (89 mm)

Electric operators

Overhead Door offers the broadest line of electric operators to suit new construction and retrofit applications, as well as unusual or special requirements. In order to improve safety and enhance door and motor life, industry quality assurance guidelines recommend the choice of a single manufacturer for both door and operator applications.

Overhead Door is one of the only national manufacturers to offer a full line of commercial and industrial doors and operators specifically designed for integral applications.

Model RHX[®]

Model RHX[®] is a heavy duty commercial operator designed to operate doors up to 24' (7315 mm) in height and 3696 pounds (1676 kg). Available as either a trolley, sidemount or centermount.



Model RMX[®]

Model RMX[®] is our newest. most advanced mediumduty operator. It is designed for quicker installation and hassle-free operation and operates doors up to 14' (4267 mm) in height and 620 pounds (282 kg). It is available as a trolley-type or side-mounted unit.

Model RSX[®]

Model RSX[®] is a standard duty commercial operator designed to operate doors up to 24' (7315 mm) in height and 1620 pounds (735 kg). It offers unique features like LimitLock[®], SuperBelt[™] and 16 digit menu setup.







Operator control options

- Push-button, key or combination stations; surface- or flush-mounted for interior and/or exterior locations
- Vehicle detectors, key card reader, photocell and door timer controls
- Treadle or pull switch stations
- Telephone entry and coded keyboard stations •
- Universal programmable door timer •
- Radio control systems (24 VAC or 120 VAC)
- Explosion and dust ignition-proof systems

	Electric operator selection guide									
	Horsepower/ Newtons	Max. height of door	Max. weight of door	Super Belt [™] / Polybelt	Worm gear	Adjustable clutch	Totally enclosed	Continous duty	Explosion proof	Mounting type
RHX®	1/2 HP, 3/4 HP 1 HP, 3 HP	24' (7315 mm)	3696 Ibs (1676 kg)		•	•		•	•	T, S, C
RSX®	1/2 HP, 3/4 HP 1 HP	24' (7315 mm)	1620 (735 kg)	•		•	•	•		T, S, C
RMX®	1/2 HP	14' (4267 mm)	620 (281 kg)	•						T, S

Mounting options:

=Trollev S=Side mount C= Center mount

Safety recommendations

Overhead Door strongly recommends the use of a primary safety device as defined by UL325 2010. A primary safety device can be approved monitored photo-eyes or an approved monitored sensing edge. If a primary safety device is not installed, a constant contact control switch must be used to close the door. Contact Overhead Door for more information.

Mounting details

Trolley-type (Drawbar) RMX[®], RSX[®],RHX[®]

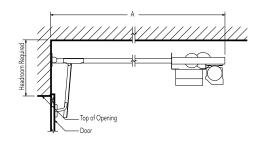
Trolley-type (Drawbar) operators feature a power unit mounted between, above and to the rear of the horizontal tracks. The drawbar drive provides positive control of the door at all times, making this operator the preferred choice whenever possible. Maximum door width is 20' per drawbar. Door width over 20' requires dual drawbar installation. Available on Models RMX[®], RSX[®] and RHX[®].

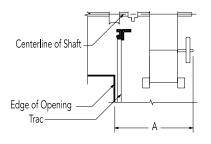
Side mount type (Jackshaft) RMX[®], RSX[®], RHX[®]

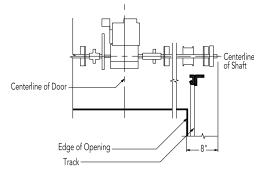
Side-mounted (Jackshaft) RMX[®], RSX[®], and RHX[®] operators feature a power unit mounted on the inside front wall and connected to the crosshead shaft, with an adjustable coupling or drive chain and sprockets.

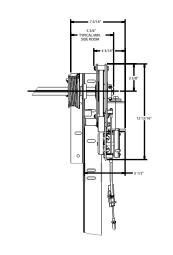
Center mount type/Jackshaft $\text{RSX}^{\$},\,\text{RHX}^{\$}$

Center-mounted (Jackshaft) operators feature a power unit on the front wall above the door opening. No additional backroom is required. Available on models RSX[®] and RHX[®].









Mi	inimum headroom requirements
RMX [®]	Track requirements +4 1/2" (114 mm)
RSX®	Track requirements +5" (127 mm)
RHX®	Track requirements +5" (127 mm)

Depth requi	irements - "A" dimension (backroom)
RMX [®]	Door height +4' 0" (1219 mm)
RSX®	Door height +4' 0" (1219 mm)
RHX®	Door height +4′ 10″ (1219 mm)

"A" dimension - minimum (sideroom)				
	2" track (51 mm)	3" track (76 mm)		
RMX®	18 1/2" (470 mm)	19 1/2" (495 mm)		
RSX ®	21" (533 mm)	22" (559 mm)		
RHX®	21" (533 mm)	22" (559 mm)		

Mi	nimum headroom requirements
RSX ®	Track requirements +14" (356 mm)
RHX ®	Track requirements +23 5/8" (600 mm)





Architect's Corner

A resource for architects, containing comprehensive technical and resource materials to support your project, including drawings and specifications for commercial doors.

www.overheaddoor.com

The original, innovative choice for unequalled quality and service.

Overhead Door Corporation pioneered the upward-acting door industry, inventing the first upward-acting door in 1921 and the first electric door operator in 1926. Today, we continue to be the industry leader through the strength of our product innovation, superior craftsmanship and outstanding customer support, underscoring a legacy of quality, expertise and integrity. That's why design and construction professionals specify Overhead Door Corporation products more often than any other brand. Our family of over 400 Overhead Door Distributors across the United States and Canada not only share our name and logo, but also our commitment to excellence.





2501 S. State Hwy. 121 Bus., Suite 200, Lewisville, TX 75067 1-800-929-DOOR • sales@overheaddoor.com www.overheaddoor.com

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Shown in weathered slate.

TOPANGA ROUND FIRE TABLE \$2495 - \$3795 regular \$1871 - \$2846 member

Striking in its simplicity, our fire table combines a robust, grounded shape and clean lines for a rustic modern feel. The fire inside punctuates the purity of the form. Crafted of lightweight, weather- and heat-resistant fibercast concrete in a palette of finishes inspired by natural stone.

HIDE DETAILS -

- Table is hand cast in the USA
- Heat-resistant fibercast concrete is durable and weather resistant, with a protective, industrialgrade UV finish
- Finish initially exhibits a sheen that wears off after exposure to the elements; fire table will develop a patina when left outdoors
- Finish varies, and no two are exactly alike
- Includes black lava rock and black stainless
 steel burners
- Battery-operated ignition (AAA battery included)
- Recessed glides allow for proper leveling of the table
- Adjustable flame control
- NATURAL GAS: Attaches to a natural gas source; 8' commercial-grade connector hose included. Professional installation by a licensed contractor required. Service must be performed by a qualified installer, service agency or gas supplier.
- PROPANE: Attaches to a standard 20 lb. propane tank (not included) with included 8' commercial-grade connector hose. Estimated burn time on high setting is 4.5 hours for 43" fire table and 3.5 hours for 60" fire table. The use of our tank cover (sold separately) is recommended to attractively house the propane tank, which cannot be concealed within the fire table unit.
- 43" fire table rated at 75,000 BTUs (natural gas) or 100,000 BTUs (propane); 60" fire table rated at 90,000 BTUs (natural gas) or 135,000 BTUs
- (propane)
- Concrete may exhibit spotting and hairline cracks due to the elements; scratches may appear due to usage
- For outdoor use only
- CSA-approved for safe, sustainable, cleanburning fuel by the Canadian Standards Association, the sole organization that provides electrical and gas standards for the USA and Canada
- To ensure safe operation, follow included instructions and warnings
- Clean with a damp cloth. Wipe exterior surfaces with a mild dishwashing soap or baking soda, and rinse clean with water. Avoid abrasive soaps and cleaners. Wipe up spills quickly to avoid staining; avoid standing water. When not in use, a custom-fit cover must be used to guard against moisture and the elements. This will protect the finish and prolong the life of the fire table.
- 5-year warranty on finish and 2-year warranty on burn components
- Sur Last[®] custom-fit outdoor covers also available (sold separately)

DIMENSIONS

Small: 43" diam., 12½"H; 125 lbs. Large: 60" diam., 12½"H; 218 lbs.

SMALL ASSEMBLY INSTRUCTIONS +

LARGE ASSEMBLY INSTRUCTIONS >

VIEWS



FINISH OPTIONS

				Weathered Limestone Slate	
- 19 Anna			measure your space carefully	to ensure it will fit in your outdoor	space and consult an expert to
	SIZE Choose Size	FUEL TYPE	FINISH Choose Finish	PRICE	
		Choose rue rype			
	VIEW IN STOCK ITEMS +				
	TOPANGA PROPANE T \$355 regular \$266 member	ANK COVER			
	See all product details.				

	VIEW IN STOCK ITEMS +		
	TOPANGA PROPANE TANK COVER		
100	\$355 REGULAR		
	\$266 MEMBER		
	See all product details.		
	FINISH	PRICE	QUANTITY
	Choose Finish		0 🔻
	VIEW IN STOCK ITEMS +		
	TOPANGA CUSTOM-FIT OUTDOOR FIRE TABLE COVERS \$95 - \$335 regular		
and the	\$71 - \$251 MEMBER		
St. Cart	See all product details.		

COLLECTION	ITEM	COLOR	PRICE	QUANTITY
Topanga	Choose Item 🔻	Choose Color 🔻		0 🔻

BOOKMARK & SHARE

ADD TO CART

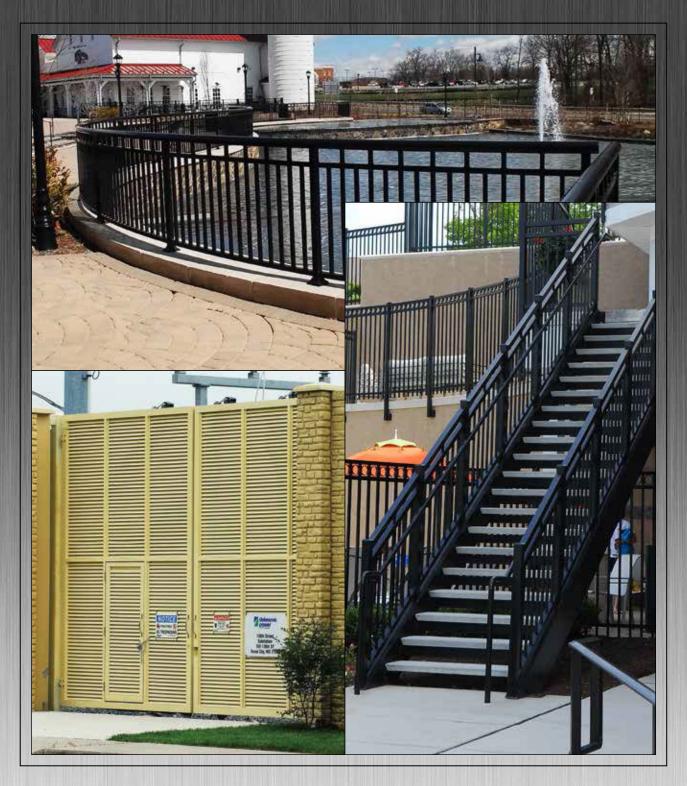
QUANTITY 0 🔻

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ARCHITECTURAL ALUMINUM RAIL SYSTEMS & GATES



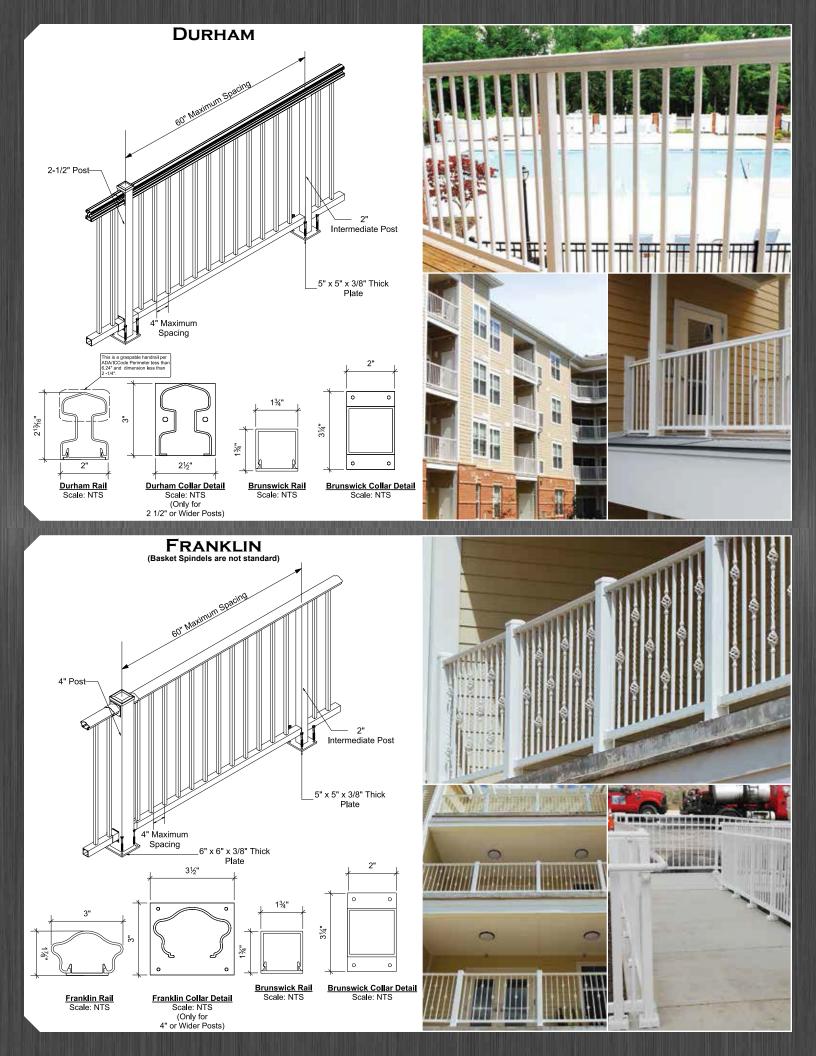


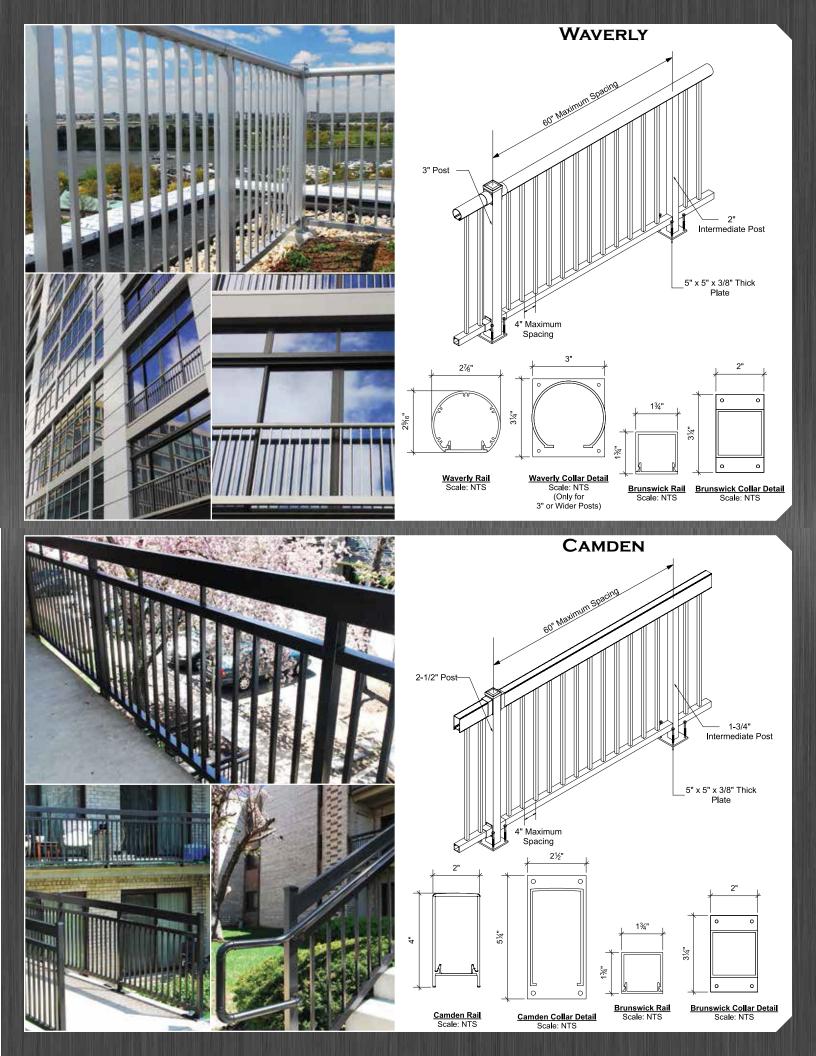
LONG[®] FENCE FABRICATES AND INSTALLS SAFETY RAILINGS, BALCONY RAILS, HANDRAILS AND GATES FOR COMMERCIAL, INDUSTRIAL, MUNICIPAL, RECREATIONAL AND GOVERNMENT PROJECTS.

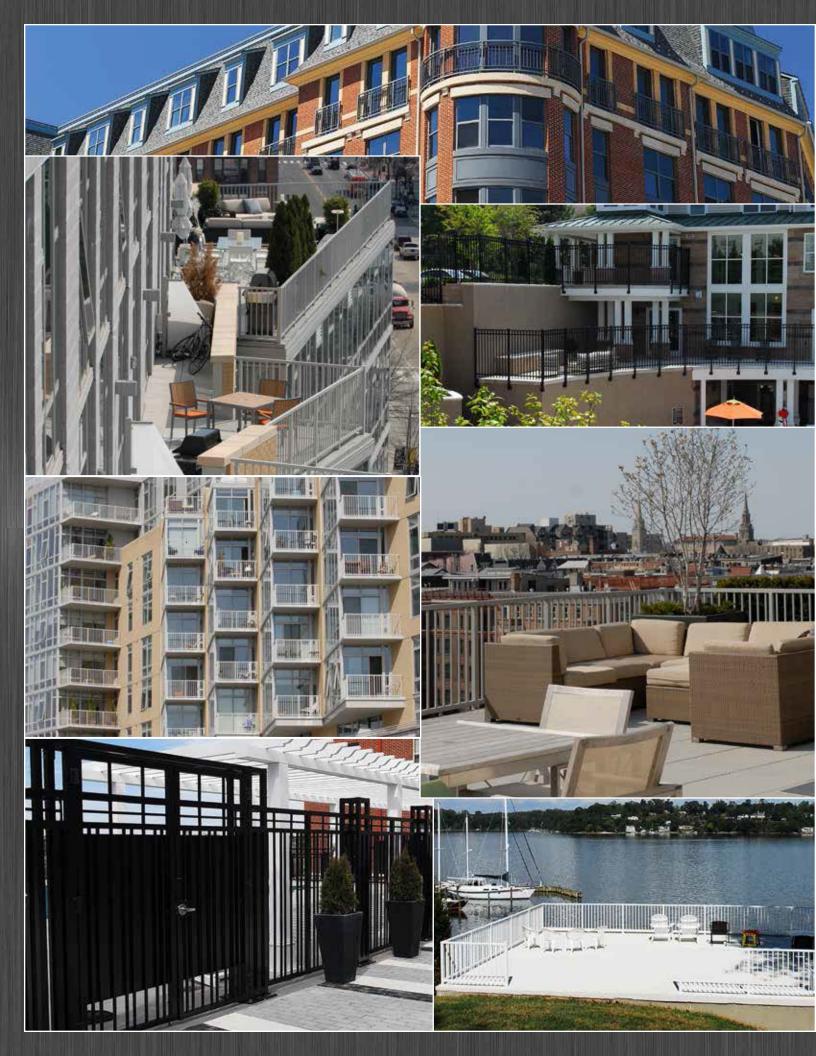
Railings are a critical safety feature on stairs, landings, platforms, rooftops, balconies, decks, overlooks and similar environments or structures. Long[®] Fence installs all railings according to the International Building Code (IBC) which governs commercial railing requirements. Code requirements specify railing location, height, span, and dimensions to ensure safety.

In addition to the IBC, local building codes may apply to a project and often vary between jurisdictions. All Long[®] Fence project managers have full knowledge of the codes in the areas we service.

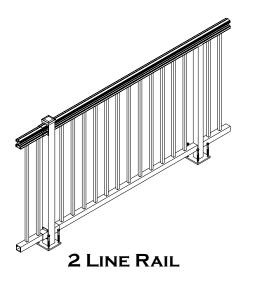


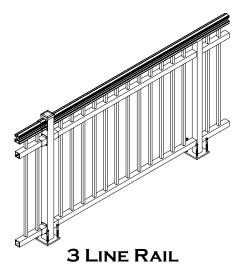


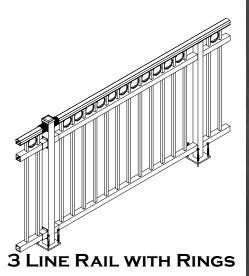




STANDARD FEATURES AND OPTIONS







RAIL SPECIFICATIONS

1013.2 Height

Guards shall form a protective barrier not less than 42 inches high for multifamily and commercial individual dwelling units in occupancies in Group R-2, guards 36 inches high. Other heights are available upon request.

1607 Load

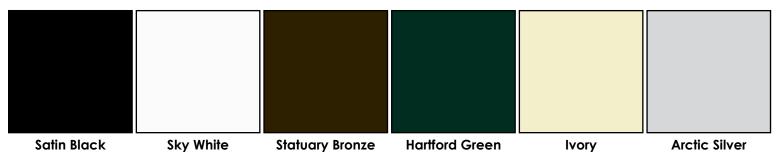
Handrail assemblies and guards shall be designed to resist a load of 50 plf (0.73kN/m) applied in any direction at the top and to transfer this load through the supports to the structure. Handrail assemblies and guards shall be able to resist a single concentrated load of 200 pounds (0.89 kN), applied in any direction at any point.

Openings

Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass. Exceptions: The triangular openings formed by the riser, tread and bottom rail at the open side of the stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

Reference specifications compliant with IBC 2006 Building Codes. Local building codes may vary. Review local building codes for minor variances.

SIX STANDARD COLOR OPTIONS (CUSTOM COLORS AVAILABLE*)



NOTE: Colors above may not be an exact match to the powder coat finish. For a detailed example, ask to see our powder coat swatches. *Custom colors incur additional charges.

POWDER COAT SPECIFICATIONS

All components are 60 grade aluminum and are manufactured in the USA.

All components are pretreated with a chemical based wash solution in preparation for powder coating. A series of treatment baths and rinses are applied for cleaning and then etching of the surface to achieve optimal adhesion.

The components are oven dried prior to the application of a Super Durable Polyester Powder Coating. This finish is a high quality, resin based coating applied by an electrostatic process to a thickness of 2.5 mils. The finished components are then baked in a 400 degree F. oven until completely cured.

These steps combine to produce one of the toughest, most mar-resistant and environmentally friendly coating of any railing system today.

SPECIALTY RAILS



GLASS RAIL SYSTEMS



CABLE RAIL SYSTEMS





SUN SHADES









<section-header>





LOUVERED GATES & FENCE





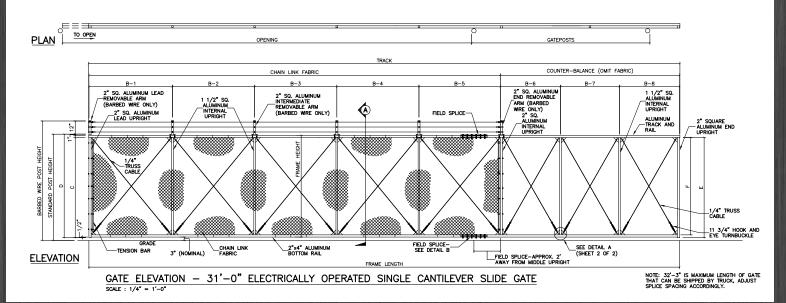




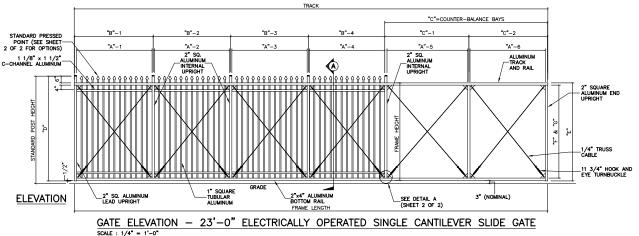














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LONG FENCE ©2015

Trifab[®] VG (VersaGlaze[®])

Trifab VG 450, 451 & 451T (Thermal) Framing Systems



Trifab[®] VG (VersaGlaze) is built on the proven and successful Trifab platform – with all the versatility its name implies. Trifab set the standard and Trifab[®] VG improves upon it. There are enough fabrication, design and performance choices to please the most discerning building owner, architect and installer. Plus the confidence a tried and true framing system instills. Select from four glazing applications, four fabrication methods and multiple infill choices. Consider thermal options and performance, SSG and Weatherseal alternatives and your project takes an almost custom shape whether your architecture is traditional or modern and the building is new or retrofitted.

Aesthetics

Trifab® 450 has 1-3/4" sight lines and both Trifab® 451 and Trifab® 451T have 2" sight lines, while all three have a 4-1/2" frame depth. Designers can not only choose front, center or back glass planes, they can now add the versatility of multi-plane glass applications, thus allowing a greater range of design possibilities for specific project requirements and architectural styles. Structural Silicone Glazing (SSG) and Weatherseal options further expand the designer's choices.



Trifab[®] VG can be used on almost any project due to virtually seamless incorporation of Kawneer entrances, Sealair[®] windows or GLASSvent[™] for visually frameless ventilators. These framing systems can also be packaged with Kawneer curtain walls and overhead glazing, thereby providing owner, architect and installer with proven, tested and quality products from a single source supplier.

Economy

Trifab® VG offers four fabrication choices to suit your project:

- Screw Spline for economical continuous runs utilizing two piece vertical members. Provides the option to pre-assemble units with controlled shop labor costs and smaller field crews for handling and installation.
- Shear Block for punched openings or continuous runs using tubular moldings. Provides the option to pre-assemble multi-lite units using shear block clips under controlled shop labor conditions. Clips provide tight joints for transporting large units. Less field time is necessary to fill large openings.
- Stick for fast, easy field fabrication. Field measurements and material cuts can be done when metal is on the job.
- Type B for multi-lite punched openings. Provide option for pre-assembled units for installation into single openings and controlled shop labor costs. Head and sill running through provide fewer joints and require less time to fill large openings.



Brighton Landing, Cambridge, MA Architects: ADD Inc., Cambridge, MA Glazing Contractors: Ipswich Bay Glass Company,Inc., Rowley, MA

Trifab® VG 450, 451 and 451T can be flush glazed from either the inside or outside. The Weatherseal option provides an alternative to the structural silicone glazed vertical mullions. This ABS/ASA rigid polymer extrusion allows complete inside glazing and creates a flush glass appearance on the building exterior, without the added labor of scaffolding or swing stages. Optional patented HP Flashing[™] and HP Interlock

clip are engineered to eliminate the perimeter sill fasteners and their associated blind seals and are compatible with all glass planes.

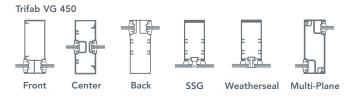
Performance

Kawneer's IsoLock[™] Thermal Break option is available on Trifab[®] VG 451T. This process creates a composite section and prevents dry shrinkage.

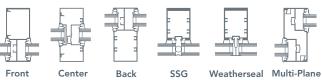
U-factor, CRF values and STC ratings for Trifab[®] VG vary depending upon the glass plane application. Project specific U-factors can now be determined for each individual project. (See Kawneer Architectural Manual or Website for additional information)

Performance Test Standards

Air Performance	ASTM E 283
Water	AAMA 501 and ASTM E 331
Structural	ASTM E 330
Thermal	AAMA 1503
Thermal Break	AAMA 505 and AAMA TIR-A8
Acoustical	AAMA 1801 and ASTM E 1425



Trifab VG 451/451T



Finishes

Permadonic Anodized finishes are available in Class I and Class II in seven different colors.

Painted Finishes, including fluoropolymer that meet or exceed AAMA 2605, are offered in many standard choices and an unlimited number of specially-designed colors.

Solvent-free powder coatings add the "green" element with high performance, durability and scratch resistance that meet the standards of AAMA 2604.

Kawneer Company, Inc. Technology Park / Atlanta 555 Guthridge Court Norcross, GA 30092 kawneer.com 770 . 449 . 5555



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2005

City of	Birmingham	MEMORANDUM
DATE:	March 1, 2017	Planning Division
то:	Planning Board	
FROM:	Jana L. Ecker, Planning Director	
SUBJECT:	2159 E. Lincoln, Lincoln Yard Bistro Final Site Plan Review (All changes s	

Executive Summary

The subject site is located at 2159 E. Lincoln Street, between S. Eton and Commerce. The parcel is zoned MX. The applicant is seeking approval to add a small addition to the existing one-story building to house a new restaurant named Lincoln Yard. A small area of the building will be used for a future independent restaurant, which is not the subject of this application. The City Attorney has advised that a separate application for design review must be filed for the addition of a second restaurant.

Thus, at this time the applicant is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code to allow the service of alcoholic beverages in the proposed bistro. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License.

On February 22, 2017, the Planning Board reviewed the site plan and SLUP application for Lincoln Yard. After much discussion, the Planning Board postponed the request to March 8, 2017 to allow the applicant time to address the following issues:

- Eliminate some of the parking in front of the building and extend out the front entranceway / patio to bring the activity closer to the street;
- Break up the parking areas surrounding the building with landscaping or outdoor dining;
- Provide a written access easement to allow vehicular access and shared parking between 2125 and 2159 E. Lincoln;
- Enhance the pedestrian connection from the public sidewalk to the front entrance of the proposed bistro; and
- Consider the addition of landscaping or a sidewalk along the east side of the building.

The applicant has now provided revised plans to address the issues raised by the Planning Board on February 22, 2017. Specifically, the applicant has removed some of the parking in front of the building and extended the outdoor dining patio towards the

street, has added landscaping into the parking lot areas and has improved the pedestrian connection from the public sidewalk to the front entrance. In addition, the applicant has provided a written access easement to allow vehicular access and shared parking between 2125 and 2159 E. Lincoln.

1.0 Land Use and Zoning

- 1.1 <u>Existing Land Use</u> The property was a former bus service station for Birmingham Public Schools. The property is now vacant as the bus service garage has moved to a new location.
- 1.2 <u>Existing Zoning</u> The property is currently zoned MX, Mixed-Use. The existing use and surrounding uses appear to conform to the permitted uses of the Zoning Ordinance.
- 1.3 <u>Summary of Land Use and Zoning</u> 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	Commercial & Industrial	Public - Recreational	Commercial & Industrial	Commercial Office
Existing Zoning District	MX, Mixed-Use	РР	MX, Mixed-Use	MX, Mixed-Use
Overlay Zoning District	N/A	N/A	N/A	N/A

2.0 Use, Setback and Height Requirements

The applicant proposes the construction of a 292 sq.ft. one story addition to the existing 5,074 sq.ft. one story building. The attached summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant appears to meet all bulk, height, area and placement requirements of the MX zoning district except as noted on the summary analysis sheet attached.

3.0 Bistro Requirements

Article 9, section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. Lincoln Yard is proposing 55 seats in the main dining room, with an additional 10 seats at the bar, for a total of 65 interior seats. A total of 132 outdoor dining seats are proposed; 64 at grade to the front and rear of the building, and 68 on the rooftop patio. The applicant's revised plans now show 32 outdoor dining seats in front of the building, 32 at the rear of the building, and 68 on the rooftop, for a total of 132 outdoor dining seats. Lincoln Yard Bistro will be a new restaurant applying for a new bistro license.

The Zoning Ordinance permits bistros in an MX, Mixed-Use zone provided the following conditions are met:

- (a) No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- (b) Alcohol is served only to seated patrons, except those standing in a defined bar area;
- (c) No dance area is provided;
- (d) Only low key entertainment is permitted;
- (e) Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
- (f) A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1' and 8' in height;
- (g) All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
- (h) Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.

As stated, Lincoln Yard is proposing 10 seats at a bar located on the first floor at the west side of the dining room. No direct connect additional bar permit will be permitted from this license if approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 257.5 sq.ft. designated bar area, which includes the 10 seats, drink storage, and the beverage station.

Lincoln Yard does not propose any dancing or entertainment.

Lincoln Yard is proposing to have 55 seats in the restaurant, including dining tables in the storefront space lining E. Lincoln. A total of 14 seats line the storefront space along E. Lincoln. The applicant has proposed a glazing percentage of 71.5% for the street facing building façade, thus meeting the required 70% minimum.

The applicant will enter into a contract with the City that must be fully executed upon approval of the SLUP and bistro license.

As required, Lincoln Yard is proposing outdoor dining along E. Lincoln, as well as in the rear of the building and on the roof of the building. A total of 132 outdoor dining seats are proposed, of which 64 will be at ground level, situated between the front and rear patio areas and 68 are planned for the rooftop. **The applicant's revised plans now show 32 outdoor dining seats in front of the building, 32 at the rear of the building, and 68 on the rooftop, for a total of 132 outdoor dining seats.** A portion of the rooftop outdoor dining seats are partially covered by shipping containers made out of corrugated steel and turned on their side to form open air metal structures. The rooftop seating area has a steel guard rail system proposed around the perimeter that is not enclosed by the shipping containers, and planters are proposed along the south side.

The applicant intends to have business hours of 8:00am to midnight seven days a week for both the indoor and outdoor areas of the bistro.

4.0 Screening and Landscaping

- 4.1 <u>Mechanical Screening</u> –The applicant is proposing pre-finished aluminum screening in dark bronze around the three areas containing rooftop mechanical equipment. The screening proposed near the west side of the rooftop is 4' in height, and the screening proposed on the northeast corner of the rooftop is 6' in height. At this time, the applicant has not provided specification sheets for the proposed rooftop mechanical units to demonstrate that the screening proposed complies with the screening requirements contained in the Zoning Ordinance. **The applicant will be required to submit specification sheets on the proposed rooftop mechanical equipment and screening prior to consideration of approval by the City Commission.**
- 4.2 <u>Dumpster Screening</u> The applicant is proposing to construct a dumpster enclosure at the northeast corner of the site. Section 4.54 SC-01 (B) of the Birmingham Zoning Ordinance requires that the dumpster enclosure must be 6' in height and constructed of masonry with wooden gates, and the proposed materials must match or complement the exterior of the building on site. The enclosure proposed is concrete block, 6' high, to be painted ivory to match the building. Wooden gates are proposed for access to the dumpster.
- 4.3 <u>Parking Lot Screening</u> The applicant is proposing to construct a 32" high masonry screen wall along E. Lincoln to screen the surface parking lot, as required. This wall is proposed to be constructed of concrete block with a 4" concrete cap. The wall is proposed to be painted ivory to match the building.
- 4.4 <u>Landscaping</u> There are currently no street trees existing. In accordance with Article 4, section 4.20 LA-01; street trees are required along all streets, at a rate of at least 1 street tree / 40' of street frontage unless it is determined by the staff arborist not to be feasible. The subject site has a total of 240' of road frontage, and thus 6 street trees are required to be planted within the right-of-way surrounding the site. The applicant is proposing to add six American Hornbeam street trees at

40' on center as required. Each street tree will be a minimum of 3'' in caliper at the time of planting.

In accordance with Article 4, section 4.20 LA-01, all parking lots > 7500 sq.ft. in size must meet the following: 5% of the total parking lot interior area must contain landscaped areas, each of which must be at least 150 sq.ft. in size, and not less than 8' in any single dimension. One canopy tree is also required for every 150 sq.ft. of interior planting area required. All landscaped areas must be located in a manner that breaks up the expanse of paving throughout the parking lot interior. The plans submitted by the applicant indicate that the combined square footage of the parking areas is 20,860 sq. ft. Accordingly, the applicant is required to provide 1,043 sq. ft. of landscaped area within the parking area and 7 canopy trees. The applicant has submitted a landscaping plan that indicates a total landscaped area of 1,771 sq.ft. of landscaping, and 7 Cleveland Select Pear trees. Based on the elimination of 7 parking spaces from along the front of the proposed bistro, the parking lot area has now been reduced from 20,860 sq.ft. to 18,861 sq.ft. In addition, the landscaped area of the parking lot has been increased from 1,771 sq.ft. to 1,956 sq.ft., and a total of 10.37% of the parking lot area is now landscaped. One new landscaped island with a canopy tree has been added to the parking lot area east of the building. One new landscaped island and canopy tree has also been added to the eastern edge of the parking lot on the adjacent property at 2125 E. Lincoln. The revised plans also show the addition of 4 new trees within tree grates in the expanded outdoor seating plaza in front of the building. In addition, the revised plans also show the addition of 9 new planters along the eastern elevation of the building. The Planning Board may wish to consider whether the landscaping as proposed sufficiently breaks up the expanse of the parking lot as required by the landscape standards.

5.0 Parking, Loading, Access, and Circulation

5.1 <u>Parking</u> – Article 4, Table A of the Zoning Ordinances requires one parking space for every 75 sq.ft. of combined indoor-outdoor dining establishments. The applicant is proposing 4,154 sq.ft. of the building to be used for the proposed Lincoln Yard bistro. Thus, a total of 56 parking spaces are required for the proposed bistro. Seven parking spaces have been removed from along the front of the building as requested by the Planning Board. The applicant is now providing 49 parking spaces on site, and is seeking approval of the City Commission to count 9 parking spaces in the right-of-way along E. Lincoln in their total parking. If these 9 spaces are approved by the City Commission, a total of 58 parking spaces will be provided, and the parking requirement will be met. If the City Commission does not approve of the use of the on-street parking spaces, then the applicant will be short 3 parking spaces. However, the applicant has advised that they have entered into a shared parking agreement with the owners of 2125 E. Lincoln, and thus will have access to their 59 parking spaces as well.

- 5.2 <u>Loading</u> One loading space is required, as the building is between 5,001 and 10,000 sq.ft. in size. The applicant is proposing one 12' by 40' loading space on the east side of the building as required.
- 5.3 <u>Vehicular Access & Circulation</u> The applicant is proposing to maintain vehicular access to the site from E. Lincoln, however, the existing curb cut will be shifted to the west to line up with the eastern edge of the building. In addition, the applicant is now proposing an internal connection from this site to the property at 2125 E. Lincoln. An opening will be provided in the existing chain link fence along the western property line of 2159 E. Lincoln to allow vehicles to access both parking lots without having to exit onto E. Lincoln to do so. The applicant has now stated that the entire chain link fence separating the properties will be removed, and they have provided an access easement to allow vehicular travel and parking between both 2125 E. Lincoln and 2159 E. Lincoln, as requested by the Planning Board.
- 5.4 <u>Pedestrian Access & Circulation</u> There is a City sidewalk running along E. Lincoln, and the applicant has provided a private sidewalk running north from the City sidewalk, and then a striped pedestrian crossing to provide pedestrian access from the City sidewalk to the front door of the proposed bistro. The revised plans now show an exposed aggregate pedestrian path through the drive aisle to connect the sidewalk to the entrance to the proposed bistro. As discussed above, the revised plans now show an expanded outdoor seating patio in front of the existing building, as well as the addition of 4 new trees. A 5' pedestrian path that would connect the front entrance of the separately proposed restaurant to the bistro entry area and the public sidewalk is proposed between the outdoor dining enclosure and the trees. The applicant is also proposing to add a bicycle rack next to the front entrance to Lincoln Yard.
- 5.5 <u>Streetscape</u> There is an existing sidewalk along E. Lincoln. The applicant is proposing to maintain the existing lawn area between the sidewalk and the curb, and is proposing the addition of 5 goose neck pedestrian street lights (must be in Birmingham Green) as required in the Rail District. The street lights are proposed within the lawn area, as are the six required street trees discussed above. The applicant is also proposing a **2'** wide strip of grass in front of the proposed parking lot screen wall, with two paved areas proposed adjacent to the screen wall for the placement of two City standard benches and two City standard trash receptacles.

6.0 Lighting

The applicant has submitted a photometric plan that demonstrates the placement and illuminance level of the proposed luminaries for the subject site. The applicant has also provided specification sheets for the following light fixtures:

• ANP Lighting Inc, W514 round, architectural bronze aluminum alloy gooseneck light fixtures, 14" in diameter with 11 watt LED lamps, 4000K color temperature. Fifteen of these fixtures are proposed to be mounted on the south and east elevations of

the building at a height of 12.5' above all windows. These are cut-off fixtures. **The** color elevations also show an additional 11 fixtures to be mounted on the north and west elevations of the building. However, these additional 11 fixtures have not been included on the photometric plan. All of these fixtures are now shown on the photometric plan.

• ANP Lighting Inc, A812 round, architectural bronze aluminum alloy gooseneck light fixtures with an angled shade, 12" in diameter with 25.76 watt LED lamps, 4000K color temperature. Five of these fixtures are proposed to be mounted to the south elevation of the building at a height of 14.5' above two entry doors. Three of these fixtures are proposed above the front entrance to the Lincoln Yard bistro. Two other fixtures are proposed over a second entrance door to a future independent restaurant. These are cut-off fixtures.

The color elevations also show 9 wall mounted Fresno Long Wall Sconces by Circa Lighting, with an Aged Iron finish. The fixture does not appear to be cut off. A specification sheet has not been provided for this fixture, nor were the fixtures included in the photometric plan. Accordingly, the photometric plan must be updated to include all proposed lighting. The applicant has now provided specifications on this sconce, and included the proposed fixtures on the photometric plan. The fixtures each are proposed to have a 60 watt bulb, and are not cutoff fixtures. The Planning Board may approve non-cutoff fixtures if they are used to enhance architectural features.

No lighting is proposed for the surface parking lot at this time. Article 4, Section 4.21 (F) (3) of the Zoning Ordinance requires that the variation of foot candle illumination levels in the circulation areas of a parking lot can be no greater than a 20:1 maximum to minimum ratio. All areas within 5' of the property line are exempt from this calculation. The photometric plan provided does not provide illumination levels for the entire parking lot. In addition, the levels that are shown exceed the 20:1 max min ratio. Thus, the applicant will be required to meet all lighting requirements, or obtain a variance from the Board of Zoning Appeals. The applicant has provided a revised photometric plan which does not provide illumination levels for the entire parking lot, although it may be assumed that the areas shown have 0 fc light levels. If this is the case, the parking lot as shown on the revised photometric does not meet the 20:1 maximum : minimum ratio, nor does the parking lot meet the minimum light level requirement of 0.2fc. Thus, the applicant must revise the photometric plan or obtain a variance from the Board of Zoning Appeals.

7.0 Departmental Reports

7.1 **Engineering Division** – The Engineering Department has reviewed the revised plans dated February 28, 2017, for the above project. The following comments are offered:

1. It is assumed that the existing sanitary sewer, water connection, and parking lot drainage system is either in poor condition and/or inadequate. The site plan submitted for final construction shall provide complete information on how these systems will be improved to meet current standards.

- 2. The following permits will be required from the Engineering Department for this project:
 - A. Right-of-Way Permit (for excavations in the right-of-way).
 - B. Sidewalk/Drive Approach Permit (for all pavement installed in the right-of-way).

A Storm Water Runoff Permit will not be required for this site. If you have any questions, feel free to contact me.

- 7.2 **Department of Public Services** The DPS would like verification that irrigation will be installed in all lawn/landscaping areas, including the right-of-way to ensure trees will survive, and also requires identification of any ground cover species to be used
- 7.3 **<u>Fire Department</u>** No concerns were reported from the Fire Department.
- 7.4 **Police Department** No concerns were reported from the Police Dept.
- 7.5 **<u>Building Department</u>** The Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Board and/or Design Review Board and applicant consideration:
 - 1. An elevator is not proposed to provide an accessible route to the rooftop dining areas. There appears to be features on the rooftop area not provided in the main dining room on the first floor that may require an elevator to be installed.
 - 2. The building will be required to be fully equipped with a fire sprinkler system.
 - 3. The existing roof construction will likely need to be reinforced to support the proposed loads.
 - 4. The maximum exit access travel distance is not shown on the plans. One of the proposed exit stairways may need to be enclosed and discharge directly to the exterior depending on the actual travel distance.

8.0 Design Review

The applicant has provided photos of the existing concrete block former vehicle garage building, which is currently vacant. The applicant is proposing to completely renovate the existing building by adding a small addition on the west side of the building, and opening up the building to light by adding new openings and windows throughout. The entire building is proposed to be painted ivory with pre-finished coping in bronze added along the roofline, and extensive pedestrian scale architectural details are proposed. In addition, a new rooftop dining area is proposed, to be anchored on three sides by corrugated steel shipping containers in a red-brown color to partially enclose the rooftop dining. One of the shipping containers will house the main stair to provide access to the rooftop. A steel guard rail is also proposed around the rooftop dining area where no shipping containers are present. No color information has been provided at this time on the proposed guard rails.

The front of the building (south elevation) is currently a solid, blank wall with only two single doors along the entire elevation. The applicant is proposing to add three new 20' openings along the front elevation, and to install 20' wide overhead garage doors with clear vision glass. Each of these doors will be operable and can be opened in good weather. No specification sheets or material and color information has been provided at this time on the proposed garage doors, but the color elevations show a dark bronze finish with extensive clear glazing. In addition, the applicant is proposing two new pedestrian scale entry doors on the south elevation, with new sidelights and transom windows proposed to add prominence. No specification sheets or material and color information has been provided at this time on the doors or the windows, but the color elevations show a dark bronze finish with extensive glazing. No tint level is shown on the plans. Two new steel channel awnings are also proposed above the new doors. The door to the east end of the front elevation is proposed for access to Lincoln Yard bistro. The second door to the west end of the elevation is proposed for access to a future independent restaurant. Finally, the applicant is proposing an outdoor dining area in the center of the front elevation. An operable sun shade system by Equinox Louvers in charcoal is proposed to be attached to the building to cover the outdoor dining area. Planterworx Artena Rectangular planters in pre-finished metal are also proposed to enclose the front outdoor dining area and to line the front of the rooftop outdoor dining area.

On the east elevation facing the parking lot, the applicant is proposing three new divided light windows to replace the existing overhead panel garage doors. No specification sheets or material and color information has been provided at this time, nor has the proposed tint level. The color elevations show a dark bronze finish for the framing and mullions. Also visible on the east elevation will be a new steel egress stair on the rear of the building, rooftop mechanical screening panels and a wood pergola to be mounted on the rear of the building.

On the rear (north) elevation of the building, the applicant is proposing to infill several existing windows and doors, and add three new single glass doors to provide access to the rear at grade outdoor dining area. No specification sheets or material and color information has been provided at this time for these doors, but the color elevations show a dark bronze finish with a large glass panel. No tinting level has been provided. On the rear elevation, a new steel egress/service stair structure is proposed to provide secondary roof access. No specification sheet or color information has been provided at this time, however the color elevations show a taupe colored finish. Two wood pergolas are also proposed to be mounted on the rear elevation to provide shade to the rear, at grade outdoor dining areas. Also visible on the rear elevation will be the shipping containers on the roof, rooftop mechanical screening panels and sections of the steer guard rail used along the edge of the roof.

On the west elevation facing 2125 E. Lincoln, the applicant is proposing to remove the existing covered porch structure and a door, and to construct a small addition. Three new windows are also proposed. No specification sheets or material and color information has been provided at this time on the windows, but the color elevations show a dark bronze finish. No tint level has been provided. Also visible on the west elevation will be a shipping container on the roof, a new steel egress stair on the rear of the building, rooftop mechanical screening panels, metal guardrails and a wood pergola to be mounted on the rear of the building.

Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.

2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.

3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.

4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.

5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.

6. For outdoor dining located in the public right-of-way:

- (a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
- (b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
- (c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- (d) No such facility shall erect or install permanent fixtures in the public rightof-way.
- (e) Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance

maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

The applicant has provided a trash receptacle within each of the proposed outdoor dining areas along the front or rear of the building as required by Article 04, section 4.42 OD-01 of the Zoning Ordinance. The rooftop dining area also notes a service station location, which the applicant has indicated includes a trash receptacle.

The applicant intends to have business hours of 8:00 am to midnight seven days a week for both the indoor and outdoor dining areas. The proposed outdoor dining areas are not immediately adjacent to multi-family zoned property.

The applicant has provided specification sheets of the proposed tables and chairs. The applicant is proposing a total of 25 four-top square tables, 16 two-top rectangular tables and 132 chairs in the outdoor dining areas in the front and rear of the building and on the rooftop. The applicant continues to propose 25 four top square tables and 16 two-top rectangular tables. Additional seating has been added along the front of the building as requested by the Planning Board on February 22, 2017, and some of the seating at the rear of the building has been removed to compensate. The tables proposed are Travira Square Bistro Tables by Oxford Garden. They have an aluminum base and a Tekwood paneled tabletop. The chairs proposed are Brushed Aluminum Navy Chairs, with an aluminum finish. A 4' diameter gas fire pit is also proposed in the center of the rooftop outdoor dining area, for which a specification sheet has been provided.

A total of 9 table umbrellas are shown on the rooftop dining area. A specification sheet has been provided for these FF Design octagonal aluminum market umbrellas with orange and white striped olefin fabric covers. The umbrellas do not impede views into a retail establishment, nor impede vehicular or pedestrian access or circulation.

None of the outdoor dining areas proposed are located within the public right-of-way.

<u>Signage</u>

The applicant is permitted to have a total of 102 square feet of signage for the entire building. At this time, a rendering of proposed signage above the front entrance to Lincoln Yard is shown, but no dimensions or material specifications have been proposed for the signage. The applicant will be required to obtain administrative approval for all signage prior to fabrication and installation.

9.0 Selection Criteria for Bistro Licenses

Chapter 10, Alcoholic Liquors, section 10-82 provides a limitation on the number of Bistro Licenses that the City Commission may approve, and provides selection criteria to assist the Planning Board and City Commission in evaluating applications for Bistro Licenses. For existing restaurants in the City of Birmingham, section 10-82 states:

(a) **Maximum Number of Bistro Licenses**. The city commission may approve a maximum number of license transfers for Bistro licenses per calendar year as follows:

New establishments. Two (2) Bistro Licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in (a)(1) above. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:

- The applicant's demonstrated ability to finance the proposed project.
- The applicant's track record with the city including responding to city and/or citizen concerns.
- Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
- Whether the applicant has adequate health and sanitary facilities.
- The establishment's location in relation to the determined interest in the establishment of bistros in the Overlay District and the Triangle District.
- The extent that the cuisine offered by applicant is represented in the city.
- Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).

Lincoln Yard's bistro application was one of the three applications pre-selected for review by the City Commission for the 2017 calendar year. Lincoln Yard will be a new establishment.

The selection criteria provided above must be considered to provide a recommendation to the City Commission as to whether or not to approve the operation of a Bistro License at Lincoln Yard.

The applicant has not provided specific financial information indicating assets available for the opening of Lincoln Yard. However, the applicant has submitted an overview of their restaurant group with over 20 years of experience, and has provided information on their many successful restaurant endeavors across Metro Detroit, all of which remain open today.

The applicant does not have prior restaurant experience in Birmingham. Parking concerns from citizens did arise with regards to the applicant's Vinsetta Garage establishment in Berkley. The applicant has stated that they have had no violations with the LCC.

The applicant has proposed an adequate site plan to demonstrate the capability of handling the bistro liquor license activities. A full service kitchen and bar are proposed, and while there are 132 **(still 132)** seats of outdoor dining proposed, these seats are divided up into four different areas both at grade and on the rooftop. Each proposed outdoor dining area does provide for safe and efficient pedestrian flow. Adequate health and sanitary facilities are proposed.

Lincoln Yard is proposed to be located within the Rail District. The City is interested in attracting bistro operations within the Overlay District, the Triangle District and the Rail District; therefore this operation fits into the parameters outlined by the Bistro Ordinance guidelines.

Lincoln Yard is proposing a full menu of comfort-food items, as well as vegetarian and gluten-free options with a focus on light, clean eating with a variety of locally sourced, seasonal specials. The menu will include starts, sides, entrees, wood fired pizza, pasta and a kids menu. While Lincoln Yard will clearly provide a unique dining experience, the type of cuisine offered is currently represented in the City.

10.0 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.

11.0 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.

12.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board APPROVE the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Lincoln Yard at 2159 E. Lincoln with the following conditions:

- 1. The applicant will be required to submit specification sheets on the proposed rooftop mechanical equipment and mechanical screening for administrative approval;
- 2. The City Commission approves the use of at least 7 on-street parking spaces or a shared parking agreement is approved with 2125 E. Lincoln;
- 3. The applicant amend the photometric plan to meet all required parking lot lighting standards or obtain a variance from the Board of Zoning Appeals;
- 4. The applicant obtain administrative approval for all signage; and
- 5. The applicant comply with the requests of all City departments.

13.0 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 to the City Commission to permit a Bistro License for Lincoln Yard at 2159 E. Lincoln with the following conditions:

- 1. The applicant will be required to submit specification sheets on the proposed rooftop mechanical equipment and mechanical screening for administrative approval;
- 2. The City Commission approves the use of at least 7 on-street parking spaces or a shared parking agreement is approved with 2125 E. Lincoln;
- 3. The applicant amend the photometric plan to meet all required parking lot lighting standards or obtain a variance from the Board of Zoning Appeals;
- 4. The applicant obtain administrative approval for all signage; and
- 5. The applicant comply with the requests of all City departments.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP to the City Commission for 2159 E. Lincoln, Lincoln Yard for the following reasons:

1.	
2.	
3.	
4.	
5.	

OR

Motion to recommend POSTPONEMENT of the Final Site Plan and SLUP to the City Commission for 2159 E. Lincoln, Lincoln Yard.

CROSS ACCESS AND PARKING EASEMENT AGREEMENT

THIS CROSS ACCESS AND PARKING EASEMENT AGREEMENT ("Agreement") is made as of <u>maach 3rd</u>, 2017, by and between Lincoln Rail, LLC, a Michigan limited liability company ("Lincoln Rail"), whose address is 2525 E. Lincoln, Birmingham, Michigan 48009, and Lincoln Station, LLC, a Michigan limited liability company ("Lincoln Station"), whose address is 2525 E. Lincoln, Birmingham, Michigan 48009. Lincoln Rail and Lincoln Station are referred to herein collectively as the "Parties" and individually as a "Party."

RECITALS:

A. Lincoln Rail is the owner of improved real property with an office building located at 2525 E. Lincoln, Birmingham, Michigan 48009, legally described on the attached **Exhibit A**, which is incorporated herein by reference ("Lincoln Rail Parcel").

B. Lincoln Station is the owner of real property located at 2159 E. Lincoln, Birmingham, Michigan 48009, immediately east of and adjacent to the Lincoln Rail Parcel, legally described on the attached <u>Exhibit B</u>, which is incorporated herein by reference ("Lincoln Station Parcel"). The Lincoln Rail Parcel and the Lincoln Station Parcel are referred to herein collectively as the "Parcels" and individually as a "Parcel."

C. Lincoln Station seeks to redevelop the Lincoln Station Parcel as a restaurant/bistro, which requires the approval of a Special Land Use Permit from the City of Birmingham ("SLUP").

D. In connection with the redevelopment of the Lincoln Station Parcel, the Parties have determined that it is in their best interest to grant cross access and cross parking rights to each other to better facilitate the use of their Parcels, on the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the agreements, covenants and easements contained herein, and Ten Dollars (\$10.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereto do hereby agree as follows:

1. <u>Cross Access Easements</u>. Lincoln Rail and Lincoln Station, for the benefit of the present and future owners of the Lincoln Rail Parcel and the Lincoln Station Parcel, and their respective successors, assigns, mortgagees, lessees, employees, agents, licensees and invitees.

hereby grant to each other a perpetual, non-exclusive easement for vehicular passage in, on, over and across their respective Parcels for ingress and egress to and from East Lincoln.

2. <u>Cross Parking Easements</u>. Lincoln Rail and Lincoln Station, for the benefit of the present and future owners of the Lincoln Rail Parcel and the Lincoln Station Parcel, and their respective successors, assigns, mortgagees, lessees, employees, agents, licensees and invitees, hereby grant to each other a perpetual, non-exclusive easement for vehicular parking on their respective Parcels. The Parties agree that this parking easement may be used only for parking by employees, customers, clients and invitees of the owners or occupants of such Parcels during the hours of operation of the business or businesses on such Parcel.

3. <u>Termination</u>. In the event the use of the Lincoln Station Parcel changes in the future such that it no longer requires a SLUP for a bistro license from the City of Birmingham, then Lincoln Rail may elect to terminate this Agreement by unilaterally executing and recording termination with the Oakland County Register of Deeds.

4. <u>Dispute Resolution</u>. In the event one Party believes the other Party is overutilizing the easements granted herein to the detriment of the aggrieved Party, then the aggrieved Party may deliver a written notice to the other Party specifying the claims of the aggrieved Party, and the Parties shall meet within 15 days to attempt to resolve their differences. If the Parties are unable to resolve their differences within the following 15 days, then at the request of the aggrieved Party, the Parties shall submit their claim to mediation pursuant to the commercial mediation rules of the American Arbitration Association, and the Parties shall equally share the cost of the mediator.

5. <u>Covenants Run With Land</u>. This Agreement shall be perpetual in nature, shall run with the land and shall benefit and be binding upon the Parties, and their successors and assigns. This Agreement shall be recorded with the Oakland County Register of Deeds.

6. <u>Modification</u>. This Agreement (including exhibits) may be modified or canceled only by mutual agreement of all Parties as set forth in a written document and which shall be effective upon recording with the appropriate recording office.

7. <u>Severability</u>. If any provision of this Agreement or the application thereof to any person or circumstances shall, to any extent, be held invalid, inoperative or unenforceable, the remainder of this Agreement, or the application of such provision, to any other person or circumstance shall not be affected thereby; the remainder of this Agreement shall be given effect as if such invalid or inoperative portion had not been included.

8. <u>Applicable Law</u>. This Agreement shall be construed in accordance with the laws of the State of Michigan.

9. <u>Entire Agreement</u>. This Agreement, the Exhibits attached hereto set forth the entire agreement between the Parties governing the Parcels. There are no statements, promises, representations or understandings, oral or written, not herein expressed.

The parties execute this Access Easement Agreement as of the date set forth above.

[signatures on following pages] Lincoln Rail, LLC, a Michigan limited liability company

By:

Name: ABBOUD

Title:

STATE OF MICHIGAN)) ss. COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this <u>Ard</u> day of <u>March</u>, 2017, by <u>Marchanel (BBONE</u>, the <u>Member</u>) of Lincoln Rail, LLC, a Michigan limited liability company, on behalf of the company.

, Notary Public

Oakland County, Michigan Acting in Oakland County, Michigan My commission expires:

ANN M. MCGOWAN NOTARY PUBLIC, STATE OF MI COUNTY OF WAYNE MY COMMISSION EXPIRES Aug 28, 2019 ACTING IN COUNTY OF land

Lincoln Station, LLC, a Michigan limited liability company

WILLET TE By: Name: Title: MEMBE

STATE OF MICHIGAN)) ss. COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 310 day of March, 2017, by Adda Wellette, the Momber of Lincoln Station, LLC, a Michigan limited liability company, on behalf of the company

, Notary Public

Oakland County, Michigan Acting in Oakland County, Michigan My commission expires:

ANN M. MCGOWAN NOTARY PUBLIC, STATE OF MI COUNTY OF WAYNE MY COMMISSION EXPIRES Aug 28, 2019 ACTING IN COUNTY OF

Drafted by and when recorded return to: Neil Wallace 39 South Main #20 Clarkston MI 48346 248 625 1800

EXHIBIT A

Lincoln Rail Parcel

The following property in the City of Birmingham, Oakland County, Michigan:

The East ½ of Lot 492, also Lots 493 to 498 inclusive, and the West 14.81 feet of Lot 499, also part of vacated Lincoln Avenue adjacent to Lot 499 as vacated by resolutions in Liber 3029, Page 152 and Liber 3029, Page 154, inclusive, of Sheffield Estates No. 1, as recorded in Liber 44, Page 40, Oakland County Records.

Tax Parcel No: _____

Commonly known as: 2525 E. Lincoln, Birmingham, MI 48009

EXHIBIT B

Lincoln Station Parcel

The following property in the City of Birmingham, Oakland County, Michigan:

Lot 499 (except for the West 14.81 feet of Lot 499), also all of Lots 500 through 504 inclusive, also part of vacated Lincoln Avenue as vacated by resolutions in Liber 3029, Page 152 and Liber 3029, Page 154, inclusive, of Sheffield Estates No. 1, as recorded in Liber 44, Page 40, Oakland County Records.

Tax Parcel No:

Commonly known as: 2159 E. Lincoln, Birmingham, MI 48009



Regarding Lincoln Rail

1 message

DBailey268@aol.com <DBailey268@aol.com> To: jecker@bhamgov.org Tue, Mar 7, 2017 at 11:10 AM

Cc: dbailey 268@aol.com, katherine.abboud@armstrong-white.com, chuck.white@armstrong-white.com

Jana,

I am the owner of the building next door known as 2295 east Lincoln.

Please be advised that I am very much in favor of the development of Lincoln Rail, a restaurant and bistro. I firmly believe that it will dramatically help change the profile of the neighborhood for the better, and it will bring poorly needed traffic to the area. This is a restaurant that will be run by a operator that already has many successful restaurants. No doubt in my mind that this is a perfect match for the City of Birmingham, and will be beneficial for the residents.

Sincerely,

Don Bailey

Planning Board Minutes March 8, 2017

UNFINISHED BUSINESS

1. 2159 E. Lincoln

Lincoln Yard (Vacant, former BPS bus garage)

Request for a SLUP and Final Site Plan Review to allow the operation of a

new

American Style bistro serving alcoholic liquors.

Chairman Clein recused himself from this hearing because his firm will be working with Union Joints in Downtown Detroit. Vice-Chairperson Lazar took over the chair for this hearing,

Ms. Ecker advised the subject site is located at 2159 E. Lincoln St., between S. Eton and Commerce. The parcel is the former Birmingham Public Schools bus garage repair center and is zoned MX. The applicant is seeking approval to add a small addition to the existing one-story building to house a new restaurant named Lincoln Yard. A small area of the building will be used for a future independent restaurant, which is not the subject of this application.

On February 22, 2017, the Planning Board reviewed the site plan and SLUP application

for Lincoln Yard. After much discussion, the Planning Board postponed the request to

March 8, 2017 to allow the applicant time to address several matters. The applicant has now provided revised plans to address the issues raised by the Planning Board on February 22. Specifically, the applicant has removed some of the parking in front of the building and extended the outdoor dining patio towards the street, has added landscaping into the parking lot areas and has improved the pedestrian connection from the public sidewalk to the front entrance. In addition, the applicant has provided a written access easement agreement to allow vehicular access and shared parking between 2125 and 2159 E. Lincoln.

Ms. Ecker advised that the applicant's revised plans now show 32 outdoor dining seats in front of the building, 32 at the rear of the building, and 68 on the rooftop, for a total of 132 outdoor dining seats. They have taken some seats from the back area and shifted them up to the front to get more activity up at the street. Lincoln Yard is proposing to have 55 seats in the restaurant, including a total of 14 seats lining the storefront space along E. Lincoln. Lincoln Yard is proposing 10 seats at a bar located on the first floor at the west side of the dining room. No direct connect additional bar permit will be permitted from this license if approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 257.5 sq. ft. designated bar area.

Based on the elimination of seven parking spaces from along the front of the proposed bistro, the parking lot area has now been reduced from 20,860 sq. ft. to 18,861 sq. ft. In addition, the landscaped area of the parking lot has been increased and 10.37% of the parking lot area is now landscaped.

A total of 56 parking spaces are required for the proposed bistro. The applicant is now providing 49 parking spaces on-site and is seeking approval of the City Commission to count nine parking spaces in the right-of-way along E. Lincoln in their total parking. If these nine parking spaces are

approved by the City Commission a total of 58 spaces will be provided, and the parking requirement will be met. If the City Commission does not approve of the use of the on-street parking spaces, then the applicant will be short three parking spaces. However, the applicant has advised that they have entered into a shared parking agreement with the owners of 2125 E. Lincoln, and thus will have access to their 59 parking spaces as well.

The applicant has now stated that the entire chain link fence separating the properties will be removed, and they have provided an access easement to allow vehicular travel and parking between 2125 E. Lincoln and 2159 E. Lincoln as requested by the Planning Board.

The revised plans now show an exposed aggregate pedestrian path through the drive aisle to connect the sidewalk to the entrance of the proposed bistro.

The revised photometric plan provided does not specify illumination levels for the entire parking lot. In addition, the levels that are shown do not meet the 20:1 max min ratio, nor does the parking lot meet the minimum light level requirement of 0.2 fc. *Thus, the applicant will be required to meet all lighting requirements, or obtain a variance from the BZA.*

Design Review

The applicant is proposing to update the entire property, completely renovate the existing building by adding a small addition of 292 sq. ft. on the west side of the building, and opening up the building to light by adding new openings and windows throughout. The entire building is proposed to be painted ivory with pre-finished coping in bronze added along the roofline, and extensive pedestrian scale architectural details are proposed. In addition, a new rooftop dining area is proposed to be anchored on three sides by corrugated steel shipping containers. A steel guard rail is proposed around the rooftop dining area where no shipping containers are present. A 4 ft. diameter gas fire pit is also proposed in the center of the rooftop outdoor dining area. Further, a total of nine table umbrellas are shown on the rooftop dining area.

Signage

The applicant is permitted to have a total of 102 sq. ft. of signage for the entire building. At this time, a rendering of proposed signage above the front entrance to Lincoln Yard is shown, but no dimensions or material specifications have been proposed and the applicant will be required to obtain administrative approval for all signage prior to fabrication and installation.

Ms. Whipple-Boyce received clarification that the width of the new exposed aggregate walkway is 7 ft. wide and flush.

Mr. Kurt Catello was present with his wife, Ms. Ann Stevenson, on behalf of Union Joints. Also in attendance were Mr. Jeffrey Klatt, Architect for the project; Mr. Chuck White and Ms. Katherine Abboud, the owners of Armstrong White, adjacent, and owners of the former BPS bus garage. Mr. Catello thought that extending the visible portion of the patio out front and extending the green belt around it creates a little bustle and energy at the front of the building. Another change is there are now four trees in the front by the patio. Also, they added planter boxes along the side of the building to provide a barrier from cars and a pleasant view from inside. He felt the changes have made the bistro more inviting.

Mr. Jeffares suggested raising the aggregate walkway as a calming device for traffic. Mr. Klatt agreed to explore that. Mr. Catello liked that idea of further delineating the walkway so that people would know it is a crossing.

Mr. Share suggested adding a condition that the applicant enter into a recorded access agreement that has been approved by the City Attorney.

Ms. Whipple-Boyce said she is excited about this proposal, but had concerns that the bistro may struggle going forward with so many outdoor seats. The idea of the bistro was a smaller scale establishment and this is very different than the board has approved in the past. Ms. Prasad thought they might want to take a look at adding outdoor heaters into the Fall and early in the Spring.

Motion by Mr. Share

Seconded by Ms. Prasad that the Planning Board recommend approval of the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Lincoln Yard at 2159 E. Lincoln with the following conditions:

- 1. The applicant will be required to submit specification sheets on the proposed rooftop mechanical equipment and mechanical screening for administrative approval;
- 2. The City Commission approves the use of at least seven on-street parking spaces or a shared parking agreement is approved with 2125 E. Lincoln;
- 3. The applicant enter into and record a shared vehicular access agreement with the owners of 2125 E. Lincoln in the form approved by the City Attorney;
- 4. The applicant amend the photometric plan to meet all required parking lot lighting standards or obtain a variance from the Board of Zoning Appeals;
- 5. The applicant obtain administrative approval for all signage; and
- 6. The applicant comply with the requests of all City departments.

Motion carried, 7-0.

ROLLCALL VOTE Yeas: Share, Prasad, Boyle, Jeffares, Lazar, Whipple-Boyce Nays: None Recused: Clein Absent: Koseck, Williams

It was discussed that only two bistro applications can be approved this year. Mr. Boyle said the City Commission needs to see the applications in the broad context of whether they implement a plan that the board has been working with for years, rather than comparing one with the other.

Mr. Share thought Lincoln Yard is a fabulous start for getting things moving in that particular part of the Rail District. He further thought the bistro in Whole Foods has less marginal impact on its surroundings than Adachi at Brown and S. Old Woodward Ave.

Ms. Whipple-Boyce thought Lincoln Yard would have the most positive impact on its district. Her choice for second is Adachi because it would be great to activate that corner. The bistro in Whole Foods will not make a difference in the way she thinks bistros should work for the City. It will have

the least amount of impact on its environment. Mr. Jeffares agreed with those choices in the same order.

Mr. Boyle noted that he thinks Lincoln Yards is a game changer for the Rail District environment. Whole Foods is interesting because it changes the nature of the big box.

He put his full weight on Lincoln Yards, and he is less concerned for the other two.

Vice-Chairperson Lazar said she would like to see Whole Foods as second because it is an important concept. Ms. Prasad loved the idea of having a wine bar or a restaurant within Whole Foods. It will bring in a different clientele to Whole Foods and will activate the store at a different time of day.

Motion by Mr. Share

Seconded by Ms. Prasad to report to the City Commission that the Planning Board recommends Lincoln Yard Bistro as the number one priority because it best fits the goal to activate an area within the Rail District that merits activation. The board members are not decided as to what the second and third rank would be.

There were no comments from the public on the motion at 8:28 p.m.

Motion carried, 7-0.

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

City of B	irmingham	MEMORANDUM
		Planning Division
DATE:	March 21, 2017	
то:	Joseph A. Valentine, City Manager	
FROM:	Matthew Baka, Senior Planner	
APPROVED:	Jana L. Ecker, Planning Director	
SUBJECT:	Set Public Hearing for Special Land Final Site Plan Review at 280 E. Lin	

On March 8, 2017, the Planning Board conducted a public hearing to discuss a request by the applicant to amend their existing Special Land Use Permit to install a new illuminated ground sign in the front open space of the Church. The Grace Baptist Church was granted a Special Land Use Permit on June 15, 1987. The Special Land Use Permit was amended in 2009, to include a surface parking lot. The Planning Board reviewed the proposed sign a voted to recommend approval with the following conditions:

- 1. The overall size of the sign is 4 ft. x 5 ft., creating 20 sq. ft.; and
- 2. The faux brick base of the sign at 1 ft. 6 in. above grade will be changed to true brick with the material to be administratively approved.

The City Commission may wish to set a public hearing for April 24, 2017 to consider approval of the proposed illuminated ground sign. Staff reports and plans are attached for your review.

SUGGESTED ACTION:

To set a public hearing date for April 24, 2017 to consider a Special Land Use Permit Amendment and Final Site Plan Review for 280 E. Lincoln, Grace Baptist Church to allow for the installation of an illuminated ground sign.

GRACE BAPTIST CHURCH 280 E. LINCOLN SPECIAL LAND USE PERMIT AMENDMENT 2017

- WHEREAS, GRACE BAPTIST CHURCH applied for and received a Special Land Use Permit to allow the church located at 280 E. Lincoln on June 15, 1987, as well as a subsequent Special Land Use Permit Amendment to permit construction of a new rear entrance to the site, such applications having been filed pursuant to Section 126-477 of the City Code;
- WHEREAS, Grace Baptist Church is again seeking a Special Land Use Permit Amendment for the site;
- WHEREAS, The land is zoned R-2, Single-Family Residential, which permits a church with a Special Land Use Permit;
- WHEREAS, Article 7 section 7.37 (D) of the Zoning Ordinance provides that once a permit for a special land use has been granted as to any parcel of land, no change in that use may be made nor may any addition to or change in the building or improvements on the parcel of land take place until a new request for approval has been filed with the commission and the commission has approved the request for change;
- WHEREAS, Grace Baptist Church has applied for a Special Land Use Permit Amendment to install an illuminated ground sign;
- WHEREAS, The Planning Board on March 8th, 2017, reviewed the Special Land Use Permit Amendment request and recommended approval with the following outstanding conditions:
 - The overall size of the sign is 4 ft. x 5 ft., creating 20 sq. ft.; and
 - The faux brick base of the sign at 1 ft. 6 in. above grade will be changed to true brick with the material to be administratively approved.
- WHEREAS, The applicant has agreed to comply with all the conditions of the recommendation for approval;
- WHEREAS, The Birmingham City Commission has reviewed Grace Baptist Church Special Land Use Permit Amendment application and standards for such review as set forth in Article 7, section 7.34 and 7.36 of the Zoning Ordinance;
- NOW, THEREFORE, BE IT RESOLVED, That the Birmingham City Commission finds the standards set forth in the City Code have been met and the Grace Baptist Church application for a Special Land Use Permit Amendment authorizing an illuminated ground sign is hereby approved, be it further
- RESOLVED, That all conditions of the previously approved Special Land Use Permit and subsequent amendments shall be continued as part of this Special Land Use Permit Amendment and are incorporated as herein by reference; be it further

RESOLVED, Except as herein specifically provided, Grace Baptist Church 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 Grace Baptist Church to comply with all of the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, Acting 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 April 24, 2017.

Cheryl Arft, Acting City Clerk

CITY OF BIRMINGHAM PLANNING BOARD ACTION ITEMS OF WEDNESDAY, MARCH 25, 2009

 SPECIAL LAND USE PERMIT 280 E. Lincoln Grace Baptist Church Request for Approval of unauthorized changes from approved Final Site Plan FINAL SITE PLAN REVIEW 280 E. Lincoln Grace Baptist Church Request for Approval of unauthorized changes from approved Final Site Plan Motion by Mr. Blaesing Seconded by Mr. Williams that the Planning Board recommend approval to the City Commission of the Final Site Plan and the SLUP for 280 E. Lincoln, Grace Baptist Church, with the following conditions: The applicant provide 180 sq. ft. for all parking spaces or obtain a variance from the BZA; and The applicant provide the required 25 ft. setback for the northern-most section of screenwall along Edgewood or obtain a variance from the BZA. Amended by Mr. Nickita Mr. Blaesing and Mr. Williams accepted only item 3. A bike rack needs to be placed in Area G; and 		Item	Page
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 Mr. Blaesing and Mr. Williams accepted only item 3. 3) A bike rack needs to be placed in Area G; and 	۵ma	anded by Mr. Nickita	
3) A bike rack needs to be placed in Area G; and			
4) Alter Alea F to aunere to the original plan.	4)	Alter Area F to adhere to the original plan.	
Motion carried, 4-1.	Motion	carried, 4-1.	

03-33-09

SPECIAL LAND USE PERMIT 280 E. Lincoln Grace Baptist Church Request for Approval of unauthorized changes from approved Final Site Plan

FINAL SITE PLAN REVIEW 280 E. Lincoln Grace Baptist Church Request for Approval of unauthorized changes from approved Final Site Plan

Mr. Baka advised that Grace Baptist Church is returning to the Planning Board to request a revision to the Final Site Plan approved by the Planning Board on September 26, 2007. The applicant is requesting to alter the improvements to the previously existing lot located adjacent to the Church.

The subject site is 51,879.96 sq. ft., which includes the current Grace Baptist Church site at 280 E. Lincoln and two adjacent parcels located on the west side of Edgewood at 1168 and 1184 which are now part of the existing Church facility and SLUP in the R-2 Zoning District.

The Grace Baptist Church was granted a Special Land Use Permit on June 15, 1987. All changes to the existing SLUP require review by the Planning Board with a recommendation to the City Commission. The City Commission has final approval authority.

Mr. Baka explained the applicant is proposing to reconfigure the pedestrian pathway that leads from the new parking facility to the Church; and to move the previously existing screenwall next to the Church along Edgewood, so that it is in line with the new screenwall along Edgewood. Also, the applicant proposes to complete the landscape plan as originally approved with modifications to Areas A, B and C. The previously approved areas would be constructed but two of the canopy trees would be relocated to more suitable areas.

The applicant is requesting approval of the modified plan for the new parking lot and the previously existing old parking lot of the Church with the changes listed above, which is an alteration from the plans approved by the City Commission on November 19, 2007.

All of the proposed parking spaces must meet the minimum requirement of 180 sq. ft. stated in the Zoning Ordinance. Upon final inspection, the five spots in the southwest corner of the new parking facility did not meet this requirement. *The applicant is required to bring the outstanding spaces into compliance or obtain a variance from the Board of Zoning Appeals ("BZA")*.

The applicant has obtained a variance from the BZA for most of the screenwall. The parking lot as proposed does not comply with the R-2 standards for a front setback of 25 ft. as described in Article 2, section 2.08. The screenwall north of the curb cut along Edgewood was

not included in previous plans. Because the BZA specifically states that variances are tied to plans as submitted, the applicant must comply with the required 25 ft. setback or obtain a variance from the BZA.

Mr. Matthew Quinn spoke on behalf of Grace Baptist Church. Dr. Charles Whitfield, Senior Pastor of Grace Baptist Church, was also present, along with Mr. John Gardner of Gardner & Associates, Architects. Mr. Quinn indicated that when Pastor Whitfield and the sub-contractor looked at the pedestrian walkway on-site they decided that two more parking spots could be created by angling the walkway to equal the angled parking and moving the trees to the division between the two lots. Additionally, they have added a bike rack near the wall. These changes are coming before the Planning Board this evening for approval as-built.

They feel this plan as presented meets the goals of the City and they request a positive recommendation to the City Commission on the final site plan and the SLUP.

Mr. Blaesing recalled an earlier conversation about the underground wiring in Area C and whether it would affect the proposed landscaping. Mr. Gardner replied the conduit is deeply buried and over to one side and the area is now landscaped.

In response to Ms. Lazar's inquiry, Pastor Whitfield indicated they have not installed a sprinkler system to maintain the most recent plantings. Those will have to be hand watered.

Mr. Blaesing was pleased to see that a bike rack will be installed. He added that people seem to have no trouble finding the angled walkway that leads to the south parking lot.

Mr. Williams thought the resulting landscaping is substantially better than what the board saw in September.

Chairman Boyle took comments from the public at 8:03 p.m.

Mr. Anthony Williams, 1288 Edgewood, recalled the concern from the neighbors was that once the parking lot was put in place there would be more to come. He believes this long, ongoing process of coming back time and time again hasn't served the church well and it hasn't served the neighborhood well. Therefore in the spirit of that, he recommended approval be granted so that everyone can move on.

Motion by Mr. Blaesing

Seconded by Mr. Williams that the Planning Board recommend approval to the City Commission of the Final Site Plan and the SLUP for 280 E. Lincoln, Grace Baptist Church, with the following conditions:

- 1) The applicant provide 180 sq. ft. for all parking spaces or obtain a variance from the BZA; and
- 2) The applicant provide the required 25 ft. setback for the northern-most section of screen wall along Edgewood or obtain a variance from the BZA.

Mr. Blaesing noted for the BZA that the shortened screen wall is at the ingress points so headlights would not be coming out easterly towards the street or towards the neighbors because there are no residences across Edgewood.

Mr. Nickita commented on the amount of leniency this board has had in allowing for such things as tearing down houses for parking lots. Therefore he feels this plan should adhere closely to what was approved, given the fact there already has been a significant compromise. He suggested Area F be addressed as originally planned with the use of pavers.

Amended by Mr. Nickita

Mr. Blaesing and Mr. Williams accepted only item 3.

- 3) A bike rack needs to be placed in Area G; and
- 4) Alter Area F to adhere to the original plan.

Chairman Boyle commented this board has been extremely accommodating. They handled a severe conflict regarding the neighborhood and the loss of homes and worked closely with the petitioner to make the plan come to fruition in an acceptable manner. However, the delivery of this development was not in accord with the plan and therefore it had to come back time and again over a period of two years.

Motion carried, 4-1.

ROLLCALL VOTE Yeas: Blaesing, Williams, Boyle, Lazar Nays: Nickita Absent: Haberman, Whipple-Boyce

BIRMINGHAM CITY COMMISSION MINUTES May 18, 2009 MUNICIPAL BUILDING, 151 MARTIN 7:30 P.M.

05-151-09 PUBLIC HEARING SPECIAL LAND USE PERMIT AMENDMENT GRACE BAPTIST CHURCH

The mayor opened the public hearing to consider an amendment to the special land use permit for changes to the plan approved by the city commission on November 19, 2007, subject to the conditions recommended by the planning board on March 26, 2009 at Grace Baptist Church, 280 E. Lincoln, at 9:38 p.m.

Matt Baka explained that certain elements of the finished project that were not in the original approved site plan were returned to the Planning Board and the Board of Zoning Appeals, which recommended approval with conditions.

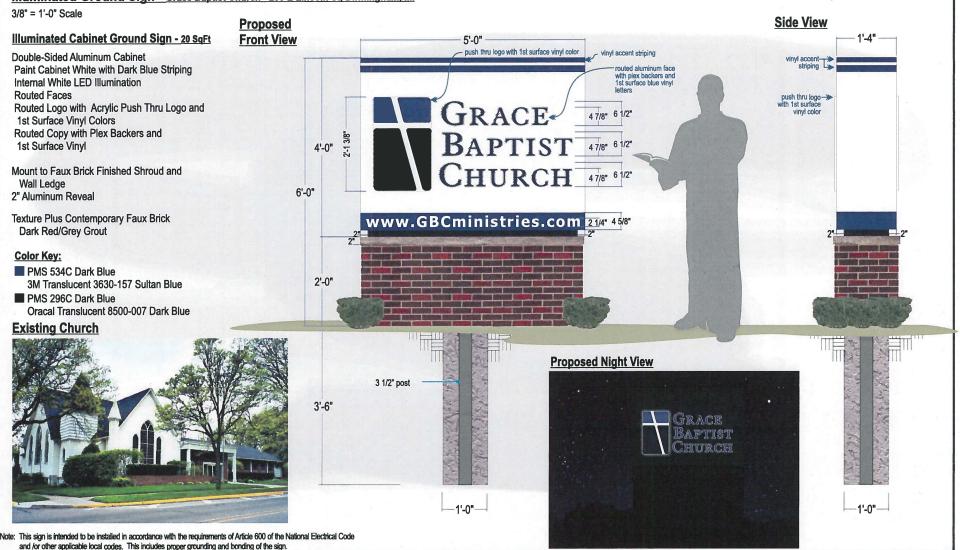
The mayor closed the public hearing at 9:44 p.m.

- **MOTION:** Motion by Dilgard seconded by Hoff:
- WHEREAS, GRACE BAPTIST CHURCH applied for and received a Special Land Use Permit to allow the church located at 280 E. Lincoln on June 15, 1987, as well as a subsequent Special Land Use Permit Amendment to permit construction of a new rear entrance to the site, such applications having been filed pursuant to Section 126-477 of the City Code;
- WHEREAS, Grace Baptist Church is again seeking a Special Land Use Permit Amendment for the site;
- WHEREAS, The land is zoned R-2, Single-Family Residential, which permits a church with a Special Land Use Permit;
- WHEREAS, Article 7 section 7.37 (D) of the Zoning Ordinance provides that once a permit for a special land use has been granted as to any parcel of land, no change in that use may be made nor may any addition to or change in the building or improvements on the parcel of land take place until a new request for approval has been filed with the commission and the commission has approved the request for change;
- WHEREAS, Grace Baptist Church has applied for a Special Land Use Permit Amendment for parking lot expansion and landscaping plan in conformance with the approved site plan;
- WHEREAS, The Planning Board on March 25th, 2009, reviewed the Special Land Use Permit Amendment request and recommended approval with the following outstanding conditions:
 - The applicant provide 180 sq. ft. for all parking spaces or obtain a variance from the BZA;

- The applicant provides the required 25 ft. setback for the northern-most section of screenwall along Edgewood or obtains a variance from the BZA and;
- A bike rack needs to be placed in Area G.
- WHEREAS, On May 12, 2009, the Board of Zoning Appeals approved the applicant's request for a variance for the encroachment of the northern most section of screen wall along Edgewood into the front setback;
- WHEREAS, The Birmingham City Commission has reviewed Grace Baptist Church Special Land Use Permit Amendment application and standards for such review as set forth in Article 7, section 7.34 and 7.36 of the Zoning Ordinance;
- NOW, THEREFORE, BE IT RESOLVED, That the Birmingham City Commission finds the standards set forth in the City Code have been met and the Grace Baptist Church application for a Special Land Use Permit Amendment authorizing parking lot expansion and landscaping plan is hereby approved, be it further
- RESOLVED, That all conditions of the previously approved Special Land Use Permit and subsequent amendments shall be continued as part of this Special Land Use Permit Amendment and are incorporated as herein by reference; be it further
- RESOLVED, Except as herein specifically provided, Grace Baptist Church 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 Grace Baptist Church to comply with all of the ordinances of the city may result in the Commission revoking this Special Land Use Permit.
- VOTE: Yeas, 7 Nays, None Absent, None

Illuminated Ground Sign - Grace Baptist Church - 280 E Lincoln St, Birmingham, MI

CLIENT:



Gar	dner
SI	gns

3800 Airport Hwy.

Toledo, OH 43615

(419) 385-6669 T

(419) 385-7046 F

GENERAL.	orace papins entiren	CALES AUTHORIZATION	
PROJECT:	Ground Sign	SALES AUTHORIZATION	
LOCATION:	280 East Lincoln Street	SIGNED BY:	CLIEI
	Birmingham, MI	DATE:	
SALESPERSON:	Scott Gardner		DATE
DESIGNER:	dmf		DAI
DATE:	10/05/2016		PRO
DESIGN #:	4480-1	DESIGN AUTHORIZATION	
REVISIONS:	10/12/2016 10/19/2016 10/14/2016 11/21/2016	SIGNED BY:	
SCALE:	Noted	DATE:	DATE
FILE:	Grace Baptist Church		

Grace Baptist Church

PRODUCTION AUTHORIZATION	1
CLIENT APPROVAL:	
DATE:	
PRODUCTION APPROVAL:	
DATE:	
	1

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City of	0	iingham

Date: March 3, 2017

TO: Planning Board

FROM: Lauren Chapman, Assistant Planner

Subject: 280 E. Lincoln, Grace Baptist Church —SLUP Amendment For Illuminated Ground Sign

Executive Summary

The property known as 280 E. Lincoln, Grace Baptist Church, is requesting an Amendment to their Special Land Use Permit for the changes to their plan approved by the City Commission on November 19, 2007. The plans detailed the addition of an illuminated ground sign. The subject site is 1.049 acres for entire site.

The Grace Baptist Church was granted a Special Land Use Permit on June 15, 1987. The Special Land Use Permit was amended in 2009, to include a surface parking lot. All changes to the existing SLUP require review by the Planning Board with a recommendation to the City Commission. The City Commission has final approval authority.

Background

On November 19, 2007 the City Commission approved the Final Site Plan and SLUP amendment for 280 E. Lincoln, Grace Baptist Church, to demolish two single family residential houses on Edgewood in order to expand the parking facility.

On March 25, 2009, the Planning Board reviewed and recommended approval for the Revised Final Site Plan for the parking lot expansion at 280 E. Lincoln, Grace Baptist Church, subject to the several conditions.

On April 20, 2009, the City Commission set a public hearing date for May 18, 2009 to consider a Special Land Use Permit amendment for 280 E. Lincoln, Grace Baptist Church, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code, with a recommendation of approval by the Planning Board on March 25, 2009 subject to the applicant appearing before the Board of Zoning Appeals on May 12, 2009.

On May 12, 2009, the applicant presented their revised proposal to the Board of Zoning Appeals to request a dimensional variance for the existing northern most section of screen wall to extend into the required front setback. The Board of Zoning Appeals approved the request for the existing screen wall. The City Commission approved the amendment on May 18, 2009. Relevant meeting minutes are attached for your review.

1.0 Land Use and Zoning

- 1.1 <u>Existing Land Use</u> The existing site contains the Grace Baptist Church. The lots adjacent currently have single-family residential homes on them. Land uses surrounding the site are the YMCA and single family residential.
- **1.2** <u>Existing Zoning</u> Currently zoned R-2, Single-Family Residential. The surrounding uses appear to conform to the permitted uses of each particular Zoning District. The proposed parking facility is a permitted accessory use in the R-2 zone district.
- **1.3** <u>2016 Regulating Plan</u> The subject site is located outside of the Downtown Birmingham Overlay District.
- 1.4 <u>Birmingham Future Land Use Plan-</u> Policy #4 outlined in the Residential Development Policies section of the Birmingham Future Land Use Plan states that stringent site design standards should be required for community facilities which are located within residential neighborhoods. Particular emphasis should be placed on provision of adequate off-street parking, landscaping and screening.
- **1.5** <u>Summary of Land Use and Zoning</u> 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	Single-Family	Single-Family	YMCA	Single-Family
Use	Residential	Residential		Residential
Existing	R-3, Single-	R-2, Single-	R-4, Two-	R-2, Single
Zoning	Family	Family	Family	Family
District	Residential	Residential	Residential	Residential

A map excerpt from the city's GIS system is also attached for your review. This excerpt shows the subject property outlined in red, and shows the property lines, building outlines, and zoning classifications of all surrounding properties.

2.0 Use of Site

The applicant is requesting approval for an illuminated ground sign. The entire property is zoned R-2. Article 2, section 2.07 of the Zoning Ordinance provides a list of permitted principle and accessory uses. The property is used as a church.

3.0 Setback and Height Requirements

The project does not propose any alterations to the primary Church structure or the accessory structure.

4.0 Screening and Landscaping

- 4.1 <u>Mechanical Screening</u> No new mechanical equipment is proposed for the site.
- 4.2 <u>Parking Lot Screening</u> No new parking spaces are proposed for the site.
- 4.3 <u>Landscaping</u> No new landscaping is proposed for the site.

5.0 Parking, Loading, Access, and Circulation

- 5.1 <u>Parking</u> No new parking spaces are proposed for the site.
- 5.2 <u>Loading</u> No new loading zones are proposed and none are required.
- 5.3 <u>Vehicular Access & Circulation</u> No changes to the vehicular access or circulation are proposed.
- 5.4 <u>Pedestrian Access and Circulation</u>–Pedestrian access to the site is provided directly from the public sidewalk on Edgewood and E. Lincoln. Also, there is a pedestrian path with brick pavers from the parking area to the Church. No additional access is proposed.

6.0 Lighting

No new lighting is proposed for the site.

7.0 Departmental Reports

- 7.1 <u>Engineering Department</u> No concerns were reported from the Engineering Department.
- 7.2 <u>Department of Public Services</u> No concerns were reported from the Department of Public Services.
- 7.3 <u>Fire Department</u> No concerns were reported from the Fire Department.
- 7.4 <u>Police Department</u> No concerns were reported from the Police Department.
- 7.5 <u>Building Department</u> The Building Department provided their standard comments.
- 8.0 Design Review

The proposed illuminated ground sign conforms to the standards set forth in Article 01 Table D of the City's sign ordinance. Signs for churches can have a maximum area of 20 square feet if located less than 500 feet from occupied residential dwellings and cannot be more than 8 feet above grade. The sign is 20 square feet mounted on a faux brick wall. The total height, sign and mounting, of the sign is 6 feet. The sign is proposed to be lit steadily.

9.0 Approval Criteria

In accordance with Article 7, section 7.27(B) 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 and 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 Recommendation

Based on a review of the Final Site Plan submitted, the Planning Division recommends a recommendation of Approval of the Special Land Use Permit Amendment for 280 E. Lincoln;

11.0 Sample Motion Language

Motion to recommend **Approval** the revised Final Site Plan and Design Review for 280 E. Lincoln;

OR

Motion to recommend Denial the revised Final Site Plan and Design Review for 280 E. Lincoln;

OR Motion to recommend Postponement the revised Final Site Plan for 280 E. Lincoln.

CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, MARCH 8, 2017 City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 8, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

- **Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares Vice Chairperson Gillian Lazar; Janelle Whipple-Boyce, Alternate Board Members Lisa Prasad, Daniel Share; Student Representative Ariana Afrakhteh
- Absent: Bert Koseck, Bryan Williams

Administration: Matt Baka, Sr. Planner

Jana Ecker, Planning Director

Carole Salutes, Recording Secretary

03-47-17

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

1. 280 E. Lincoln Grace Baptist Church

Request for Final Site Plan Review and SLUP Amendment for the construction of a new monument sign

Mr. Baka advised that Grace Baptist Church is coming to the Planning Board to request an amendment to the SLUP approved by the City Commission on May 18, 2009. The applicant is requesting to add an illuminated ground sign.

The Grace Baptist Church was granted a SLUP on June 15, 1987. The SLUP was amended in 2009 to include a surface parking lot. All changes to the existing SLUP require review by the Planning Board with a recommendation to the City Commission. The City Commission has final approval authority.

Design Review

The proposed illuminated ground sign conforms to the standards set forth in Article 01 Table D of the City's Sign Ordinance. Signs for churches can have a maximum area of 20 sq. ft. if located less than 500 ft. from occupied residential dwellings and cannot be more than 8 ft. above grade. The sign is 20 sq. ft. mounted on a faux brick wall. The total height of the sign, including mounting, is 6 ft. The sign is proposed to have push-through routed letters lit from behind.

Mr. Baka reminded the board that in the past it has required real brick for monument signs.

Mr. Scott Gardner with Gardner Sign Co. described that the sign is double faced at night. The sign base is aluminum with faux brick applied.

Consensus of the board was they are fine with the sign but not okay with the PVC brick. Accordingly, Mr. Gardner agreed to change to real brick.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Jeffares to recommend approval of the SLUP amendment, Revised Final Site Plan and Design Review for the monument sign at 280 E. Lincoln, Grace Baptist Church, with the following conditions:

- 3. The overall size of the sign is 4 ft. x 5 ft., creating 20 sq. ft.;
- 4. The faux brick base of the sign at 1 ft. 6 in. above grade will be changed to true brick with the material to be administratively approved.

There were no comments from members of the audience at 8:43 p.m. Board members expressed their appreciation for the improved sign.

Motion carried, 7-0.

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

City of	Birmingham	MEMORANDUM
		City Clerk's Office
DATE:	March 16, 2017	
TO:	Joseph A. Valentine, City Manager	
FROM:	Cheryl Arft, Acting City Clerk	
SUBJECT:	Special Event Request Birmingham Cruise Event	

Attached is a special event application submitted by the Birmingham Shopping District requesting permission to hold the Birmingham Cruise Event on August 19, 2017.

The application has been circulated to the affected departments and approvals and comments have been noted.

You will note that the usual area used for this event is changed due to the expected construction on Old Woodward.

The following events have either been approved by the Commission or are planned to be held August and have not yet submitted an application. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Farmers Market	Every Sunday	Lot 6 (North Old Woodward)
	May - October	
In the Park Concerts	June – August	Shain Park
	(Wednesdays)	
Movie Night	June 24, July	Booth Park
	15, August 12	
Bates St. Block Party	August 12	Shain Park

SUGGESTED RESOLUTION:

To approve a request from the Birmingham Shopping District to hold the Birmingham Cruise Event on August 19, 2017, 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. <u>EVENT DETAILS</u>

- 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:\$200.00ANNUAL APPLICATION FEE:\$165.00

(Please print clearly or type)

Date of Application March 7, 2017

Name of Event Birmingham Cruise Event

Detailed Description of Event (attach additional sheet if necessary)

Car show and cruise with related activities and entertainment.

Location _	Did Woodward fro	om Merrill to Lincoln and Brown Street from Pierce Parkin	ng Structure entrance to Peabody	Street. Boundary includes frontage along Woodward Avenue.
Date(s) of	Event	Saturday, August 19, 2017	Hours of Event	9:00 am - 7:00 pm
				Beginning at 7:00 am
				own Complete by 12 noon

Organization Sponsoring Event Birmingham Shopping District
Organization Address 151 Martin Street, Birmingham 48009
Organization Phone 248-530-1200
Contact Person Lori Rondello
Contact Phone 248-530-1200
Contact Email Irondello@bhamgov.org

II. EVENT INFORMATION

- 1. Organization Type<u>BSD</u> (city, non-profit, community group, etc.)
- Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.)
 Chevrolet, WXYZ, WOMC, Lincoln of Troy, others TBD
- Is the event a fundraiser? YES NO
 List beneficiary Local non-profits & school groups are offered an opportunity to sell water and merchandise.
 List expected income \$1,000. +
 Attach information about the beneficiary.
- First time event in Birmingham? YES ✓NO
 If no, describe_____
- 5. Total number of people expected to attend per day 50,000-75,000
- 6. The event will be held on the following City property: (Please list)

01	Street(s) South Old Woodward				
	Sidewalk(s)				
	Park(s) Shain				
7.	Will street closures be required?				
8.	What parking arrangements will attendance? City parking structures.	be	necessary	to	accommodate

- Will staff be provided to assist with safety, security and maintenance? YES NO
 Describe Approximately 150 volunteers will assist. There will also be PSD personnel on site.
- 10. Will the event require safety personnel (police, fire, paramedics)? YES NO Describe On call status.
- 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 10:00 am
	Time music will end 9:00 pm
	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?
	Number of signs/banners
	Size of signs/banners TBD
	Submit a photo/drawing of the sign(s). A sign permit is required.
14.	Will food/beverages/merchandise be sold? VES 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?
TBD	Official Merchandise	NO	NO
TBD	Food	NO	NO
TBD	Bottled Water	NO	NO

,

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		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	2	\$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 VESNO *(show location of each on map)* NOTE: Stakes are not allowed.

ТҮРЕ	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	5 +/-	various
Portable Toilets	25 +/-	regular & handicap
Rides		
Displays	10 +/-	various
Vendors	TBD	
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Birmingham Cruise Event EVENT DATE Saturday, August 19, 2017

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.

<u>3-7-17</u> Date <u>, Kondello</u> Signature

IV. <u>SAMPLE LETTER TO NOTIFY ANY AFFECTED</u> <u>*PROPERTY/BUSINESS OWNERS*</u>

- 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.

SPECIAL EVENT REQUEST NOTIFICATION

March 10, 2017

TO: Property Owners and Business Owners

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.

NAME OF EVENT:	Birmingham Cruise Event
----------------	-------------------------

LOCATION: Old Woodward from Brown to Lincoln. Shain Park. Boundary includes frontage along Woodward Ave.

DATE/TIME: Saturday, August 19, 2017 from 9 a.m. to 7 p.m.

DATE OF CITY COMMISSION MEETING: Monday, March 27, 2017

The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 p.m. 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. To receive updates on special events held in the city log on to www.bhamgov.org

EVENT ORGANIZER: Birmingham Shopping District

ADDRESS: 151 Martin Street, Birmingham

PHONE: 248-530-1200

SPECIAL EVENT REQUEST NOTIFICATION

March 10, 2017

TO: Property Owners and Business Owners

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.

NAME OF EVENT:	Birmingham Cruise Event
LOCATION:	Old Woodward from Brown to Lincoln. Shain Park. Boundary includes frontage along Woodward Ave.
DATE/TIME:	Saturday, August 19, 2017 from 9 a.m. to 7 p.m.
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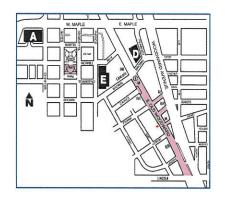
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EVENT ORGANIZER:	Birmingham Shopping District
ADDRESS:	151 Martin Street, Birmingham
PHONE:	248-530-1200

Birmingham Shopping District 151 Martin Street Birmingham, MI 48009

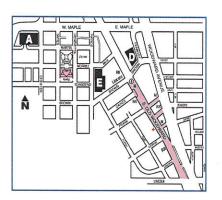
Birmingham Shopping District 151 Martin Street Birmingham, MI 48009

BIRMINGHAM CRUISE EVENT 2017



1936202008 255 BROWN STREET LLC

6384 LAKE LEELANAU DR TRAVERSE CITY, MI 49684 BIRMINGHAM CRUISE EVENT 2017

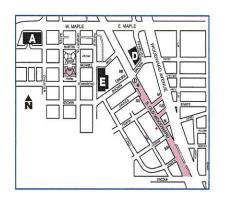


1936202009 WOODWARD BROWN VENTURES LLC

102 PIERCE ST

Birmingham Shopping District 151 Martin Street Birmingham, MI 48009

> BIRMINGHAM CRUISE EVENT 2017

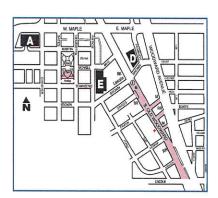


1936204006 BRB EQUITIES LLC

300 S OLD WOODWARD AVE BIRMINGHAM, MI 48009 Birmingham Shopping District 151 Martin Street Birmingham, MI 48009

BIRMINGHAM CRUISE EVENT

2017

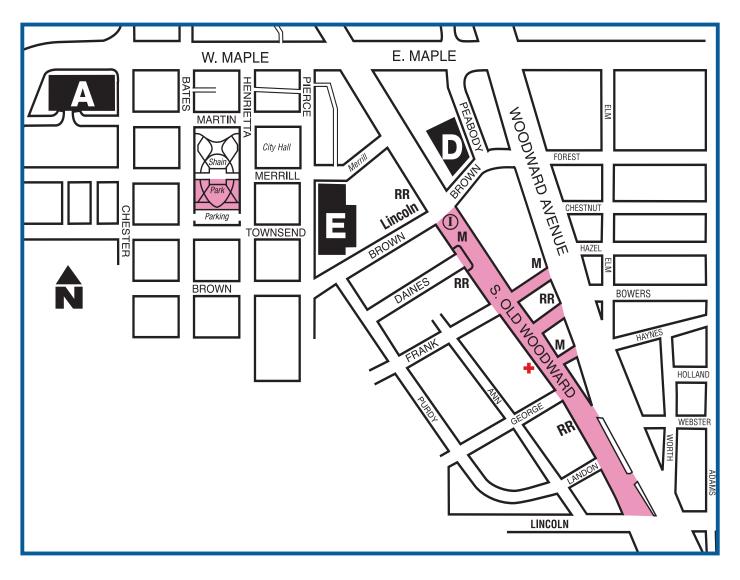


1936204008 EDWARD F ANDREWS JR

567 PURDY BIRMINGHAM, MI 48009

THE 2017 BIRMINGHAM CRUISE EVENT







www.ALLINBirmingham.com



HOLD-HARMLESS AGREEMENT

"To the fullest extent permitted by law, the **Birmingham Shopping District** and any entity or person for whom the **Birmingham Shopping District** 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, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham."

Ni Bondullo Applicant's signature

DEPARTMENT APPROVALS

EVENT NAME Birmingham Cruise Event

LICENSE NUMBER <u>#</u>

COMMISSION HEARING DATE: March 27, 2017

NOTE TO STAFF: Please submit approval by March 15, 2017

DATE OF EVENT: Saturday, August 19, 2017

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)
PLANNING 101-000.000-634.0005 248.530.1855		Pending approval			
BUILDING 101-000.000.634.0005 248.530.1850	SW	 Tents and canopies over 120 square feet require permits. Electrical, plumbing, and mechanical permits are required for generators, heaters, and water connections. Tents and canopies must be secured With weights, sand, or water ballast. 	See comment section	\$2,771.14	
FIRE 101-000.000-634.0004 248.530.1900	JMC	 Amendment: Personnel & Inspections 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 		\$4000.00	

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. A prescheduled inspection is
required for food vendors
through the Bldg. dept. prior to
opening.
8. All food vendors are required to
have an approved 5lbs. multi-
purpose (ABC) fire extinguisher
on site and accessible.
9. Cords, hoses, etc. shall be
matted to prevent trip hazards.
10. Exits must be clearly marked in
tents/structures with an occupant
load over 50 people.
11. Paramedics will respond from the
fire station as needed. Dial 911
for fire/rescue/medical
emergencies.
12. A permit is required for Fire
hydrant usage.
13. Do Not obstruct fire hydrants or
fire sprinkler connections on
buildings.
14. Provide protective barriers
between hot surfaces and the
public.
15. All cooking hood systems that
capture grease laden vapors
must have an approved
suppression system and a K fire

		extinguisher in addition to the ABC Extinguisher. 16. Suppression systems shall be inspected, tested, and properly tagged prior to the event. All Sprinkler heads shall be of the 155 degree Quick Response type unless serving an area of high heat and approved by the Fire Marshal. The suppression system shall have a continuous water supply as well as a secondary back up supply. Activation of the suppression system will shut down the ride and cause illumination of the exits.			
POLICE 101-000.000.634.0003 248.530.1870	SG	Personnel and Barricades		\$6,000	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird	2 roll off dumpsters, location TBD Costs include dumpsters, setup, staffing during event and cleanup.		\$12,000	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	Coordinate w/Engineering Department on Pedestrian traffic. Coordinate cross-over closure from Northbound Woodward to Northbound S. Old Woodward w/DPS and Police Maintain Brown St. to allow thru vehicle traffic and direct pedestrian traffic to nearest signal crossing	None	\$0	\$0
INSURANCE 248.530.1807	CA	City event			

CLERK 101-000.000-614.0000 248.530.1803	Notification letters by applicant on 3/13/17 . 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 (city event).	Applications for vendors license must be submitted no later than 8/4/17.	\$165	
			TOTAL DEPOSIT REQUIRED \$24,936.14	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

Rev. 3/16/17 h:\shared\special events\- general information\approval page.doc

City of	Birmingham	<u>MEMORANDUM</u>
		City Clerk's Office
DATE:	March 16, 2017	
TO:	Joseph A. Valentine, City Manager	
FROM:	Cheryl Arft, Acting City Clerk	
SUBJECT:	Special Event Request Day on the Town	

Attached is a special event application submitted by the Birmingham Shopping District requesting permission to hold Day on the Town in downtown Birmingham, July 22, 2017.

The application has been circulated to the affected departments and approvals and comments have been noted.

You will note that due to the anticipated construction on Old Woodward, the usual location has been moved to the following streets/sidewalks: Maple, Pierce, Merrill, Henrietta and Martin.

The following events have either been approved by the Commission or are planned to be held in July and have not yet submitted an application. These events do not pose a conflict with the proposed event.

Event Name	Date	Location	
Art Birmingham	May 13	Shain Park	
Parkinson Foundation 5K	May 20	Booth Park area	
Farmers Market	Every Sunday	Lot 6 (North Old Woodward)	
	May - October		
Celebrate Birmingham Parade	May 21	S. Old Woodward, Frank, Brown,	
		Martin, Pierce, Bates streets &	
		Shain Park	
Memorial Day Service	May 29	Shain Park	
In the Park Concerts	Every Wednesday	Shain Park	
	June - August		
Village Fair	May 31- June 4	Shain Park	
Breathe Deep Michigan 5K	June 3	Booth Park & surrounding	
		neighborhood	
Battle of the Bands	June 16	Shain Park	
Movie Night	June 23, July 14,	Booth Park	
	August 11		
Park Art	June 22	Shain Park	
Bates St. Block Party	August 12 Shain Park		
Street Art Fair	September 15-17 Downtown		

SUGGESTED RESOLUTION:

To approve a request from the Birmingham Shopping District requesting permission to hold Day on the Town in downtown Birmingham, July 22, 2017 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. <u>EVENT DETAILS</u>

- 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 7, 2017

Name of Event Day On The Town

Detailed Description of Event (attach additional sheet if necessary) _____

All day shopping event in downtown Birmingham with family friendly activities.

Location Downtown Birmingham

Date(s) of Event July 22, 2017	Hours of Event 9 am - 7 pm
Date(s) of Set-up July 22, 2017	Hours of Set-up 7 am - 9 am
Date(s) of Tear-down July 22, 2017	Hours of Tear-down 7 pm - 9 pm

Organization Sponsoring Event Birmingham Shopping District
Organization Address 151 Martin Street, Birmingham
Organization Phone 248-530-1200
Contact Person Lori Rondello
Contact Phone 248-530-1254
Contact Email Irondello@bhamgov.org

II. EVENT INFORMATION

1.	Organization TypeCity, BSD
	(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.)
	None
3.	Is the event a fundraiser? YES
	List beneficiary List expected income Attach information about the beneficiary.
4.	First time event in Birmingham? YES VNO
5.	Total number of people expected to attend per day 10,000-15,000
6.	The event will be held on the following City property: (Please list) Street(s) Maple, Pierce, Merrill, Henrietta, Martin (See attached map)
	Sidewalk(s) After 7 pm, stores may elect to move sale items from street to storefront sidewalk, allow for pedestrians.
	Park(s)
7.	Will street closures be required?
8.	What parking arrangements will be necessary to accommodate attendance? We would like to provide free parking in all structures and meters from 9 am - 7 pm. Pending staff approval.

- 9. Will staff be provided to assist with safety, security and maintenance? YES NO Describe BSD staff will be on-site during event.
- 10. Will the event require safety personnel (police, fire, paramedics)? ✓ YES NO Describe On call status.
- 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? NO \checkmark Live Amplification Recorded Loudspeakers Time music will begin 12 noon Time music will end 7 pm on streets Location of live band, DJ, loudspeakers, equipment must be shown on the layout map. Will there be signage in the area of the event? 13. NO Number of signs/banners 2 banners Size of signs/banners $\underline{14' \times 5'}$ (sample attached). 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
 - All food/beverage vendors must have Oakland County Health Department approval.
 - Attach copy of Health Dept approval.

to the event.

• 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?
TBD			
			8

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		6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	TBD	\$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)	<u>TBD</u> # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant	1	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 YESNO *(show location of each on map)* NOTE: Stakes are not allowed.

ТҮРЕ	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	15-25	10' x 10'
Portable Toilets	TBD	
Rides		· · · · · · · · · · · · · · · · · · ·
Displays	TBD	
Vendors	TBD	
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME	Day On The Town
EVENT DATE	July 22, 2017

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.

<u>3-7-17</u> Date <u>Signature</u>

IV. <u>SAMPLE LETTER TO NOTIFY ANY AFFECTED</u> <u>*PROPERTY/BUSINESS OWNERS*</u>

- 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.

NOTIFICATION

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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.

NAME OF EVENT: Day On The Town

LOCATION: DOWNTOWN BIRMINGHAM

A /117:11:4

Henrietta from Maple to Martin - Pierce from Maple to Merrill

Merrill from Pierce to Old Woodward - Maple from Bates to Peabody

DATES/TIMES: Saturday, July 22, 2017 from 9 a.m. until 7 p.m.

DATE/TIME OF CITY COMMISSION MEETING: Monday April 24, 2017 at 7:30 p.m.

The City Commission meets in room 205 of the Municipal Building at 151 Martin. 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. To receive updates on special events held in the city log on to www.bhamgov.org/enotify.

EVENT ORGANIZER: Birmingham Shopping District ADDRESS: 151 Martin PHONE: 248-530-1200

NOTIFICATION

DATE: March 10, 2017

TO: Downtown Birmingham Business/Property Owner

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LOCATION

DOWNTOWN BIRMINGHAM



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EVENT ORGANIZER: **Birmingham Shopping District** ADDRESS: 151 Martin PHONE: 248-530-1200

PROPOSED



SATURDAY, JULY 22 • 9 A.M. – 7 P.M.



www.ALUnBirmogham.com 🛛 🚹 Etminanam Shopping District 👘 👩 💽 ol.BhamShopping



Kids Bike Parade 8:30 a.m. City Hall





HOLD-HARMLESS AGREEMENT

"To the fullest extent permitted by law, the **Birmingham Shopping District** and any entity or person for whom the **Birmingham Shopping District** 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, its elected or appointed officials, employees, volunteers or others working on behalf 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 Day on the Town

LICENSE NUMBER <u>#17-00010966</u>

COMMISSION HEARING DATE: March 27, 2017

NOTE TO STAFF: Please submit approval by March 15, 2017

DATE OF EVENT: Saturday, July 22, 2017

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)
PLANNING 101-000.000-634.0005 248.530.1855		Pending approval			
BUILDING 101-000.000.634.0005 248.530.1850	SW	 All exits, exit accesses, and exit discharges must be maintained Tents that require permits need a tent layout plan for review All tents are required to have flame certification Tents and canopies must be stabilized with weights Electrical cords or water lines must be taped or matted to prevent trip hazards 	Tents over 200 square feet require permits. Electrical and plumbing permits needed for generators and water connections.	\$471.27	
FIRE 101-000.000-634.0004 248.530.1900	JMC	 No Smoking in any tents or canopy. Signs to be posted. All tents and Canopies must be flame resistant with certificate on site. 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. Tents and Canopies must be properly anchored for the weather conditions, no stakes 		\$40	

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. A prescheduled inspection is	
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8. All food vendors are required to	
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purpose (ABC) fire extinguisher	
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9. Cords, hoses, etc. shall be	
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POLICE 101-000.000.634.0003 248.530.1870	SG	Personnel and Barricades		\$1,300	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird	ADDITIONAL COST COULD OCCUR IF TRASH IS NEEDED TO BE PICKED UP AFTER THE EVENT		\$3,500	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	Coordinate w/Engineering Department on Pedestrian traffic. All stores must maintain 5' clear pedestrian pathway on the sidewalks. No damage to pavements allowed for tents, tables, shelters, etc.	None	\$0	\$0
INSURANCE 248.530.1807	СА	City event	None	\$0	\$0
CLERK 101-000.000-614.0000 248.530.1803		Notification letters mailed by applicant on 3/13/17. 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 (city event).	Applications for vendors license must be submitted no later than 7/7/17 .	\$165	\$165
				TOTAL DEPOSIT REQUIRED	ACTUAL COST

		\$5,476.27	

Deposit paid _____

Actual Cost

Due/Refund_____

Rev. 3/16/17 h:\shared\special events\- general information\approval page.doc

City of B	irmingham	MEMORANDUM
		City Clerk's Office
DATE:	March 17, 2017	
TO:	Joseph A. Valentine, City Manager	
FROM:	Cheryl Arft, Acting City Clerk	
SUBJECT:	Special Event Request ParkArt	

Attached is a special event application submitted by the Community House requesting permission to hold ParkArt – an evening of interactive family-oriented art displays in Shain Park June 22, 2017.

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 planned to be held in June and have not yet submitted an application. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Farmers Market	Every Sunday	Lot 6 (North Old Woodward)
	May - October	
In the Park Concerts	Every Wednesday	Shain Park
	June - August	
Village Fair	May 31- June 4	Shain Park
Breathe Deep Michigan 5K	June 3	Booth Park & surrounding
		neighborhood
Battle of the Bands	June 16	Shain Park
Movie Night	June 23, July 14,	Booth Park
_	August 11	

SUGGESTED RESOLUTION:

To approve a request from the Community House to hold ParkArt on June 22, 2017 in Shain Park, 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

1-00010921

RECEIVED BY

FEB - 6 2017

CITY CLERK'S OFFICE CITY OF BIRMINGHAM

I. <u>EVENT DETAILS</u>

- 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

\$200.00 FEES: **FIRST TIME EVENT: ANNUAL APPLICATION FEE:** \$165.00 (Please print clearly or type) Date of Application 12/15/16 Name of Event Park Art Detailed Description of Event (attach additional sheet if necessary) ParkArt is a fun, interactive, art filled evening for youth held by the community House for the Past 4 years ParkArt Features performances by TCH youth theatre TCH Dance Academy, and other special musical quests. The goal is to raise money for Youth Programs at The community Howe. Location Shain Park 6/22/17 June 22, 2017 Hours of Event _ 5:00pm - 8:00pm Date(s) of Event Date(s) of Set-up _____6/22/17 Hours of Set-up 10:00 an - S'00 pm Hours of Tear-down 8:00 pm - 10:00 PM Date(s) of Tear-down ____(/22/17 Organization Sponsoring Event The Community House Organization Address 380 5. Bates St. Organization Phone 248 - 644-5832 Contact Person Sarah Zeiler Contact Phone 248-554-6593 Contact Email _ Szeiler @ community have. Con

II. **EVENT INFORMATION**

- Organization Type non profit 1. (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.)
- Is the event a fundraiser? X YES NO 3. List beneficiary <u>Children's programs</u> @ TCH List expected income <u>\$5,000</u> Attach information about the beneficiary.
- First time event in Birmingham? YES XNO 4. If no, describe This will be the fourth year of The Community House annual Park Art event.

Total number of people expected to attend per day 200 - 3005.

6. The event will be held on the following City property: (Please list)

Street(s) _____ _____ Sidewalk(s)_____ X Park(s) Shain Park

Will street closures be required? 7. YES NO

What arrangements will 8. parking be necessary to accommodate attendance? $\mathcal{M}_{n}\mathcal{E}$

Will staff be provided to assist with safety, security and maintenance? X YES NO 9. Describe Will the event require safety personnel (police, fire, paramedics)? YES XNO 10. Describe Will alcoholic beverages be served? YES NO 11. If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission. Will music be provided? $|\chi|$ YES 12. NO _ Amplification Recorded Loudspeakers Live 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? 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.

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK- UP REQUIRED?	ELECTRIC REQUIRED?
ogladnes redepano. B	1999401 1997 10 1992 13		Jobes Sec. IIIM
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III. <u>EVENT LAYOUT</u>

- 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	5	\$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)	# of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant	Q	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	0	\$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 XYESNO *(show location of each on map)* NOTE: Stakes are not allowed.

ТҮРЕ	QUANTITY	SIZE
Tents/Canopies/Awnings	LJ	100-4+
(A permit is required for tents over 120 sq ft)	/	10047
Portable Toilets	0	
Rides	Q	
Displays	0	
Vendors	Q	
Temporary Structure (must attach a photo)	۵	
Other (describe)	\$ Q	8ft. Tobles

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Park Art EVENT DATE 6/22/17

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

12/15/16

Date

IV. <u>SAMPLE LETTER TO NOTIFY ANY AFFECTED</u> <u>PROPERTY/BUSINESS OWNERS</u>

- 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.

THE COMMUNITY HOUSE

BIRMINGHAM

DATE: March, 2017

TO: **Residential Property or Business Owner**

Address

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.

EVENT INFORMATION

NAME OF EVENT: ParkArt

LOCATION: Shain Park

DATE OF EVENT: June 22nd, 2017

HOURS OF EVENT: 5:00-8:00 p.m.

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Art activities for children and live performance by the TCH Dance Academy.

DATE OF SET-UP: June 22 nd , 2017	HOURS
DATE(S) OF TEAR-DOWN: June 22 nd , 2017	HOUR(

S OF SET UP: 10:00 a.m.-5:00 p.m. (S) OF TEAR-DOWN: 8:00-10:00 p.m.

DATE OF CITY COMMISSION MEETING: March 27, 2017

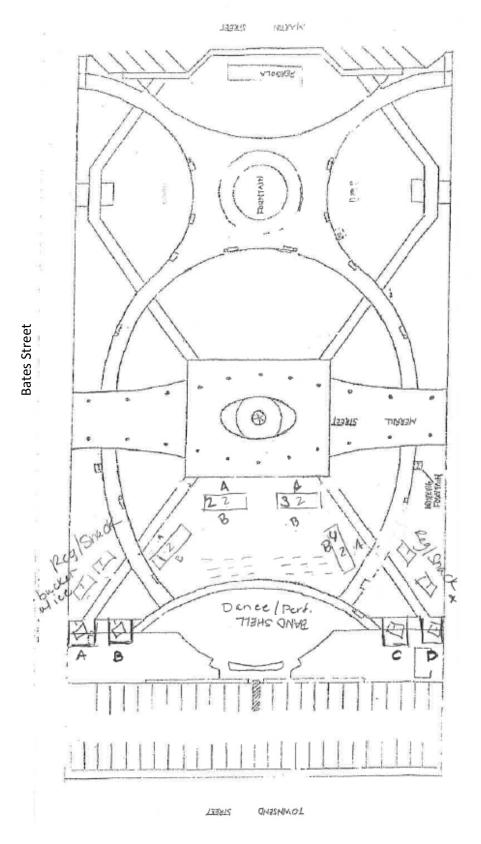
The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880). Log on to <u>www.bhamgov.org/events</u> for a complete list of special events.

EVENT ORGANIZER: The Community House/Danny DeRose

ADDRESS: 380 S. Bates, Birmingham, MI 48009

PHONE: 248.644.5832







HOLD-HARMLESS AGREEMENT

"To the fullest extent permitted by law, The Community House and any entity or person for whom The Community House 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 us thereof, which arises out of or is in a 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, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham."

signature

2/6/17

380 South Bates Street | Birmingham, Michigan 48009 | 248.644.5832 | communityhouse.com

DEPARTMENT APPROVALS

EVENT NAME Park Art

LICENSE NUMBER <u>#17-00010921</u>

COMMISSION HEARING DATE March 27, 2017

NOTE TO STAFF: Please submit approval by March 17, 2017

DATE OF EVENT: June 22, 2017

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)
PLANNING 101-000.000-634.0005 248.530.1855					
BUILDING 101-000.000.634.0005 248.530.1850	SW	No building department involvement as proposed	none	none	
FIRE 101-000.000-634.0004 248.530.1900	JMC	 No Smoking in any tents or canopy. Signs to be posted. All tents and Canopies must be flame resistant with certificate on site. 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. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed. Clear Fire Department access of 		\$40	

12 fact cicles must be	
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. A prescheduled inspection is	
required for food vendors	
through the Bldg. dept. prior to	
opening.	
8. All food vendors are required to	
have an approved 5lbs. multi-	
purpose (ABC) fire extinguisher	
on site and accessible.	
9. Cords, hoses, etc. shall be	
matted to prevent trip hazards.	
10. Exits must be clearly marked in	
tents/structures with an occupant	
load over 50 people.	
11. Paramedics will respond from the	
fire station as needed. Dial 911	
for fire/rescue/medical	
emergencies.	
12. A permit is required for Fire	
hydrant usage.	
13. Do Not obstruct fire hydrants or	
fire sprinkler connections on	
buildings.	
14. Provide protective barriers	
between hot surfaces and the	
public.	
15. All cooking hood systems that	
capture grease laden vapors	
must have an approved	
suppression system and a K fire	
extinguisher in addition to the	
ABC Extinguisher.	
16. Suppression systems shall be	
inspected, tested, and properly	
tagged prior to the event. All	
Sprinkler heads shall be of the	

				\$90	
				TOTAL DEPOSIT REQUIRED	ACTUAL COST
CLERK 101-000.000-614.0000 248.530.1803		Notification letters mailed on 3/13/17. 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 6/7/17.	Applications for vendors license must be submitted no later than 6/7/17	\$165 pd	
INSURANCE 248.530.1807	CA	Hold Harmless rec'd; COI to be updated to cover event date.	None	\$0	\$0
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	No Comments	None	\$0	\$0
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	CL	Department will deliver the 5 PSD boxes. Tents being placed in Shain Park can't be staked down.		\$50	
POLICE 101-000.000.634.0003 248.530.1870	SG	On duty personnel to give extra patrol		\$0	
		155 degree Quick Response type unless serving an area of high heat and approved by the Fire Marshal. The suppression system shall have a continuous water supply as well as a secondary back up supply. Activation of the suppression system will shut down the ride and cause illumination of the exits.			

MEMORANDUM

DATE: March 21, 2017

TO: Joe Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: Continuance of Public Hearing – Emagine Palladium/Ironwood Grill, 250 N. Old Woodward – 2017 Liquor License Renewal - Violation of SLUP

On February 27, 2017, the City Commission set a Public Hearing for March 13, 2017 at 7:30 PM to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held for Emagine/Ironwood Grill located at 250 N. Old Woodward.

At the Public Hearing on March 13, 2017, the Commission chose to continue the Public Hearing on the license renewal to Monday, March 27, 2017 at 7:30 PM, to allow the licensee time to submit plans relative to the SLUP amendment as required by the SLUP agreement.

The MLCC requires that an objection to the renewal of a liquor license be filed with them 30 days prior to the expiration of the current license, which is April 30, 2017.

The reason stated for the hearing include questions as to the licensee's compliance with Chapter 10, Section 10-40 (5) of the City Code as follows:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the City Commission or the Liquor Control Commission at the time of issuance or transfer of the license, to wit: Special Land Use Permit amendment required for transfer of ownership or name.

On February 28, 2017, notice of the Public Hearing, including a copy of the pertinent City Code and a copy of the Resolution passed by the City Commission on February 27, 2017 was sent by certified mail, return receipt requested to Emagine Palladium/Ironwood Grill, 250 N. Old Woodward, Birmingham, MI 48009, and CH Birmingham, LLC, P.O. Box 841, Troy, MI 48099. The signed receipts are on file in the Clerk's Office.

The City Commission may choose to approve the renewal of the 2017 liquor license, or file an objection with the Liquor Control Commission.

SUGGESTED RESOLUTION:

To approve the renewal for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

To recommend non-renewal to the Michigan Liquor Control Commission for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

MEMORANDUM

DATE: March 10, 2017

TO: Joe Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: Public Hearing – Emagine Palladium/Ironwood Grill, 250 N. Old Woodward – 2017 Liquor License Renewal - Violation of SLUP

On February 27, 2017, the City Commission set a Public Hearing for March 13, 2017 at 7:30 PM to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held for Emagine/Ironwood Grill located at 250 N. Old Woodward.

The reason stated for the hearing include questions as to the licensee's compliance with Chapter 10, Section 10-40 (5) of the City Code as follows:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the City Commission or the Liquor Control Commission at the time of issuance or transfer of the license, to wit: Special Land Use Permit amendment required for transfer of ownership or name.

On February 28, 2017, notice of the Public Hearing, including a copy of the pertinent City Code and a copy of the Resolution passed by the City Commission on February 27, 2017 was sent by certified mail, return receipt requested to Emagine Palladium/Ironwood Grill, 250 N. Old Woodward, Birmingham, MI 48009, and CH Birmingham, LLC, P.O. Box 841, Troy, MI 48099. The signed receipts are on file in the Clerk's Office.

The City Commission may choose to approve the renewal of the 2017 liquor license, or file an objection with the Liquor Control Commission.

SUGGESTED RESOLUTION:

To approve the renewal for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

OR

To recommend non-renewal to the Michigan Liquor Control Commission for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

City of	Birmingham

MEMORANDUM

City Clerk's Office

DATE: February 18, 2017

TO: Joseph A. Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: 2016 Liquor License Review and 2017 Liquor License Renewal

Chapter 10, Alcoholic Liquors, of the City Code regulates the licensing of establishments which sell intoxicating liquor for consumption on the premises in the City and directs the City Commission to consider renewal of all existing licenses after a review of the investigative materials collected by the city administration.

There are thirty-three establishments operating in Birmingham with a Class C liquor license in 2016, one establishment (The Townsend Hotel) operating with a Class B (Hotel) liquor license, one establishment (Griffin Claw) operating with a microbrewery license, and one establishment (All Seasons) operating with a Class B Hotel/Resort license. One establishment (LaStrada Caffe) was approved for a license by the City, but has not yet received its license from the State; however, the owner completed the City's application for renewal and submitted it to the Clerk's Office. A total of five licenses are currently in escrow. The establishments with licenses currently in escrow with the MLCC have not been included in this year's review.

Summary of Findings

The Police Department reports that two establishments, Rojo Mexican Bistro and Café Via were cited for Michigan Liquor Control Commission (MLCC) violations which involved NSF checks, which were later paid. One establishment, Emagine/Palladium, was issued a violation for failing to provide proof of successful alcohol server training.

Additionally, eight establishments had assaultive behavior/disorderly conduct related police contacts – Mad Hatter, Griffin Claw, Forest Grill, Dick O'Dows, 220, Market, Townhouse, and Mitchell's Fish Market. Police Chief Clemence and Commander Chris Busen will be present at the February 27, 2017 City Commission meeting to answer any questions from the City Commission.

The Treasurer's Office reports that as of 2/20/17, four establishments have an outstanding balance owed to the City for past due water and/or tax bills. The owners have been contacted regarding their outstanding balances. One owner has set up a payment plan with the City.

City Planner Ecker notified the Clerk's Office of a violation of the ordinance by The Ironwood Grill. The business has changed its name and possibly its ownership to Four Story Burger. A name change and/or ownership change requires a SLUP amendment approval by the City Commission. The Planning Department has recently been contacted by the business regarding the SLUP process, but no application has been \$ubmitted as of February 20, 2017.

Additionally, the Planning Department has reported several establishments which had a variety of items outside the dumpsters at the time of the inspection. Other violations were found by the City's Building Department, Fire Department, and the Oakland County Health Department at the time of the initial inspections. Most of these violations have either been corrected at this time or staff is working with the establishments to correct outstanding violations in a timely manner. City staff and staff from the Oakland County Health Department will continue to work with all the establishments to ensure continued compliance throughout the coming year.

Potential City Commission Actions

The Liquor Control Act states that a full year Class B/C liquor license issued by the Michigan Liquor Control Commission (MLCC) shall expire annually on April 30th. Should the City wish to file an objection to the renewal of any particular license, that objection must be filed with the MLCC no later than March 31st of any given year.

The City Commission may either approve the renewal of all the liquor licenses for which an application was received, or set a public hearing for any liquor license which it may wish to consider filing an objection with the Michigan Liquor Control Commission.

If the City Commission wishes to approve the renewal of all of the licenses for which an application was received, suggested resolution #1 may be adopted.

The City Commission may object to the renewal of a liquor license based on one or more of the following reasons: (Section 10-40 of the City Code)

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.

b. To approve the renewal for the 2017 licensing period, of all Class B, Class C, and microbrewery liquor licenses for which a current year application was received, except for the license(s) held by ______, for which a public hearing has been set.



MEMORANDUM

Planning Division

DATE: January 12, 2017

TO: Joseph A. Valentine, City Manager

FROM: Sean Campbell, Assistant City Planner

APPROVED: Jana L. Ecker, Planning Director

SUBJECT: 2017 Liquor License Review

Inspections of Class C Restaurants were performed in December 2016. The following conditions were found:

- 1. 220 Restaurant/Edison's 220 Merrill Acceptable
- 2. All Seasons 111 Elm Acceptable
- 3. Bella Piatti 167 Townsend Acceptable
- 4. Big Rock 245 S Eton Acceptable
- 5. Birmingham Sushi Café 377 Hamilton Row Acceptable
- 6. Bistro Joe's 34244 Woodward Acceptable
- 7. Café Via 310 E. Maple Acceptable

- 8. Cameron's Steakhouse 115 Willis Acceptable
- Churchill's Bistro & Cigar Bar 116 S Old Woodward Acceptable
- 10. Community House 380 S. Bates Acceptable
- **11. Corner Bar 100 Townsend** Acceptable
- 12. Cosi 101 N. Old Woodward Acceptable
- 13. Dick O' Dow's 160 W. Maple Acceptable
- 14. Elie's Mediterranean Grill/Bar 263 Pierce Acceptable
- 15. Emagine Theatre & Ironwood Grill 250 N. Old Woodward Acceptable
- 16. Fleming's Prime Steakhouse & Wine Bar 323 N. Old Woodward Acceptable
- 17. Forest Grill 735 Forest Acceptable
- 18. Griffin Claw 575 S. Eton Acceptable
- **19. Hyde Park Prime Steakhouse 201 S. Old Woodward** Acceptable

20. La Strada Caffe 243 E. Merrill Acceptable

- 21. Luxe Bar & Grill 525 N. Old Woodward Acceptable
- 22. Mad Hatter Café 185 N. Old Woodward Acceptable
- 23. Market North End 474 N. Old Woodward Stacks of recycling bins stored outside of the screened trash enclosure.

24. Mitchell's Fish Market 117 Willits Acceptable

- 25. Peabody's Dining & Spirits 34965 Woodward Acceptable
- 26. Phoenicia 588 S Old Woodward Acceptable
- 27. Rojo Mexican Bistro 250 E Merrill Acceptable
- 28. Salvatore Scallopini 505 N Old Woodward Acceptable
- 29. Sidecar Slider Bar 2506 Merrill Acceptable
- 30.Social Kitchen & Bar 225 E Maple Acceptable

31.Streetside Seafood 273 Pierce

Cardboard boxes stored on ground outside of trash receptacle.

32.Tallulah Wine Bar and Bistro 155 S Bates Acceptable

- 33.The Bird and the Bread 210 S Old Woodward Acceptable
- 34.The Community House Cafe` 380 S Bates Acceptable
- 35. The Rugby Grille 100 Townsend Acceptable
- 36.The Stand Gastro Bistro 34977 Woodward Acceptable
- 37.Toast 203 Pierce

Acceptable

38.Townhouse 180 Pierce

Stack of flattened cardboard boxes on ground outside of trash receptacle.

39.Triple Nickel

555 S Old Woodward Acceptable

City of	Birmingham	MEMORANDUM
DATE:	January 17, 2017	Police Department
то:	Joseph Valentine, City Manager Cheryl Arft, Acting City Clerk	
FROM:	Mark Clemence, Police Chief	
SUBJECT:	2016 Annual ClassB/C Liquor Licer	nse Report

Liquor license inspections/decoy operations were conducted at the following Class B/C liquor license establishments/brew pubs in 2016:

- 1. 220 Merrill
- 2. All Seasons Senior Living
- 3. Bella Piatti
- 4. Big Rock Chop & Brew House/The Reserve
- 5. Birmingham Sushi Cafe
- 6. Bistro Joe's
- 7. Café Via
- 8. Cameron's Steakhouse
- 9. Churchill's Bistro
- 10. Community House
- 11. Cosi
- 12. Dick O'Dow's
- 13. Ellie's Mediterranean Grill & Bar
- 14. Emagine/Palladium Ironwood Grill
- 15. Fleming's Prime Steakhouse & Wine Bar
- 16. Forest Grill
- 17. Griffin Claw Brewery
- 18. Hyde Park Steakhouse

1

19. Luxe Bar & Grill

20. Mad Hatter

21. Market North End

22. Mitchell's Fish Market

23. Phoenecia

24. Rojo Mexican Bistro

25. Salvatore Scallopini

26. Social Kitchen and Bar

27. Streetside Seafood

28. Tallulah Wine Bar & Bistro

29. The Bird and the Bread

30. The Stand

31. Toast

32. Townhouse

33. Townsend Hotel/The Corner Bar

34. Triple Nickel

35. Lincoln Hills Golf Course-City of Birmingham

36. Springdale Golf Course-City of Birmingham

All of the above listed establishments were license compliant according to the standards set by the Michigan Liquor Control Commission (MLCC).

2016 Liquor Law Violations

The Birmingham Police Department conducted liquor decoy operations in all Class B/C licensed establishments/brew pubs in 2016, and again no Class B/C licensed establishments were in violation.

While conducting our decoy operations, SPECIALLY DESIGNATED MERCHANT Walgreen's and the Birmingham Wine Shop were both issued a MLCC Violation for serving a minor and the individual server was also issued a violation for selling to a minor by Birmingham Police Detectives in December 2016.

- a) June 4th, 2016: Report of two intoxicated males fighting on the sidewalk. Neither party wished to follow through on prosecution. Both parties were separated and sent home.
- b) October 31st, 2016: A verbal warning was given on a loud music complaint.
- c) November 11th, 2016: One bar patron punched another in the face. Both parties declined to follow through with prosecution.
- 7) Townhouse (180 Pierce)
 - a) June 11th, 2016: A noise complaint was heard by officers. A verbal warning was given.
 - b) June 26th, 2016: A noise complaint was called in. The area was all quiet when checked by officers.
 - c) July 4th, 2016: An intoxicated patron was disturbing other customers. A cab was called and the intoxicated patron was driven home.
 - d) August 1st 2016: An intoxicated female threw her drink in another patron's face and then left the bar. The victim didn't wish to have the matter pursued.
 - e) September 21st 2016: A noise complaint was called in. A verbal warning was given.
- 8) Mitchell's Fish Market (117 Willits)
 - a) January 1st, 2016: One intoxicated co-worker assaulted another. A warrant request was denied by our city attorney.

	A
City of	Birmingham
	A Walkable Commanity

MEMORANDUM

Building Department

DATE:	January 27, 2017
TO:	Joseph A. Valentine, City Manager
FROM:	Bruce R. Johnson, Building Official
SUBJECT:	2017 Liquor License Renewal Inspections

Building Department staff completed the 2017 liquor license inspections in accordance with City Code Section 10-37 of 37 establishments within the City. I am pleased to provide the attached report showing that all are in compliance.

Staff conducted initial and follow-up inspections beginning in early January of this year. The initial inspection is to check for compliance with City regulations including building, electrical, mechanical, and plumbing codes. This year approximately one third of the establishments passed their initial inspection. The manager on site was informed of any deficiencies discovered during the inspection and advised that staff would return within a couple of weeks to verify correction. Follow-up inspections verified corrections are complete and each establishment is in compliance.

In addition, the Building Department obtained the attached report and inspection records from the Oakland County Health Division detailing their inspections and enforcement activities during the prior year for consideration. Inspection records for Griffin Claw and Triple Nickel were missing from the County's report this year. We have requested the missing reports and will provide them as soon as they are received.

BUILDING DEPARTMENT 2017 LCC INSPECTION STATUS REPORT

LOCATION	STATUS
263 PIERCE ST	APPROVED
245 S ETON ST	APPROVED
280 E MERRILL ST	APPROVED
34977 WOODWARD AVE	APPROVED
474 N OLD WOODWARD AVE	APPROVED
575 S ETON ST	APPROVED
220 E MERRILL ST	APPROVED
323 N OLD WOODWARD AVE	APPROVED
201 S OLD WOODWARD AVE	APPROVED
203 PIERCE ST	APPROVED
243 E MERRILL ST	APPROVED
505 N OLD WOODWARD AVE	APPROVED
184 PIERCE ST	APPROVED
34244 WOODWARD AVE	APPROVED
116 S OLD WOODWARD AVE	APPROVED
100 TOWNSEND ST	APPROVED
155 S BATES ST FL 1	APPROVED
117 WILLITS ST	APPROVED
310 E MAPLE RD	APPROVED
225 E MAPLE RD	APPROVED
115 WILLITS ST	APPROVED
525 N OLD WOODWARD AVE	APPROVED
380 S BATES ST	APPROVED
377 HAMILTON ROW	APPROVED
111 ELM ST	APPROVED
2666 W 14 MILE RD	APPROVED
555 S OLD WOODWARD AVE STE	APPROVED
316 STRATHMORE RD	APPROVED
209 HAMILTON ROW	APPROVED
250 E MERRILL ST	APPROVED
735 FOREST AVE STE 100	APPROVED
160 W MAPLE RD	APPROVED
273 PIERCE ST	APPROVED
	263 PIERCE ST 245 S ETON ST 280 E MERRILL ST 34977 WOODWARD AVE 474 N OLD WOODWARD AVE 575 S ETON ST 220 E MERRILL ST 323 N OLD WOODWARD AVE 201 S OLD WOODWARD AVE 203 PIERCE ST 243 E MERRILL ST 505 N OLD WOODWARD AVE 184 PIERCE ST 34244 WOODWARD AVE 116 S OLD WOODWARD AVE 116 S OLD WOODWARD AVE 115 S BATES ST FL 1 117 WILLITS ST 310 E MAPLE RD 225 E MAPLE RD 115 WILLITS ST 525 N OLD WOODWARD AVE 380 S BATES ST 377 HAMILTON ROW 111 ELM ST 2666 W 14 MILE RD 555 S OLD WOODWARD AVE STE 316 STRATHMORE RD 209 HAMILTON ROW 250 E MERRILL ST 735 FOREST AVE STE 100 160 W MAPLE RD



CITY OF BIRMINGHAM FIRE DEPARTMENT

572 South Adams • Birmingham, Michigan 48009 • 248.530.1900 Fax 248.530.1950

February 3, 2017

To: Cheryl Arft, City Clerk

From: Joel Campbell Deputy Fire Marshal

Re: 2016, LLC Inspection Report

All the restaurants and bistros in Birmingham holding a Class C liquor license were inspected for fire code violations in January 2017. Upon first inspection any violations of the fire code were noted and discussed with the occupants.

A subsequent re-inspection was conducted in the month and the majority of the violations had been addressed. The violations not yet corrected were noted and once again possible solutions and the need for a quick resolution were discussed with the occupants. A number of reinspections of these businesses were conducted throughout the month in an effort to clear up all the outstanding violations prior to the submission of this report. Unfortunately not all of the violations have been completely finished. All of these outstanding violations are in the process of being corrected, either parts are on order, or time is scheduled with repair companies to repair needed items. A few of these violations consist of documentation that needs to be submitted to me to comply with the fire code.

I have approved all of the businesses with liquor licenses and recommend their licenses be renewed. The few businesses with outstanding violations have proved to my satisfaction that they are in the process of completing what is needed, to complete the outstanding violations, and be in compliance of the fire codes. The Fire Marshal division will continue to work with these businesses to insure all of the violations are corrected in the very near future.

Sincerely,

Joel Campbell Deputy Fire Marshal

JOHN M. DONOHUE Assistant Chief / Operations JOHN M. CONNAUGHTON Fire Chief Lyal Bigger Assistant Chief / Fire Marshal Liquor License Inspections Inbox x

Joel Campbell

5 6

to me **⊡** Hi Cheryl,

Below are the six businesses which still have outstanding issues that I will continue to follow up on.

1. 735 Forest- Forest Grill

--The report (documentation) for the annual service of the building Fire Alarm system needs to be submitted to me.

2. 185 N. Old Woodward- Mad Hatter

--The report for the annual service of the building Fire Suppression system needs to be submitted to me.

3. 474 N. Old Woodward- North End Market

--The report for the annual service of the building Fire Suppression system needs to be submitted to me.

4. 184 Pierce- Townhouse

--I have received the requested reports for the annual service of the building Fire Suppression system and the building Fire Pur . \$50.00 per report has not been received. Per the policy we have adopted, of the two options for submission of the required repute submit the reports himself, which requires him to pay the fees.

5. 220 Merrill- 220 Restaurant

--The front door locking mechanism needs to be replaced with an approved assembly, for means of egress. This issue has bee inspection. I have talked to the business manager and I have also been contacted by the locksmith they have hired. We have d corrected. I was informed by the locksmith that the lock assembly would be special ordered because of the type of door and wc was assured by the business manager correction of this issue was in process and would be completed.

--Due to the addition of appliances in the kitchen, the kitchen hood fire suppression system needed to be re-worked. The busine existing kitchen hood fire suppression system with a new system. I have been in contact with the fire suppression company the reviewed and approved the plans for the new system. I am waiting for the system to be installed and to proceed with the accept

6. 111 Elm- All Seasons

--The report for the annual service of the building Fire Alarm system needs to be submitted to me.

I believe all of these issues will soon be corrected and I will continue to follow up to ensure they are in complete compliance wit these issues should cause the renewal of their liquor license to be denied.

Please let me know if you need any further information.

Thank you,

Joel

2:00

2017 LIQUOR LICENSE REVIEW

APPLICANT	Parcel #	July 2016 Tax Due	Special Assessments Past Due	Prior Year Delinquent Personal Property	Water Account Number	Delinquent Water Due	Total Due	Comments
220 Merrill Restaurant	19-36-202-017 99-00-015-113				00023-59924 00237-22056			
Ali Seasons	19-36-227-029				09901-10370			
	99-00-014-135				09902-10370			
Auchon	99-00-016-115							
Arthur Ave	99-00-016-113							
Bella Piatti	99-00-012-120							
Big Rock Chop & Brew House	20-31-207-001 99-01-850-107				09063-19102 09069-34414			
Birmingham Sushi	99-00-010-087	· · · · · · · · · · · · · · · · · · ·			32745-34042			
Bistro Joe's	99-00-002-103 19-36-283-025	······································			19469-24354			
Café Via	99-00-010-068							
Cameron Steakhouse	99-00-005-146	,			31099-25478			
Churchill's Bistro	99-01-009-140							
					35143-25682			
Community House	19-36-132-007				00190-75528 01909-22470			
Cosi	99-00-002-033				20531-30436			2°
Dick O'Dow's	99-01-960-288	· · · · · · · · · · · · · · · · · · ·			06549-23140 06551-23142	\$20,767.76 \$26.20	\$20,793.96	Payment Plan Received
Elie's Mediterranean Café	99-01-930-115				00022-19864			
Emagine Palladium and Ironwood Grill	99-00-016-081 99-00-016-082			····				
Flemings	99-00-008-040							
Forest Grill	99-00-009-074							
Griffin Claw Brewery	99-00-014-048 20-31-203-036			4	29898-19115 29899-19116			
Hyde Park	99-00-013-091				07725-23506			
				· · · · · · · · · · · · · · · · · · ·	33231-25766			1
La Strada	99-00-016-108							
Luxe Bar & Grill	99-00-011-030							
Mad Hatter	99-00-015-066				23177-26830			
Market North End	99-00-014-056			· · · · · · · · · · · · · · · · · · ·	07106-23265			
Mitchell's Fish Market	99-00-004-088				31101-25474			
Peabody's	19-36-207-008				07667-23456			
	99-01-003-630	\$2,769.33			07669-23458		\$2,769.33	A)
Phoenecia	99-01-010-170				00785-22218			
Rojo	99-00-014-118	\$6,329.46		5560.87	34097-25270	A 1	\$11,890.33	Chapter 11-per Rojo
Salvatore Scallopini	99-01-850-267				06433-23066			
Social Kitchen & Bar	99-00-013-079							
Streetside Seafood	99-01-006-540				00223-22048			
Tallulah Wine Bar & Bistro	99-00-011-051				02017-22504			•
The Bird & The Bread	99-00-015-021				34089-25378			
The Stand	99-00-011-012				34487-34546			
Toast	99-00-009-013				21549-22036			
Townhouse	99-00-012-092				01128-08396			12 19 3
Townsend Hotel	19-36-134-006							
	99-01-870-185				00169-25030 00171-22012			· · · · · ·
Triple Nickel	99-00-015-111				17536-24761			

	BUSINESS	2014	2015	2016
1	220 Merrill Restaurant	BPD (1) Water Del, Tax	BPD (1) ZV	BPD (1) SOM (2)
2	All Seasons Senior Living (Hospitality of Birmingham)			
3	Bella Piatti			
4	Big Rock Chop House/The Reserve			
5	Birmingham Sushi Café			
6	Bistro Joe's	Water Del		
7	Cafe' Via			SOM (1)
8	Cameron Steakhouse	Water Del		
9	Churchill's Bistro			
10	Community House		BPD (1)	
11	Dick O'Dow's	BPD (1) Water Del	BPD (1)	BPD (2) Water Del
12	Elie's Mediterranean Café			
13	Emagine Palladium & IronWood Grill (CH Birmingham, LLC)			SOM (1) ZV
14	Fleming's Prime Steakhouse			
15	Forest Grill			
16	Griffin Claw Brewery			
17	Hyde Park	BPD (1)		
18	La Strada Dolci & Caffe			
19	Luxe Bar & Grill	SOM		
20	Mad Hatter (Tea Parlor, Inc)	SOM BPD (1)	a.	
	BUSINESS	2014	2015	2016

21	Market North End		Т — —	
21				BPD (3)
			BPD (1)	
22	Mitchell's Fish Market			
				BPD (1)
24	Phoenicia			
24	Phoenicia			
25	Rojo Mexican Bistro	Tax Water	Taxes	SOM (2)
		Del	water	Tax
				Tax Del
26	Salvatore Scallopini			
27	Sidecar Slider Bar			
27	Sidecar Silder Bar			
28	Social Kitchen & Bar	SOM		
		zv		
	Characteristic Construction			
29	Streetside Seafood			
30	Tallulah Wine Bar & Bistro			
		Mater Dal	5	
24	The Divid and The Duced	Water Del		
31	The Bird and The Bread		-	
			SOM (1)	
32	The Stand			
22			BPD (1)	
33	Toast			
				1 S
34	Townhouse		SOM (1)	BPD (1)
			BPD (1)	
35	Townsend Hotel			
33	Townsend Hotel			
		BPD (1)	BPD (1)	
36	Triple Nickel (Crush, LLC)			
37	Lincoln Hills Golf Course			
57	Course			
38	Springdale Golf Course			
	KEY		L	I
	SOM	State of Mid	higan Ligu	or Violation
1	BPD	State of Michigan Liquor Violation Police Contacts - Assaultive Behavior		
12.23	BFD	Unresolved Fire Code Violations		
	ZV	Zoning Viol		
12.21	Water	Unpaid Water Bill		
STATE.	Water Del	Deliquent Water Bill		
	Тах	Unpaid Tax Bill		
	Tax Del	Deliquent Tax Bill		

February 28, 2017

Emagine Palladium/Ironwood Grill CH Birmingham, LLC Attn: Paul Glantz PO Box 841 Troy, MI 48099

Re: 2017 Liquor License Renewal for Emagine Palladium/Ironwood Grill (209 Hamilton Row) **VIA CERTIFIED MAIL**

Mr. Glantz,

At the City Commission meeting of February 27, 2017, the Birmingham City Commission adopted a resolution to hold a public hearing on Monday, March 13, 2017 at 7:30 PM to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held for the subject business. The public hearing will be held in the City Commission Room at the Birmingham City Hall, located at 151 Martin, Birmingham, MI 48009.

The reasons stated for said hearing include questions as to the licensee's compliance with the following provision of Chapter 10 of the City Code (enclosed):

- Section 10-40 (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
 - Special Land Use Permit amendment required for transfer of ownership or name

You may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, you may appear in person at the hearing or be represented by counsel, and you may present witnesses or written evidence at the hearing. If you wish to submit any written materials prior to the public hearing, please submit them to the City Clerk's Office no later than noon on Monday, March 13, 2017.

Sincerely,

Joseph A. Valentine City Manager

c: Chris Poullos, General Manager

Enclosures: Chapter 10 of the Birmingham City Code February 27, 2017 City Commission Resolution Chapter 10 - ALCOHOLIC LIQUORS^[1]

Footnotes:

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Cross reference— Businesses, ch. 26. State Law reference— Liquor control act, MCL 436.1 et seq.

ARTICLE I. - IN GENERAL

Secs. 10-1-10-25. - Reserved.

ARTICLE II. - LICENSES

DIVISION 1. - GENERALLY

Secs. 10-26—10-35. - Reserved.

DIVISION 2. - CONSUMPTION ON PREMISES

Sec. 10-36. - Purpose.

The purpose of this division is to establish a policy and procedure for the renewal, revocation and transfer of licenses for sales of intoxicating liquor for consumption on the premises in the city.

(Code 1963, § 7.400; Ord. No. 1551, § 7.400, 3-15-93)

Sec. 10-37. - Renewals—City investigation.

In January of each year, the city manager shall cause the following investigation to be made relative to each existing license for sales of intoxicating liquor on the premises in the city:

- (1) An inspection of the premises to determine whether the licensee is in compliance with all applicable city and state codes. All inspection reports for the prior 12-month period from the county health department shall be obtained for review by the city commission.
- (2) An inspection of the premises to determine that the licensee is in compliance with the license itself, its approved site plan and plan of operation as well as any conditions imposed by the city or the liquor control commission at the time of issuance or transfer of the license.
- (3) An inspection to determine the general condition of the licensed premises, both interior and exterior.

- (4) The city administration shall secure from each licensee an affidavit, on a form to be supplied by the city, stating the percentage of the licensee's gross income during the prior 12-month period from the sale of food and alcoholic beverages.
- (5) An inspection of the city's records to determine whether all taxes and other monies due the city are timely paid.
- (6) An inspection of police files or other sources of information to determine whether any activity in connection with the licensed premises is in violation of the law, disturbs the public peace and tranquility or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premises.

(Code 1963, § 7.401; Ord. No. 1551, § 7.401, 3-15-93)

Sec. 10-38. - Same—City commission.

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In February of each year, the city commission will consider the renewal of all existing licenses for consumption of intoxicating liquor on the premises in the city. The commission will review the information and other investigative materials collected by the city administration as detailed in section 10-37. Following its review of this material, the city commission may adopt a resolution to establish a public hearing date to consider objecting to the renewal of a license for consumption of intoxicating liquor on the premises by the liquor control commission. If such action is taken by the city commission, its resolution shall:

- (1) State the reasons why the city is considering action which would result in the city objecting to the renewal of the license;
- (2) State the date, time and place for the public hearing when the city commission will consider taking action to object to the renewal of the license;
- (3) Direct the city administration to inform the licensee in writing that he may submit any written material for consideration by the city commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel, and that the licensee may present witnesses or written evidence at the hearing.

(Code 1963, § 7.402; Ord. No. 1551, § 7.402, 3-15-93)

Sec. 10-39. - Procedure for objecting to renewal or requesting revocation of liquor license or permit.

Prior to filing an objection with the liquor control commission to renew or request for revocation of a liquor licenses, the city commission shall do the following:

- (1) Serve the licensee by first class mail, at least ten days prior to the hearing, with a written notice of the hearing, which notice shall contain the following information:
 - a. Notice of proposed action;
 - b. Reasons for the proposed action;
 - c. Date, time and location of hearing; and
 - d. A statement that at the hearing the licensee may present witnesses, evidence and arguments on his behalf and confront adverse witnesses and that the licensee has the right to be represented by counsel.
- (2) Hold a hearing as scheduled with the licensee present. The city commission may consider the investigation and other materials prepared by the city administration pursuant to section 10-37, which materials shall be made available to the licensee. The city commission may also hear from members of the administration, other governmental agencies or the public and licensee

shall be afforded an opportunity to question those who present information or other evidence to the city commission. The licensee shall be given an opportunity to be represented by counsel and to present witnesses, evidence and arguments and shall be allowed to confront adverse witnesses. The public shall be afforded a reasonable opportunity to comment upon the issues before the city commission.

- (3) Following the hearing, the city commission shall make a written resolution as to its findings and determination and shall by first class mail forward a copy of the same to the licensee and the liquor control commission. In cases where the city's determination is to object to the renewal of the license, a copy of the resolution shall be sent to the licensee and the state liquor control commission and must be received by the state liquor control commission no later than March 31.
- (4) If the city commission determines that a recommendation of nonrenewal or request for revocation is to be filed with the state liquor control commission, it shall forward the following documents to the state liquor control commission:
 - a. A certified copy of the notice of hearing sent to the licensee.
 - b. A certified copy of the resolution adopted by the city commission objecting to the renewal of the license or requesting that the license be revoked and, if there is a separate statement of findings, a certified copy of the statement of findings shall be included.
 - c. A copy of this chapter, including the date of adoption of the ordinance from which this chapter was derived and the date of publication of such ordinance.
 - d. A proof of service demonstrating that the notice of hearing was sent to the licensee.

(Ord. No. 2066, 8-22-11)

Editor's note— Ord. No. 2066, adopted August 22, 2011, amended section 10-39 in its entirety to read as herein set out. Formerly, section 10-39 pertained to renewal hearing—procedure, and derived from the Code of 1963, § 7.403(a), and Ord. No. 1551, § 7.403(A), adopted March 15, 1993.

Sec. 10-40. - Same—Standards.

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;

- e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
- f. Numerous police contacts with the licensed premises or the patrons of the premises;
- g. Failure to adequately staff and control the premises; and
- h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

Sec. 10-41. - Revocation.

A license for consumption of intoxicating liquor on the premises may be revoked by the city commission for licensee's violation of any of the standards set forth in subsections 10-40(1) through (7) following a public hearing conducted in conformance with the procedures established in section 10-39.

(Code 1963, § 7.404; Ord. No. 1551, § 7.404, 3-15-93)

Sec. 10-42. - Transfers—Standards.

Any and all transfers of a license for consumption of intoxicating liquor on premises require the approval of the city commission of any kind including, but not limited to: ownership of the license; stock in a corporation that owns a license; interest in a license through any entity; or location of the licensed premises. Applications for a transfer shall be in writing and filed with the city clerk. An application for transfer of a license for consumption of intoxicating liquor on the premises will be considered by the city commission based on the following standards:

- (1) An applicant will be given consideration only if he proposes to provide and continues to provide for the service of meals to be consumed on the premises.
- (2) The location proposed and methods of operation must not detrimentally and unreasonably impact nearby property owners, businesses and residents.
- (3) All applicable health and safety codes and ordinances, including zoning, must be met.
- (4) Applicants will be required to submit a detailed plan of proposed operation as part of their application for transfer, which shall include a plot plan of the site, a plan for any proposed change in exterior and interior design, lay-out of any proposed change to ancillary facilities and a general operational statements outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, crowd control plans, use of the facility, parking provisions and the estimated cost of any proposed improvements.

(Code 1963, § 7.405(a); Ord. No. 1551, § 7.405(A), 3-15-93; Ord. No. 2120, 8-13-12; Ord. No. 2125, 2-11-13)

Sec. 10-43. - Same—Procedure.

- (a) Each applicant for transfer of a license for consumption of intoxicating liquor on the premises must make an application to the city clerk on forms provided by the city. This application is in addition to any application required by the liquor control commission.
- (b) Upon receipt of an application for transfer, the city manager will refer it to the police chief, building official, fire chief, planning director, the county department of health and such other city officers or employees as the manager may desire, who shall cause a thorough investigation of the applicant to be made, including a complete history of past business experience and liguor law violations, if any.
- (c) The applicant will be required to reimburse the city for the cost of its investigation, as determined by the city manager, prior to consideration of the transfer request by the city commission.
- (d) The applicant will be required to appear before the city commission, make a written presentation concerning the plans for the operation of the licensed premises and answer any questions pertaining to such plans.
- (e) If the city commission is satisfied that the transfer of the license for consumption of intoxicating liquor on the premises will constitute an asset to the community and meets the standards of this division, it will adopt a resolution approving transfer of the license, subject to any conditions stated in the resolution. Once the city commission approves the transfer of a license, a copy of the resolution shall be sent to the liquor control commission. The applicant must comply with all representations made to the city commission as part of his request for transfer. If, following transfer of a license for consumption of intoxicating liquor on the premises it is determined that the project was not completed as required by plans and specifications presented to the city commission or in compliance with the representations made to the city commission, the city commission may consider objecting to the renewal of the license for the following year.

(Code 1963, § 7.405(b); Ord. No. 1551, § 7.405(B), 3-15-93)

Sec. 10-44. - Same—Duty of continuing compliance.

Successful applicants for transfer of a license for consumption of intoxicating liquor on the premises or a permit endorsement to said license shall continue to comply with all city and state codes and the standards set forth in this division, including the written plan of operation submitted to the city and any representations made to the city commission in obtaining the requested transfer. Licensee's failure to comply with all codes or variation from the written plan of operation may result in the refusal of the city commission to renew a license or revocation of the license.

(Code 1963, § 7.406; Ord. No. 1551, § 7.406, 3-15-93; Ord. No. 2126, 2-11-13)

Sec. 10-45. - Annual license requirement.

No person shall engage in the sale of any alcoholic liquor, beer or wine for consumption on the premises without first obtaining a license from the city. Application for a license shall be made on a form provided by the city clerk. No license shall be issued unless the requirements of this division have been met, the certifications required by chapter 26, sections 26-34—26-37 have been made and the fee set forth in the schedule of fees, charges, bonds and insurance have been paid. The license year shall begin May 1 of each year and terminate at midnight on April 30 of the following year.

(Code 1963, § 7.407; Ord. No. 1551, § 7.407, 3-15-93; Ord. No. 2010, 2-8-10)

Sec. 10-46. - Permit endorsements.

Any and all permit endorsements to a license for consumption of intoxicating liquor on premises require the approval of the city commission. Applications for permit endorsement shall be in writing and filed with the city clerk. An application for permit endorsement license for consumption of intoxicating liquor on the premises will be considered by the city commission based on the following standards:

- (1) An applicant will be given consideration only if he proposes to provide and continues to provide for the service of meals to be consumed on the premises.
- (2) The location proposed and methods of operation must not detrimentally and unreasonably impact nearby property owners, businesses and residents.
- (3) All applicable health and safety codes and ordinances, including zoning, must be met.
- (4) Applicants will be required to submit a detailed plan of proposed operation as part of their application for permit endorsement, which shall include a plot plan of the site, a plan for any proposed change in exterior and interior design, lay-out of any proposed change to ancillary facilities and a general operational statements outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, crowd control plans, use of the facility, parking provisions and the estimated cost of any proposed improvements.

(Ord. No. 2126, 2-11-13)

Sec. 10-47. - Same—Procedure.

- (a) Each applicant for transfer of a permit endorsement for consumption of intoxicating liquor on the premises must make an application to the city clerk on forms provided by the city. This application is in addition to any application required by the liquor control commission.
- (b) Upon receipt of an application for transfer, the city manager will refer it to the police chief, building official, fire chief, planning director, the county department of health and such other city officers or employees as the manager may desire, who shall cause a thorough investigation of the applicant to be made, including a complete history of past business experience and liquor law violations, if any.
- (c) The applicant will be required to reimburse the city for the cost of its investigation, as determined by the city manager, prior to consideration of the permit endorsement request by the city commission.
- (d) The applicant will be required to appear before the city commission, make a written presentation concerning the plans for the operation of the licensed premises and answer any questions pertaining to such plans.
- (e) If the city commission is satisfied that the permit endorsement to the license for consumption of intoxicating liquor on the premises will constitute an asset to the community and meets the standards of this division, it will adopt a resolution approving the permit endorsement to the license, subject to any conditions stated in the resolution. Once the city commission approves the permit endorsement to a license, a copy of the resolution shall be sent to the liquor control commission. The applicant must comply with all representations made to the city commission as part of his request for the permit endorsement. If, following a permit endorsement to a license for consumption of intoxicating liquor on the premises it is determined that the project was not completed as required by plans and specifications presented to the city commission or in compliance with the representations made to the city commission, the city commission, the city commission approves for the resolutions made to the city completed as required by plans and specifications presented to the city commission or in compliance with the representations made to the city commission, the city commission the premise of the license for the following year.

(Ord. No. 2126, 2-11-13)

Secs. 10-48-10-59. - Reserved.

DIVISION 3. - LICENSES FOR ECONOMIC DEVELOPMENT

Sec. 10-60. - Purpose.

The purpose of this division is to establish a policy and conditions to allow the city commission the ability to approve a request to transfer a liquor license into the city in excess of the city's quota licenses if the request is deemed to constitute a substantial economic development and benefit to the city, to establish criteria for selecting applicants, and to provide limitations on the influx of new liquor licenses and to insure controlled growth and development regarding liquor licenses and to evaluate the impact of increased liquor licenses on the city.

(Ord. No. 2032, 5-10-10)

Sec. 10-61. - Request for transfer of license into city.

Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses shall make an application to the city commission and pay the applicable economic development liquor license transfer review fee as set forth in appendix A of this Code. In addition to those items and conditions set forth in section 10-42, the application shall set forth in detail its proposed project, including, but not limited to:

- Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.
- (2) Proposed site plan of the property, building floor plan and an operations floor plan.
- (3) An economic impact analysis.
- (4) A copy of the special land use permit application and supporting documentation submitted by the applicant.
- (5) All documentation submitted to the LCC requesting the transfer.
- (6) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke, deny or the non-renewal of said license and all other documentation setting forth the detail of the substantial economic development proposed by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created and other benefits to the city. The city deems projects resulting in a 500 percent increase in assessed value post-development over the pre-development assessed value of the parcel and/or projects with an investment of more than \$10,000,000.00, whichever is less, to be substantial. However, special circumstances may warrant flexibility on the minimum investment at the sole discretion of the city commission.
- (7) Information detailing how the proposed operation will create a more eclectic mix of restaurants in the city.
- (8) Such other items deemed necessary by city administration.

(Ord. No. 2032, 5-10-10)

Sec. 10-62. - Application for transfer of liquor license into the city for economic development purposes.

(a) Selection criteria. In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:

- (1) The applicant's demonstrated ability to finance the proposed project.
- (2) The applicant's track record with the city including responding to city and/or citizen concerns.
- (3) Whether the applicant has an adequate site plan to handle the proposed liquor license activities.
- (4) Whether the applicant has adequate health and sanitary facilities.
- (5) The establishment's location in relation to the determined interest in development.
- (6) The extent that the cuisine offered by applicant is represented in the city.
- (7) The percentage of proceeds from the sale of food products as compared to the sale of alcoholic beverages.
- (8) Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).
- (b) Maximum number of economic development licenses. The city commission may approve a maximum of two economic development licenses each calendar year in addition to the existing quota licenses otherwise permitted by state law.
- (c) Annual review of need. Every three calendar years, the city commission shall perform a review of the previously approved economic development license(s), if any, and the impact of those decisions on the city's downtown. A time for public comment shall be provided.
- (d) If any new transfers of licenses for economic development are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

(Ord. No. 2032, 5-10-10)

Sec. 10-63. - Transfer within city.

Should an economic development license be issued by the city commission, said license is limited to the property proposed and approved and the applicant receiving the approval, and shall not be transferred to another location or person/entity within the city without prior approval of the city commission and substantial economic development and benefit to the city at the new location. Standards to be considered by the city commission and the procedure to be followed shall include those set forth in section 10-42 and section 10-43. In addition, any expansion of the building located on the property must be approved by the city commission.

(Ord. No. 2032, 5-10-10)

Sec. 10-64. - Contract and special land use permit required.

A contract for transfer and a special land use permit are required for all licenses approved under this division. The licensee must comply with all provisions of the contract and special land use permit, and any amendments thereto as a condition of granting of a requested transfer and subsequently maintaining the license under this division.

(Ord. No. 2032, 5-10-10)

Sec. 10-65. - Renewals.

Once a license is issued under this division, the license holder must go through the license renewal process set forth in section 10-39 and is subject to the renewal standards set forth in section 10-40. A review of compliance with the contract and special land use permit shall also be included.

(Ord. No. 2032, 5-10-10)

Sec. 10-66. - License types, endorsements, additional bar permits.

If a license is issued under this division, the license holder may apply for entertainment, dance and additional bar permits from the state liquor control commission for use only on the premises, but shall not apply for or seek from the state liquor control commission any permit endorsements to its liquor license or seek any change in its license status/class whether available in current state liquor control code or in future state liquor control codes, or amendments thereto, without the prior approval from the city commission.

(Ord. No. 2032, 5-10-10)

Sec. 10-67. - Violation of license, contract, special land use permit.

Violations or failures to abide by terms of the liquor license, contract, the special land use permit or this Code shall be grounds for the state liquor control commission to suspend, revoke or not renew the liquor license. Further, should violations occur, or should the applicant fail to complete the project as required by plans and specifications presented to the city commission, or fail to comply with all representations made to the city commission, the city shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the city all of its costs and actual attorney fees incurred by the city in seeking the suspension, revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

(Ord. No. 2032, 5-10-10)

Secs. 10-68-10-79. - Reserved.

DIVISION 4. - BISTRO LICENSES

Sec. 10-80. - Purpose.

The purpose of this division is to establish a policy and conditions to allow the city commission the ability to approve a request to transfer a liquor license into the city in excess of the city's quota licenses if applicant is establishing a bistro, as defined in chapter 126, to establish criteria for selecting applicants, and to provide limitations on the influx of new bistro liquor licenses and to insure controlled growth and development regarding bistro liquor licenses and to evaluate the impact of bistro liquor licenses on the city.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-81. - Request for transfer of license into city.

Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses for establishment of a bistro shall make an application to the city commission and pay the applicable liquor license transfer review fee for a bistro as set forth in the schedule of fees, charges, bonds and insurance. In addition to those items and conditions set forth in section 10-42, the application shall set forth in detail its proposed project, including, but not limited to:

- (1) Utilization of said bistro liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.
- (2) Proposed site plan of the property, building floor plan and an operations floor plan.
- (3) A copy of the special land use permit application and supporting documentation submitted by the applicant.
- (4) All documentation submitted to the LCC requesting the transfer.
- (5) Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke, deny or the non-renewal of said license and all other documentation setting forth the detail of the bistro layout proposed by the applicant.
- (6) Such other items deemed necessary by city administration.

(Ord. No. 1929, 4-16-07; Ord. No. 2010, 2-8-10; Ord. No. 2065, 8-22-11)

Sec. 10-82. - Limitations on the numbers of bistro licenses.

- (a) Maximum number of bistro licenses. The city commission may approve a maximum number of license transfers for bistro licenses per calendar year as follows:
 - (1) Existing establishments. A maximum of six bistro licenses may be approved in the first year after the passage of this amendment, and a maximum of two bistro licenses may be approved each calendar year thereafter to applicants whose establishments have been continuously operating as a restaurant or food service business in the city for at least five years prior to applying for the license transfer. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:
 - a. The applicant's demonstrated ability to finance the proposed project.
 - b. The applicant's track record with the city including responding to city and/or citizen concerns.
 - c. Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
 - d. Whether the applicant has adequate health and sanitary facilities.
 - e. The establishment's location in relation to the determined interest in the establishment of bistros in the overlay district and the Triangle district.
 - f. The extent that the cuisine offered by applicant is represented in the city.
 - g. Whether the applicant has outstanding obligations to the city (i.e., property taxes, utilities, etc.).
 - (2) New establishments. Two bistro licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in subsection (a)(1). In addition to the usual criteria used by the city commission for liquor license requests, the

commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:

- a. The applicant's demonstrated ability to finance the proposed project.
- b. The applicant's track record with the city including responding to city and/or citizen concerns.
- c. Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
- d. Whether the applicant has adequate health and sanitary facilities.
- e. The establishment's location in relation to the determined interest in the establishment of bistros in the overlay district and the Triangle district.
- f. The extent that the cuisine offered by applicant is represented in the city.
- g. Whether the applicant has outstanding obligations to the city (i.e., property taxes, utilities, etc.).
- (b) Application deadlines and review procedures for bistro licenses shall be established by resolution of the city commission.
- (c) Annual review of need. Every year for the first three years after the passage of this amendment, and every three calendar years thereafter, the city commission shall perform a review of the previously approved bistro license(s), if any, and the impact of those decisions on the city. A time for public comment shall be provided. Based on the city commission review and comment by the public, the city commission shall determine whether they will consider applications for license transfers for existing establishments and/or new establishments, up to the maximum in each category.
- (d) If any new transfers of licenses for bistros are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-83. - Transfer within city.

Should a bistro license be issued by the city commission, said license is limited to the property proposed and approved and the applicant receiving the approval, and shall not be transferred to another location or person/entity within the city without prior approval of the city commission. Standards to be considered by the city commission and the procedure to be followed shall include those set forth in sections 10-42 and 10-43. In addition, any expansion of the building located on the property must be approved by the city commission.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-84. - Contract and special land use permit required.

A contract for transfer and a special land use permit are required for all licenses approved under this division. The licensee must comply with all provisions of the contract and special land use permit, and any amendments thereto as a condition of granting of a requested transfer under this division.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-85. - Renewals.

Once a license is issued under this division, the license holder must go through the license renewal process set forth in section 10-39 and is subject to the renewal standards set forth in section 10-40. A review of compliance with the contract and special land use permit shall also be included.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-86. - License types, endorsements, additional bar permits.

If a license is issued under this division, the license holder may not apply or seek any permit endorsements from the state liquor control commission or seek any change in its license status/class whether available in current state liquor control code or in future state liquor control codes, or amendments thereto, without the prior approval from the city commission.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

Sec. 10-87. - Violation of license, contract, special land use permit.

Violation(s) or failure(s) to abide by terms of the liquor license, contract, the special land use permit or this Code shall be grounds for the state liquor control commission to suspend, revoke or not renew the liquor license. Further, should violation(s) occur, or should the applicant fail to complete the project as required by plans and specifications presented to the city commission, or fail to comply with all representations made to the city commission, the city shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the city all of its costs and actual attorney fees incurred by the city in seeking the suspension, revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

(Ord. No. 1929, 4-16-07; Ord. No. 2065, 8-22-11)

MOTION: Motion by Bordman, seconded by Hoff:

To set a public hearing for 7:30 PM on Monday, March 13, 2017 in the City Commission Room at the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Emagine Theater/Ironwood Grill, for the following reasons:

Sec. 10.40 (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, to wit: Requires Special Land Use amendment

Further, to direct the City Manager to notify the owners/operators of Emagine/Ironwood Grill, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE:

Yeas, 6 Nays, 0 Absent, 1 (Sherman)

City	ningham 1 Walkable Community =

MEMORANDUM

City Clerk's Office

DATE: March 21, 2017

TO: Joseph A. Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: Request for exemption to the flush marker regulation in Section F-North of Greenwood Cemetery

On December 5, 2016, Mr. Paul Robertson, Jr. asked the City Commission to grant an exemption to the flush marker only regulation in Section F-North in Greenwood Cemetery, after being denied by the Greenwood Cemetery Advisory Board on September 30, 2016. (see attached "Attachment 1")

You will recall that Mr. Robertson and his wife purchased grave spaces in Section F North, Lot 30, graves 3 and 4, in a private transaction with the previous owner in October, 2012. (see attached records from Clerk's Office "Attachment 2")

After the passing of Ms. Robertson, Mr. Robertson discovered that the graves they purchased permitted only flush markers, and he sought an exemption from the Rules and Regulations to allow him to install an upright marker, rather than a flush marker. (see attached Rules and Regulations "Attachment 3")

The Commission tabled the request in order to allow research to be done by staff on several questions they had relating to Section F North. Those questions included:

- 1. Are there raised headstones in Section F North?
 - Yes. After a physical visit to the cemetery, staff discovered one upright monument in Section F North. It is located on Lot 2, grave space 5, which is right on the boundary between Section F and Section F North. (see photos attached "Attachment 4") Further investigation by staff of the records of this particular lot/grave revealed that permission was granted to the grave owner by a DPS employee in May, 1986. (see attached records "Attachment 5") A search of Commission meeting minutes from 1986 did not produce any evidence of Commission approval of the request.
- 2. Has the City received other requests for raised headstones in Section F North?
 - Yes. Records in the Clerk's Office contain one written request from Philip Stenger in September, 1990, and the request from Mr. Hulbert in 1986 referenced above. The minutes reflect that no action was taken by the City Commission on September 24, 1990 on the Stenger request, based upon the Rules and Regulations in place at that time, and concern over setting precedent. (see attached records "Attachment 6") There have been other verbal inquiries through the years, but research of the records in the Clerk's Office did not result

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in finding any other <u>written</u> requests. No records were kept of any verbal inquiries.

- 3. What are the regulations for raised headstones in sections other than F North, excluding historic areas A, B, & C?
 - Monuments (also referred to as upright markers, headstones, raised markers) are permitted only on two adjoining side by side graves under one ownership. (see page 4 of current Rules and Regulations "Attachment 7")
 - Markers not exceeding 1-1/2 feet in height are permitted. (see "Attachment 7")
 - It is important to note that on the new graves plotted after January 1, 2015 in Sections B, C, D, K, L, and O, only flush or lawn level markers are permitted. (see "Attachment 8")
- 4. When was Section F North added?
 - The earliest burial record on file in Section F North was on February 21, 1969. Staff could not locate any records that identify specifically when the section was added.

A survey of Section F North owners was undertaken by staff to determine the level of interest in erecting an upright monument on their graves. Letters were sent to 34 owners at their last address of record on file in the Clerk's Office. Seven responses have been received so far. Five of the seven indicate they would be interested in an upright monument on their Section F North grave, with one indicating that cost would be their determining factor. (see "Attachment 9")

Section F North consists of 36 lots, 253 spaces, and 71 owners of record.

(Section F North maps attached)

SUGGESTED RESOLUTION:

To direct the Greenwood Cemetery Advisory Board to revise the Greenwood Cemetery Rules and Regulations to permit upright monuments in Section F North of Greenwood Cemetery. All conditions as to the erection of monuments in Section VI, Monuments, Grave Markers, and Foundations shall continue to apply.

OR

To deny the request to revise the Greenwood Cemetery Rules and Regulations to allow upright monuments to be erected in Section F North.

Attachment 1 December 5, 2016 City Commission report

City of	Birmingham	MEMORANDUM
		City Clerk's Office
DATE:	December 1, 2016	
TO:	Joseph A. Valentine, City Mana	iger
FROM:	Cheryl Arft, Acting City Clerk	
SUBJECT:	Request for an exemption to the in Section F-North of Greenwo	•

The Greenwood Cemetery Advisory Board (GCAB) received a letter from Paul Robertson, Jr., 779 South Bates, Birmingham, Michigan. Mr. Robertson is requesting an exemption to the flush marker regulation in Section F-North in order to install a raised monument on his graves. Mr. Robertson purchased his graves, through a private sale, in 2012. He stated that he found out that flush markers were only allowed in Section F-North through a letter received from the City with his deed.

Section VI of the Cemetery Regulations states:

FLUSH MEMORIAL SECTION - F-NORTH ONLY

- a. No structures shall be placed or constructed by anyone other than employees of the City or its designated contractor in the area of Greenwood Cemetery designated as the "Flush Memorial Section".
- b. Bronze or granite markers only, set flush with the turf, will be permitted in this section. No structures which would extend above the ground level shall be permitted.
- *c.* A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

The GCAB considered Mr. Robertson's request at their meeting held on September 30th. The Board felt it was important to uphold the existing restriction of flush memorials as stated in Section VI of the Cemetery Regulations "Flush Memorial Section – F-North Only" and therefore recommended denial of the request. It is important to note that the city has received several such requests for upright memorials in F-North through the years which have been denied.

On November 28, 2016, Mr. Robertson submitted a request to the City Commission as an appeal to the "flat stone" only requirement of the two plots he owns. The lots were purchased about 5 years ago from a private party. His request is included immediately following this report. Also included within the report are the current Rules and Regulations as approved by the City Commission in August 2015.

SUGGESTED RESOLUTION:

To concur in the recommendation of the Greenwood Cemetery Advisory Board to deny Mr. Robertson's request for an exemption to the flush marker regulation in Section F-North of

Greenwood Cemetery.

-OR-

To approve Mr. Robertson's request for an exemption to the flush marker regulation in Section F-North of Greenwood Cemetery.

Paul C Robertson Jr. 779 S. Bates St. Birmingham, MI 48009

City Manager and City Commission City of Birmingham, Michigan

November 28, 2016

Dear Commissioners,

I am writing this letter as an appeal to the "flat stone" only requirement of the two plots in Greenwood Cemetery I bought about 5 years ago from a private party. I carefully researched where the plots were but had no idea that this was a "flat stone" only area when I bought them. As you can see by walking around the cemetery there are monuments everywhere and "raised stone" headstones everywhere. No one would ever have an idea that you could not put a monument in Greenwood Cemetery. Please see my attached photos for all the headstones quite near the very small "flat stone only" area. It is only about 12 or 14 gravesites deep. A VERY small area compared to the rest to cemetery. Can't be 5 % of the total. I have included a map with the flat stone only area highlighted in yellow. Even the Greenwood Cemetery Advisory Board couldn't tell me why it was a flat stone only area.

As one of the Advisory Board members stated "This is someone that wants to be buried in his hometown like everyone else in Greenwood". Don't you want to have the same ability to have a small monument on your gravesite when you die? It seems patently unfair that all those who went first have more rights than us today.

I understand that long term maintenance costs may be driving your decision to have a "flat stone only" area in the cemetery. I would like to propose an alternative that I think could solve both problems for you and yet still allow me to erect a monument to my late wife Jan. For any of you who may have known her, she was a lot of things in life, mostly all good, but one thing she was not. She was not a "flat stone only" lady!!!

I have included a headstone design that I am going to use for my parents graves in the Franklin Cemetery. This includes a base that we would propose to be installed flush to the ground so a mower can go right over it with no trimming needed. Then the monument will sit on top of the "flat stone" base but the maintenance will be same as if it was just a plain flat stone. I think this accomplishes your desire for simpler maintenance and yet allows me to install a monument to "the love of my life" and give her the recognition that she deserves. After looking at the plan view I think the base needs to be slightly larger so it will be easier for the mower to go over the base. I would propose the base to be 72" x 30" instead of 72" by 16".

In an attempt to compensate the city, I would also be amenable to putting extra money in the perpetual fund for future maintenance to give you an economic reason for granting our request. This could also be the new standard for anyone requesting the same thing in the future. This is a very good model for

additional revenue for the cemetery and an additional source of funds for the perpetual maintenance fund.

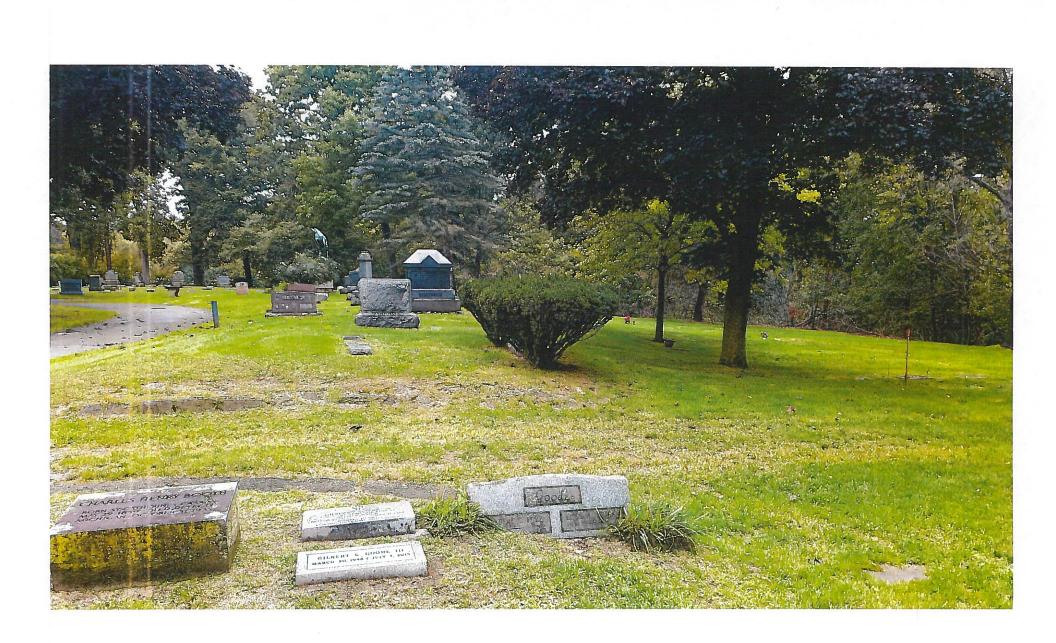
I hope you will give this request special consideration and I would request being put on a future commission agenda to further discuss this possibility with you. I think this proposal would be a win-win for both of us going forward. I look forward to meeting with you and coming to an amicable solution for us both.

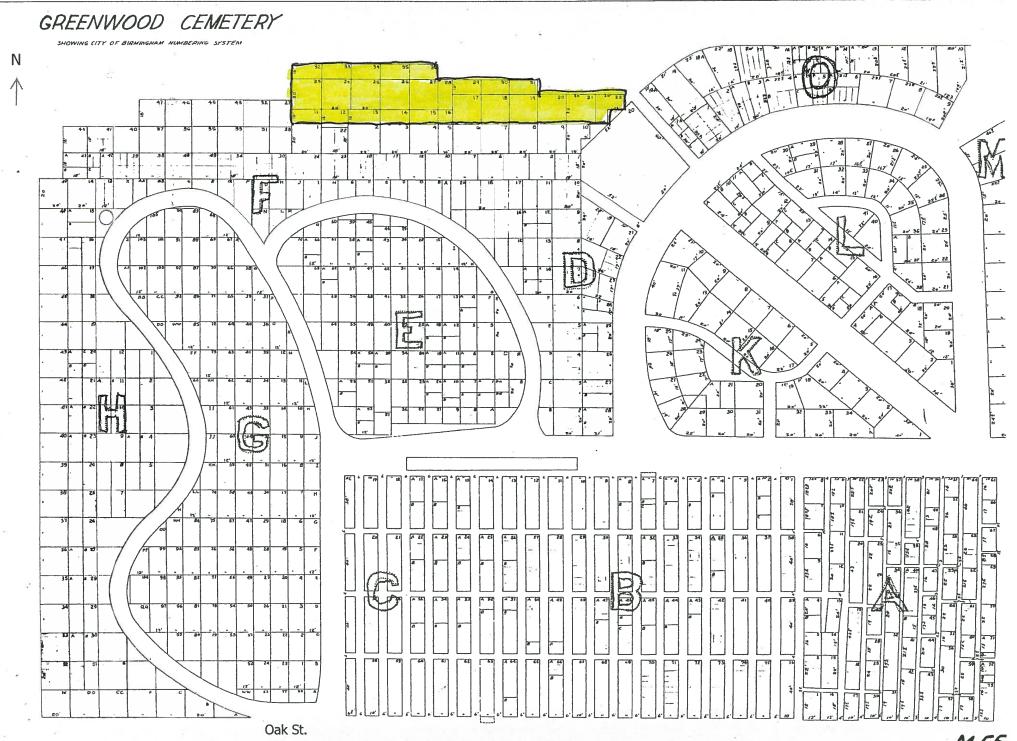
Sincerely yours,

Paul C Robertson Jr.

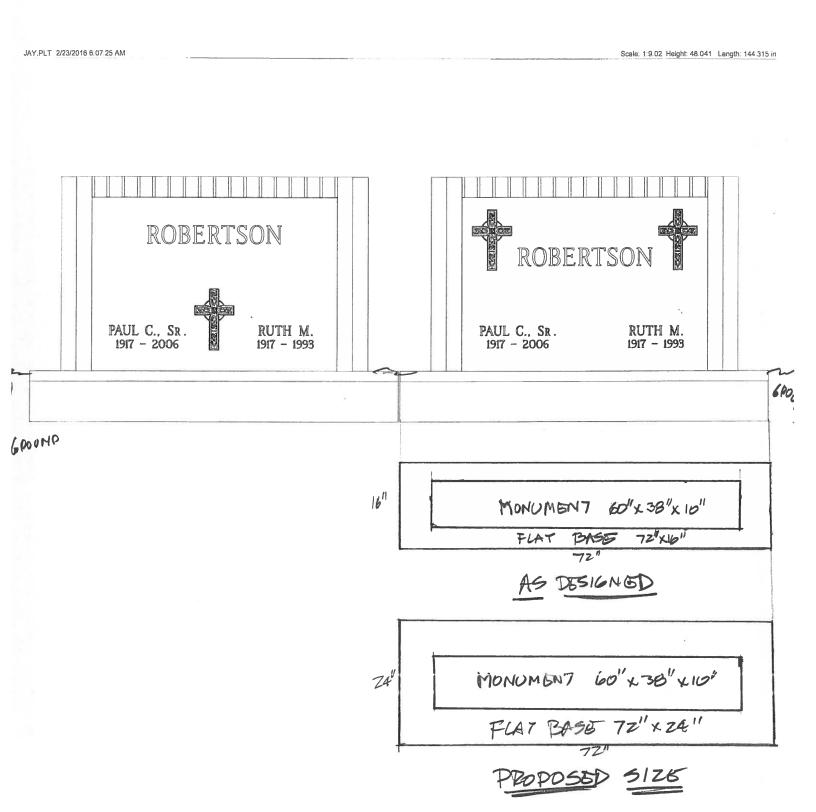
779 S Bates St. Birmingham, MI 48009 248.561.6127_cell







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09/30/16 GCAB AGENDA REPORT

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MEMORANDUM

City Clerk's Office

DATE: September 26, 2016

TO: Greenwood Cemetery Advisory Board

FROM: Laura M. Pierce, City Clerk

SUBJECT: Communication from Paul Robertson, Jr. Requesting an exception to the monument regulation

The attached letter was received from Paul Robertson, Jr., 779 South Bates, Birmingham, Michigan. Mr. Robertson is requesting an exemption to the flush marker regulation in Section F-North in order to install a raised monument on his graves.

Section VI of the Cemetery Regulations states:

FLUSH MEMORIAL SECTION - F-NORTH ONLY

- a. No structures shall be placed or constructed by anyone other than employees of the City or its designated contractor in the area of Greenwood Cemetery designated as the "Flush Memorial Section".
- b. Bronze or granite markers only, set flush with the turf, will be permitted in this section. No structures which would extend above the ground level shall be permitted.
- *c.* A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

The request is being submitted to the GCAB for discussion as to whether an exception should be made to amend the Cemetery Regulations. Once the GCAB has made its recommendation, it will be presented to the City Commission.

SUGGESTED RESOLUTION:

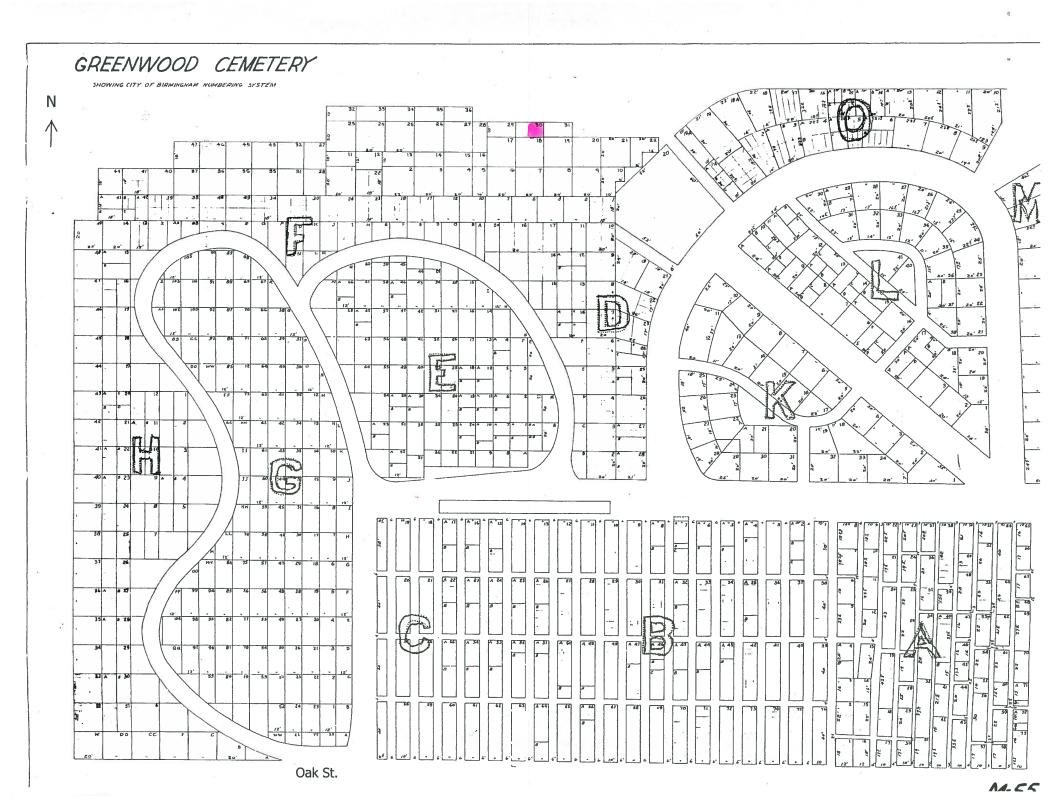
To recommend that the request, submitted by Mr. Robertson, for an exemption to the flush marker regulation in Section F-North be **denied**.

- OR -

To recommend that the request, submitted by Mr. Robertson, for an exemption to the flush marker regulation in Section F-North be **approved**.

Greenwood Cemetery View of Section F-North





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City Clerk and Greenwood Cemetery Advisory Board

City of Birmingham, Michigan

Dear Board,

I am writing this letter as an appeal to the "flat stone" only requirement of the two plots I bought about 5 years ago from a private party. I carefully researched where the plots were but had no idea that this was a "flat stone" only area when I bought them. As you can see by walking around the cemetery there are monuments everywhere and "raised stone" headstones everywhere. No one would ever have an idea that you could not put a monument in Greenwood Cemetery.

I understand that long term maintenance costs are driving your decision to have a "flat stone only" area in the cemetery. I would like to propose an alternative that I think could solve both problems for you and yet still allow me to erect a monument to my late wife Jan. For any of you who may have known her, she was a lot of things in life, mostly all good, but one thing she was not. She was not a "flat stone" only lady!!!

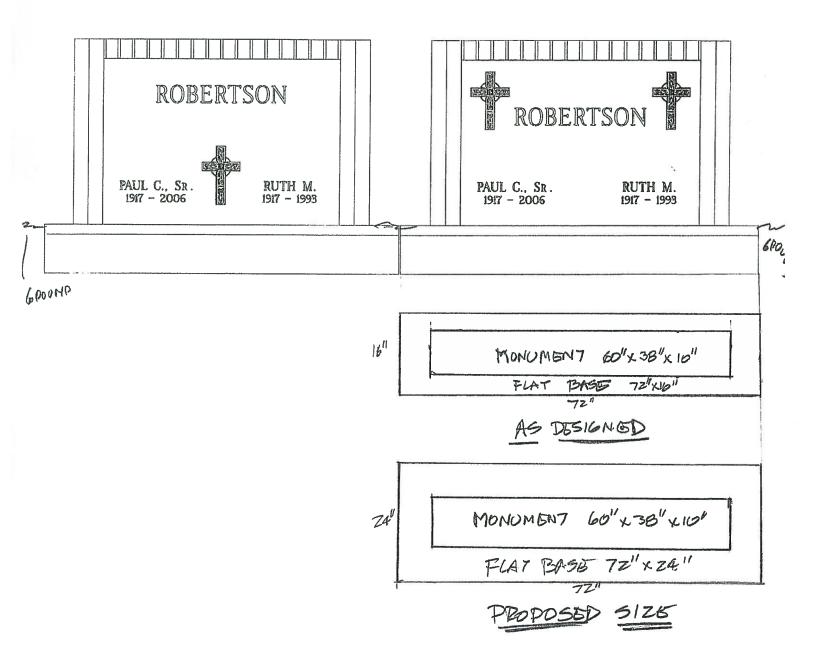
I have included a headstone design that I am going to use for my parents graves in the Franklin Cemetery. This includes a base that we would propose to be installed flush to the ground so a mower can go right over it with no trimming needed. Then the monument will sit on top of the "flat stone" base but the maintenance will be same as if it was just a plain flat stone. I think this accomplishes your desire for simpler maintenance and yet allows me to install a monument to "the love of my life" and give her the recognition that she deserves. After looking at the plan view I think the base needs to be slightly larger so it will be easier for the mower to go over the base. I would propose the base to be 72" x 24" instead of 72" by 16".

As an extra incentive to make this happen I would also be amenable to putting extra money in the perpetual fund for future maintenance to give you an additional incentive to granting this request. I hope you will give this request special consideration and I would request a meeting to further discuss this possibility with you. I think this proposal would be a win-win for both of us going forward. I look forward to meeting with you and coming to an amicable solution for us both.

Sincerely yours,

Paul C Robertson Jr. 779 S Bates St. Birmingham, MI 48009 248.561.3127 cell

Sec FN, Lot 30, Graves 3+4



JAY.PLT 2/23/2016 6.07.25 AM

Scale: 1.9.02 Height: 48.041 Length: 144.315 in

GREENWOOD CEMETERY ADVISORY BOARD MINUTES SEPTEMBER 30, 2016

A. Communication from Paul Robertson, Jr. regarding an exception to the monument regulation

Mr. Robertson explained that he purchased two grave spaces in a private sale some time ago, and noted the letter sent by the Clerk's Office which stated that the spaces were located in a flush marker only section (Section F-North). He is requesting the Board exempt the two spaces from the rule to allow him to place a flush base <u>with an upright</u> across the two spaces. The flush base would eliminate the need for extra maintenance.

He said this option could create extra revenue for the cemetery. As he looks at the economic situation, it is unlikely that those buried in the cemetery currently will create any more revenue. So there is a need to create revenue from those people coming in. He believes that the beauty and charm of the cemetery would be enhanced in that area. He said he does not understand the reason for that area to be limited to flush markers only. It seems to him to be a perfect way to raise additional revenue for the cemetery, and he would like very much to honor his wife in that way by giving her an upright monument.

Mr. Stern asked how high the monument would be, and Mr. Robertson noted the monument would be $60\frac{t''}{2} \times 38\frac{t''}{2} \times 10^{"}$, and the base is $72\frac{t''}{2} \times 24^{"}$.

Mr. Stern asked what Mr. Robertson meant when he referred to additional revenue to the cemetery to sell monuments. Mr. Robertson said he offered additional compensation in the future for the right to construct an upright monument in a flush marker section. Mr. Robertson did not specify the amount, because he thought it was best to leave that up to the Board. He added that if the Board is worried about a precedent, that is the way to handle the precedent situation. He and his late wife chose the spaces because they felt they were premium spaces due to their proximity to the river.

Ms. Buchanan asked Mr. Robertson if the restriction was on the deed when he purchased the spaces. Mr. Robertson said it is not on the deed. He became aware of the restriction when the Clerk's Office sent a letter with the deed for the transfer of the spaces which included the notation that Section F-North permits flush markers only. Mr. Robertson said he did not ask the sellers about what kind of markers were permitted when they were purchased. He said he noted the restriction referred to in the letter for the first time today. Ms. Buchanan informed him that Section F-North is not the only location in the cemetery that requires flush markers, and that all of the newly designated graves in Sections B, C, D, K, L and O are limited to flush markers. Ms. Buchanan said that the maintenance issue is not the only reason for flush markers. There is the aesthetic quality.

Ms. Gehringer agreed with Ms. Buchanan and added that another reason only flush markers are permitted there may be because of the slope of the ground and the ground structure near the ravine.

Ms. Pierce noted that through the years, the City has received numerous requests to place upright monuments in Section F-North which have all been denied.

Ms. Schreiner confirmed with Mr. Robertson that this was a private sale between two parties five years ago, and the seller did not disclose to the Robertsons that the graves were in a flush marker only section of the cemetery. She commended Mr. Robertson for coming to the Board with specifics.

Mr. Stern said Mr. Robertson has brought two significant issues before us. He is pointing out that Section F has flush monuments only. Mr. Stern explained that he believes that the cemetery met the demand at the time of memorial gardens. He said we changed the historical nature of the cemetery once before in a very major way and created the memorial garden concept.

Mr. Stern thinks the Board should revisit its <u>a</u> recommendation. He does not think the Commission understood when it came before them that they were making flush markers in D, K, L, and O and he thinks it is very important for us to point it out to them. The next point that he thinks Mr. Robertson brought forward and that Mr. Stern thinks is very valuable for him to do so, is that Mr. Robertson could not find space in the cemetery. He <u>Mr. Robertson</u> lives on Bates, is a major developer in the City of Birmingham, is certainly one of our more honored citizens, and the Board should be finding a way to accommodate his wishes to be buried in his hometown. What the Board must do is find and accelerate greatly the reclamation process so that we can find what Mr. Stern believes may be many, many, many, many graves available for Mr. Robertson through the reclamation process in which he could put monuments. In our delay looking at that issue and bringing that issue before the City Commission, and the City Commission not adopting a new state law allowing rapid reclamation, we are denying people.

Mr. Stern continued that we as a Board should accommodate Mr. Robertson and others like him who are bringing this issue before us.

Ms. Gehringer advised Mr. Robertson that Board does not have power to waive the requirement. She advised that he may go to the City Commission. Mr. Robertson said he was told by the City Manager that he had to begin with this Board for the exception and indicated to Mr. Robertson that the Board did have the authority, so he is surprised.

Ms. Gehringer advised that the Board could not accept additional compensation, that Mr. Robertson could make a donation to the cemetery fund, but it cannot be a donation regarding anything discussed today. She stressed any decision that the Board makes, would not be due to any contribution that might be made to the cemetery.

Ms. Schreiner said when we review the rules and regulations, the Board can recommend making changes. The problem here is if we make changes on an ad hoc, one by one basis, it creates a very slippery slope.

Ms. Buchanan said the Board understands his request for a monument, but the Board must remain ethical.

Mr. Robertson said that his offer of money to the perpetual fund was not intended as a bribe but as a way to cover the additional costs of maintenance around his monument. He said that does not set a precedent. Ms. Schreiner noted that there are other ways Mr. Robertson could memorialize his late wife through the purchase and placement of benches, etc. The Board still has the opportunity to look at the rules and regulations and choose to create a different structure with very different parameters so that a request like this does not look like a bribe. She noted that the Board is not there yet, and encouraged Mr. Robertson to explore other options that are in the works to memorialize his late wife.

Mr. Robertson suggested that the Board look at the rule again and define specific restrictions for monuments there so that it follows the memorial gardens concept.

Mr. Stern said his request was very important and valuable for this Board and the commission to know there is demand in the city for grave space in which markers can be placed. He noted that we have had two straight months where citizens of the city have pointed out to the Board that we are not meeting our obligation to the citizens of Birmingham.

MOTION: Motion by Buchanan, seconded by Suter:

To recommend that the request submitted by Mr. Robertson for an exemption to the flush marker regulation in Section F, be denied.

VOTE: Yeas: 5 Nays: None Absent: 2 (Desmond, Peterson)

Ms. Gehringer asked that everyone treat each other with the respect and dignity that we deserve during the meeting and not be argumentative and carry on.

CITY OF BIRMINGHAM GREENWOOD CEMETERY OPERATIONAL PROCEDURES, CONDITIONS AND REGULATIONS

I. DEFINITIONS:

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- d. "Monument" shall denote a memorial stone or object of a size in excess of that of a marker.
- e. "Permanent outside container" shall be a container which encloses a casket. The following are considered permanent outside containers: concrete boxes, concrete, copper or steel burial vaults.
- f. "Department" shall mean the Department of Public Services.
- g. "Memorial" shall mean monuments or markers.

II. CONDUCT OF PERSONS

Every person entering the cemetery shall be responsible for any damage caused by such person while within the cemetery. No person under eighteen years of age shall enter the cemetery grounds unless accompanied by an adult responsible for his/her conduct, or unless permission has been granted by the Superintendent.

No person shall:

- a. Enter the cemetery except through an established gate, and only during the hours from 8:00 A.M. to sundown.
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- c. Pick, mutilate, remove, or destroy any living plants or parts thereof, whether wild or domestic, on the cemetery grounds, except in the work of maintenance by City employees or its designated contractor.

- d. Break, injure, remove, or deface any monument or marker on the cemetery grounds.
- e. Bring any dog or animal into the cemetery grounds, unless in compliance with applicable leash law.
- f. Bring or discharge any firearm on the cemetery grounds, except in the conduct of military funerals.
- g. Carry intoxicants into the cemetery grounds, or consume such while in the cemetery.
- h. Advertise on cemetery grounds unless permitted by the City.
- i. Conduct her/himself in any other than a quiet and respectful manner while on the cemetery grounds.

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All traffic laws of the City of Birmingham that are applicable to the operation of vehicles in cemeteries shall be strictly observed. Every person driving a vehicle into the cemetery shall be responsible for any damage caused by such vehicle.

No person shall:

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- c. Turn a vehicle around within the cemetery except by following established driveways.
- d. Use a cemetery driveway as a public thoroughfare.

IV. MAINTENANCE AND PERPETUAL CARE

The City and/or its designated Contractor shall be responsible for the maintenance and repair of the driveways, buildings, water system, drainage and fences. The City and/or its designated Contractor shall also cut and maintain the grass areas, remove the leaves, trim and remove trees and shrubs, apply fertilizer as necessary, and in general maintain the cemetery as a place of natural beauty devoted to the burial of the dead.

The City and/or its designated Contractor shall not be responsible for any special care of any particular section, lot or burial space or for the maintenance or repair of any monument, marker or planting placed by the owner. Further, the City and/or its designated Contractor shall not contract or agree to give special care to any section, lot or burial space except as above provided. The City shall maintain the integrity of damaged historical markers, prior to January 1, 1875, through the perpetual care fund.

V. OPERATIONAL REGULATIONS

The following operational regulations shall apply to all areas within the cemetery:

- a. Corners of all lots will be marked by the City, or its designated contractor, with permanent markers set flush with the ground surface, and these shall not be disturbed.
- b. The erection of any fence, railing, wall, coping, curbing, trellis, or embankment, or the planting of any hedge, on any lot or grave is prohibited. No cutting of paths shall be permitted.
- c. The City, or its designated contractor, shall have the right to remove from any lot any objects, including trees and shrubs and flower pots that are not in keeping with the appearance of the cemetery.
- d. Ironwork, seats, vases, and planters shall be allowed on lots, providing that the same shall be kept in good repair and well painted. If not kept in good repair and painted, the Superintendent shall have power and authority to remove same from cemetery, and shall not be liable for any such removal.
- e. Planters of iron or granite for the planting of flowers will be removed from lots and put in storage if not filled by July 1st. Planters so removed will be sold for cartage and storage charges, or destroyed, if not claimed within a period of one year.
- f. No person shall plant, cut down, remove, or trim any tree, shrub, or plant within the cemetery except by permission of the Superintendent, or a person authorized by him/her to act in his/her stead in matters pertaining to the cemetery.
- g. The planting of flowers on any lot, or otherwise disturbing the sod, shall release the City or its designated contractor from all obligation to resod without extra charge therefore. The planting of spirea, rose bushes, peonies, or shrubs that grow over three feet in height, will not be permitted.
- h. As soon as flowers, floral pieces, potted plants, flags, emblems, etc., used at funerals or placed on grave at other times, become unsightly or faded, they will be removed, and no responsibility for their protection will be assumed, except for special groups upon notification to the City or its designated contractor.
- i. The Superintendent reserves the right to remove from beds, graves, vases, planters, or other containers, all flowers, potted plants, or other decorations, that are set out and then not kept properly watered, trimmed and free from weeds, and to do so as soon as they become objectionable.

VI. MONUMENTS, GRAVE MARKERS AND FOUNDATIONS

MONUMENTS

Monuments will be permitted only on two adjoining side by side graves under one ownership. No more than one monument shall be erected on any lot.

The erection of all monuments shall be subject to the following conditions:

- a. Each monument shall be supported on a concrete foundation not smaller than the base of the monument it supports. Such foundation shall be constructed only by the City or its designated contractor after payment therefore has been made. Foundations will be installed April to November, weather dependent, as determined by the Superintendent. Requests received after November 1st will be held until conditions allow for installation.
- b. Designs for monuments must be submitted to the Superintendent or to a person designated by him/her to act in his/her stead, when application is made for construction of foundations. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial.
- c. No monument of artificial stone, sandstone, limestone, or soapstone will be permitted.
- d. All contractors and workers engaged in setting monuments shall be under the supervision of the Superintendent or a person designated by him/her, and they will be held responsible for any damage resulting from their negligence or carelessness. No work of setting monuments shall be started that cannot be completed by the end of the day following the start of such work.
- e. No monuments shall be allowed in the flush sections.

MARKERS

- a. Markers shall not exceed 1 ½ feet in height and shall have a minimum horizontal dimension at the base of not less than half of the height. All markers shall be in one piece, and shall be dressed on the bottom at right angles to the vertical axis. These measurements do not apply to government issue markers.
- b. Individual markers can be sod set without a concrete foundation.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

FLUSH MEMORIAL SECTION - F-NORTH ONLY

- a. No structures shall be placed or constructed by anyone other than employees of the City or its designated contractor in the area of Greenwood Cemetery designated as the "Flush Memorial Section".
- b. Bronze or granite markers only, set flush with the turf, will be permitted in this section. No structures which would extend above the ground level shall be permitted.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

FLUSH MEMORIAL SECTION – AREAS PLOTTED AFTER JANUARY 1, 2015

- a. On grave spaces in Sections B, C, D, K, L, and O, all memorials on new lots plotted after January 1, 2015, must be installed at lawn level. Memorials can be individual markers measuring 24" x 12" x 4" or 16" x 24" x 4" or companion memorials over two (2) graves measuring 48" x 12" x 4".
- b. The memorials must be made of acceptable bronze or granite material and set at lawn level.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

VII. FUNERALS, INTERMENTS AND DISINTERMENTS

INTERMENTS

No lot or burial space shall be used for any purpose other than the interment of human remains and the erection of appropriate memorials to the dead.

No interment shall be made in Greenwood Cemetery until a proper burial permit has been issued, and until all other legally required permits have been issued by, and filed with, the proper authorities.

City personnel, or its designated contractor, will provide opening and closing of grave, initial and periodic maintenance only, and will not be responsible for handling and lowering vaults or caskets. Tents, lowering devices and other materials shall be furnished by the funeral director or vault company.

No grave shall be dug closer than six (6) inches from the line of any lot.

In all full burial interments, the casket shall be enclosed in a permanent outside container. Such outside container shall be installed by the funeral director, vault company, or the City's designated contractor.

In all interments of cremated remains, the container shall be installed by the City, its designated contractor, funeral director or vault company. The size of the container must be submitted with the request for burial.

All funerals within the cemetery shall be under the supervision of the City or its designated contractor. No burials are to be made on Sunday or legal holidays, except by permission of the Superintendent. Overtime charges will apply.

The City must be notified through the City Clerk or its designated contractor, of the time and exact location of proposed interments in time to allow not less than ten (10) hours of daylight to prepare the grave. If notification occurs less than 10 hours of daylight prior to burial, overtime charges will apply.

Interments that involve preparation or follow-up work during other than regular working hours will be done at an additional charge for the overtime portion of the time required. The maximum charge shall not exceed the normal charges plus the weekend/holiday fee. This fee is in addition to the normal interment or disinterment fee charged during regular working hours.

Interments of the remains of any persons other than the owner or an immediate member of his/her family will be permitted only after the written consent of the owner or the owner's authorized agent has been filed with the City Clerk or the City's designated contractor. In case of a minor being the owner, the guardian may give consent upon proof of this authority to act.

Only one (1) interment in any one grave space shall be permitted, except in the case of a parent and infant child, two (2) children dying at about the same time, or in such other unusual cases as it shall seem to the Superintendent to be proper under the circumstances. Such interments shall adhere to Section VIII Burial Rights Policy.

Up to two cremated remains may be placed in the same space if the owner of the grave space or his/her heirs purchase the right to such inurnments. Should the owner permit the burial of such cremated remains, only one additional memorial shall be permitted on the grave space and such memorial shall not be larger than $24 \times 12 \times 4$ inches and installed at lawn level. Up to three (3) cremated remains (only) may be placed on a single grave space.

DISINTERMENTS

Disinterment of a burial shall be facilitated by a Michigan licensed funeral director. Said funeral director shall obtain a permit for such removal from the local health officer of Oakland County. Said funeral director shall complete the removal form as required by the City or its designated contractor. Disinterment shall not commence until after issuance of the Oakland County permit is presented to the City or its designated contractor, approval for removal is granted by the City or its designated contractor, and

all applicable fees are paid. Such disinterments shall only be scheduled between June 15th and October 15th each year unless approved by the City. The grave space where the disinterment occurred shall immediately be returned to a safe condition.

VIII. BURIAL RIGHTS POLICY

Lots purchased from the City after October 1, 2014:

Full grave

One casketed remains and two cremated remains

- or -

Up to three cremated remains

Cremation grave

3 x 2 feet one cremated remains

3 x 4 feet two cremated remains

Lots purchased prior to October 1, 2014:

Full grave

One burial right per grave (To add a burial right for cremated remains, must purchase each additional right of burial in the grave. Up to two cremated remains.)

- or -

One cremated remains (To add a burial right for cremated remains, must purchase each additional right of burial in the grave. Up to two cremated remains.)

IX. LOT RESALE POLICY

All graves sold by the City after October 1, 2014 can only be returned to the City. Such graves cannot be transferred from the original purchaser to an unrelated third party. Graves can only be transferred to family according to the Rules of Consanguinity with supporting genealogical documentation.

All graves returned to the City shall receive 50% of the original purchase price from the Greenwood Cemetery Perpetual Care Fund. Upon return of the graves, the City may resell the graves.

(For the purpose this policy, immediate family shall mean the immediate family of the purchaser(s) – spouse, children, grandchildren, parents, siblings, nieces/nephews, grandparents, aunts/uncles, step-children.)

X. SCHEDULE OF FEES AND CHARGES

Fees and other charges are as set forth in the Schedule of Fees, Charges, Bonds and Insurance.

XI. REVISIONS

The obligations of the City as herein set forth may, from time to time, be modified by the Birmingham City Commission.

- October 18, 1971 Resolution No. 1434-71
- February 13, 1984 Resolution No. 02-97-84
- February 23, 2009 Resolution No. 02-52-09
- December 17, 2012 Resolution No. 12-356-12
- August 10, 2015 Resolution No. 08-174-15

Attachment 2

ROBERTSON, JAMES J

Certificate No. 12-000013

VANHEEN

GREENWOOD CEMETERY Birmingham, Michigan BURIAL RIGHTS CERTIFICATE

THIS INDENTURE, made on 10/17/2012

BETWEEN SIMPSON, JAMES & KATHLEEN 509 LEWIS, BIRMINGHAM MI 48009 and ROBERTSON, PAUL & JAN 779 S. BATES, BIRMINGHAM, MI 48009-0919

hereinafter called the PURCHASER,

WITNESSETH:

paid by the PURCHASER, receipt of what is acknowledged, has bargained and sold and by these presents does grant and convey unto the PURCHASER, and to his heirs and assigns forever, all burial rights on the listed sites of Greenwood Cemetery, in said city, according to the plat thereof on file in the office of the City Clerk and in the office of the Superintendent of said cemetery.

Cemetery	Section	Lot	Plot		
Greenwood	FN	30	03		
Greenwood	FN	30	04		

TO HAVE AND TO HOLD said burial rights to the PURCHASER, his heirs and assigns, to the sole and only proper use, benefit and behoof of said PURCHASER, his heirs and assigns forever. Same to be used for burial purposes only and subject to such ordinances, rules and regulations as are now or may be hereafter lawfully in force.

IN WITNESS WHEREOF, the CITY has caused this instrument to be executed under the corporate seal by its Clerk on 10/26/2012

In Presence of

DOCUMENTATION ON FILE

SIMPSON, JAMES & KATHLEEN

STATE OF MICHIGAN County of Oakland

On 10/26/2012 before me, a Notary Public, in and for said County, personally appeared Laura M.Broski, City Clerk of the City of Birmingham, known to me to be the person who executed the foregoing instrument and acknowledged that he executed the same for the use and purposes therein named named, and that he has lawful authority to execute same.

Clerk's Office City of Birmingham P.O. Box 3001 151 Martin Birmingham, MI 48012

Laura M. Broski Notary Public, Macomb County, Michigan Acting in Oakland County, Michigan

My Commission expires: 05/10/17



A Walkable Community

October 26, 2012

Paul & Jan Robertson 779 S. Bates St. Birmingham, MI 48009

Dear Mr. & Mrs. Robertson,

Enclosed is your deed for the transfer of a cemetery plots (Section FN, Lot 30, Grave 3,4) in Greenwood Cemetery from James & Kathleen Simpson. Please keep in mind section FN only allows flush makers. Please retain this deed in your files.

The purchase of cemetery plots is an important asset. We encourage you to include the plots in your Will and Testament. If you do not have a Will and Testament, please complete the enclosed Rights of Burial form and submit it to the City Clerk's Office.

A map of the cemetery has been included for your reference. If you have any questions, feel free to call the Clerk's Office at 248.530.1880.

Sincerely, Sheila Brown

enclosure

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001 (248) 530-1800 • Fax (248) 530-1080 • http://ci.birmingham.mi.us

JAMES A. SIMPSON AND KATHLEEN G. SIMPSON 509 Lewis Birmingham, Michigan 48009

October 17, 2012

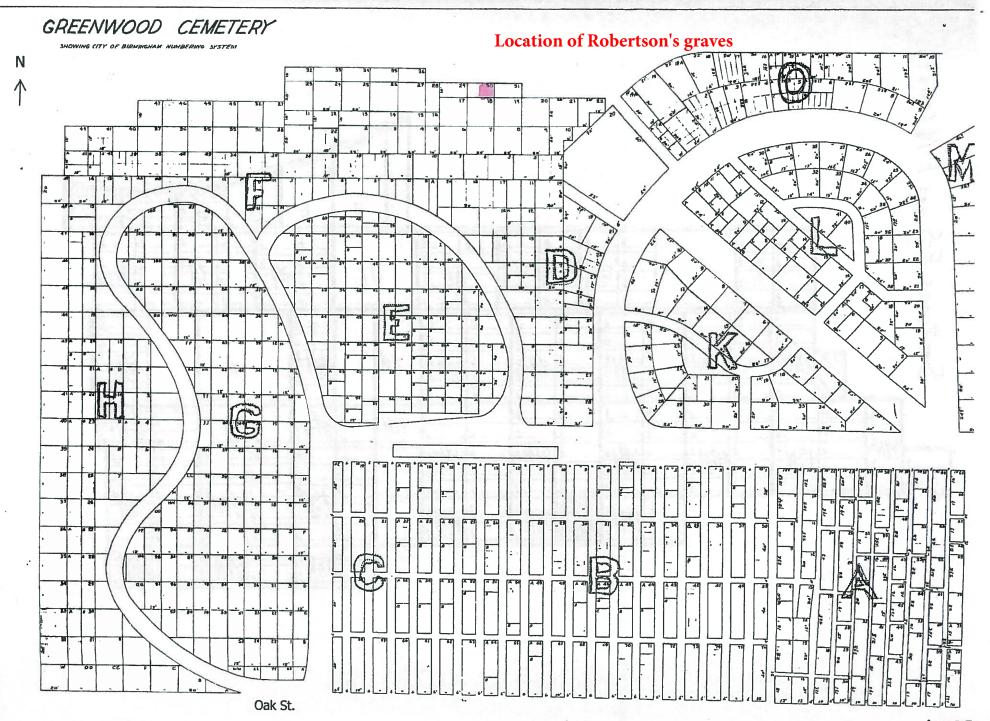
City Clerk City of Birmingham 151 Martin Street Birmingham, MI 48012

Dear Sir or Madam:

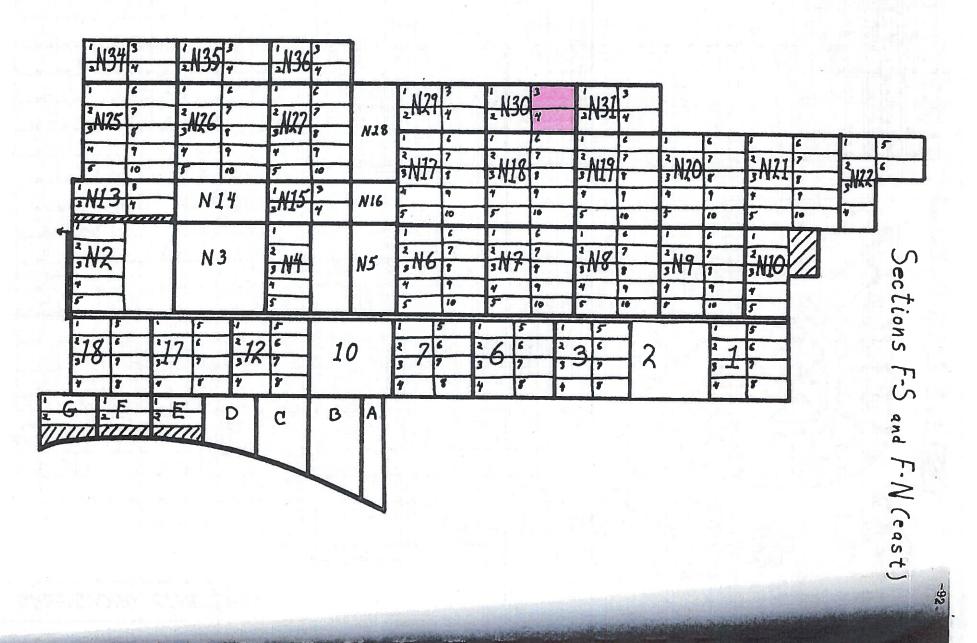
We hereby request the transfer of grave spaces numbered 3 and 4, Lot 30, Section F North in Greenwood Cemetery from us to Paul Robertson and Jan Robertson, husband and wife. Their residence address is 779 South Bates Street, Birmingham, Michigan 48009-1955. Please title the spaces in accordance with instructions from either Mr. or Mrs. Robertson.

Thank you.

James A. Simpson athleen G. Simpson



Location of Robertson's graves



Attachment 3

CITY OF BIRMINGHAM GREENWOOD CEMETERY OPERATIONAL PROCEDURES, CONDITIONS AND REGULATIONS

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5

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1

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- c. The City, or its designated contractor, shall have the right to remove from any lot any objects, including trees and shrubs and flower pots that are not in keeping with the appearance of the cemetery.
- d. Ironwork, seats, vases, and planters shall be allowed on lots, providing that the same shall be kept in good repair and well painted. If not kept in good repair and painted, the Superintendent shall have power and authority to remove same from cemetery, and shall not be liable for any such removal.
- e. Planters of iron or granite for the planting of flowers will be removed from lots and put in storage if not filled by July 1st. Planters so removed will be sold for cartage and storage charges, or destroyed, if not claimed within a period of one year.
- f. No person shall plant, cut down, remove, or trim any tree, shrub, or plant within the cemetery except by permission of the Superintendent, or a person authorized by him/her to act in his/her stead in matters pertaining to the cemetery.
- g. The planting of flowers on any lot, or otherwise disturbing the sod, shall release the City or its designated contractor from all obligation to resod without extra charge therefore. The planting of spirea, rose bushes, peonies, or shrubs that grow over three feet in height, will not be permitted.
- h. As soon as flowers, floral pieces, potted plants, flags, emblems, etc., used at funerals or placed on grave at other times, become unsightly or faded, they will be removed, and no responsibility for their protection will be assumed, except for special groups upon notification to the City or its designated contractor.
- i. The Superintendent reserves the right to remove from beds, graves, vases, planters, or other containers, all flowers, potted plants, or other decorations, that are set out and then not kept properly watered, trimmed and free from weeds, and to do so as soon as they become objectionable.

VI. MONUMENTS, GRAVE MARKERS AND FOUNDATIONS

MONUMENTS

Monuments will be permitted only on two adjoining side by side graves under one ownership. No more than one monument shall be erected on any lot.

The erection of all monuments shall be subject to the following conditions:

- a. Each monument shall be supported on a concrete foundation not smaller than the base of the monument it supports. Such foundation shall be constructed only by the City or its designated contractor after payment therefore has been made. Foundations will be installed April to November, weather dependent, as determined by the Superintendent. Requests received after November 1st will be held until conditions allow for installation.
- b. Designs for monuments must be submitted to the Superintendent or to a person designated by him/her to act in his/her stead, when application is made for construction of foundations. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial.
- c. No monument of artificial stone, sandstone, limestone, or soapstone will be permitted.
- d. All contractors and workers engaged in setting monuments shall be under the supervision of the Superintendent or a person designated by him/her, and they will be held responsible for any damage resulting from their negligence or carelessness. No work of setting monuments shall be started that cannot be completed by the end of the day following the start of such work.
- e. No monuments shall be allowed in the flush sections.

MARKERS

- a. Markers shall not exceed 1 ½ feet in height and shall have a minimum horizontal dimension at the base of not less than half of the height. All markers shall be in one piece, and shall be dressed on the bottom at right angles to the vertical axis. These measurements do not apply to government issue markers.
- b. Individual markers can be sod set without a concrete foundation.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

4

FLUSH MEMORIAL SECTION - F-NORTH ONLY

- a. No structures shall be placed or constructed by anyone other than employees of the City or its designated contractor in the area of Greenwood Cemetery designated as the "Flush Memorial Section".
- b. Bronze or granite markers only, set flush with the turf, will be permitted in this section. No structures which would extend above the ground level shall be permitted.

A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

FLUSH MEMORIAL SECTION - AREAS PLOTTED AFTER JANUARY 1, 2015

- a. On grave spaces in Sections B, C, D, K, L, and O, all memorials on new lots plotted after January 1, 2015, must be installed at lawn level. Memorials can be individual markers measuring 24" x 12" x 4" or 16" x 24" x 4" or companion memorials over two (2) graves measuring 48" x 12" x 4".
- b. The memorials must be made of acceptable bronze or granite material and set at lawn level.

c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

VII. FUNERALS, INTERMENTS AND DISINTERMENTS

INTERMENTS

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No lot or burial space shall be used for any purpose other than the interment of human remains and the erection of appropriate memorials to the dead.

No interment shall be made in Greenwood Cemetery until a proper burial permit has been issued, and until all other legally required permits have been issued by, and filed with, the proper authorities.

City personnel, or its designated contractor, will provide opening and closing of grave, initial and periodic maintenance only, and will not be responsible for handling and lowering vaults or caskets. Tents, lowering devices and other materials shall be furnished by the funeral director or vault company.

No grave shall be dug closer than six (6) inches from the line of any lot.

In all full burial interments, the casket shall be enclosed in a permanent outside container. Such outside container shall be installed by the funeral director, vault company, or the City's designated contractor.

In all interments of cremated remains, the container shall be installed by the City, its designated contractor, funeral director or vault company. The size of the container must be submitted with the request for burial.

All funerals within the cemetery shall be under the supervision of the City or its designated contractor. No burials are to be made on Sunday or legal holidays, except by permission of the Superintendent. Overtime charges will apply.

The City must be notified through the City Clerk or its designated contractor, of the time and exact location of proposed interments in time to allow not less than ten (10) hours of daylight to prepare the grave. If notification occurs less than 10 hours of daylight prior to burial, overtime charges will apply.

Interments that involve preparation or follow-up work during other than regular working hours will be done at an additional charge for the overtime portion of the time required. The maximum charge shall not exceed the normal charges plus the weekend/holiday fee. This fee is in addition to the normal interment or disinterment fee charged during regular working hours.

Interments of the remains of any persons other than the owner or an immediate member of his/her family will be permitted only after the written consent of the owner or the owner's authorized agent has been filed with the City Clerk or the City's designated contractor. In case of a minor being the owner, the guardian may give consent upon proof of this authority to act.

Only one (1) interment in any one grave space shall be permitted, except in the case of a parent and infant child, two (2) children dying at about the same time, or in such other unusual cases as it shall seem to the Superintendent to be proper under the circumstances. Such interments shall adhere to Section VIII Burial Rights Policy.

Up to two cremated remains may be placed in the same space if the owner of the grave space or his/her heirs purchase the right to such inurnments. Should the owner permit the burial of such cremated remains, only one additional memorial shall be permitted on the grave space and such memorial shall not be larger than $24 \times 12 \times 4$ inches and installed at lawn level. Up to three (3) cremated remains (only) may be placed on a single grave space.

DISINTERMENTS

Disinterment of a burial shall be facilitated by a Michigan licensed funeral director. Said funeral director shall obtain a permit for such removal from the local health officer of Oakland County. Said funeral director shall complete the removal form as required by the City or its designated contractor. Disinterment shall not commence until after issuance of the Oakland County permit is presented to the City or its designated contractor, approval for removal is granted by the City or its designated contractor, and

all applicable fees are paid. Such disinterments shall only be scheduled between June 15th and October 15th each year unless approved by the City. The grave space where the disinterment occurred shall immediately be returned to a safe condition.

VIII. BURIAL RIGHTS POLICY

Lots purchased from the City after October 1, 2014:

Full grave

One casketed remains and two cremated remains

- or -

Up to three cremated remains

Cremation grave

3 x 2 feetone cremated remains3 x 4 feettwo cremated remains

Lots purchased prior to October 1, 2014:

Full grave

One burial right per grave (To add a burial right for cremated remains, must purchase each additional right of burial in the grave. Up to two cremated remains.)

- or -

One cremated remains (To add a burial right for cremated remains, must purchase each additional right of burial in the grave. Up to two cremated remains.)

IX. LOT RESALE POLICY

All graves sold by the City after October 1, 2014 can only be returned to the City. Such graves cannot be transferred from the original purchaser to an unrelated third party. Graves can only be transferred to family according to the Rules of Consanguinity with supporting genealogical documentation.

All graves returned to the City shall receive 50% of the original purchase price from the Greenwood Cemetery Perpetual Care Fund. Upon return of the graves, the City may resell the graves.

(For the purpose this policy, immediate family shall mean the immediate family of the purchaser(s) – spouse, children, grandchildren, parents, siblings, nieces/nephews, grandparents, aunts/uncles, step-children.)

X. SCHEDULE OF FEES AND CHARGES

Fees and other charges are as set forth in the Schedule of Fees, Charges, Bonds and Insurance.

7

XI. REVISIONS

The obligations of the City as herein set forth may, from time to time, be modified by the Birmingham City Commission.

- October 18, 1971 Resolution No. 1434-71
- February 13, 1984 Resolution No. 02-97-84
- February 23, 2009 Resolution No. 02-52-09
- December 17, 2012 Resolution No. 12-356-12
- August 10, 2015 Resolution No. 08-174-15



Looking north toward ravine; Section F North on right side of flags, Section F on left side of flags



Looking west along boundary between Section F (left) and F North (right)



Looking east along boundary between Section F (right side) and F North (left side)

WILLIAM B. HULBEHT 156 LINDEN ROAD BIRMINGHAM, MICHIGAN 48009

May 6, 1986

Attachment 5

Clerks Office City of Birmingham Municipal Building 151 Martin St. Birmingham, Mi

1

Attention: Judith A. Bienn

Dear Ms. Bienn:

Following an "on Site" inspection and review with Huey Lail, I'd like approval to have an above ground leval gravestone placed on grave 5, lot 2, section FMat Greenwood Cemetery. The marker, to b in keeping with surrounding stokes, will face South, and as it will be located on grave 5, we would not use this burial plot in the future. Th cemetary deed for graves 1 through 5 is dated January 7, 1986. Huey has indicated no objective to approval of this request.

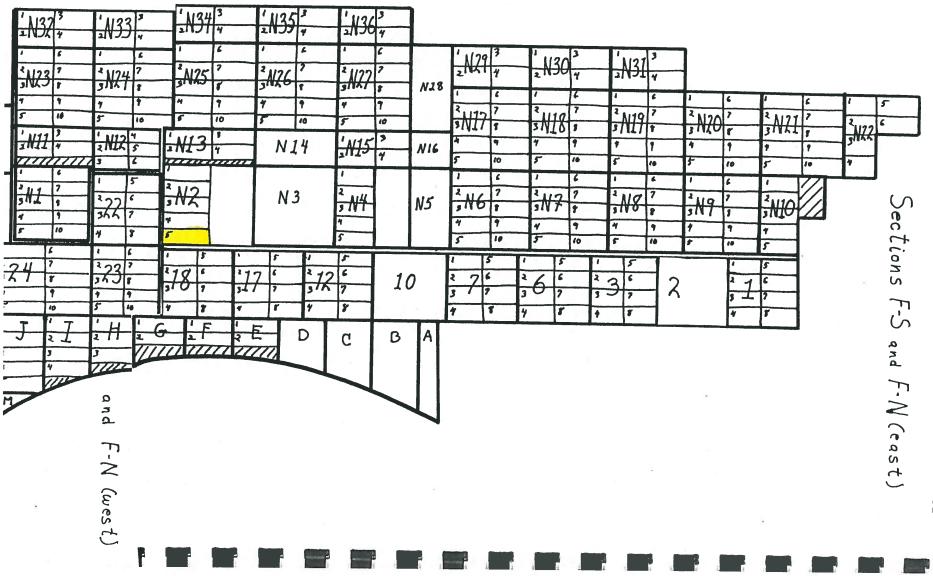
Sincerely,

William B. Hulbert

156 Linden Rd. Birmingham 48009

Home 644-1692 Office 258-6866

N	AME OF LOT OWNER	P.	c. SECTION F-N	LOT 2	5 =	
B. Hulbert	ADDRESS 156 Linden - 48009	NEW LOT OWNERS				IR
		ang ng Talapana ang pangang ng pan			TYPE OF BURIAL	and and
RAVE DATE OF BURIAL	NAME OF PERSON BURI	ED	Marker 10)			
RAV 4 1 10 86 3 11 7 88 2 6 20 14 	Natalie S. Hulbert William B. Nulb Christine Hulbert R.	ent Hedge 5-6 Mr. by to Mr se th pu		s given P grave sp oright mor as advise requesti y used for	nument. d to .ng that c this	



- 22-

Attachment 6

AGNES A. STENGER TRUST 970 Pilgrim Birmingham, MI 489999512

CITY CL CLEAR

Birmingham City Commission % Mayor Henry Forster 151 Martin Birmingham, MI 48009

re: Request for Monument at Greenwood Cemetery

Dear Mr. Mayor and Commission Members:

On behalf of my brothers and sister, we hereby request your approval to install a single, raised monument at the burial sites of our deceased parents, Edward A. Stenger (died September 4, 1984) and Agnes A. Stenger (died July 4, 1990). They are buried in grave spaces 3 and 4 of Section F-North, Lot 18 at Greenwood Cemetery. In addition, we own the adjoining space #5 which is reserved for our sister.

It is our understanding that this section of the cemetery is limited by an ordinance passed several years ago to grave markers that are flush to the ground, presumably for more efficient landscape maintenance. This section of the cemetery is relatively new and represents probably less than 5% of the overall cemetery area. Because of surrounding residences and topographical depressions immediately north of this section, I assume that the cemetery will not be able to expand.

Notwithstanding the ordinance, we believe there are several special factors that we ask you to consider in granting our request to honor our parents.

- Our parents built our family home on Pilgrim in 1942 and lived there until their respective deaths. Stenger family ownership of the home will continue as my wife and I will shortly acquire it from the estate.
- 2. In their own quiet ways my parents contributed to the Birmingham tradition by the care and pride they took in their property and by their community involvement, particularly with Holy Name Church.
- 3. Except for one brother, all my siblings continue to live in the Birmingham area plus several married nephews and nieces.
- 4. The cemetery area in question is small and has few trees or other landscaping that inhibit lawn maintenance. Given the overall maintenance requirements of the cemetery, the cost savings in this small area attributable to flush grave markers cannot be very great. Accordingly, an exception to the ordinance along the lines that we propose would have a negligible impact on either cost or workload.

continued: Page 2 Birmingham City Commission

- 5. Many of the spaces in this section have already been used. I do not believe granting an exception here, where circumstances warrant, will lead to a rush to do so for other spaces already in use or prospectively because of the cost factors involved and/or lack of interest by heirs.
- 6. There is precedent for granting approval for a raised monument in this section. Several weeks ago while visiting the cemetery I met a Mrs. Ward. Her daughter died several years ago and is buried only about 25 feet from my parents. Mrs. Ward indicated that because her family owned several adjacent grave spaces they were granted permission to install a raised monument. Another raised monument nearby is for Mr. Charles Baer, a long-time friend and neighbor of my parents.

We propose to install a raised stone (marble or granite) monument approximately 3 feet wide by 2 1/2 feet high by 6-12 inches deep which would be positioned and used for all 3 grave spaces. It would rest on a concrete pad that would be flush to the ground and would extend all around from 4-6 inches beyond the footprint of the monument itself. This would allow for mowing equipment to easily maneuver around the monument. We would bear all costs of installation.

We are aware of periodic acts of vandalisim that have occurred in the cemetery. Obviously this is a social concern that goes beyond the ability of the police to guard the cemetery. We understand that the City is limited in preventing this type of behavior and we are willing to bear the risk of damage that may occur.

We would appreciate your consideration and response to our request as soon as possible so that we may finalize plans and close out the estate. If you have any questions, please feel free to write me at the above address or call me at my office (774-5130) or at my home (334-4139).

Thank you very much for your consideration in this matter.

Very truly yours,

Phil Jun Tun

Philip M. Stenger on behalf of Edward J. Stenger Mary Jo Stenger James P. Stenger

Request denied 9/24/90 Resolution # 9-637-90

September 13, 1990

Memo

To: Tom Markus, City Manager

From: Judy Benn, City Clerk

Re: Request for Monument in Greenwood Cemetery

A letter was received on September 13 from Mr. Philip M. Stenger requesting permission to construct a monument on his parents grave in the F-North section of Greenwood Cemetery. I reviewed some of the statements made by Mr. Stenger regarding the Ward and the Baer monuments, neither of which is in the F-North section (see attached map).

The Rules and Regulations for the cemetery were adopted by the City Commission on October 18, 1971 and they state that flush memorials may only be placed in the F-North Section.

Huey Lail of the Department of Public Services told me that to his knowledge there are no upright markers in the F-North section. This restriction was placed on F-North to facilitate maintenance by the DPS so you may want input from them.

My only concern is in setting a precedent since we have told many people in the past that they cannot put an upright marker in this section. In fact, when the graves were purchased we told them that only flush markers would be allowed.

jb attachments

Stergero own. 3,4,5 Educard Stangel is in if with a marker mus 5, is in 3 5 is empty

8:28

9-636-90: QUARTON LAKE NEIGHBORHOOD ASSOCIATION - PURCHASE OF RECEPTACLES AND BENCHES FOR QUARTON LAKE

MOTION: Motion by Siewert, supported by Martin:

To concur in the recommendation of the City Manager and Director of Public Services; to accept the donation of five (5) wooden benches and trash receptacles from the Quarton Lake Estates Association; to authorize the Department of Public Services to purchase and install the receptacles and benches; to obtain and mount appropriate brass plaques to recognize the donation; and to bill the Quarton Lake Neighborhood Association for the purchases.

Commissioner Judd asked the feasibility of purchasing benches made out of recycled material.

Mr. Donald Carney, President of the Quarton Lake Neighborhood Association, stated that they were unaware of benches made of recycled materials.

The Director of Public Services advised that the benches would be available; however, they would not be as attractive as the ones chosen by the association.

Commissioner Siewert suggested that the City purchase one of the benches to be placed in a high traffic area.

VOTE: Yeas, 7 Nays, None

Mr. Carney presented the Mayor with a check in the amount of \$2,508 for the purchase of these benches and receptacles.



8:34

9-637-90: REQUEST FOR MONUMENT IN GREENWOOD CEMETERY Report received from the City Clerk regarding a request from Mr. Phillip Stenger to install a raised monument on his parents' graves in the flush memorial section of Greenwood Cemetery.

The Director of Public Services stated that the cemetery rules and regulations were adopted by the City Commission in 1971 and they could be changed; however, he did indicate that it may cause problems since other people have already placed flush markers in that section when they may have preferred to install one above ground.

Mr. Stenger addressed the Commission regarding his request and asked that he be granted a variance, or, if this is not feasible, the Commission change the policy.

No action taken.

8:43

9-638-90: REAPPOINTMENTS TO THE ADVISORY PARKING COMMITTEE MOTION: Motion by Lanzetta, supported by Siewert: To reappoint Lawrence Moss James Perhody and Joseph Binged to the Advisory Public

To reappoint Lawrence Moss, James Peabody and Joseph Rivard to the Advisory Parking Committee for three-year terms to expire September 4, 1993.

VOTE: Yeas, 7 Nays, None

8:44

9-639-90: THOMAS FAYLOR RE: CABLE TV

Communication dated September 6, 1990, received from Thomas Faylor, 592 Frank Street, expressing concern with audio transmission of City Commission meetings.

Commissioner Siewert referred to a memo from the City Manager which suggests that people wishing to address the Commission be asked to step up to the microphone. It was also suggested that a microphone be placed at the back of the room as well.

-5-

Mr. Faylor's letter was referred to the Cablecasting Board.

9/24/00

- 1433-71 -

Report received from the City Manager and Superintendent of the Department of Parks and Recreation, recommending a revision of Greenwood Cemetery procedures and regulations; the major changes being:

1. The inclusion of a definition section,

2. Clarification of maintenance practices, and

3. The requirement that in all adult interments the casket be enclosed in a permanent, outside vault.

The report included a recommendation that following the removal or modification of the President's Wage and Price Freeze, there be an adjustment of rates and charges for services of the Cemetery.

- 1434-71 -

Moved by Commissioner Keily,

Seconded by Commissioner Moxley, that Resolution #480-65, be rescinded and that the following regulations be approved and adopted:

CITY OF BIRMINGHAM

GREENWOOD CEMETERY OPERATIONAL PROCEDURES, CONDITIONS AND REGULATIONS

DEFINITIONS:

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The following words and phrases, when used, the following sections shall, for the purposes of these sections, have the meanings respectively ascribed to them, except in those instances where the context clearly indicates a different meaning.

- a. "Cemetery" shall mean Greenwood Cemetery.
- b. "Superintendent" shall mean the Superintendent of Parks and Recreation and any subordinate designated by him.
- c. "Marker" shall mean a stone or object denoting the location of a grave and which does not exceed eighteen (18) inches in height, sixteen (16) inches in width, and twenty-four (24) inches in length.
- d. "Monument" shall denote a memorial stone or object of a size in excess of that of a marker.
- e. "Permanent outside container" shall be a container which encloses a casket. The following are considered permanent outside containers: Concrete boxes; concrete, copper or steel burial vaults.
- f. "Department" shall mean, Department of Parks and Recreation.

- XI -

CONDUCT OF PERSONS

Every person entering the cemetery shall be responsible for any damage caused by such person while within the cemetery. No person under eighteen years of age shall enter the cemetery grounds unless accompanied by an adult responsible for his conduct, or unless permission has been granted by the Superintendent.

No person shall:

- a. Enter the cemetery except through an established gate, and only during the hours from 8:00 a.m. to sundown.
- b. Deposit or leave rubbish and debris on any part of the cemetery grounds.
- c. Pick, mutilate, remove, or destroy any living plants or parts thereof, whether wild or domestic, on the cemetery grounds, except in the work of maintenance by the City employees.
- d. Break, injure, remove, or deface any monument or marker on the cemetery grounds.
- e. Bring any dog or animal into the cemetery grounds, except by permission of the Superintendent.
- f: Bring or discharge any firearm on the cemetery grounds, except in the conduct of military funerals.
- g. Carry any refreshments or intoxicants into the cemetery grounds, or consume such while in the cemetery.
- h. Use any form of advertising on cemetery grounds.
- i. Conduct himself in any other than a quiet and respectful manner while on the cemetery grounds.

TRAFFIC REGULATIONS

All traffic laws of the City of Birmingham that are applicable to the operation of vehicles in cemeteries shall be strictly observed. Every person driving a vehicle into the cemetery shall be responsible for any damage caused by such vehicle.

No person shall:

- a. Drive a vehicle within the cemetery at a speed in excess of ten (10) miles per hour.
- b. Drive or park a vehicle on other than established driveways except for the purpose of maintenance or construction.
- c. Turn a vehicle around within the cemetery except by following established driveways.
- d. Use a cemetery driveway as a public thoroughfare.

- XII -

MAINTENANCE AND PERPETUAL CARE

The City shall be responsible for the maintenance and repair of the driveways, buildings, water system and fences. The City shall also cut and maintain the grass areas, rake the leaves, trim and remove trees and shrubs, apply fertilizer as necessary, and in general maintain the cemetery as a place of natural beauty devoted to the burial of the dead.

Special services performed at a property owner's request, such as planting of trees, shrubs or flowers, resodding, painting or repairing privately owned benches or urns and similar work will be performed at the property owner's expense by the City at regular rates established by the City.

The City shall not be responsible for any special care of any particular section, lot or burial space or for the maintenance or repair of any monument, marker or planting placed by the owner. The City shall not contract or agree to give special care to any section, lot or burial space except as above provided.

The obligations of the City as herein set forth may, from time to time, be modified by the Birmingham City Commission.

OPERATIONAL REGULATIONS ·

The following operational regulations shall apply to all areas within the cemetery:

- a. Corners of all lots will be marked by the City with permanent markers set flush with the ground surface, and these shall not be disturbed.
- b. The erection of any fence, railing, wall, coping, curbing, trellis, or embankment, or the planting of any hedge, on any lot or grave is prohibited. No cutting of paths shall be permitted.
- c. The City shall have the right to remove from any lot any objects, including trees and shrubs and flower pots, that, in the opinion of the Superintendent are injurious to the appearance of the cemetery.
- d: Ironwork, seats, vases, and urns shall be allowed on lots, providing that the same shall be kept in good repair and well painted. If not kept in good repair and painted, the Superintendent shall have power and authority to remove same from cemetery, and shall not be liable for any such removal.
- e. Urns of iron or granite for the planting of flowers will be removed from lots and put in storage if not filled by July 1st. Urns so removed will be sold for cartage and storage charges, or destroyed, if not claimed within a period of one year.
- f: No person shall plant, cut down, remove, or trim any tree, shrub, or plant within the cemetery except by permission of the Superintendent, or a person authorized by him to act in his stead in matters pertaining to the cemetery.

- XIII -

g. The planting of flowers on any lot, or otherwise disturbing the sod, shall release the City from all obligation to resod without extra charge therefore. The planting of spirea, rosebushes, peonies, or shrubs that grow over three feet in height, will not be permitted.

h. As soon as flowers, floral pieces, potted plants, artificial flowers, flags, emblems, etc., used at funerals or placed on graves at other times, become unsightly or faded, they will be removed, and no responsibility for their protection will be assumed.

i. The Superintendent reserves the right to remove from beds, graves, vases, urns, or other containers, all flowers, potted plants, or other decorations, that are set out and then not kept properly watered, trimmed and free from weeds, and to do so as soon as they become objectionable.

MONUMENTS, GRAVE MARKERS AND FOUNDATIONS FOR SAME

Monuments will be permitted only on lots having 90 or more square feet of area under one ownership. No more than one monument shall be erected on any lot.

The erection of all monuments and markers shall be subject to the following conditions:

- a. Each monument or marker shall be supported on a concrete foundation not smaller than the base of the monument or marker it supports and not less than forty-two (42) inches deep below ground surface. Such foundation shall be constructed only by the City after payment therefor has been made. Monument and marker foundations will be constructed twice each year. Requests received prior to Memorial Day. Requests received at a later date will be accomplished. Requests received after October 15, will be held until the following May.
- b. No monument or marker shall be placed closer to the boundary of any lot than one (1) foot therefrom.
- c. Markers shall not exceed 1-1/2 feet in height and shall have a minimum horizontal dimension at the base of not less than half of the height. All markers shall be in one piece, and shall be dressed on the bottom at right angles to the verticle axis. These measurements do not apply to government issue markers.
- d. Designs for monuments or markers must be submitted to the Superintendent or to a person designated by him to act in his stead, when application is made for construction of foundations.
- e. No monument or marker of artificial stone, sandstone, limestone, or soapstone will be permitted.

- XIV -

f. All contractors and workmen engaged in setting monuments shall be under the supervision of the Superintendent or a person designated by him, and they will be held responsible for any damage resulting from their negligence or carelessness. No work of setting monuments or markers shall be started that cannot be completed, including the cleaning up and removal of debris, by the time of cessation of work on the Saturday (or May 29th) following the start of such work.

FLUSH MEMORIAL SECTION - F NORTH ONLY

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- a. No plantings, structures, or flower receptacles (except as otherwise noted) shall be placed or constructed by anyone other than employees of the Department of Parks and Recreation in the area of Greenwood Cemetery designated as the "Flush Memorial Section".
- b. Such plantings as may be installed by the Department of Parks and Recreation employees shall be limited to areas set aside for that purpose.
- c. Bronze or granite markers only, set flush with the turf, will be permitted in this section. No structures which would extend above the ground level shall be permitted.
- d. Cut flower receptacles of metal or other durable material will be permitted only when installed flush with the ground level.

FUNERALS AND INTERMENTS

No lot or burial space shall be used for any purpose other than the interment of human remains and the erection of appropriate memorials to the dead.

In all adult interments, the casket shall be enclosed in a permanent outside containers and shall be installed by the funeral director or vault company.

All funerals within the cemetery shall be under the supervision of the Department. No burials are to be made on Sunday or legal holidays, except by permission of the City Manager or by a person authorized by him to act in his stead.

The Department must be notified through the City Clerk, of the time and exact location of proposed interments in time to allow not less than ten (10) hours of daylight to prepare the grave.

Department personnel will provide opening and closing of grave, initial and periodic maintenance only, and will not be responsible for handling and lowering vault or casket. Tents, lowering devices and other materials shall be furnished by the funeral director or vault company.

No grave shall be dug closer than six (6) inches from the line of any lot.

No interment shall be made in Greenwood Cemetery until a proper burial permit has been issued, and until all other legally

10-18-71

. .

required permits have been issued by, and filed with, the proper authorities.

Interments of the remains of any persons other than the owner or an immediate member of his family will be permitted only after the written consent of the owner or the owner's authorized agent has been filed with the City Clerk. In case of a minor being the owner, the guardian may give consent upon proof of this authority to act.

Disinterment shall not be made without first obtaining a permit for the removal from the local health officer of Oakland County. Such request for removal is to be made upon such forms as may be provided, and shall include such information as may be required, by the local health officer.

SCHEDULE OF FEES AND CHARGES

Fees and charges are as recorded in the City Code

SINGLE GRAVES

Single grave spaces may be secured in sections set aside for that purpose. In these sections, there shall be no choice of location or reservation for future use, as spaces must be filled in regular order.

The following burial spaces are hereby set aside for sale as single graves:

SECTION H, Lots 6, 31, 32, 33 and 34.

SECTION IV

The following burial spaces are hereby set aside for the interment of destitute residents of Birmingham:

SECTION G, Lot 24, SECTION H, Lots B, C, G, CC, DD, and W. In these lots the burial spaces shall be filled in order of use.

Yeas: - 7 Nays: - 0

- 1435-71 -

Report received from the City Manager and Chief of Police describing types of bicycle racks that could be provided in the uptown area, and recommending the installation of a select number of bicycle racks, strategically located in the uptown area.:

Locations suggested were the northwest corner of Martin and Pierce and the northwest corner of Martin and Henrietta.

Mrs. Dorothy Conrad from the audience, directed attention to the bicycle traffic on Hamilton near an ice cream parlor, and suggested a rack in that location.

- 1436-71 -

Moved by Commissioner Dorsey, Seconded by Commissioner Kelly, that the concept of installation of bicycle racks in the Central Business District

- XVI -

Attachment 7

VI. MONUMENTS, GRAVE MARKERS AND FOUNDATIONS

MONUMENTS

Monuments will be permitted only on two adjoining side by side graves under one ownership. No more than one monument shall be erected on any lot.

The erection of all monuments shall be subject to the following conditions:

- a. Each monument shall be supported on a concrete foundation not smaller than the base of the monument it supports. Such foundation shall be constructed only by the City or its designated contractor after payment therefore has been made. Foundations will be installed April to November, weather dependent, as determined by the Superintendent. Requests received after November 1st will be held until conditions allow for installation.
- b. Designs for monuments must be submitted to the Superintendent or to a person designated by him/her to act in his/her stead, when application is made for construction of foundations. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial.
- c. No monument of artificial stone, sandstone, limestone, or soapstone will be permitted.
- d. All contractors and workers engaged in setting monuments shall be under the supervision of the Superintendent or a person designated by him/her, and they will be held responsible for any damage resulting from their negligence or carelessness. No work of setting monuments shall be started that cannot be completed by the end of the day following the start of such work.
- e. No monuments shall be allowed in the flush sections.

MARKERS

- a. Markers shall not exceed 1 ½ feet in height and shall have a minimum horizontal dimension at the base of not less than half of the height. All markers shall be in one piece, and shall be dressed on the bottom at right angles to the vertical axis. These measurements do not apply to government issue markers.
- b. Individual markers can be sod set without a concrete foundation.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

FLUSH MEMORIAL SECTION - F-NORTH ONLY

- a. No structures shall be placed or constructed by anyone other than employees of the City or its designated contractor in the area of Greenwood Cemetery designated as the "Flush Memorial Section".
- b. Bronze or granite markers only, set flush with the turf, will be permitted in this section. No structures which would extend above the ground level shall be permitted.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

FLUSH MEMORIAL SECTION – AREAS PLOTTED AFTER JANUARY 1, 2015

- a. On grave spaces in Sections B, C, D, K, L, and O, all memorials on new lots plotted after January 1, 2015, must be installed at lawn level. Memorials can be individual markers measuring 24" x 12" x 4" or 16" x 24" x 4" or companion memorials over two (2) graves measuring 48" x 12" x 4".
- b. The memorials must be made of acceptable bronze or granite material and set at lawn level.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st unless weather permits.

VII. FUNERALS, INTERMENTS AND DISINTERMENTS

INTERMENTS

No lot or burial space shall be used for any purpose other than the interment of human remains and the erection of appropriate memorials to the dead.

No interment shall be made in Greenwood Cemetery until a proper burial permit has been issued, and until all other legally required permits have been issued by, and filed with, the proper authorities.

City personnel, or its designated contractor, will provide opening and closing of grave, initial and periodic maintenance only, and will not be responsible for handling and lowering vaults or caskets. Tents, lowering devices and other materials shall be furnished by the funeral director or vault company.

No grave shall be dug closer than six (6) inches from the line of any lot.



Paul & Jan Robertson 779 S. Bates Birmingham, MI 48009

Our records indicate that you own a grave or graves in Section F North of Greenwood Cemetery in the City of Birmingham. The City is considering a policy change to potentially allow for the installation of raised headstones in Section F North. As the City considers this change, it would welcome your input on this matter.

Our office is contacting you to determine your level of interest in replacing a current flush marker, if already installed, with an upright marker in the future. Alternatively, if you have not yet utilized your space(s), would you be interested in an upright marker rather than the current flush marker now permitted?

Please indicate your preference below and return to the City of Birmingham Clerk's Office in the enclosed, postage-paid envelope by March 20, 2017.

If you have any questions, please contact the Clerk's Office at 248-530-1880 or <u>carft@bhamgov.org</u>.

Thank you for your participation in this survey.

City of Birmingham Clerk's Office

Yes, I would prefer to install an upright marker on my grave(s) currently or in the future.

Date projection hold begins being real to provide a provident of the pr

Authorized signature



Nancy Barkley 117 Crane Ct. Aiken, SC 29803

Our records indicate that you own a grave or graves in Section F North of Greenwood Cemetery in the City of Birmingham. The City is considering a policy change to potentially allow for the installation of raised headstones in Section F North. As the City considers this change, it would welcome your input on this matter.

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City of Birmingham Clerk's Office

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Yes, I would prefer to install an upright marker on my grave(s) currently or in the future.

No, I would not install an upright marker on my grave(s) currently or in the future. Manual Bahley 3/14/17

Authorized signature



Gerald C. Timmis III 830 Bates Birmingham, MI 48009

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City of Birmingham Clerk's Office

Yes, I would prefer to install an upright marker on my grave(s) currently or in the future.

_____ No, I would not install an upright marker on my grave(s) currently or in the future.

Authorized signature



Ruth Roberts 763 W. Maple Rd Birmingham, MI 48009

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City of Birmingham Clerk's Office

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No, I would not install an upright marker on my grave(s) currently or in the future.

uth Roberts

Authorized signature Date

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001 (248) 530-1800 • Fax (248) 530-1080 • www.bhamgov.org



Patrick Lynch 4525 Charing Cross Bloomfield Hills, MI 48304

Our records indicate that you own a grave or graves in Section F North of Greenwood Cemetery in the City of Birmingham. The City is considering a policy change to potentially allow for the installation of raised headstones in Section F North. As the City considers this change, it would welcome your input on this matter.

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City of Birmingham Clerk's Office

Yes, I would prefer to install an upright marker on my grave(s) currently or in the future. Sachara aures

No, I would not install an upright marker on my grave(s) currently or in the future.

Date

Authorized signature



Guy DiPlacido 726 Lakeside Birmingham, MI 48009

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Thank you for your participation in this survey.

City of Birmingham Clerk's Office

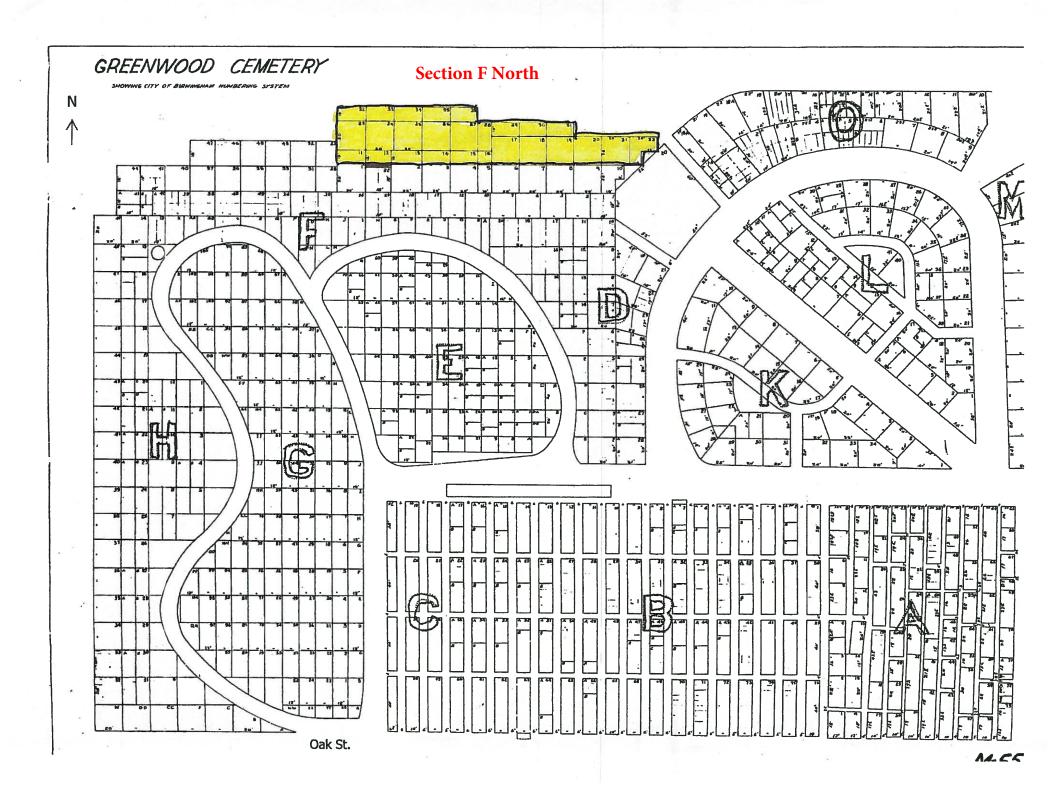
_ Yes, I would prefer to install an upright marker on my grave(s) currently or in the future.

No, I would not install an upright marker on my grave(s) currently or in the future.

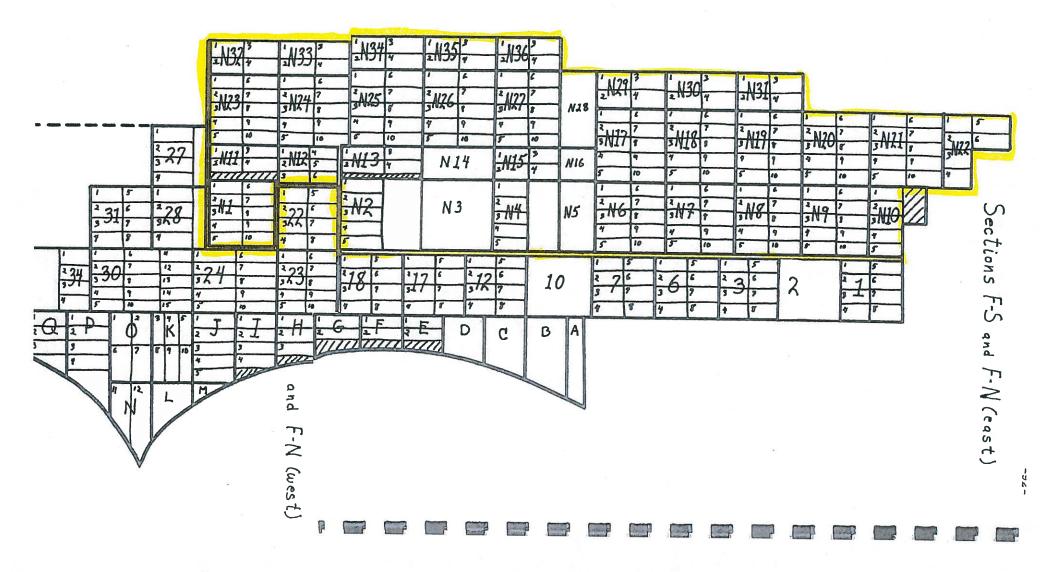
Date Authorized signature

 151 Martin Street
 P.O. Box 3001
 Birmingham, MI 48012-3001

 (248) 530-1800
 Fax (248) 530-1080
 www.bhamgov.org



Section F North outline



City of	Birmingham	MEMORANDUM
		City Clerk's Office
DATE:	March 20, 2017	
TO:	Joseph A. Valentine, City Manager	
FROM:	Cheryl Arft, Acting City Clerk	
SUBJECT:	Greenwood Cemetery Advisory Boa	rd Action List

In July 2016, the GCAB Annual Report was presented to the City Commission. One of the requests to come out of the Commission meeting, was for the GCAB to develop an Action List in the Board's priority order, then present the list to the City Commission for its review and determination of each item in priority order.

On September 2, 2016, the GCAB met and discussed the Action list. The Action list below was adopted by the GCAB on September 2, 2016.

- 1. To recommend an RFP for GPR services be issued for the entire cemetery to develop a map of all known burial sites
- 2. To digitize the burial records

1

- 3. To recommend an RFP for a Master Plan and map for Greenwood Cemetery
- 4. To research and set up at Friends of Greenwood Cemetery 501(c)(3)
- 5. To review the Cemetery regulations regarding potential sale of a grave back to the City that was purchased prior to October, 2014
- 6 a. To contact owners whose records reflect no burials in the last fifty years to determine if they wish to sell graves back to the City
- 6 b. To commence reclamation and review records every ten years
- 7. To recommend that the City of Birmingham review the Greenwood Cemetery Management Agreement
- 8. To develop a donor program for improvements specific to and appropriate to the cemetery
- 9. To continue to review the Cemetery regulations
- 10. To investigate the feasibility of installing columbaria for the inurnment of cremated remains

At the Board's October 14, 2016 meeting, the Board reviewed the Action List again, and a suggestion was made to add a map of the Cemetery to Item #3. The Board adopted the Action List as amended, and requested it be presented to the City Commission for its review.

SUGGESTED RESOLUTION:

To accept the proposed Greenwood Cemetery Advisory Board's Action List as presented:

 To accept the proposed Greenwood Cemetery Advisory Board's Action List, with the following revisions:

1. _____; 2. _____;

Absent, None

07-226-16 GREENWOOD CEMETERY ADVISORY BOARD 2015 ANNUAL REPORT & GREENWOOD CEMETERY CONTRACT UPDATE

The Commission received the Greenwood Cemetery Advisory Board 2015 Annual Report and the Greenwood Cemetery Report/Contractor Update submitted by City Clerk Pierce.

City Clerk Pierce presented the 2015 Greenwood Cemetery Advisory Board (GCAB) Annual Report. Ms. Pierce explained that the GCAB addressed three major items in 2015 which include space availability and the sale of graves, ground penetrating radar, and updating the rules and regulations. She explained that 103 graves were sold in 2015, 44 of which were sold in Sections B & C. Once 200 graves are sold in Sections B & C, the GCAB will discuss whether to continue selling graves in those sections and a recommendation will be given to the Commission. Ms. Pierce presented the financial information from the sale of the newly designated graves.

Commissioner DeWeese suggested including a breakdown of where the non-residents are from who have purchased graves and whether they are former residents or have some connection with the City. He requested an update on Public Act 13 in terms of the perpetual care fund and maintaining historical markers.

Commissioner Bordman suggested the contractor is responsible for the upkeep in the cemetery and that repair should be borne by the contractor. City Manager Valentine explained that the structural maintenance of the cemetery still resides with the City. He explained that the perpetual care fund will effectively be used as the source of funding for the ongoing care and maintenance in the future once significant principal is established in that fund. He stated that the contractor handling the headstones was not part of the contract.

Commissioner DeWeese suggested the GCAB consider recommending steps to make a Friends of Greenwood Cemetery 501c(3) that could be used as a fundraising and support arm similar to the library and museum.

Finance Director Gerber explained that Public Act 13 allows cities to invest some of the cemetery perpetual care funds in mutual funds. The requirement in the Act is that the mutual fund be rated in the top two tiers of a nationally recognized mutual fund rating agency and no more than 60% of the funds fund balance can be invested in equity securities. He cautioned that as with any investment in the market, there is a potential for market loss. The way the City currently invests its funds is very secure, but does limit the interest income.

Mr. Valentine pointed out that the Finance Director is working on developing a policy to allow for this more risky type of investment. The policy will be presented to the Commission with parameters in place by which the City manages its funds.

Mayor Hoff stated that reclamation is a way of getting grave sites that no one is ever going to use and do not know they even have in their family. It is a research and <u>data</u> date information process. Mr. Valentine explained that, to alleviate the concern of the grave owners, there was no direction given by the Commission to proceed with reclamation. It was rather to proceed with the spaces available existing in the cemetery.

Commissioner Bordman expressed support of starting the process to discover how many spaces have not been used in a number of decades and proceeding to inquire, not take, but inquire of any family members whether those spaces are ever going to be used. If the answer is no, they could sell them back to the City for the going rate instead of creating new spaces.

Commissioner Sherman explained the discussion held by the former Commission regarding reclamation and the concern from individuals who had plots within the cemetery. He pointed out that there is space available in the cemetery and reclamation is not a pressing need.

Commissioner Harris agreed with the Commission's decision in August and expressed support of the status quo. Wait to see if there is a demand, then balance it against the concern with reclamation. He commented that the figures are low and show a potential lack of demand.

Darlene Gehringer, chairperson of the GCAB, expressed concern with the payment plan and noted that the payment plan is not part of the contract. <u>She commented that Elmwood has been offering this payment plan without knowledge or approval by the GCAB or by the City Commission and a payment plan is not part of the contract.</u>

<u>Ms. Gehringer</u> She also expressed concern with the Lot Resale Policy where the City pays 100% of the repurchase price. She commented that if a lot is sold at \$3,000 and the owner wants to sell the grave, it is not available to sell on the open market. That has been changed by the City Commission. The City will repurchase the grave for \$1,500 and then the City can resell it again for \$3,000. The contractor is getting 25% on both sales, but they are not paying 25% on the repurchase price. She stated that she thinks the contractor should pay. If you are sharing in the profits, you should share in the cost and the loss as well. She stated that the contractor should share in that as well. She recommended that this be reviewed and noted it is up to the Commission's discretion what to do with it.

<u>Ms. Gehringer She</u> noted that the Board has requested <u>an RFP for ground penetrating radar be</u> done on the entire cemetery which would help in the reclamation process. <u>and part of that is to</u> <u>identify perhaps what looks likes an empty grave, but may actually have remains from the early</u> <u>1800's or an unidentified grave. She stated that she is in favor of the reclamation process. She</u> stated that the reclamation process has changed so it is less than a year now. <u>She stated that</u> the reclamation process does not take seven years. It has been changed and can take less than a year. She suggested we might give it a little bit longer to let people respond, but it no longer legally takes seven years to do a reclamation process.

<u>Commissioner Boutros questioned how Ms. Gehringer obtained that information. Ms. Gehringer</u> responded that the information came from Mr. Stern who is very knowledgeable with cemetery procedures. She explained that in her opinion, the initial part is to go through ground penetrating radar to make sure what we think is an empty grave is in fact an empty grave, then proceed from there.

Ms. Pierce explained that the ground penetrating radar request is planned to be presented in the 2017-18 budget year. She explained the payment plan and noted that the City Attorney reviewed the contract and the rules and regulations and found that neither speak to the methodology of sale. Ms. Pierce explained the Lot Resale Policy only addresses graves sold after October 1, 2014. If someone owned a grave prior to that date, they could sell it privately.

George Stern, resident & GCAB member, expressed concern with the payment plan. He suggested the Commission ask the GCAB to discuss whether the City should have a regulation permitting the payment of graves over time, should it include interest, and a time limit for payment. He expressed concern with the location of the newly designated graves and suggested the Commission ask the GCAB to revisit this regulation. He stated that the City is doing a disservice to its residents by offering this precious and rare commodity, the graves at the cemetery, to non-residents at the same enticing prices as offered to residents. He suggested the possibility of not selling graves to non-residents. Mr. Stern suggested the Commission move to adopt Public Act 13 speedily. He encouraged the Commission to move forward with reclamation under Public Act 215.

City Attorney Currier explained that the courts have ruled that one cannot exclude nonresidents. He explained that the cemetery is not supported by taxes, therefore the ability to have a differential in fees is not there.

City Clerk Pierce presented the Greenwood Cemetery Update/Contractor Update. She explained that the City entered into an agreement with the Historic Elmwood Cemetery for Cemetery Management Services in 2013. She pointed out that the care, maintenance, and operation of the Cemetery remain under the supervision and control of the City Manager. Ms. Pierce presented a breakdown of the responsibilities of the City before and after the contract and the contractor's current responsibilities. She presented the financial information since the inception of the contract as well. She noted that the labor costs are not tracked separately by the City and the Contractor.

Ms. Pierce explained the Grave Interest List and the process used by the contractor to contact the individuals on that list. She explained that a payment plan is offered by the contractor. She pointed out that once the payment plan is fulfilled, the City will receive its 75% portion of the sale. Burials cannot occur until the payment plan is paid in full.

Commissioner Harris commented on the pace of the contractor contacting individuals on the Grave Interest List. He stated that it seems like a slow and inefficient pace.

Commissioner DeWeese stated that he would like to see a more comprehensive review of all the costs and revenues for the contractor that are associated with the cemetery.

In response to a question from Commissioner Bordman regarding monuments and gravestones, Kevin Desmond, GCAB member, explained that the contractor, any funeral home, and any independent monument dealer could sell monuments and markers. He further explained that the contractor does not sell caskets, vaults or flowers.

Mr. Desmond encouraged the Commission to focus on the fact that new graves would not be available without the contractor. The contractor has mapped out the new spaces and met with the families. It has created a situation for the income to be coming to the City for the creation of the Perpetual Care fund. The cemetery is being managed and the residents are being served at an exceptional level and better than when the City itself was managing it.

George Stern stated that the Community Foundation for Southeast Michigan has a negative return and you can never get the money back and never borrow from it. He commented on his opinion of the contractor's financial information.

Commissioner DeWeese suggested the GCAB create a possible action list for the Commission to review to prioritize some of the different issues. The Commission can make the judgement and prioritize the list.

07-227-16 CURRENT PLANNING ISSUES DISCUSSION

The Commission agreed to postpone the current Planning issues for discussion to the next meeting.

07-228-16 2017 CITY COMMISSION MEETING SCHEDULE

MOTION: Motion by Sherman, seconded by DeWeese:

To approve the proposed schedule of regular City Commission meetings for 2017.

VOTE: Yeas, 7 Nays, None Absent, None

VII. REMOVED FROM CONSENT AGENDA

07-229-16 MINUTES OF JUNE 27, 2016

Commissioner Sherman requested additional information be added to the minutes regarding the 404 Park discussion. The Commission agreed to return this item to the next meeting.

07-230-16 INFORMATION TECHNOLOGY SERVICES AGREEMENT WITH LOGICALIS

Mayor Hoff questioned when the IT Director position would be filled. HR Manager Taylor explained that the City wants to look at the performance of the contractor first.

MOTION: Motion by DeWeese, seconded by Sherman:

To approve a 12-month service agreement with Logicalis, Inc. for City Information Technology services. Further, directing the City Manager to sign the agreement on behalf of the City.

VOTE: Yeas, 7 Nays, None Absent, None

07-231-16 SKATING DIRECTOR CONTRACT

Commissioner Hoff noted that the contract stated the position is an interim skating director. DPS Director Wood confirmed that agreement will be modified to remove "interim".

Ms. Wood confirmed for Mayor Hoff that there will be two contractual positions – the Ice Show Manager and the skating director.

MOTION: Motion by DeWeese, seconded by Nickita:

To approve the Contract for Skating Director with Jill Kolaitis effective July 12, 2016 up to and including May 26, 2017 as corrected. Further, to authorize the Mayor and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.

VOTE:	Yeas, 7
	Nays, None
	Absent, None

City of B	Sirmingham	MEMORANDUM
		City Clerk's Office
DATE:	August 29, 2016	
то:	Greenwood Cemetery Advisory Board	d
FROM:	Laura M. Pierce, City Clerk	
SUBJECT:	Creation of a GCAB Action List	

The 2016 Annual Report and the Status Update on Cemetery Management Services Agreement with Historic Elmwood Cemetery were presented to the City Commission on July 11, 2016. The Commission discussed both reports and recommended the GCAB create an action list for the City Commission to review. The minutes are attached for your reference.

Several comments were made during the discussion on July 11, 2016 that required clarification. A supplemental report was submitted to the City Commission on July 25th. The supplemental report and minutes are attached for your reference.

ACTION LIST

1

The current 2016 goals are listed below with an update on the status of each goal. The Board should discuss each goal and create an action list in priority order. The Board could include additional "action" items as well.

At the July 11th Commission meeting, it was also suggested that the Board consider the feasibility of setting up a "Friends of Greenwood Cemetery" 501(c)(3) for fundraising purposes and to discuss the potential situation of a grave owner who purchased their grave from a private sale prior to October, 2014 and now wants to sell it back to the City. These items could be added to the Action List. The Board should also consider adding to the Action List to include the payment plan in the Rules and Regulations.

<u>OBJECTIVE</u>

The purpose of the discussion today is to establish the GCAB Action List, not discuss the details of each item. Once the Action List has been established, it will be sent to the City Commission to determine the priority of each item. Each item from the Action List will then be presented to the GCAB, in order of priority, for action by the Board at the upcoming GCAB meetings.

Order of Priority	Greenwood Cemetery Advisory Board 2016 GOALS As approved by the GCAB on February 5, 2016	STATUS
1	To recommend an RFP for GPR services be issued for the entire cemetery to develop a map of all known burial sites	12/4/15 MOTION: To request a RFP for Ground Penetrating Radar services for the entire cemetery, except for those areas already performed by Elmwood, with any sensitive information redacted before public release.
		UPDATE: A request for funding will be submitted to the City Manager for Fiscal Year 17-18.
2	To investigate the feasibility of installing columbaria for the inurnment of cremated remains	See Goal #5 12/4/15 MOTION: To request the City Commission authorize a Request for Proposal to guide the cemetery board in the development of a master plan for columbarium options.
		UPDATE: Two quotes received, waiting for a third quote. A request for funding will be submitted to the City Manager for Fiscal Year 17-18.
3	To develop a donor program for improvements specific to and appropriate to the cemetery	4/1/16 MOTION: To recommend that the City Manager and City Attorney review the Greenwood Cemetery Donor Recognition Program as amended.
		UPDATE: A request will be submitted to the City Manager to review the Donor Recognition Program and for authorization for the City Attorney to do the same.
4	To digitize the burial records	In progress
5	To recommend an RFP for a Master Plan for Greenwood Cemetery	See Goal #3 12/4/15 MOTION: To request the City Commission authorize a Request for Proposal to guide the cemetery board in the development of a master plan for columbarium options.
		UPDATE: Two quotes received, waiting for a third quote. A request for funding will be submitted to the City Manager for Fiscal Year 17-18.
6	To recommend that the City of Birmingham review the Greenwood Cemetery Management Agreement	
7	To contact owners whose records reflect no burials in the last fifty years to determine if they wish to sell graves back to the City	

8	To commence reclamation and review records every ten years	
9	To continue to review the cemetery regulations	

SUGGESTED RESOLUTION:

To adopt the Greenwood Cemetery Advisory Board "Action List" as stated below and to recommend the GCAB Action List be submitted to the City Commission for review.

Order of Priority	GREENWOOD CEMETERY ADVISORY BOARD ACTION LIST As approved by the GCAB on
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

To deny the current request of Dr. Warr for an exception to the current rules and regulations.

Ms. Buchanan asked if it could be revisited. Ms. Schreiner said yes.

Ms. Pierce asked for clarification as to what information would have to come back to the board if Dr. Warr wanted to resubmit, such as look, size, and location details of the monument. Ms. Schreiner said we would need more information in terms of those items. Ms. Gehringer noted there are limitations on height and orientation.

Ms. Gehringer reminded the board that part of our stipulation in approving the newly designated graves was that they had flat markers and that there were to be no monuments.

VOTE: Yeas: 6 Nays: None Absent: 1 (Desmond)

B. Creation of a GCAB Action List

Ms. Gehringer commented that some of the items that are not completed at the meetings are left off Unfinished Business, such as the item that Mr. Stern would like to discuss. The staff was to bring before the City Commission a request to adopt P.A. 13 which would allow investment of Perpetual Care funds in funds other than those prescribed under P.A. 46. He <u>Mr. Stern</u> requested a status report of whether or not staff presented it to the commission and what the results were.

Ms. Gehringer questioned the status of the Donation Policy. Ms. Pierce explained that the Donor Policy will be submitted this afternoon to the City Manager along with the Board's funding requests for GPR and the Master Plan RFP. Relative to the investment policy, that was presented noted to the Commission at the July 25th meeting by the Finance Director Gerber. Mr. Stern asked for the outcome. Ms. Pierce said Mr. Gerber is working on the policy at this time. Ms. Pierce said she will let the Board know the current status.

Mr. Stern asked for an update on the City Commission's action on installment sales approval. Ms. Pierce noted that the Commission had asked for an action list from this board, and intends to include that topic on the list. He asked if Ms. Pierce had questioned the contractor that it may not make installment sales. Ms. Schreiner said that the contractor is not prohibited from making installment sales by the contract, unlike the monument issue, which is prohibited.

Ms. Gehringer said the new commissioners are not fully aware of the history of this, and some of the commissioners think that contract needs to be revisited and things such as payment plans would be specifically included or excluded. She continued saying that the commissioners did not have a problem with a payment plan, but that the contract needed to be reviewed and the board make a recommendation. She feels that part of the action list to be developed is the review of the contract. She suggested that the board divide the contract into sections for review. The current contract, is in effect for unless revised or cancelled, has seven years and could be amended remaining until completion.

Ms. Pierce explained the process that will be followed is to develop a list to be approved by the board and present it to the Commission for review. Ms. Pierce said the goal list will become the action list.

Ms. Buchanan stated she is very much against a columbarium. She said we have no money to build one, and the public feedback she has received is negative as far as buildings being erected in the cemetery. She contacted several local municipal cemeteries which are old, and none have a columbarium. She would like the columbarium discussion placed low on the action list, or removed.

Mr. Stern attended an architect's program in which above ground burials can be built into architectural features which enhance historical cemeteries.

A discussion began of the action list and suggestions.

- Ground Penetrating Radar 1.
- 2. Digitizing records
- 3. Master plan (cemetery map/sign)
- Friends of Greenwood Cemetery 4.
- 5. Private sale of pre-2014 graves back to the city
- Contact owners whose records reflect no burials in the last 50 years to determine if 6. a. they wish to sell graves back to the city
 - Reclamation b.
- 7. Review cemetery management contract
- Develop donor program (in process) 8.
- 9. Review rules and regulations
- 10. Columbarium

MOTION: Motion by Schreiner, seconded by Suter: To adopt the action plan as recited.

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

MOTION: Motion by Suter, seconded by Stern: To hold an additional meeting on Friday, September 30, 2016 at 8:30 A.M.

VOTF: Yeas: 6 Nays: None Absent: 1, (Desmond)

VI. CONTRACTOR REPORT

Second Quarter Report Α.

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

VIII. BOARD COMMENTS

Ms. Suter asked if it is possible to keep under Unfinished Business everything that we have to do items discussed in the past. Ms. Pierce agreed to include those items on the agenda.

Ms. Gehringer noted that additional meetings could be held on October 14th and November 14th. Ms. Pierce will send out emails to the members regarding the proposed dates.

Mr. Stern expressed concern about not receiving a copy of the comments made by Ms. Gehringer and him that were provided to the City Commission. He was not notified that the comments were going to be discussed by the commission. He stated his opinion that the City Attorney now agrees with him and Ms. Gehringer on reclamation.

Ms. Gehringer requested a better quarterly report from the contractor. Ms. Pierce will now include September 2, 2016

GCAB REPORT 10/14/16

City of	Birmingham	<u>MEMORANDUM</u>
		City Clerk's Office
DATE:	September 26, 2016	
TO:	Greenwood Cemetery Advisory Board	i
FROM:	Laura M. Pierce, City Clerk	
SUBJECT:	Confirmation of a GCAB Action List	

At the September 2, 2016 meeting, the GCAB discussed and adopted the Action List as recited at the meeting.

The Clerk's Office has assembled the list and it is being presented for final review and adoption. Once the Action List has been adopted by the GCAB, it will be sent to the City Commission to determine the priority of each item. Each item from the Action List will then be presented to the GCAB, in order of priority, for action by the Board at the upcoming GCAB meetings.

SUGGESTED RESOLUTION:

1

To adopt the Greenwood Cemetery Advisory Board "Action List" as stated below and to recommend the GCAB Action List be submitted to the City Commission for review.

GREENWOOD CEMETERY ADVISORY BOARD ACTION LIST

1	To recommend an RFP for GPR services be issued for the entire cemetery to develop a map of all known burial sites
2	To digitize the burial records
3	To recommend an RFP for a Master Plan for Greenwood Cemetery
4	To research and set up at Friends of Greenwood Cemetery 501(c)(3)
5	 To review the Cemetery regulations regarding Potential sale of a grave back to the City that was purchased prior to October, 2014

6A	To contact owners whose records reflect no burials in the last fifty years to determine if they wish to sell graves back to the City
6B	To commence reclamation and review records every ten years
7	To recommend that the City of Birmingham review the Greenwood Cemetery Management Agreement
8	To develop a donor program for improvements specific to and appropriate to the cemetery
9	To continue to review the Cemetery regulations
10	To investigate the feasibility of installing columbaria for the inurnment of cremated remains

As adopted by the GCAB on September ____, 2016

GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES FRIDAY, OCTOBER 14, 2016 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

I. CALL TO ORDER

Darlene Gehringer, Chairperson, called the meeting to order at 8:30 AM.

II. ROLL CALL

	*/
Present:	Linda Peterson
	Margaret Suter
	Darlene Gehringer
	Linda Buchanan
	George Stern
Absent:	Kevin Desmond
	Laura Schreiner

III. APPROVAL OF MINUTES

A. Approval of meeting minutes of September 30, 2016

Mr. Stern requested changes to the minutes on page 1, page 2, page 3, and page 4.

Ms. Gehringer asked that the word "Board" be capitalized throughout the minutes.

MOTION: Motion by Suter, seconded by Peterson:

To approve the minutes of the September 30, 2016 meeting, as amended.

VOTE: Yeas, 5 Nays, None Absent, 2 (Desmond, Schreiner)

IV. NEW BUSINESS

A. Final Review of the GCAB Action List

Mr. Stern discussed the lack of Unfinished Business on the agenda. Clerk Pierce noted that Unfinished Business is categorized as Pending Items on this agenda. Ms. Gehringer suggested it be called Unfinished Business.

Mr. Stern said that a report from the Commission, or for that matter, from staff should be discussed as a Board. He referenced the comments directed to him, Ms. Gehringer and Ms. DeWeese during the report presented to the Commission. He said the Board should not ignore the comments.

MOTION: Motion by Stern, seconded by Peterson:

To amend the agenda to include the material sent to us from the Commission meeting on July 11, 2016.

VOTE: Yeas, 5 None, None Absent, 2 (Desmond, Schreiner) Ms. Pierce explained that at the September 2, 2016 meeting, the Board discussed and adopted the Action List. It has been included for a final review by the Board before submitting it to the City Commission.

Chairman Gehringer commented that under Item 3, the Board has to recommend an RFP for a Master Plan for Greenwood Cemetery. She would like to add a map for the cemetery to that item.

Mr. Stern commented that columbaria or above-ground burials in historic cemeteries are often included in low walls that are inclusive. He would not want to encumber someone doing a master plan from thinking about this way of accommodating those people who desire above-ground burial while maintaining the historic appearance and nature of our cemetery.

Ms. Buchanan asked what is being put in the master plan. Ms. Pierce said the recommendation was to request that the City Commission allow for an RFP Master Plan to be issued, so once it is approved, the funding through the budget is approved, and the Board will decide what the RFP will include. Ms. Buchanan confirmed that landscaping could be included.

Ms. Gehringer asked when the east entrance gate would be fixed. Ms. Pierce will contact the Department of Public Service to advise them of the needed repair.

Discussion continued about adding landscaping along the boundary next to the vacant lot. Ms. Gehringer suggested that the Department of Public Service look into the kind of plantings for that area. Ms. Pierce suggested that might be included in the Master Plan RFP. Ms. Pierce explained the City Commission may re-prioritize the Action List items that the Board discusses. Ms. Pierce said the Board will be notified when the City Commission is discussing this.

MOTION: Motion by Buchanan, seconded by Suter:

To ask the Department of Public Services to recommend foliage to be planted on the west side of the cemetery.

VOTE: Yeas, 5 Nays, None Absent, 2 (Desmond, Schreiner)

Mr. Stern explained that one of the reasons the Board suggested a Master Plan is due to the concerns about the river. He suggested that any Master Plan incorporate the river into the plan.

MOTION: Motion by Suter, seconded by Buchanan:

To adopt the Greenwood Cemetery Advisory Board Action List as presented, and with the addition to Item 3 of a map for the cemetery, and request that the Action List be submitted to the City Commission for review.

VOTE: Yeas, 5 Nays, None Absent, 2 (Desmond, Schreiner)

Mr. Stern requested that the Board discuss the Monumark QR code information included in the agenda packet today.

V. PENDING ITEMS

City of	Birmingham	MEMORANDUM
		City Clerk's Office
DATE:	March 20, 2017	
TO:	Joseph A. Valentine, City Manager	
FROM:	Cheryl Arft, Acting City Clerk	
SUBJECT:	Donor Recognition Program for Gr	eenwood Cemetery

One of the Greenwood Cemetery Advisory Board's goals was to develop a Donor Recognition Program for improvements specific to and appropriate to the cemetery.

Using the Parks and Recreation Donor Policy as a guideline, on April 1, 2016, the Board made revisions specific to the Cemetery such as "Donations of amenities are only allowed on City Property" (not on individual graves) and that "Donors will not receive preferential treatment and must adhere to the Greenwood Cemetery Rules and Regulations". The Board suggested donations to the cemetery include amenities to enhance the bucolic nature of the cemetery and provide an environment for peaceful reflection and monetary donations that could be used toward the preservation of historical monuments and markers. The Board recommended that the City Manager and City Attorney review the proposed program.

Subsequent to the Board's approval of the proposed Donor Recognition Program in April 2016, the City Manager and City Attorney reviewed the Greenwood Cemetery Donor Recognition Program as amended. Revisions were made as directed, and Finance Director Mark Gerber was asked to also review the policy. He had no objections to the proposed program.

The GCAB again reviewed the proposed Donor Recognition Program at its December 9, 2016 meeting and approved the program with one change suggested. In Section II (e), the Board added the option for removal of any donated item if deemed necessary by the City. The proposed program is presented to you tonight for consideration.

The "Donation Guidelines" section states that the "donations will be reviewed for appropriateness and compatibility with the Greenwood Cemetery Master Plan." Consideration of a Greenwood Cemetery Master Plan will be included as part of the discussion at the Budget Hearing in April 2017.

SUGGESTED RESOLUTION:

1

To adopt the proposed Greenwood Cemetery Donor Recognition Program as presented.

City of Birmingham Greenwood Cemetery Donor Recognition Program

Thank you for considering Greenwood Cemetery in the City of Birmingham for your donation. We welcome donations from individuals, foundations, non-profit organizations and corporations and look forward to working with you.

The City of Birmingham recognizes that the cemetery is a place of rest for loved ones who have gone before us. Accordingly, the City of Birmingham desires to enhance, protect and preserve the peaceful and historical atmosphere of the cemetery. Therefore, donations for the cemetery will be considered with the support of those goals in mind.

I. DONATION CATEGORIES

The City of Birmingham welcomes donations in several categories including:

- a) The purchase of amenities, replacement, or refurbishment and/or maintenance of benches. Such features must enhance the bucolic nature of the cemetery, and provide an environment for peaceful reflection. Accordingly, such proposed donations will only be considered on a case-by-case basis. Donors should contact the City Clerk at the City of Birmingham to discuss proposed features. Final decisions as to location will be determined by the City of Birmingham.
- b) Monetary donations, such as cash or negotiable securities, will be used toward the preservation of historical monuments and markers. While donors may identify a specific use for the City's consideration, funds may be used to best meet the needs of Greenwood Cemetery by the City of Birmingham.

II. DONATION GUIDELINES

In order to have a consistent donor program, the following guidelines endeavor to address both the needs and resource capabilities of the City of Birmingham and the desire of donors to support Greenwood Cemetery. Donors should contact the City Clerk at the City of Birmingham to discuss donation ideas.

The City wants to ensure the best appearance and aesthetic quality of the cemetery. Thus, donations should satisfy a true cemetery need.

All donations will be reviewed for appropriateness and compatibility with the Greenwood Cemetery Master Plan as applicable. The City reserves the right to decline any donation if, upon review, the donation is (1) limited by special restrictions, conditions or covenants which pose unreasonable budgetary or maintenance obligations on the City, or (2) not in the best interest of the City.

- a) Donors may be asked to appear before the Greenwood Cemetery Advisory Board and/or the City Commission, to present their donation proposal. Public comment and feedback may be considered during the review process.
- b) The City understands that donors may have preferences regarding the choice of design professionals, vendors and contractors, and preferences regarding the location, size,

scale, color and materials of donated elements, amenities and features. The City, however, must adhere to the open bid process requirements, if applicable, and to other City policies and goals. Accordingly, final decisions on all details of the proposed donation shall be at the sole discretion of the City of Birmingham.

- c) While the City recognizes the generally good intentions behind any donation, the City, at its sole discretion, reserves the right to decline any gift or donation.
- d) Upon acceptance by the City, any donated element, amenity or feature, becomes City of Birmingham property. The City has an interest in ensuring that all cemetery elements, amenities and features remain in good repair and will provide, at its sole discretion, reasonable maintenance of donated items. The City, however, is under no continuing obligation to repair, replace or maintain perpetual care for any donated item.
- e) The City will make a reasonable effort to notify a donor of any damage, theft or other loss to a donated item and may, at its sole discretion, repair, replace, or remove such a donated item to the extent it deems practical, or as described in the original gift agreement, if any.
- f) Because donations to the City of Birmingham may be tax deductible, donors are encouraged to consult with their tax advisor.
- g) Donors will not receive preferential treatment and must adhere to the Greenwood Cemetery Rules and Regulations.

III. DONOR RECOGNITION

- a) Recognition shall be provided for all gifts given to the City of Birmingham for cemetery improvements, subject to such general policy changes and amendments as may be implemented by the City Commission.
- b) All donations will be acknowledged by a letter of appreciation from the City of Birmingham.

c) Naming rights on any Cemetery feature are subject to approval by the City of Birmingham. The Birmingham City Commission may approve "naming rights" of any Cemetery feature (within its sole discretion).

As revised by GCAB 12/9/16

Ms. Buchanan said she has called Dr. Christiansen for a physical visit in order to apply for the national historic designation of the cemetery. She believes the earliest we could apply now is May 2017.

C. DIGITIZATION OF CEMETERY RECORDS

Ms. Arft commented that we are in the process of scheduling the software representatives to attend a Board meeting. In the meantime, as burials are taking place, our records are being updated in the BS&A cemetery software program.

D. DONOR RECOGNITION PROGRAM-FINAL

Ms. Arft noted that the Board has finalized the donor recognition program, and thereafter, it was given to the City Manager and City Attorney for their review. Both have reviewed it now, and the Board asked to see it one more time.

Mr. Stern said it is a nice first draft that needs a lot of work. Ms. Arft said it was finalized at the last meeting.

Ms. Gehringer noted that the Board has approved this as the final version. She said it is not a draft.

Mr. Stern said he thought it was a concept, but that the Board had not approved every word.

Ms. Arft said the policy was sent to the City Manager and City Attorney after the Board approved it.

Ms. Buchanan expressed satisfaction with the policy.

Ms. Schreiner said we should remember that this policy was based on the City's general donation policy. Ms. Gehringer agreed, and said we adjusted it to fit our needs.

Mr. Stern expressed some of his concerns with the policy. He will not vote to approve it.

Ms. Gehringer said she is happy with the policy.

Ms. Buchanan said she likes the fact that the policy satisfies a true cemetery need.

Ms. Arft said the policy came back to the Board today for a final review as requested, and now will be scheduled by the City Manager for a future City Commission meeting for their consideration.

Ms. Schreiner agreed with Mr. Stern that we might want to consider adding the words "or remove" to Section E.

Ms. Gehringer agreed to the word addition.

Ms. Arft said she will add those words to Section E, and forward it to the City Manager. She asked if the Board wished to review it another time before submission to the Commission.

Ms. Schreiner suggested that she does not need to see the policy again, unless there would be a substantive change suggested by the City Manager.

Mr. Stern expressed a concern about duplication in the policy

Ms. Suter said the statements are different, in that one statement refers to donation categories, and the other refers to donation guidelines. Ms. Schreiner said the statements are not in conflict.

MOTION: Motion by Buchanan, seconded by Suter:

To approve the final draft of the Donor Recognition Policy, with the addition of the words "or remove" to Section E of the policy.

VOTF: Yeas, 5 Nays, None Absent, 2 (Desmond, Peterson)

Ε. **REQUEST FOR RFP FOR GPR SERVICES IN THE CEMETERY** F. **REQUEST FOR RFP FOR MASTER PLAN OF THE CEMETERY**

Ms. Arft explained that the requests for RFPs for these items will be submitted in the upcoming year's budget.

Ms. Gehringer expressed concern that this request has been delayed for a year. She said these are very important items to the Board.

Mr. Stern said it is important to emphasize that the Board would like the cemetery to be a separate budget item. He said that last year the cemetery was dismissed from the budget. He said that the City Manager defined the cemetery structural improvements as being in the Parks budget, and there is no cemetery budget since there is no expense. Mr. Stern said we should encourage the cemetery to be a budget item, and he encouraged the City Manager to allow the cemetery to be a budget item in this year's budget.

Ms. Gehringer agreed, and said that we now have funds and she believes we should have a budget.

G. AMENDMENT TO THE CEMETERY CONTRACT WITH ELMWOOD

Ms. Gehringer explained that the contract will be on the next agenda under Unfinished Business.

VI. CONTRACTOR REPORT Α.

THIRD QUARTER REPORT

Mr. Stern commented that the report notes that there are 14 available plots in Section G. He said that the Annual Report was made to the City Commission that all plots in Sections G and E had been sold and there were no available plots. He said that suddenly we have 14 plots available in Section G.

Ms. Gehringer suggested that those may be the 14 plots that were on hold. Mr. Stern was concerned that the Commission was told one thing and now the report indicates something else. He expressed concern that the plots may or may not exist, and if they do exist, some comments were made last Monday at the Commission that were inaccurate.

Ms. Gehringer asked the Clerk to check on this and determine if those are graves that were on hold.

Ms. Buchanan asked Ms. Schreiner if she would agree to be chairperson. Ms. Schreiner said if no one else is interested, she will agree.

Ms. Schreiner nominated Ms. Gehringer, and Mr. Stern supported the nomination.

Ms. Peterson nominated Ms. Buchanan. Ms. Buchanan declined the nomination.

MOTION: Motion by Stern: To elect Ms. Gehringer as chairperson by acclamation.

VOTE: Yeas: 5 Nays: None Absent: 2, (Desmond, Thurber)

Ms. Pierce noted that election of officers is to be held in July of each year.

B. Donor Recognition Program

Ms. Pierce briefly described the report on the program and presented a draft policy which was based on the present Parks and Recreation Donor policy. She is asking for the Board's input on items to include in the cemetery policy, which will then be submitted to the City Manager and City Attorney.

Ms. Schreiner suggested to tighten the language regarding the donor identifying the specific use. Ms. Gehringer agreed and suggested that it could be stressed that the city has the final say.

In Section 1b, a suggestion was made to reword the paragraph to "Monetary donations, such as cash or negotiable securities, will be used toward the preservation of historical monuments and markers. While donors may identify a specific use for the City's consideration, funds may be used to best meet the needs of Greenwood Cemetery by the City of Birmingham."

Ms. Schreiner said a consideration is to preserve what we have and also safety concerns.

Ms. Gehringer suggested that in the last sentence of Section a of the Donation Categories, the wording should say "Donors should contact the City of Birmingham or the City Clerk."

In the Donor Recognition section, add Section c to read "Naming rights on any cemetery feature must be approved by the City of Birmingham."

Ms. Schreiner suggested changing the contact to the City Clerk at the City of Birmingham.

MOTION: Motion by Schreiner, supported by Stern:

To recommend that the City Manager and City Attorney review the Greenwood Cemetery Donor Recognition Program as amended.

VOTE: Yeas: 5 Nays: None Absent: 2, (Desmond Thurber)

C. Update on PA 13 of 2016 regarding Endowment & Perpetual Care Funds

City of Birmingham Greenwood Cemetery Donor Recognition Program

Thank you for considering Greenwood Cemetery in the City of Birmingham for your donation. We welcome donations from individuals, foundations, non-profit organizations and corporations and look forward to working with you.

The City of Birmingham recognizes that the cemetery is a place of rest for loved ones who have gone before us. Accordingly, the City of Birmingham desires to enhance, protect and preserve the peaceful and historical atmosphere of the cemetery. Therefore, donations for the cemetery will be considered with the support of those goals in mind.

I. DONATION CATEGORIES

The City of Birmingham welcomes donations in several categories including:

- a) Amenities for the purchase, replacement or refurbishment and maintenance of benches. Such features must enhance the bucolic nature of the cemetery, and provide an environment for peaceful reflection. Accordingly, such proposed donations will only be considered on a case-by-case basis. Donors should contact the City Clerk at the City of Birmingham to discuss proposed features. Final decisions as to location will be determined by the City of Birmingham.
- b) Monetary donations, such as cash or negotiable securities, will be used toward the preservation of historical monuments and markers. While donors may identify a specific use for the City's consideration, funds may be used to best meet the needs of Greenwood Cemetery by the City of Birmingham.

II. DONATION GUIDELINES

Donations of amenities are only allowed on City property.

In order to have a consistent donor program, the following guidelines endeavor to address both the needs and resource capabilities of the City of Birmingham and the desire of donors to support Greenwood Cemetery. Donors should contact the City Clerk at the City of Birmingham to discuss donation ideas.

II. The City wants to ensure the best appearance and aesthetic quality of the cemetery. Thus, donations should satisfy a true cemetery need.

All donations will be reviewed for appropriateness and compatibility with the Greenwood Cemetery Master Plan as applicable. The City reserves the right to decline any donation if, upon review, the donation is (1) limited by special restrictions, conditions or covenants which pose unreasonable budgetary or maintenance obligations on the City, or (2) not in the best interest of the City.

a) Donors may be asked to appear before the Greenwood Cemetery Advisory Board and/or the City Commission, to present their donation proposal. Public comment and feedback may be considered during the review process.

- b) The City understands that donors may have preferences regarding the choice of design professionals, vendors and contractors, and preferences regarding the location, size, scale, color and materials of donated elements, amenities and features. The City, however, must adhere to the open bid process requirements, if applicable, and to other City policies and goals. Accordingly, final decisions on all details of the proposed donation shall be at the sole discretion of the City of Birmingham.
- c) While the City recognizes the generally good intentions behind any donation, the City, at its sole discretion, reserves the right to decline any gift or donation.
- d) Upon acceptance by the City, any donated element, amenity or feature, becomes City of Birmingham property. The City has an interest in ensuring that all cemetery elements, amenities and features remain in good repair and will provide, at its sole discretion, reasonable maintenance of donated items. The City, however, is under no continuing obligation to repair, replace or maintain perpetual care for any donated item.
- e) The City will make a reasonable effort to notify a donor of any damage, theft or other loss to a donated item and may, at its sole discretion, repair or replace such a donated item to the extent it deems practical, or as described in the original gift agreement, if any.
- f) Because donations to the City of Birmingham may be tax deductible, donors are encouraged to consult with their tax advisor.
- g) Donors will not receive preferential treatment and must adhere to the Greenwood Cemetery Rules and Regulations.

III. DONOR RECOGNITION

- a) Recognition shall be provided for all gifts given to the City of Birmingham for cemetery improvements, subject to such general policy changes and amendments as may be implemented by the City Commission.
- b) All donations will be acknowledged by a letter of appreciation from the City of Birmingham.
- c) Naming rights on any Cemetery feature must be approved by the City of Birmingham.

Approved by GCAB 4/1/16

City of Birmingham	
A Walkable Community	

MEMORANDUM

City Clerk's Office

DATE:	March 28, 2016
то:	Greenwood Cemetery Advisory Board
FROM:	Laura M. Pierce, City Clerk
SUBJECT:	2016 Goals - #3 Donor Recognition Program

At the February 5, 2016 meeting, the GCAB discussed implementing a Donor Recognition Program. The discussion was based on the recommendation from the Greenwood Cemetery Advisory Committee which stated:

The final report of the Greenwood Cemetery Advisory Committee recommended that the City "develop a donor program for improvements specific to and appropriate to the cemetery."

The commentary stated: "There are a number of upgrades, such as benches, fountains or shelters for meditation and reflection, that would enhance visitors' experience at the Cemetery. A combination of two or more of these features, like a meditation shelter with seating or a fountain (either of which could also incorporate a columbarium), might be especially desirable. The Committee believes that any such enhancement should be specifically designed for the Cemetery and should be different from the existing donor program used in the City's parks. The Committee believes it is vital to preserve the historic nature of Greenwood Cemetery. Any improvements should be made under a comprehensive, long term plan that blends Greenwood Cemetery's history and character with the natural landscape. Consultation with the Historic District Commission would help assure all these aesthetic goals can be achieved."

The GCAB discussed what type of items to be included in a Donor Recognition Program. It was noted that donated items would be placed on City property, not on individual graves. Items placed on individual graves must adhere to the Cemetery Rules and Regulations.

Discussion from the Board included:

- Keep the cemetery a bucolic setting
- Do not add granite
- Not in favor of a pavilion
- Trash cans and bike racks are not appropriate
- Limit the number of benches
- Set up a preservation program/fund
- Donor's suggestions are considered, but final decisions as to location are made by the City.
- Install a donor recognition display board

- Offer a tiered giving system
- Clarify in policy that by donating, one does not receive preferential treatment
- Add that donations would be considered with the support of the cemetery's goals in mind, to eliminate any questionable donations

After discussion on what to include in a Donor Recognition Program, the GCAB approved the following motion: *"For the Clerk to review the City of Birmingham Parks and Recreation Donor Policy to be revised and edited and to create a new Greenwood Cemetery Donation Policy, with the first draft of the policy to be presented at the next meeting for review."*

A draft Donor Recognition Program has been provided as a starting point for discussions. Once the Board approves a draft Donor Recognition Program, it would be routed to the City Manager and City Attorney for review, prior to being presented to the City Commission for approval.

In addition, it may be prudent to wait for the "master plan" of the cemetery to be completed prior to allowing individuals to donate items such as a bench.

SUGGESTED RESOLUTION:

To recommend that the City Manager and City Attorney review the Greenwood Cemetery Donor Recognition Program.

OR -

To recommend that the City Clerk's Office revise the Greenwood Cemetery Donor Recognition Policy as discussed and present it to the GCAB at the next meeting for review.



City of Birmingham Greenwood Cemetery Donor Recognition Program

Thank you for considering Greenwood Cemetery in the City of Birmingham for your donation. We welcome donations from individuals, foundations, non-profit organizations and corporations and look forward to working with you.

The City of Birmingham recognizes that the cemetery is a place of rest for loved ones who have gone before us. Accordingly, the City of Birmingham desires to enhance, protect and preserve the peaceful and historical atmosphere of the cemetery. Therefore, donations for the cemetery will be considered with the support of those goals in mind.

I. DONATION CATEGORIES

The City of Birmingham welcomes donations in several categories including:

- a) Amenities for the purchase, replacement or refurbishment and maintenance of benches. Such features must enhance the bucolic nature of the cemetery, and provide an environment for peaceful reflection. Accordingly, such proposed donations will only be considered on a case-by-case basis. Donors may contact the City of Birmingham to discuss proposed features. Final decisions as to location will be determined by the City of Birmingham.
- b) Monetary donations, such as cash or negotiable securities, will be used toward the preservation of historical monuments and markers. Donors may identify a specific use for the City's consideration, or funds may be used to best meet the needs of Greenwood Cemetery.

II. DONATION GUIDELINES

Donations of amenities are only allowed on City property.

In order to have a consistent donor program, the following guidelines endeavor to address both the needs and resource capabilities of the City of Birmingham and the desire of donors to support Greenwood Cemetery. Donors should contact the Birmingham City Clerk's Office to discuss donation ideas.

II. The City wants to ensure the best appearance and aesthetic quality of the cemetery. Thus, donations should satisfy a true cemetery need.

All donations will be reviewed for appropriateness and compatibility with the Greenwood Cemetery Master Plan. The City reserves the right to decline any donation if, upon review, the donation is (1) limited by special restrictions, conditions or covenants which pose unreasonable budgetary or maintenance obligations on the City, or (2) not in the best interest of the City.

a) Donors may be asked to appear before the Greenwood Cemetery Advisory Board and/or the City Commission, to present their donation proposal. Public comment and feedback may be considered during the review process.



- b) The City understands that donors may have preferences regarding the choice of design professionals, vendors and contractors, and preferences regarding the location, size, scale, color and materials of donated elements, amenities and features. The City, however, must adhere to the open bid process requirements, if applicable, and to other City policies and goals. Accordingly, final decisions on all details of the proposed donation shall be at the sole discretion of the City of Birmingham.
- c) While the City recognizes the generally good intentions behind any donation, the City, at its sole discretion, reserves the right to decline any gift or donation.
- d) Upon acceptance by the City, any donated element, amenity or feature, becomes City of Birmingham property. The City has an interest in ensuring that all cemetery elements, amenities and features remain in good repair and will provide, at its sole discretion, reasonable maintenance of donated items. The City, however, is under no continuing obligation to repair, replace or maintain perpetual care for any donated item.
- e) The City will make a reasonable effort to notify a donor of any damage, theft or other loss to a donated item and may, at its sole discretion, repair or replace such a donated item to the extent it deems practical, or as described in the original gift agreement, if any.
- f) Because donations to the City of Birmingham may be tax deductible, donors are encouraged to consult with their tax advisor.
- g) Donors will not receive preferential treatment and must adhere to the Greenwood Cemetery Rules and Regulations.

III. DONOR RECOGNITION

- a) Recognition shall be provided for all gifts given to the City of Birmingham for cemetery improvements, subject to such general policy changes and amendments as may be implemented by the City Commission.
- b) All donations will be acknowledged by a letter of appreciation from the City of Birmingham.

BACKGROUND MATERIAL



MEMORANDUM

City Clerk's Office

DATE:	December 30, 2015	
TO:	Greenwood Cemetery Advisory Board	
FROM:	Laura M. Pierce, City Clerk	
SUBJECT:	Donor Policy Discussion	

At the September 11, 2015 GCAB meeting, the Board agreed to discuss a donor policy for Greenwood Cemetery. (Recommendation #10)

The final report of the Greenwood Cemetery Advisory Committee recommended that the City "develop a donor program for improvements specific to and appropriate to the cemetery."

The commentary stated: "There are a number of upgrades, such as benches, fountains or shelters for meditation and reflection, that would enhance visitors' experience at the Cemetery. A combination of two or more of these features, like a meditation shelter with seating or a fountain (either of which could also incorporate a columbarium), might be especially desirable. The Committee believes that any such enhancement should be specifically designed for the Cemetery and should be different from the existing donor program used in the City's parks. The Committee believes it is vital to preserve the historic nature of Greenwood Cemetery. Any improvements should be made under a comprehensive, long term plan that blends Greenwood Cemetery's history and character with the natural landscape. Consultation with the Historic District Commission would help assure all these aesthetic goals can be achieved."

There are a number of items to consider when discussing a donor policy. What items would be available on the donor list – benches, trees, bicycle racks, trash containers, etc? Where would the items be installed? Donations for enhancements to the cemetery could include specific items such as audio walking tour app for a smart phone.

The GCAB recommended an RFP be issued for a "master plan" of the cemetery. Locations for items such as benches could be included in the plan as space is very limited when taking into consideration the grave spaces, roads, and existing trees.

The City's Parks and Recreation Donor Policy has been attached for your reference.

SUGGESTED RESOLUTION A:

To recommend that the RFP for a master plan of Greenwood Cemetery include potential locations for the following items:

- 1. _____
- 2. ______
- 4. _____
- 4. _____

OR -

SUGGESTED RESOLUTION B:

To recommend that the City Clerk's Office develop a donor policy, specific to Greenwood Cemetery, to include the following guidelines:

- 1. _____
- 2. ______
- 3. _____

City of Birmingham Parks and Recreation Donor Policy

Thank you for considering Parks and Recreation in the City of Birmingham for your donation. We welcome donations from individuals, foundations, non-profit organizations and corporations and look forward to working with you.

While donations for our parks will enrich the community, the City of Birmingham recognizes that its open spaces, trails and recreation areas are precious resources. Accordingly, the City of Birmingham desires to protect and preserve the open, tranquil atmosphere of our parks, to protect the natural quality of our trails and to enhance the development of our recreational assets. Therefore, donations for park improvements and recreation programming will be considered with the support of those goals in mind.

I. DONATION CATEGORIES

The City of Birmingham welcomes donations in several categories including:

- a) Park landscaping elements include trees, shrubs and other flora. Donations of all landscaping elements, however, must be approved species and there may be site specific limitations.
 Please see the City of Birmingham Park Donor Program for further information.
- b) Park amenities for the purchase, replacement or refurbishment and maintenance of park benches, picnic tables, drinking fountains, bicycle racks, playground components and the like. Although suggestions from donors will be considered for the placement of a donated park amenity, final decisions as to location will be determined by the City of Birmingham. Please see the City of Birmingham Park Gift Donor Program for further information.
- c) Park features include arbors, pavilions, plazas, gardens, and the like. Such features must enhance the park, enrich the experience of park users and be consistent with park planning processes. Accordingly, such proposed donations will only be considered on a case-by-case basis. Donors may contact the City of Birmingham or the Director of Public Services to discuss proposed park features.
- d) Monetary donations, such as cash or negotiable securities, may be used toward the development and general upkeep of park elements, amenities and features. Donors may identify a specific use for the City's consideration, or funds may be used to best meet the needs of the City of Birmingham Parks and Recreation projects.

II. DONATION GUIDELINES

In order to have a consistent donor program, the following guidelines endeavor to address both the needs and resource capabilities of the City of Birmingham and the desire of donors to support Birmingham's Parks. Donors should contact the Director of Public Services to discuss donation ideas.

a) The City wants to ensure the best appearance and aesthetic quality of its parks. Thus, donations should satisfy a true need of an approved park scheme.

II. DONATION GUIDELINES (continued)

- b) All donations will be reviewed for appropriateness and compatibility with the City of Birmingham Parks and Recreation Master Plans. The City reserves the right to decline any donation if, upon review, the donation is (1) limited by special restrictions, conditions or covenants which pose unreasonable budgetary or maintenance obligations on the City, or (2) not in the best interest of the City.
- c) Donors may be asked to appear before the Birmingham Parks and Recreation Board and/or the City Commission, to present their donation proposal. Public comment and feedback may be considered during the review process.
- d) The City understands that donors may have preferences regarding the choice of design professionals, vendors and contractors, and preferences regarding the location, size, scale, color and materials of donated elements, amenities and features. The City, however, must adhere to the open bid process requirements, if applicable, and to other City policies and goals. Accordingly, final decisions on all details of the proposed donation shall be at the sole discretion of the City of Birmingham.
- e) While the City recognizes the generally good intentions behind any donation, the City, at its sole discretion, reserves the right to decline any gift or donation.
- f) Upon acceptance by the City, any donated element, amenity or feature, becomes City of Birmingham property. The City has an interest in ensuring that all park elements, amenities and features remain in good repair and will provide, at its sole discretion, reasonable maintenance of donated items. The City, however, is under no continuing obligation to repair, replace or maintain perpetual care for any donated item.
- g) The City will make a reasonable effort to notify a donor of any damage, theft or other loss to a donated item and may, at its sole discretion, repair or replace such a donated item to the extent it deems practical, or as described in the original gift agreement, if any.
- h) Because donations to the City of Birmingham may be tax deductible, donors are encouraged to consult with their tax advisor.

III. DONOR RECOGNITION

- a) Recognition shall be provided for all gifts given to the City of Birmingham for park improvements, subject to such general policy changes and amendments as may be implemented by the City Commission.
- b) "Naming rights" on any park feature or element are subject to the approval of the City Commission.
- c) All donations will be acknowledged by a letter of appreciation from the City of Birmingham.

City Commission approval 10-26-15

City of	Birmingham	MEMORANDUM
DATE:	March 17, 2017	Engineering Dept.
TO:	Joseph Valentine, City Manager	
FROM:	Paul T. O'Meara, City Engineer	
SUBJECT:	Poppleton Ave. Paving Project Knox Ave. to Maple Rd.	

The above one block street segment is budgeted for complete pavement replacement as a part of our 2017 construction program. Plans are nearing completion at this time. The original pavement was installed in the early 1930's. The portion of the block closest to Maple Rd. was widened at some later date to allow it to operate as a three lane road at the intersection. The water main was replaced in 1991. The project will include the complete replacement of the Knox Ave. intersection.

- The adjacent Kroger shopping center was reconstructed in 1997. The parking lot was redesigned such that all on-site parking is located behind the buildings. The only access for customers and trucks is via Poppleton Ave., using either the westerly end of Knox Ave., or the one driveway access between Knox Ave. and Maple Rd.
- As a full service grocery store, approximately 12 full sized semi-trucks arrive to unload goods at the Kroger loading dock seven days a week. As the land owner, Kroger leases the other building that contains several tenant spaces. Just one restaurant in that group (Qdoba) is known to have large truck deliveries, averaging less than one per day.
- Traffic restrictions were erected many years ago designed to help separate the commercial use of Kroger from the adjacent neighborhood. For example, northbound Poppleton Ave. traffic cannot drive from Maple Rd. into the neighborhood during the AM and PM peak hours, five days a week. They are expected to only turn into the Kroger parking lot. Also, no trucks are permitted at any time on Knox Ave., between Poppleton Ave. and Adams Rd.
- The right-of-way available for this street is minimal at 50 ft. wide. To compound the space issue, large heavy duty utility poles were installed many years ago on the east side of the street, several feet out from the sidewalk.

The remainder of this memo is divided into two issues:

- 1. Multi-Modal Master Plan and Design Issues
- 2. Temporary Traffic Management Issues

MULTI-MODAL TRANSPORTATION BOARD DESIGN ISSUES

The subject block of Poppleton Ave. acts as a collector road into both Kroger and the adjacent Poppleton Park neighborhood. It has been identified as a proposed Neighborhood Collector Route segment in Phase 3 of the Multi-Modal Master Plan.

The upcoming project was first discussed by the Multi-Modal Transportation Board (MMTB) at their meeting of December 7, 2016. F&V, the City's traffic engineering consultant, studied the segment using current traffic demands to confirm the need for a three-lane road at Maple Rd., and to provide suggested queue lengths north of Maple Rd. The suggested design is similar to the existing road, except that a longer taper length was recommended for the right southbound lane (the length of the transition from a two-lane to three-lane road). The conflicting issues of a tight right-of-way, the need for three traffic lanes, and the designation of a neighborhood connector route were discussed. Some members expressed concern that there does not seem to be the ability to build separate bike lane facilities given the lack of space. Coupled with the high traffic demand at the intersection, and the frequent trucks, some members questioned whether identifying this as a connector route for bikes made sense. However, it was noted that the alignment with Elm St. to the south provides a rare opportunity in the area to travel north and south on other than a major street.

Also at this meeting, the large 40 ft. curbed radius at the southwest corner of Knox Ave. was discussed. The large radius was constructed by Kroger as part of their 1997 expansion project. The Knox Ave. driveway is the exit route for all trucks at the loading dock to leave the site each day. All trucks must turn right from Knox Ave. and head south to Maple Rd. Due to the two-lane configuration of Poppleton Ave. in this area, this enlarged radius is required to allow the large trucks that exit from here daily to do so without driving up on to the curb and the lawn behind. Pictures showing a typical truck movement as it exists today are attached to this memo. Given that this truck traffic pattern will continue into the future, the MMTB understood the need to rebuild this feature into the new road.

At the meeting of December 7, 2016, the MMTB passed the following recommendation:

To recommend to the City Commission what has been presented today on part of Poppleton Ave. from Knox Ave. to Maple Rd.(a three lane road at Maple Rd., transitioning to a two-lane road at Knox Ave.) When the City is considering Phase 3 of the Master Plan, the MMTB has some reservations about this section of the Neighborhood Connector Route and would like to study it further at a later date.

Since December 7, a full survey and design of the project area has been completed. A copy of the layout plan is attached for your reference. During final design, it was identified that the Poppleton Ave. approach onto Maple Rd. is too small, again given the frequent truck turning movements. The existing handicap ramps were updated in 2015 as part of a Maple Rd. concrete repair program. Both ramps are already cracked, and show signs of deterioration. In addition, repeated truck turning over the top of the existing curbs demonstrate that the existing road is too small. When watching truck turning movements, it is evident that they must use both southbound lanes to make a right turn onto Maple Rd. Even so, the small radius (currently built at a very small 15 ft. on the northwest corner) is inadequate. The attached photos demonstrate that truck trailers routinely drive up to five feet off the back of the curb in order to enter onto Maple Rd.

In order to not repeat this situation with the new pavement, the Engineering Dept. recommends expanding both north corners to a more typical 25 ft. radius to better allow trucks to turn in and out of this road. While still much smaller than the 40 ft. radius proposed at Knox

Ave., these corners should work on most occasions unless the truck does not have access to the full three-lane width of Poppleton Ave.

By enlarging the turning area as shown, the Maple Rd. crosswalk will be extended in length by approximately five feet. Given this change, the design was taken back to the MMTB for additional review, at their meeting of March 2, 2017. The other options that were considered but not endorsed included:

- 1. Reconstructing the road as is, and paving the area behind it to support truck traffic.
- 2. Reconstructing the radius similar to what it is, but constructing a large dropped curb area that both shortens the crosswalk, and allows trucks to turn when needed.

It was noted that the extra five feet of crosswalk that would be required on the recommended plan is all outside of the main travel lanes of Maple Rd. Given the relatively large number of trucks turning in this area daily, the Board felt that the recommended design was the best option. The one issue that arose from the discussion was that it is important to verify that the green time allotted for pedestrians crossing Maple Rd. will still be sufficient given the additional crosswalk length. F&V was asked to review this issue, and determined that for the proposed length of the west crosswalk, a minimum of 7 seconds of green time is needed. The signal is currently timed to provide 8 seconds during the AM and PM peaks, and 10 seconds during the middle of the day. (The 8 seconds is supplemented with 11 seconds of "Flashing Don't Walk" time, and 5.5 seconds of all red time.) No adjustment is needed to the timing

At the meeting of March 2, 2017, the MMTB passed the following recommendation:

To recommend to the City Commission the modified pavement design for Poppleton Ave. between Knox Ave. and Maple Rd. to better accommodate the frequent truck turning movements at this intersection, contingent upon adjustments to the signal timing at Maple Rd. as warranted.

TEMPORARY TRAFFIC MANAGEMENT ISSUES

As noted above, the full width of the existing Poppleton Ave. pavement is needed to manage the large trucks that unload at the Kroger loading dock daily. When building a concrete street, the contractor will need a minimum of two weeks to prepare, pour, and cure the concrete section, while traffic is not present. Given that there is no other entrance or exit to the Kroger parking lot, a creative solution on managing traffic, particularly the large trucks, needed to be developed.

Staff understands the importance of keeping commercial traffic out of the adjacent neighborhood. Consequently, the first proposal explored was to take advantage of the City owned property to the west of the Kroger parking lot (the Hunter Water Tower property), given that it has an alley access directly to Woodward Ave. A conceptual plan was developed wherein the City would construct a temporary gravel road under the water tower to connect the end of the City alley with the Kroger parking lot's northwest corner. This would require the removal of one prime maple tree on the property, as well as removal of mature shrubs planted by Kroger. Staff's first proposal was to require all trucks to enter and exit via this temporary access to Woodward Ave. Further, to keep the construction zone as clear as possible, a one-way

entrance only access would be left open for customers from Maple Rd. to the first driveway on Poppleton Ave. However, to exit, all customers would also have to use the Woodward Ave. temporary access.

Staff reviewed the access plan with Kroger officials in January. Knowing their operation better than we do, they identified the following problems:

- 1. The alley entrance onto Woodward Ave. is minimal in size. Kroger staff was concerned that trucks attempting to make turns into the alley would conflict with customers trying to leave. If they could not make the right turn efficiently, they would be stopped blocking two northbound lanes of Woodward Ave., which would create potential for crashes. To help solve this problem, they asked that customers somehow be allowed to continue to both enter and exit from the Poppleton Ave. driveway.
- 2. The parking lot was not designed for maneuvering trucks from this corner to and from the loading dock. As a result, several awkward turns would require closing several parking spaces throughout the lot. More importantly, the additional maneuvers would result in more frequent interactions between customers walking in the parking lot, and large trucks wherein drivers do not have good visibility. They do not want to set up a condition where customer safety is at risk. To help reduce these conflicts, they suggested they would need the City to expand their current loading hours allowed by the City. They suggested they would request approval to allow loading to occur earlier and later in the day, such as 5 AM to 11 PM (current loading hours are 7 AM to 7 PM).

Giving the proposal further thought, and considering that the temporary gravel road construction and removal was estimated to cost \$25,000, staff reconsidered its other options. Drawbacks to the Woodward Ave. access plan included:

- The original goal of the plan was to keep neighborhood disruption to a minimum. However, if loading hours had to be expanded from the early morning and into the late evening hours, given the close proximity of homes on Ridgedale Ave., this proposal would still cause problems for the neighborhood.
- Staff's vision of keeping more of the construction zone closed to traffic (by forcing customers to exit via Woodward Ave.) did not seem feasible.
- The cost of the temporary access seemed excessive at \$25,000, given that this money would not bring any long term benefit to anyone.

Restudying the issue further, a second proposal surfaced:

- 1. After reviewing the issue with Kroger officials, it became clear that turning the large trucks should be kept to a minimum. The majority of Poppleton Ave. could be constructed without truck interference if all trucks were required to enter and exit using Knox Ave., heading east and west to Adams Rd. The project is planned to take four to five weeks, and the alternate truck traffic on Knox Ave. would occur during the majority of this period. The three major concerns that were identified here included:
 - a. Trucks driving past homes on Knox Ave. will increase noise and congestion issues. However, given the reduced turning movements that this access would provide, the City would not have to increase the permissible hours of loading for this period (these issues would be confined to the hours of 7 AM to 7 PM). There would still be

one new backup maneuver in the parking lot. Kroger is considering hiring a person to help truck drivers watch for pedestrians when this is occurring.

- b. There will be a perception that heavier loadings on Knox Ave., which has an unimproved cape seal surface on gravel, may result in damage to the pavement surface. Only minor damage, if any, is anticipated. Since the City is already planning for a cape sealing project this year, this repair work could be added to that contract if necessary, at an estimated cost of \$7,000.
- c. If more than three trucks arrive at the Kroger lot at the same time, there will not be room for them to wait. Trucks idling and waiting on Knox Ave. would result in excess noise and blocked driveways. Kroger officials have indicated that the trucks have the ability to communicate with each other, and they can control the flow of trucks sufficiently so that this should not occur.
- 2. Upon closer review, we now believe that two-way temporary customer access between Maple Rd. and the parking lot driveway can be maintained, if the project is built in three phases. In order to provide room for this, the west side Poppleton Ave. sidewalk will have to be removed during construction, as shown on the phasing, and then replaced as a part of the project. We are currently encouraging Kroger officials to consider paying for an enhanced exposed aggregate sidewalk strip in this area, which would improve long term maintenance of this narrow landscape area.

After determining that the plan was workable, this concept was reviewed with the homeowner association president for Poppleton Park. The president agreed that there will be some inconvenience borne on the part of Knox Ave. residents, but understands that the City needs everyone to work together to get this road replaced. On March 17, the attached letter was distributed by hand to the 24 homes that are adjacent to Knox Ave. to advise them of this proposal. Residents are encouraged to contact the Engineering Dept. if they would like further information. A detailed sequence of how traffic would be managed under this concept can be found in the attached Appendix A.

A suggested resolution summarizing the items noted above follows:

SUGGESTED RESOLUTION:

The City Commission accepts the recommendations of the Multi-Modal Transportation Board pertaining to the design of Poppleton Ave. from Knox Ave. to Maple Rd., including:

- 1. Construction of a three-lane pavement at Maple Rd. which tapers to two-lanes north of the Kroger parking lot.
- 2. Maintaining the 40 ft. radius at the southwest corner of Knox Ave., while constructing 25 ft. radii at both north corners of the Maple Rd. intersection.
- 3. To postpone the implementation of Neighborhood Connector Route features on this segment pending further study of the Multi-Modal Master Plan Phase 3 proposals.

Further, to direct the Engineering Dept. to implement the traffic management plan wherein all Kroger truck traffic will be directed to enter and exit the facility via Knox Ave. between Poppleton Ave. and Adams Rd., and to offer a cape sealing treatment at City expense as part of the expense of this project.

APPENDIX A

POPPLETON AVE. PAVING – KNOX AVE. TO MAPLE RD.

The following three staging plans help to explain how Poppleton Ave. would be constructed in three phases, allowing both customer traffic and truck traffic to be accommodated.

<u>PHASE I</u>

The majority of Poppleton Ave. would be constructed during the first phase. Two-way customer traffic would be condensed down into a narrow 20 ft. strip consisting of existing pavement and/or gravel to allow for safe travel from Maple Rd. to the Kroger driveway.

The north half of the Knox Ave. intersection would be left open to permit trucks to drive straight through to Adams Rd., both in and out. YIELD signs would be erected to allow for one lane of traffic.

Phase I is estimated to take between two and three weeks.

<u>PHASE II</u>

During this phase, customer traffic would be switched on to the new pavement, where possible, from Maple Rd. to the Kroger driveway. Similarly, truck traffic would be switched to the south half of the Knox Ave. intersection, and would still drive straight through to Adams Rd. The YIELD signs would still apply in this area.

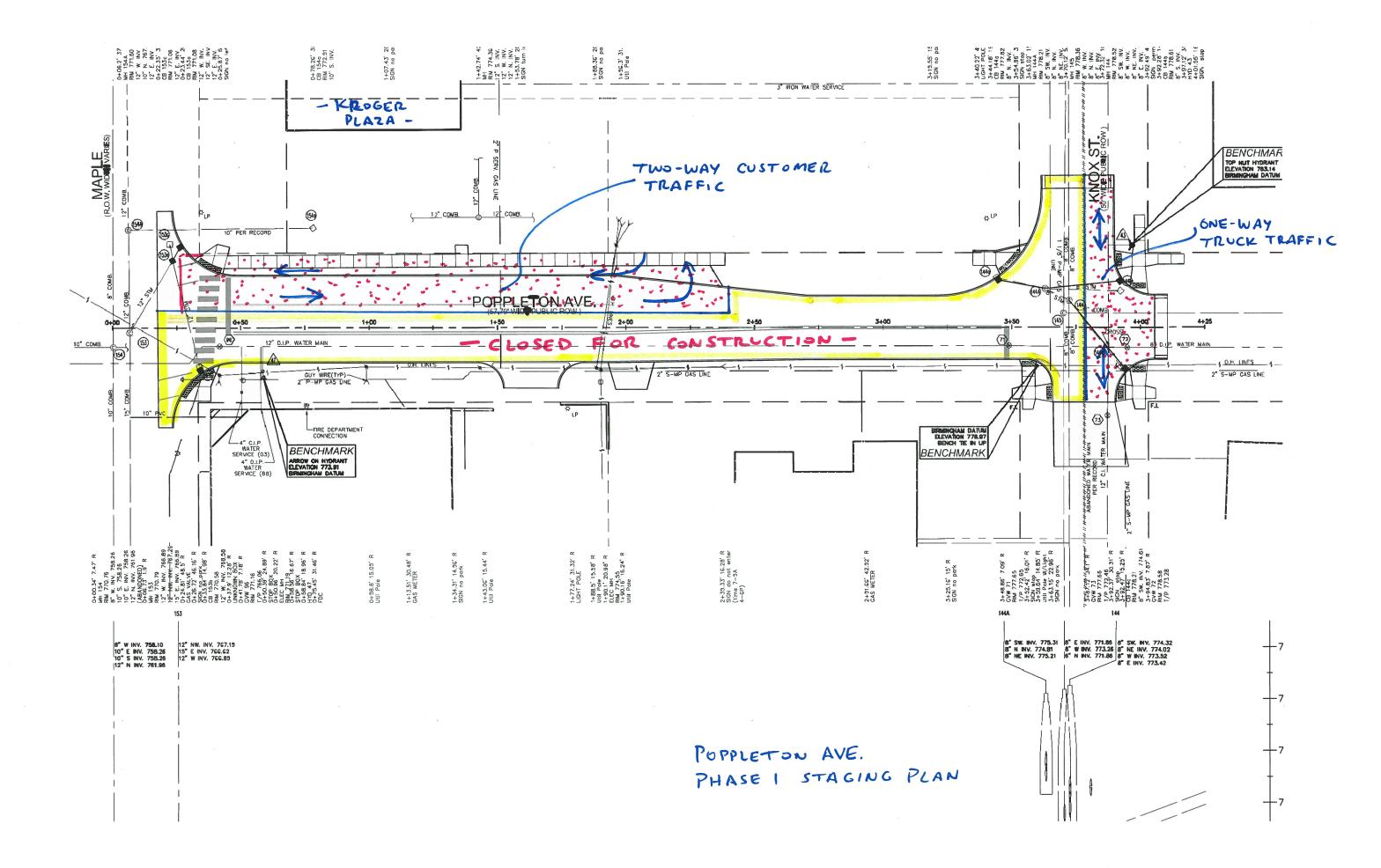
Phase II is estimated to take about one week.

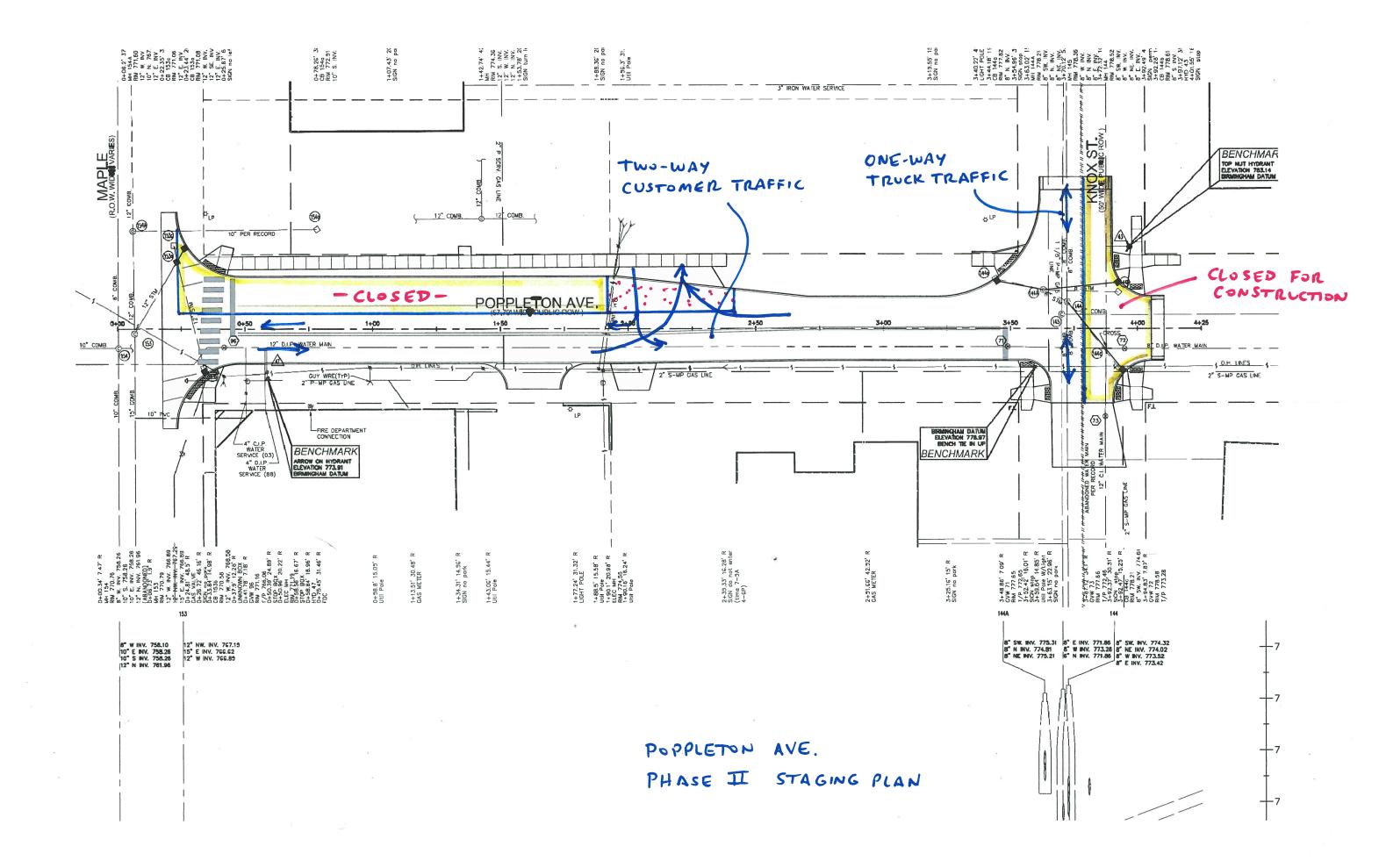
PHASE III

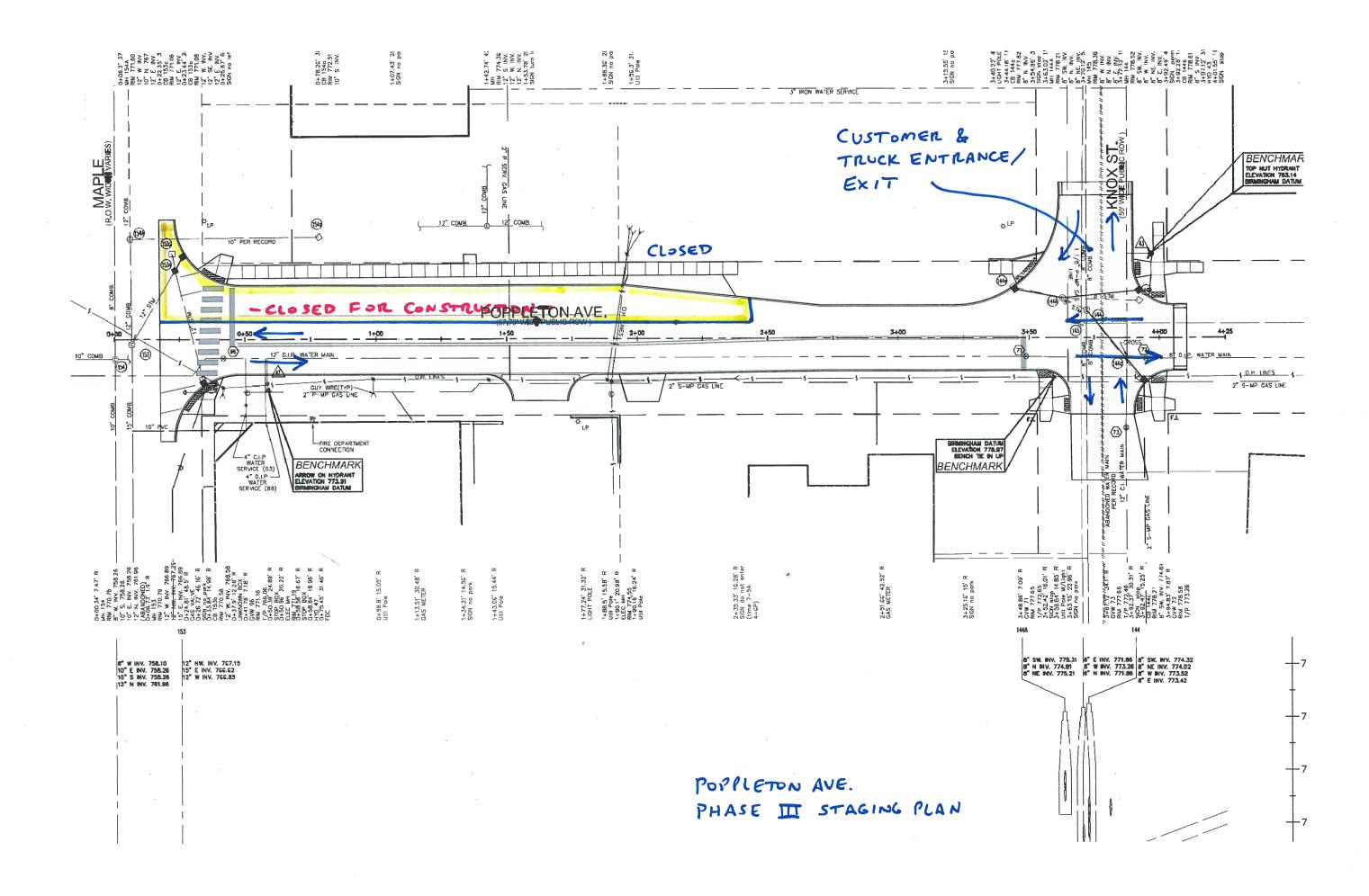
Upon completion of the Knox Ave. intersection, the Kroger driveway could be closed. All customer traffic would have to use the Knox Ave. driveway to enter and exit the parking lot. Large trucks would continue to use Knox Ave., while smaller trucks could begin using Maple Rd. again.

Phase III is estimated to take about one week.

Due to the limited amount of underground work required for this job, it is expected that the entire job can be completed in four to five weeks. Work is planned for some time while school is out of session, between the middle of June and the middle of August.









March 17, 2017

TO: Knox Ave. Residents

RE: Poppleton Ave. Paving Project – Knox Ave. to Maple Rd.

Poppleton Ave. was first paved in the early 1930's. The block noted above is in poor condition and is planned to be completely rebuilt during the summer of 2017.

As you know, the adjacent Kroger plaza parking lot has been built such that all traffic, both for customers and for delivery trucks, must enter and exit using Poppleton Ave. Attempting to close the road to allow for the new concrete to be constructed and cured, while maintaining access to this parking lot, is a challenge. To address this, we can break the project up into three phases. This will assure that a route for customer vehicles can be maintained. Even if built in three phases, we expect that the road closure can be kept to a short 4 to 5 week time period. Kroger has several delivery trucks arriving 7 days a week in order to keep their shelves stocked. The delivery trucks pose a bigger challenge.

As long as delivery trucks are driving in a straight line, they can drive a road almost as narrow as a passenger car. Turning and maneuvering in various directions is the greater complication. City staff has worked with the Kroger team to explore various options to address this logistical issue. We looked very seriously at building a temporary gravel road under the City's water tower in order to direct all trucks out to Woodward Ave. This idea had several drawbacks, including a dangerous right turn off of Woodward Ave., the removal of a large mature tree, and dangerous, difficult turning movements through the parking lot. It will be impossible to construct a new pavement on Poppleton Ave. if the space needed to turn trucks on and off this pavement cannot be removed for the project. The best alternative for this short-term project appears to be using Knox Ave. for deliveries during this period.

Under this concept, trucks will be asked to use the north driveway off of Knox Ave. to both enter and exit the parking lot. Rather than turning, they will proceed straight through to Adams Rd., where there is sufficient room to turn left or right. We recognize that the temporary arrangement represents potential problems for the neighborhood, and are prepared to address these with the following provisions:

- 1. As is current practice, all trucks must conduct their business between 7 AM and 7 PM every day. No early morning or late night deliveries are allowed.
- 2. Kroger has agreed to manage the logistics for scheduling and deliveries to ensure that there will not be too many trucks arriving at the site at the same time. East of Poppleton Ave., trucks will not be allowed to sit on Knox Ave. and block driveways.
- 3. The existing conditions on Knox Ave. will be photographed. Damages caused to the pavement surface or the adjacent shoulders and grass that can be attributed to the project will be repaired by the City or its contractor after the project has been completed.

The work is planned for some time between the middle of June and the end of August. The actual time that the road is closed will be kept to 4 to 5 weeks.

The above plan will be presented for consideration at the City Commission meeting of March 27, 2017, at 7:30 P.M. If you have any questions about this project or the temporary access route, please feel free in contacting me at **248.530.1836**. Additional information about the project will be available on the City's website at <u>www.bhamgov.org</u>, after Friday, March 24, at 5 PM when the agenda for this meeting is posted.

Sincerely,

Taul 7. Or

Paul T. O'Meara, P.E. City Engineer

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001 (248) 530-1800 • Fax (248) 530-1080 • http://ci.birmingham.mi.us



















City of	Birmingham	MEMORANDUM
DATE:	November 23, 2016	Engineering Dept.
TO:	Multi-Modal Transportation Board	
FROM:	Paul T. O'Meara, City Engineer	
SUBJECT:	Poppleton Ave. Reconstruction – Knox Ave. to E. Maple Rd.	

The above block is proposed for complete reconstruction in 2017. Due to the relatively high traffic movements on this block, F&V was asked to perform a traffic analysis to make sure that the road is designed with the appropriate lane assignments, lengths, etc. F&V will be in attendance prepared to demonstrate their findings with the Synchro traffic flow model.

The project includes the reconstruction of the Knox Ave. intersection, but stops short of any work within the Maple Rd. traffic lanes. (The Maple Rd. intersection pavement was repaired under a federal grant in the fall of 2014.) This block serves as the preferred entrance for both customers and trucks to the parking lot serving the adjacent Kroger grocery store, as well as several smaller businesses located on the same property. Traffic counts were taken recently for both the AM and PM peak periods. Findings and recommendations from F&V are attached for your review.

Due to the skewed alignment of this street compared to Elm St. to the south, a right turn lane is being suggested (similar to the existing condition), as well as a shared/through lane in the middle. Storage of right turning vehicles is suggested back to the Kroger driveway north of Maple Rd., followed by a taper back to a more traditional residential street width (two lanes).

As shown on the attachments, this section of Poppleton Ave. was identified to be part of a neighborhood connector route in Phase 3. Poppleton Ave. and Elm St. provides an important connection for bicyclists from Oakland Ave. to the north, and Bowers St. to the south. Unfortunately, a narrow 50 ft. right-of-way was provided when this road was platted in 1894, and the east side is encumbered with large utility poles placed several feet in from the sidewalk. The original pavement was built in the 1930's, and was widened near Maple Rd. more recently to allow for a separate right turn lane. F&V will be able to demonstrate the traffic difficulties that would result if the right turn lane was not present. The existing lanes are narrow, and are especially tight when large trucks servicing the Kroger loading dock are present.

If the right-of-way were larger, bike lanes would be a helpful addition to this road, giving bicyclists a separate area to wait for the traffic signal. However, due to the limitations above, building three standard 11 ft. lanes will already use almost all of the available space. Widening the street to a basic three lane width will improve the current situation for bikes, so that they can feel more comfortable waiting alongside motor vehicles, if desired. For the sake of the neighborhood and the adjacent homeowners, we also feel it is important to narrow the street back to a normal residential cross-section as it heads north to Knox Ave. Doing so will help

signal to motorists that this is the entrance to a subdivision. The resulting green space will help support existing and future trees in this section as well.

Once the City is ready to mark and designate this block as part of a neighborhood connector route, the City can install bike route signs, as well as sharrows on this block.

SUGGESTED RECOMMENDATION:

To recommend to the City Commission that Poppleton Ave. between Knox Ave. and Maple Rd. be reconstructed as shown on the attached preliminary plan. Once the City is ready to establish a neighborhood connector route on this street, as described in Phase 3 of the Mutli-Modal Master Plan, appropriate signs and sharrows can be installed as part of a larger, more complete network.



Мемо

VIA EMAIL

То:	Mr. Paul O'Meara City Engineer City of Birmingham
From:	Michael J. Labadie, P.E. Julie M. Kroll, P.E., PTOE Lindsay M. Sagorski, P.E. Fleis & VandenBrink
Date:	November 22, 2016
Re:	Poppleton Street from Knox Street to Maple Road City of Birmingham, Michigan Recommended Roadway Improvements

Introduction

This memorandum presents the methodologies, analyses, and results of the traffic analysis at the intersection of Poppleton Street and Maple Road in the City of Birmingham, Michigan.

The City of Birmingham has requested ananalysis to determine recommended storage length at the Poppleton Street approach at the Maple Road intersection. This memo summarizes the results and recommendations of the analysis.

Data Collection

The existing weekday turning movement traffic volume data were collected by F&V subconsultant Traffic Data Collection, Inc. (TDC) on Wednesday, November 9, 2016 during the AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak periods at the study intersection. The AM and PM peak hour traffic volumes were utilized for this study and the volumes were balanced upward through the study network. F&V also collected an inventory of existing lane use and traffic controls. The applicable data referenced in this memorandum are attached.

Traffic Analysis

Existing storage length for the southbound right turn lane is 150 feet. Existing peak hour network operations and vehicle queues were reviewed at the study intersection using Synchro (Version 9) traffic analysis software and SimTraffic. This analysis was based on the existing lane use and traffic control, the existing peak hour traffic volumes, and the methodologies presented in the *Highway Capacity Manual, 2010* (HCM). The results of this analysis are summarized in Table 1 and SimTraffic results are attached.

Table 1: Southbound Poppleton Street at Maple Road Vehicle Queue Lengths (Feet)

	<u>AM</u>	Peak	PM I	^D eak	
Turning Movement	Avg	95 th	Avg	95 th	Recommended
Wevenient	Queue	Queue	Queue	Queue	
Right Turn Lane	68	126	54	114	150 feet

The results of the analysis indicate a storage length of 150 feet with a 100-foot taper is recommended for the southbound right turn lane to accommodate the 95th percentile queue length. The recommended geometry is shown in the attached figure. The traffic simulations indicate that during the AM peak period the southbound left-through lane queues on Poppleton Street block the Kroger driveway located for approximately 8 minutes of the AM peak period and 2 minutes of the PM peak period.

Conclusions

The conclusions of this analysis are as follows:

- A storage length of 150 feet with a 100-foot taper is recommended for the southbound right turn lane.
- During the AM peak period the southbound left-through queues on Poppleton Street block the Kroger driveway for approximately 8 minutes of the AM peak period and 2 minutes during the PM peak period. This is not significant and is not expected to impact the operations of the Poppleton and Maple Road intersection.

Any questions related to this memorandum, study, analyses, and results should be addressed to Fleis & Vandenbrink.

Attached:	Traffic Volume Data
	Recommended Improvement
	Sim Traffic

LMS;jmk



Traffic Data Collection, LLC tdcounts.com Phone: (586) 786-5407 Traffic Study Performed For: Fleis & VandenBrink



Project: Birmingham Traffic Study Type: 4 Hr. Video Turning Movement Count Weather: Pt. Sunny Temp 50's Count By: Miovision Video VCU 1US File Name : TMC_1 Maple & Poppleton_11-6-16 Site Code : TMC_1 Start Date : 11/9/2016 Page No : 1

						(Groups F	Printed-	Pass C	ars - Singl	e Units	- Heavy	Trucks	- Ped							
			pleton S outhbou			E. Maple Road Westbound						Elm Str orthbou					/laple R astbou				
Start Time	Rgt	Thru	Left	Peds	App. Total	Rgt	Thru	Left	Peds	App. Total	Rgt	Thru	Left	Peds	App. Total	Rgt	Thru	Left	Peds	App. Total	Int. Total
07:00 AM	11	2	3	2	18	0	109	3	0	112	1	2	2	0	5	0	81	6	1	88	223
07:15 AM	15	2	1	0	18	4	150	2	0	156	8	3	1	1	13	1	84	5	1	91	278
07:30 AM	14	3	10	0	27	7	170	6	1	184	8	1	4	1	14	2	143	10	1	156	381
07:45 AM	15	11	4	0	30	2	141	5	0	148	10	7	4	3	24	4	178	16	1	199	401
Total	55	18	18	2	93	13	570	16	1	600	27	13	11	5	56	7	486	37	4	534	1283
08:00 AM	26	8	5	2	41	4	170	10	0	184	10	4	4	0	18	6	137	13	1	157	400
08:15 AM	18	6	4	4	32	1	145	5	1	152	11	3	2	0	16	1	155	10	2	168	368
08:30 AM	19	10	4	3	36	7	146	4	0	157	12	7	3	2	24	0	141	14	0	155	372
08:45 AM	16	2	8	12	38	6	177	4	0	187	14	5	3	2	24	4	151	18	1	174	423
Total	79	26	21	21	147	18	638	23	1	680	47	19	12	4	82	11	584	55	4	654	1563
**** BREAK ****																					
04:00 PM	29	8	4	4	45	5	163	1	1	170	15	11	5	0	31	8	135	15	2	160	406
04:15 PM	25	12	10	4	51	5	171	4	0	180	21	9	9	2	41	5	140	23	1	169	441
04:30 PM	31	13	15	1	60	5	156	3	0	164	15	11	9	0	35	5	148	18	0	171	430
04:45 PM	23	5	13	1	42	13	184	4	1	202	25	17	8	1	51	3	145	13	4	165	460
Total	108	38	42	10	198	28	674	12	2	716	76	48	31	3	158	21	568	69	7	665	1737
05:00 PM	28	3	13	2	46	8	191	4	1	204	20	6	7	0	33	6	146	8	2	162	445
05:15 PM	20	14	11	4	49	7	161	2	3	173	18	13	10	3	44	1	198	16	1	216	482
05:30 PM	28	18	17	4	67	2	183	2	2	189	20	8	7	0	35	2	173	19	0	194	485
05:45 PM	14	10	20	3	47	11	168	4	1	184	10	8	7	1	26	8	154	21	2	185	442
Total	90	45	61	13	209	28	703	12	7	750	68	35	31	4	138	17	671	64	5	757	1854
Grand Total	332	127	142	46	647	87	2585	63	11	2746	218	115	85	16	434	56	2309	225	20	2610	6437
Apprch %	51.3	19.6	21.9	7.1		3.2	94.1	2.3	0.4		50.2	26.5	19.6	3.7		2.1	88.5	8.6	0.8		
Total %	5.2	2	2.2	0.7	10.1	1.4	40.2	1	0.2	42.7	3.4	1.8	1.3	0.2	6.7	0.9	35.9	3.5	0.3	40.5	
Pass Cars	329	125	138	0	592	86	2526	57	0	2669	217	115	85	0	417	56	2239	220	0	2515	6193
% Pass Cars	99.1	98.4	97.2	0	91.5	98.9	97.7	90.5	0	97.2	99.5	100	100	0	96.1	100	97	97.8	0	96.4	96.2
Single Units	1	2	3	0	6	1	55	5	0	61	1	0	0	0	1	0	68	3	0	71	139
% Single Units	0.3	1.6	2.1	0	0.9	1.1	2.1	7.9	0	2.2	0.5	0	0	0	0.2	0	2.9	1.3	0	2.7	2.2
Heavy Trucks	2	0	1	0	3	0	4	1	0	5	0	0	0	0	0	0	2	2	0	4	12
% Heavy Trucks	0.6	0	0.7	0	0.5	0	0.2	1.6	0	0.2	0	0	0	0	0	0	0.1	0.9	0	0.2	0.2
Ped	0	0	0	46	46	0	0	0	11	11	0	0	0	16	16	0	0	0	20	20	93
% Ped	0	0	0	100	7.1	0	0	0	100	0.4	0	0	0	100	3.7	0	0	0	100	0.8	1.4

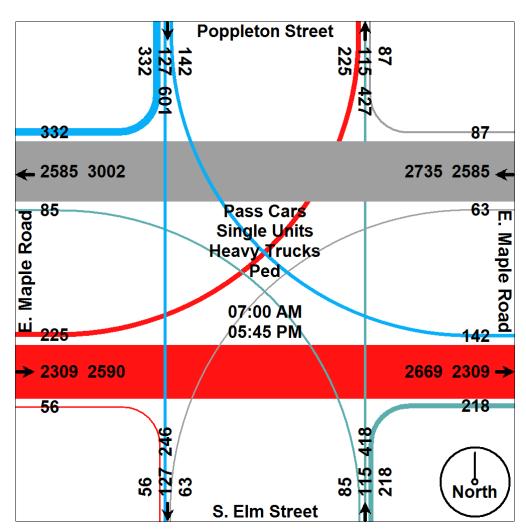
Comments: 4 hour intersection video traffic study conducted during typical weekday (Wednesday) from 7:00-9:00 AM, morning & 4:00-6:00 PM afternoon peak hours, while school was in session. Signalized intersection with ped. signals.all quadrants, no push buttons. Video SCU camera was located within SW intersection quadrant.

Traffic Data Collection, LLC tdcounts.com Phone: (586) 786-5407

Phone: (586) 786-5407 Traffic Study Performed For: Fleis & VandenBrink

> File Name : TMC_1 Maple & Poppleton_11-6-16 Site Code : TMC_1 Start Date : 11/9/2016 Page No : 2

Project: Birmingham Traffic Study Type: 4 Hr. Video Turning Movement Count Weather: Pt. Sunny Temp 50's Count By: Miovision Video VCU 1US



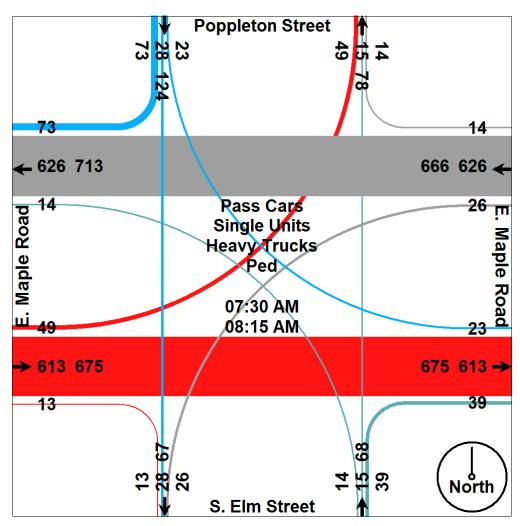


Traffic Data Collection, LLC tdcounts.com Phone: (586) 786-5407 Traffic Study Performed For: Fleis & VandenBrink



Project: Birmingham Traffic Study Type: 4 Hr. Video Turning Movement Count Weather: Pt. Sunny Temp 50's Count By: Miovision Video VCU 1US File Name : TMC_1 Maple & Poppleton_11-6-16 Site Code : TMC_1 Start Date : 11/9/2016 Page No : 3

		Poppleto				E. Map			S. Elm			E. Maple Road					
		South	bound			West	bound			North				Eastb	ound		
Start Time	Rgt	Thru	Left	App. Total	Rgt	Thru	Left	App. Total	Rgt	Thru	Left	App. Total	Rgt	Thru	Left	App. Total	Int. Total
Peak Hour Analysis F	From 07:00	AM to 12:3	30 PM - F	Peak 1 of 1													
Peak Hour for Entire	Intersection	n Begins at	t 07:30 Al	N													
07:30 AM	14	3	10	27	7	170	6	183	8	1	4	13	2	143	10	155	378
07:45 AM	15	11	4	30	2	141	5	148	10	7	4	21	4	178	16	198	397
08:00 AM	26	8	5	39	4	170	10	184	10	4	4	18	6	137	13	156	397
08:15 AM	18	6	4	28	1	145	5	151	11	3	2	16	1	155	10	166	361
Total Volume	73	28	23	124	14	626	26	666	39	15	14	68	13	613	49	675	1533
% App. Total	58.9	22.6	18.5		2.1	94	3.9		57.4	22.1	20.6		1.9	90.8	7.3		
PHF	.702	.636	.575	.795	.500	.921	.650	.905	.886	.536	.875	.810	.542	.861	.766	.852	.965
Pass Cars	72	27	21	120	14	612	22	648	39	15	14	68	13	602	45	660	1496
% Pass Cars	98.6	96.4	91.3	96.8	100	97.8	84.6	97.3	100	100	100	100	100	98.2	91.8	97.8	97.6
Single Units	0	1	2	3	0	12	4	16	0	0	0	0	0	10	2	12	31
% Single Units	0	3.6	8.7	2.4	0	1.9	15.4	2.4	0	0	0	0	0	1.6	4.1	1.8	2.0
Heavy Trucks	1	0	0	1	0	2	0	2	0	0	0	0	0	1	2	3	6
% Heavy Trucks	1.4	0	0	0.8	0	0.3	0	0.3	0	0	0	0	0	0.2	4.1	0.4	0.4
Ped	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Ped	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

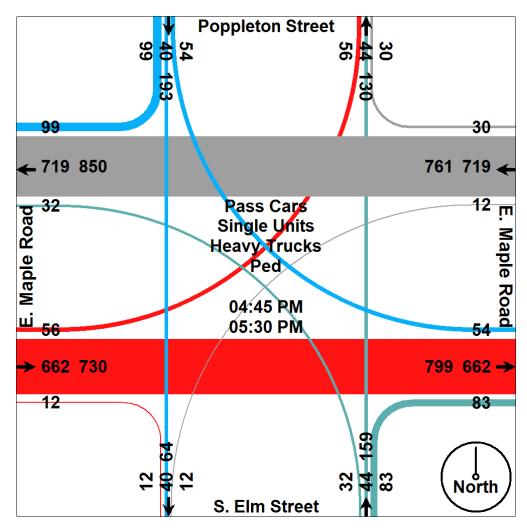


Traffic Data Collection, LLC tdcounts.com Phone: (586) 786-5407 Traffic Study Performed For: Fleis & VandenBrink



Project: Birmingham Traffic Study Type: 4 Hr. Video Turning Movement Count Weather: Pt. Sunny Temp 50's Count By: Miovision Video VCU 1US File Name : TMC_1 Maple & Poppleton_11-6-16 Site Code : TMC_1 Start Date : 11/9/2016 Page No : 4

		Poppleto Southb			E. Maple Road Westbound					S. Elm Northi			E. Maple Road Eastbound				
Start Time	Rgt	Thru	Left	App. Total	Rqt	Thru	Left	App. Total	Rqt	Thru	Left	App. Total	Rgt	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 12:45 PM to 05:45 PM - Peak 1 of 1																	
Peak Hour for Entire	Intersection	n Begins at	04:45 PI	M.													
04:45 PM	23	5	13	41	13	184	4	201	25	17	8	50	3	145	13	161	453
05:00 PM	28	3	13	44	8	191	4	203	20	6	7	33	6	146	8	160	440
05:15 PM	20	14	11	45	7	161	2	170	18	13	10	41	1	198	16	215	471
05:30 PM	28	18	17	63	2	183	2	187	20	8	7	35	2	173	19	194	479
Total Volume	99	40	54	193	30	719	12	761	83	44	32	159	12	662	56	730	1843
% App. Total	51.3	20.7	28		3.9	94.5	1.6		52.2	27.7	20.1		1.6	90.7	7.7		
PHF	.884	.556	.794	.766	.577	.941	.750	.937	.830	.647	.800	.795	.500	.836	.737	.849	.962
Pass Cars	99	40	54	193	29	709	12	750	83	44	32	159	12	640	56	708	1810
% Pass Cars	100	100	100	100	96.7	98.6	100	98.6	100	100	100	100	100	96.7	100	97.0	98.2
Single Units	0	0	0	0	1	10	0	11	0	0	0	0	0	22	0	22	33
% Single Units	0	0	0	0	3.3	1.4	0	1.4	0	0	0	0	0	3.3	0	3.0	1.8
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ped	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Ped	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Intersection: 13: Elm Street/Poppleton Street & Maple Road

Movement	EB	EB	WB	WB	NB	SB	SB
Directions Served	LT	TR	LT	TR	LTR	LT	R
Maximum Queue (ft)	161	153	485	473	166	163	131
Average Queue (ft)	67	73	437	436	74	64	68
95th Queue (ft)	131	131	550	542	250	172	126
Link Distance (ft)	492	492	384	384	435	162	
Upstream Blk Time (%)			81	83	4	13	0
Queuing Penalty (veh)			372	381	0	16	0
Storage Bay Dist (ft)							150
Storage Blk Time (%)						13	1
Queuing Penalty (veh)						9	0

Intersection: 13: Elm Street/Poppleton Street & Maple Road

Movement EB EB WB WB NB SB SB
Directions Served LT TR LT TR LTR LT R
Maximum Queue (ft) 192 161 395 393 279 188 139
Average Queue (ft) 80 78 221 231 114 65 54
95th Queue (ft) 149 136 479 488 307 142 114
Link Distance (ft) 492 492 384 384 435 162
Upstream Blk Time (%) 20 22 7 2 0
Queuing Penalty (veh) 92 99 0 5 0
Storage Bay Dist (ft) 150
Storage Blk Time (%) 2 1
Queuing Penalty (veh) 3 1

Google Maps 142 Poppleton St



Image capture: Sep 2014 © 2016 Google

Birmingham, Michigan Street View - Sep 2014



Google Maps 142 Poppleton St



Image capture: Sep 2014 © 2016 Google

Birmingham, Michigan

Street View - Sep 2014



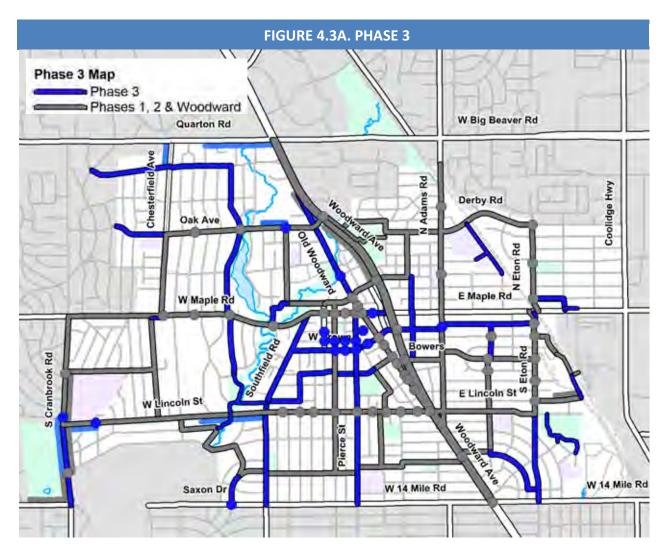
CITY OF BIRMINGHAM MULTIMODAL TRANSPORTATION PLAN $\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$ **NETWORK IMPLEMENTATION PLAN**

4.4 PHASE 3

PHASE 3: OVERVIEW

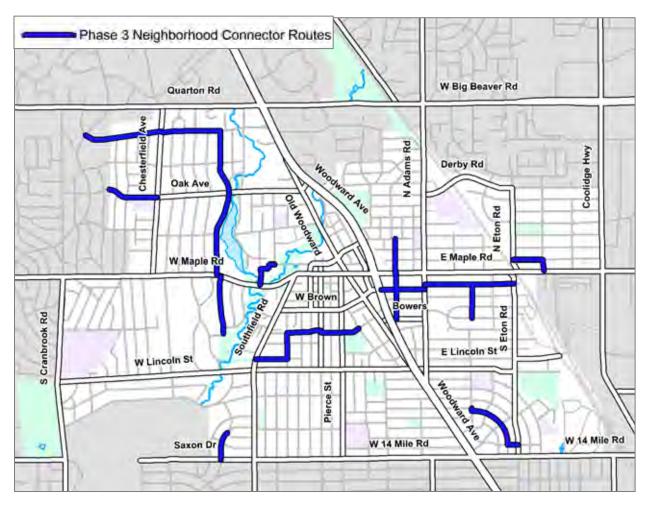
This phase focuses on completing the multi-modal network and includes the remaining network improvements. Due to the length of time it is going to take to complete the first two phases, the remaining improvements have been grouped into Phase 3. When the first two phases are near completion, a more thorough evaluation should be done to determine what new opportunities are available and what the costs may be.

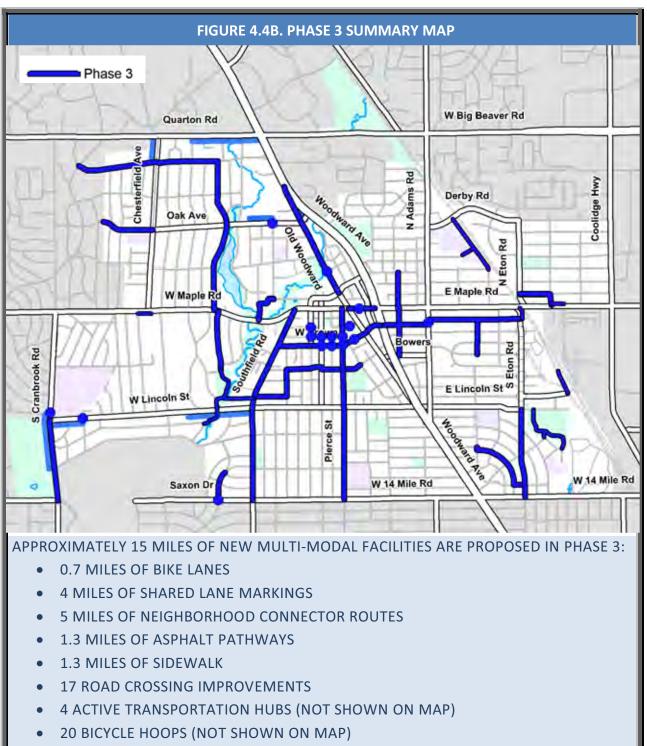
The following pages outline the remaining infrastructure improvements to complete the multimodal network.



PHASE 3: RECOMMENDED NEIGHBORHOOD CONNECTOR ROUTES

This phase focuses on completing the neighborhood connector routes. While the neighborhood connector routes are relatively easy and economical to implement some are dependent on the construction of proposed pathways and road crossing improvements. It will be important to prioritize the implementation of the neighborhood connector routes in this phase based on the progress of pathways implementation and road crossing improvements.





• 2 BIKE ROOMS (NOT SHOWN ON MAP)

CITY OF BIRMINGHAM MULTI-MODAL TRANSPORTATION BOARD THURSDAY, DECEMBER 1, 2016 City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, December 1, 2016.

Chairperson Vionna Adams convened the meeting at 6:04 p.m.

1. ROLL CALL

Present:	Chairperson Vionna Adams; Board Members Lara Edwards, An ⁻ olberg, Daniel Rontal, Michael Surnow									
Absent:	ice-Chairman Andy Lawson, Johanna Slanga									
Administrat	on: Lauren Chapman, Asst. City Planner Jana Ecker, Planning Director Austin Fletcher, Asst. City Engineer Scott Grewe, Operations Commander Paul O'Meara, City Engineer Carole Salutes, Recording Secretary									
Also Presen	: Mike Labadie from Fleis & Vandenbrink ("F&V"),Transportation Engineering Consultants									

2. INTRODUCTIONS

Mr. Labadie introduced Ms. Jennifer Sahab, a new employee with his firm.

3. **REVIEW AGENDA** (no change)

4. APPROVAL OF MINUTES, MEETING OF NOVEMBER 21, 2016

Motion by Ms. Folberg Seconded by Mr. Surnow to approve the Minutes of November 21, 2016 as presented.

Motion carried, 5-0.

Multi-Modal Transportation Board Proceedings December 1, 2016 Page 2

VOICE VOTE Yeas: Folberg, Surnow, Adams, Edwards, Rontal Nays: None Absent: Lawson, Slanga

5. ELM ST. SOUTH OF MAPLE RD. PARKING ANALYSIS

Mr. O'Meara advised that at the October 27, 2016 City Commission meeting, Ms. Delphine Scott, a resident of the All Seasons building, approached that body for an item not on the agenda. She expressed concern that the first parking space on southbound Elm St., south of Maple Rd. makes maneuvering in the area difficult, as the road is narrow.

The matter was referred to F&V, to be reviewed by the MMTB. F&V summarized that the parking space as located is a sufficient distance from Elm St. according to National standards. However, it was noted that the short section of double yellow line installed to help keep northbound vehicles waiting for the traffic signal to be lined up appropriately is extended too close to the subject space. F&V is suggesting that if 8.5 ft. of the double yellow line was removed at the south end, thus providing the minimum length required, the southbound lane would not appear so narrow.

Ms. Scott said if someone is turning off of Maple Rd. and a car is parked there they have to wait for the traffic going north to clear before pulling out around the parked car and turn in. There is no time limit as to how long a car can park in that spot. Deliveries, mail trucks, or emergency vehicles cannot go around the parked car and turn left unless ongoing traffic has cleared. Ms Scott said she hopes the MMTB will consider removing that one parking place in order to make it convenient to turn left onto Elm St. from Maple Rd.

Mr. Labadie explained that removing part of the double yellow line opens up the throat there. During peak periods there may be a queue of about four cars.

Ms. Edwards expressed the thought that ambulances turning onto Elm St. toward All Seasons should take precedence over keeping one parking space. Ms. Folberg did not think that eliminating part of the double line would help, because many times drivers would not hesitate to cross over the double line if needed. Therefore she was in favor of removing the parking space.

Motion by Ms. Edwards

Seconded by Mr. Surnow to recommend removing the one parking spot on Elm St., furthest north on the west side.

Multi-Modal Transportation Board Proceedings December 1, 2016 Page 3

Motion carried, 5-0.

VOICE VOTE Yeas: Edwards, Surnow, Adams, Folberg, Rontal Nays: Absent: Lawson, Slanga

6. POPPLETON AVE. RECONSTRUCTION KNOX AVE. TO MAPLE RD.

Mr. O'Meara advised the above block is proposed for complete reconstruction in 2017. Due to the relatively high traffic movements on this block, F&V was asked to perform a traffic analysis to make sure that the road is designed with the appropriate lane assignments, lengths, etc.

The project includes the reconstruction of the Knox Ave. intersection, but stops short of any work within the Maple Rd. traffic lanes. This block serves as the preferred entrance for both customers and trucks to the parking lot serving the adjacent Kroger grocery store, as well as several smaller businesses located on the same property. Traffic counts were taken recently for both the a.m. and p.m. peak periods.

Due to the skewed alignment of this street compared to Elm St. to the south, a right turn lane is being suggested (similar to the existing condition), as well as a shared/through lane in the middle. Storage of right turning vehicles is suggested back to the Kroger driveway north of Maple Rd., followed by a taper back to a more traditional residential street width (two lanes).

This section of Poppleton Ave. was identified to be part of a Neighborhood Connector Route for bicyclists in Phase 3. The original pavement was widened later near Maple Rd. to allow for a separate right turn lane. It is thought that traffic difficulties would result if the right turn lane was not present because the existing lanes are narrow and are especially tight when large trucks from Kroger are present.

Rebuilding the street to a basic three lane width will improve the current situation for bikes so that they can feel more comfortable waiting alongside motor vehicles, if desired. It is also felt that it is important to narrow the street south of the Kroger driveway back to a normal residential cross-section as it heads north to Knox Ave. Doing so will help signal to motorists that this is the entrance to a subdivision. Multi-Modal Transportation Board Proceedings December 1, 2016 Page 4

Mr. Surnow did not think bikes should be encouraged in that area with this design because it is too dangerous. Ms. Edwards thought the group might want to re-think the connector route.

Motion by Ms. Edwards

Seconded by Ms. Folberg to recommend to the City Commission what has been presented today on part of Poppleton Ave. from Knox Ave. to Maple Rd. When the City is considering Phase 3 of the Master Plan, the MMTB has some reservations about this section of the Neighborhood Connector Route and would like to study it further at a later date.

Motion carried, 5-0.

VOICE VOTE Yeas: Edwards, Folberg, Adams, Rontal, Surnow Nays: None Absent: Lawson, Slanga

7. OLD WOODWARD AVE. AND MAPLE RD. MATERIALS

Ms. Ecker recalled at their last meeting on November 21, the MMTB recommended that the City Commission authorize the 66 ft. wide street design as presented by MKSK for Old Woodward Ave., from Willits St. to Brown St., with the inclusion of back-in angled parking.

The City Commission voted to accept the plan with head in angle parking with the flexibility to change it in the future. The Commission also voted to approve the proposed width of 66 ft. from curb to curb along Old Woodward Ave. They also determined the width along Maple Rd., directing that it be built at 40 ft. wide. They did not get into discussion about what materials should be used, so they have asked that consideration of the materials come back to the MMTB.

MKSK has proposed an alternate set of materials for the City Commission to consider. They have been advised that the City has developed and invested in a standard design and materials concept consisting of saw-cut brush finished concrete, combined with exposed aggregate accents installed between trees, placed typically on 40 ft. spacing. The recommendation is to extend this concept on Maple Rd., but that the Phase I project would be an opportunity to highlight the Old Woodward Ave. corridor with enhanced materials that could make it especially prominent and a special place that attracts residents and visitors alike.

The following are the recommended materials that are related to the multi-modal elements:

City of	Birmingham	MEMORANDUM
DATE:	February 25, 2017	Engineering Dept.
TO:	Multi-Modal Transportation Board	
FROM:	Paul T. O'Meara, City Engineer	
SUBJECT:	Poppleton Ave. Paving Knox Ave. to Maple Rd.	

The Multi-Modal Transportation Board discussed the above planned City project at its meeting of December 1, 2016. A recommendation to approve the three lane cross-section presented at that time was passed. It was noted that this segment is identified as part of a future Neighborhood Connector Route, but that due to the lack of right-of-way, the City will be unable to make improvements to the road that would allow for an improved environment for bicyclists. The MMTB recommended that further study be given to this issue in the future before this Connector Route is finalized in the future.

The project is now in final design. During further study of this block, it was noted that this is the only available route for trucks to enter and exit the loading dock for the adjacent Kroger store. Approximately 15 large trucks need to arrive daily at the dock to supply the grocery store. Again due to the narrow right-of-way, the existing pavement at the Maple Rd. & Poppleton Ave. intersection was not constructed to accommodate these large trucks. The attached pictures help portray the current condition of the northwest corner. Due to heavy traffic volumes and the narrow street, trucks have to routinely drive over the curb to exit Poppleton Ave.

The attached engineering drawing of Poppleton Ave. indicates our suggested street design. The new road is recommended to be about 18 inches wider, and a standard 25 ft. radius at both corners is recommended (the current radii, particularly on the NW corner, are smaller, and are not recommended on a truck route). Because the new road is being widened to better accommodate trucks, this may be construed as a detriment to pedestrians, therefore this project is being brought back to the MMTB for discussion on this item before it proceeds to the Commission. However, the following counterpoints are offered:

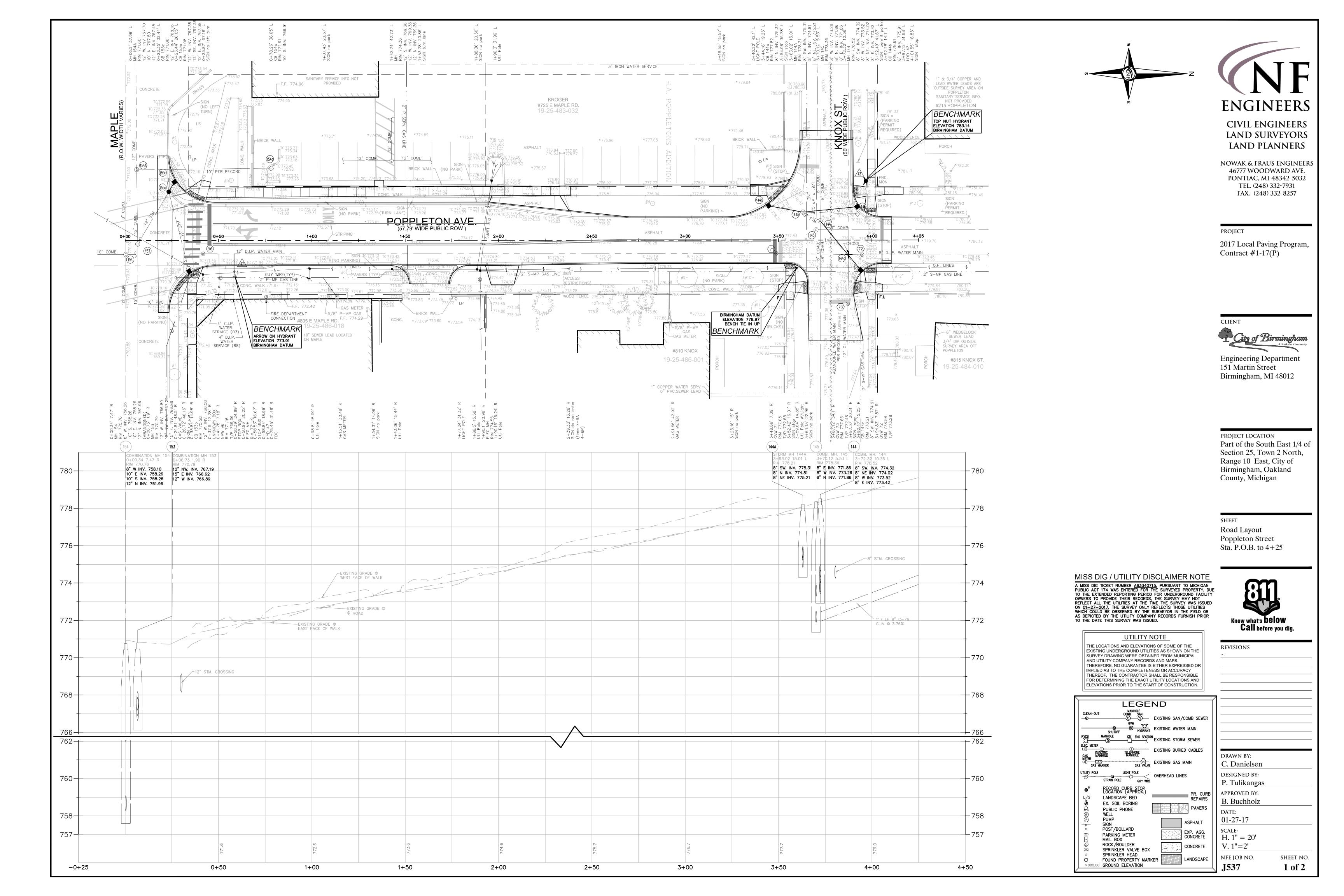
- 1. The new crosswalk at Maple Rd. will be widened to eight feet, in accordance with the recommended new crosswalk design standards.
- 2. The new crosswalk will have improved continental style 24" pavement markings, in accordance with the Board's new recommended crosswalk standards (not yet shown on this drawing).
- 3. Looking closer at the drawing, the existing crosswalk is immediately north of the Maple Rd. travel lanes. By moving the new crosswalk further north, where Poppleton Ave. is narrowing, the effective length of the crosswalk is matched, or even slightly shorter than the existing.

- 4. The northwest corner handicap ramp will allow pedestrians waiting at this corner to be further removed from the busy Maple Rd. travel lanes.
- 5. The one detriment to this new design is that the existing Maple Rd. crosswalk on the west side of the intersection will be about six feet longer than it is currently. Since the current crosswalk is about 50 ft. long, this will add about 12% to the total length of the crossing. We will ask F&V to confirm that the timing of the signal is such that sufficient Maple Rd. red time exists to make this crossing safely.

To summarize, the Engineering Dept. does not recommend rebuilding Poppleton Ave. as a duplicate of the original, 1930 era design. A minor expansion of the road, particularly to the west, will better accommodate the multiple trucks that need to use this intersection daily, while only slightly extending the length of the crosswalk for those crossing Maple Rd. on the west side of the intersection. Doing so will remove the current ongoing maintenance issue that is present at the northwest corner of this intersection.

SUGGESTED RECOMMENDATION:

To recommend to the City Commission the modified pavement design for Poppleton Ave. between Knox Ave. and Maple Rd. to better accommodate the frequent truck turning movements at this intersection.



City of B	Sirmingham A Walkable Community	MEMORANDUM
		Office of the City Manager
DATE:	March 24, 2017	
то:	City Commission	
FROM:	Joseph A. Valentine, City Manager	
SUBJECT:	Request for Closed Session Attorney-Client Privilege	

It is requested that the city commission meet in closed session pursuant to Section 8(h) of the Open Meetings Act to discuss an attorney/client privilege communication.

SUGGESTED RESOLUTION:

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

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

February 5, 2017

Dear Joe Valentine,

Please forward this letter to the Birmingham City Commissioners.

As a concerned homeowner on Fairway Drive between Pleasant and Arden Lane, I am opposed to a sidewalk in front of my house regardless of the cost of installation. The reasons include:

- Loss of greenspace
- Loss of driveway use
- Cost to repair disruption of landscaping, trees, shrubs, berms, sprinkler systems, brick paver and aggregate driveways, electric dog fences, etc.
- Aesthetics
- Maintenance
- Liability
- Privacy
- Other

Respectfully,

Name (printed) <u>MARGARET ANN HYNCH BY APOH</u> STEVEN Name (signed) ______ Address _______ FAIRWAY

BIRMINGHAM

MAR 1 4 2017

CITY MANAGER'S OFFICE

February 5, 2017

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- Aesthetics
- Maintenance
- Liability
- Privacy
- Other

Respectfully,

Name (printed)	Julia	Cooney	
Name (signed)	Delia	(bonup	
Address19	86 Fair h	by Bribe	

BIRMINGHAM

FEB 2 4 2017

CITY MANAGER'S OFFICE

February 5, 2017

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As a concerned homeowner on Fairway Drive between Pleasant and Arden Lane, I am opposed to a sidewalk in front of my house regardless of the cost of installation. The reasons include:

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- Aesthetics
- Maintenance

- Liability

LOSS - Privacy - Other ____

Respectfully, Name (printed) Name (signed) Fairwar 2181 Address

BIRMINGHAM

FEB 2 8 2017

CITY MANAGER'S OFFICE

City of	Birmingham MEMORANDUM A Walkable Community Planning Division
DATE:	March 9, 2016
TO:	Joseph A. Valentine, City Manager
FROM:	Jana L. Ecker, Planning Director
SUBJECT:	Community Development Department/Planning Division Annual Report & Planning Board, Historic District Commission, and Design Review Board Action Lists for 2017-2018

Please find attached the Planning Division's annual report for 2016-2017, including the Planning Board's Action List 2017-2018, the Historic District Commission's Action List, and the Design Review Board's Action List for your review.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ANNUAL REPORT & 2017-2018 ACTION LIST OF THE PLANNING BOARD, THE HISTORIC DISTRICT COMMISSION, AND THE DESIGN REVIEW BOARD

PLANNING BOARD

Scott Clein, Chairperson Gillian Lazar, Vice Chairperson Bryan Williams Janelle Whipple Boyce Bert Kosek Robin Boyle Stuart Jeffares Lisa Prasad, Alternate Member Dan Share, Alternate Member Ariana Afrakhteh, Student Representative Bella Niskar, Student Representative

HISTORIC DISTRICT COMMISSION AND DESIGN REVIEW BOARD

John Henke, III, Chairperson Shelli Weisberg, Vice Chairperson Mark Coir Keith Deyer Michael Willoughby Natalia Dukas Thomas Trapnell Adam Charles (Alternate Member) Dulce Fuller (Alternate Member) Josh Chapnick, Student Representative Griffin Pfaff, Student Representative

PLANNING DIVISION STAFF

Jana L. Ecker, Planning Director Matthew Baka, Senior Planner Sean Campbell, Assistant City Planner Lauren Chapman, Assistant City Planner

THE 2016 -2017 COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ANNUAL REPORT PLANNING BOARD, HISTORIC DISTRICT COMMISSION, AND THE DESIGN REVIEW BOARD

Each year, the City Commission asks the Planning Division to prepare a report outlining the board and commission activities from the previous year. This report covers the year beginning **April 1, 2016 and ending March 31, 2017**. In preparing the report, the Planning Board, the HDC, and the DRB have the chance to review their goals and objectives for the upcoming year.

The report is separated into two distinct parts: 1) Accomplishments and 2) Goals. The Accomplishments section cites in narrative form the activities conducted by each board. This narrative will include a list of public hearings, studies and reviews.

The Goals section lists the items from the Planning Board's 2017-2018 Action List, the HDC's 2017-2018 Action List, and the DRB's 2017-2018 Action List, and speaks to the action taken on each item. From this list, each board, as well as the City Commission, has the opportunity to evaluate their goals and objectives, and make any needed amendments.

PLANNING BOARD

Site Plans

The Planning Board, which meets the second and fourth Wednesdays of each month, sets aside their first meeting of the month for discussion or study items and their second meeting of the month for site plan reviews. The following list includes all the site plans reviewed from **April 1**, **2016 to March 31, 2017**. It should be noted that each site plan may have been reviewed more than once:

- 1. 835 & 909 Haynes Fred Lavery Porsche / Audi
- 2. 191 North Chester, First Church of Christ, Scientist
- 3. 100 Townsend The Corner Bar
- 4. 856 North Old Woodward Avenue construction of a new mixed use building
- 5. 748 750 Forest new 3-5 story mixed use building
- 6. 200 2070 Villa Street extension of site plan
- 7. 100 450 Woodland Villa gate across road
- 8. 400 W. Maple building lobby addition
- 9. 602 Riverside Drive, Lot 6 Single family cluster home
- 10. 2010 & 2012 Hazel Street Crosswinds construction of rear decks
- 11. 401 451 S. Eton Irongate
- 12. 2010 Cole Street new 3 story mixed use building
- 13. 33353 Woodward Tuffy Car Repair
- 14. 35975 Woodward construction of new two story building
- 15. 325 S. Old Woodward Adachi Bistro
- 16. 2159 E. Lincoln Lincoln Yard Bistro
- 17. 2100 E. Maple Whole Foods Bistro
- 18. 280 E. Lincoln Grace Baptist Church
- 19. 576 Bloomfield Court new 4 car garage
- 20. 412 420 E. Frank construction of new 3 story residential building
- 21. 225 E. Maple Social Kitchen permanent enclosure of dining in City via
- 22. 250 N. Old Woodward Four Story Burger, name change from Ironwood Grill

Special Land Use Permits

The Planning Board reviewed the following special land use permits (SLUP's):

- 23. 835 & 909 Haynes Fred Lavery Porsche / Audi
- 24. 100 Townsend The Corner Bar
- 25. 325 S. Old Woodward Adachi Bistro
- 26. 2159 E. Lincoln Lincoln Yard Bistro
- 27. 2100 E. Maple Whole Foods Bistro
- 28. 280 E. Lincoln Grace Baptist Church
- 29. 225 E. Maple Social Kitchen permanent enclosure of dining in City via
- 30. 250 N. Old Woodward Four Story Burger, name change from Ironwood Grill

Community Impact Statements

For proposed construction over 20,000 square feet, the developer must provide a Community Impact Statement (CIS), which addresses planning, zoning, land use and environmental issues, as well as public service and transportation concerns.

- 1. 856 North Old Woodward Avenue construction of a new mixed use building
- 2. 748 750 Forest new 3-5 story mixed use building

Rezoning Applications

Over the past year, there were ten requests for rezoning/zoning amendments on property within the City of Birmingham.

- 1. 404 Park Street, Parcel No. 19-25-451-021– Application for rezoning from R-2 (Single Family Residential) to TZ1 (Transition Zone).
- 2. 191 North Chester, First Church of Christ, Scientist Application to rezone from TZ1 Transition Zone to TZ3 Transition Zone.
- 3. 245, 325 & 375 S. Eton Petition to amend maximum height for mechanical equipment in the MX zoning district.
- 4. 555 South Old Woodward, 555 Building Application for rezoning of the property from D-4 in the Downtown Overlay District to D-5, a new zoning classification proposed for the Downtown Overlay District, to allow renovation and expansion of the existing mixed use building.
- 5. 412 420 E. Frank Application to rezone from R3, B1 and B2B to TZ1 (Transition Zone).
- 6. 2100 East Maple Road Whole Foods Market Application to define Rail District and include this property within the boundaries.
- 7. 211 S. Old Woodward Birmingham Theater Request to create a new category of liquor licenses for theaters in Downtown Birmingham.
- 8. 555 South Old Woodward, 555 Building Application for rezoning from D-4 in the Downtown Overlay District to D-5 in the Downtown Overlay District.
- 9. 411 S. Old Woodward Birmingham Place Application for rezoning from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay District.
- 10. 225 E. Merrill Merrillwood Building Application for rezoning from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay District.

Pre-Application Discussions, as suggested in the DB2016 Report, are recommended for new construction. This type of discussion is beneficial to both the applicant and the Planning Board, giving both the opportunity to informally discuss proposals. However, the placement of the discussion, at the end of a site plan review meeting, often precludes all issues from being discussed. The following Pre-Application discussions occurred from April 1, 2016 to March 31, 2017:

- 1. 33877 Woodward Avenue Sav On Drugs
- 2. 225 E. Maple Social Kitchen
- 3. 2010 Cole Street new 3 story mixed use building
- 4. 298 S. Old Woodward new 5 story hotel

Courtesy Reviews

1. Chesterfield Fire Station, Birmingham Fire Department

Study Sessions/ Discussions

The Planning Board also engaged in many study sessions and discussions with regards to the following topics. It should be noted that these topics are often discussed at multiple meetings:

- 1. Glazing Standards
- 2. Outdoor Storage
- 3. Transitional Zoning (TZ2)
- 4. Wayfinding Update
- 5. Height in MX District
- 6. Outdoor Dining Enclosure Standards
- 7. City Commission Direction on Current Planning Issues
- 8. Planning Board Action List 2016-2017
- 9. Dormer Regulations
- 10. Non-conforming Building Regulations
- 11. D-5 Zone in the Downtown Birmingham Overlay District
- 12. Rail District Boundaries
- 13. Economic Development License Location Map
- 14. Theater Licenses
- 15. Window Tinting Requirements
- 16. Ad Hoc Rail District Report
- 17. Shared Parking Options
- 18. Planning Board Action List 2017 2018
- 19. Historic Designation of 927 Purdy

Public Hearings/ Zoning Amendments

Public hearings were held by the Planning Board to ensure public participation at various stages in the planning process. The following ordinances were reviewed at public hearings by the Planning Board:

- 1. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham as follows:
 - a) To amend Article 4, Section 4.90 WN-01, Window Standards, to amend the glazing standards; and
 - b) To amend Article 7, Section 7.05, Architectural Design Review to amend the first floor glazing requirements.
- 2. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham as follows:

To amend Section 2.23, O2 (Office/Commercial) District Intent, Permitted Uses, and Special Uses, to amend the Accessory Permitted Uses.

To amend Section 2.27, B1 (office-Residential) district intent, permitted uses, and special uses to amend the accessory permitted uses.

To amend Section 2.29, B2 (General Business) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.31, B2B (General Business) District intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.33, B2C (General Business) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.35, B3 (Office-Residential) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.37, B4 (business residential) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.39, MX (mixed use) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 4.12 FN-03, Fence Standards, to remove the Outdoor Storage Fence provisions from this section.

To amend Section 4.57, Screening Standards, to add screening standards for outdoor storage.

To amend Sections 4.67 to 4.72, Storage and Display Standards, to amend the outdoor display and storage standards in O1, O2, B2, B2B, B2C, B4 and MX.

To amend Section 5.10, B2 District, B2B District, B2C District, Use Specific Standards to amend the outdoor display and storage standards.

To amend Section 5.12, B4 district, Use Specific Standards to amend the outdoor display and storage standards.

To amend Section 5.13, MX District, use Specific Standards to amend the outdoor display and storage standards.

To amend Section 9.02, Definitions, to add definitions for Outdoor Display, Outdoor Storage and Building Frontage, principal.

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

To amend Section 4.19, HT-04, Height Standards, to alter the maximum height of buildings in the MX district to allow for rooftop mechanical equipment.

4. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

To amend Article 04, Structure Standards, Section 4.75 SS-02, to add regulations for dormers projecting from second story roofs on single-family homes.

To amend Article 09, Definitions, Section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable Attic" and "Story".

5. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

To amend Article 3, Downtown Birmingham Overlay District, Section 3.04, to create a new D5 zone and to establish development standards for this district;

To amend Article 6, Nonconformances, Section 6.02, to allow for the extension and/or enlargement of existing legal, non-conforming commercial buildings;

6. To consider the following amendments to chapter 126, zoning, of the code of the city of Birmingham:

To amend Article 2, Section 2.29, b2 (General Business) District Intent, Permitted Uses, and Special Uses to amend the accessory permitted uses to allow bistro uses on parcels within the rail district.

To amend Article 2, Section 2.31, B2B (General Business) District Intent, Permitted Uses, and Special Uses to amend the accessory permitted uses to allow bistro uses on parcels within the Rail District.

To amend Article 9, Section 9.02, Definitions, to add a definition for Rail District.

To amend Article 2, Section 2.29, B2 (General Business) District Intent, Permitted Uses, and Special Uses to amend the accessory permitted uses to allow the use of economic development licenses in this zone district.

To amend Appendix C, Exhibit 1, Economic Development Licenses map.

7. To consider the following amendments to Chapter 10, Alcoholic Liquors and Chapter 126, Zoning, of the Code of the City of Birmingham;

To amend Part II, Article II. Licenses, to add Division 5. Licenses for Theaters.

- 8. To amend chapter 126, zoning, of the city code, Article 3, Section 2.37 (B4) to allow the use of liquor licenses for theaters in the B4 zone district.
- 9. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

To amend Article 04, Structure Standards, Section 4.75 SS-02, to add regulations for dormers projecting from second story roofs on single-family homes.

To amend Article 09, Definitions, Section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable Attic" and "Story".

Regional Planning with the Woodward Corridor Communities

Bus Rapid Transit: The City of Birmingham continues to work with the cities of Detroit, Highland Park, Pleasant Ridge, Huntington Woods, Ferndale, Berkley, Royal Oak, Bloomfield Hills and Pontiac, and Bloomfield Township to conduct a federally funded Alternatives Analysis and Preliminary Engineering plans to study mass transit opportunities along the entire 27 mile Woodward Corridor. Other partners in this effort include SEMCOG, MDOT, the Woodward Avenue Action Association, the Michigan Suburbs Alliance, DDOT, SMART, Wayne State University, the Detroit Zoological Society and Beaumont Hospital. The Woodward Corridor Alternatives Analysis Steering Committee ("WCAASC") meets every several months at this point in the process.

National Planning Initiatives

Guidelines for Creating Walkable and Bikeable Communities: Ms. Ecker served on the Agency and Advocate Organization Review Panel to assist with the compilation and review of the upcoming publication <u>Guidelines for Creating Walkable and Bikeable Communities</u>, prepared by the U.S. Department of Housing and Urban Development.

	ΤΟΡΙϹ	STUDY SESSION	PUBLIC HEARING	STATUS	NOTES
1	Review dormer and habitable attic regulations in SF zones	0			As directed by the City Commission on 7-11-2016
2	Consider outdoor storage and display standards	4/10/13 4/24/13 6/12/13 8/14/13 8/28/13 1/22/14	7/13/16 PB	In Progress	Develop standards for outdoor storage and displays
3	Glazing Standards	8/28/2013, 3/11/2015, 4/22/2015, 10/14/2015	9/11/13, 9/25/13, 1/27/14, 11/11/2015 PB, 11/23/15 CC	In Progress	CC approved changes to the Triangle Overlay and Article 04 of the Z. O. on 11.23.15 to be consistant with the DB Overlay by measuring Glazing between 1 and 8 feet above grade. Further changes to be considered at future study sessions.
4	Height in MX district	6/22/2016	7/27/2016		Allow 10' height for rooftop mechanical equipment
5	Zoning Transition Overlay (TZ2)	2/27/13, 4/10/13 4/24/13, 5/8/13 5/22/13, 6/12/13 7/24/13, 8/28/13 9/11/13, 11/13/13 1/8/14, 3/12/14 10/8/14, 2/25/15 4/08/15, 5/15/15	10/9/13 2/26/14 4/9/14 4/23/14 6/24/15 PB 08/24/15 CC	In Progress	CC approved rezoning of parcels to the TZ1 and TZ3 zoning classification on 8.24.15. TZ2 sent back to the Planning Board for further study of permitted uses.
6	Parking Requiremen ts				As directed by the City Commission on 7-11-2016
7	Definition of Retail				As directed by the City Commission on 7-11-2016

-		1			
8	Address				As directed by the City
	allowable				Commission on 7-11-2016
	changes for				
	commercial				
	non-				
	conforming				
	buildings				
9	Consider				
	looking at				
	principal				
	uses				
	allowed and				
	add				
	flexibility("a				
	nd other				
	similar				
	uses")				
10	Potential	1/22/2014,	3/11/2015	In Progress	Ordinance Amendment
	residential	11/14/14,			recommended for approval to City
	zoning	1/28/15,			Commission at PH
	changes:	2/11/15			
	MF & MX				
	garage				
	doors,				
	garage				
	house				
	standards,				
	dormers				
11	S.	2/27/08		In Progress	LSL/Hamilton Anderson
	Woodward	9/24/08			contracted to lead master plan
	Avenue	10/20/08			process - Subcommittee formed
	Gateway	(PB/CC)			to guide master plan process in
	Plan	2/10/09			2013 - Charette held in May of
	(Woodward	(LRP)			2013 Draft plan received from
	Corridor	10/17/2011			LSL early in 2014 - Project
	Lincoln to	(Joint with			postponed in summer of 2014
	14 Mile	CC)			due to staff shortage and pending
	Road)	1/22/2012			projects
		(LRP)			
		4/24/13			
		5/8/13			

12	Sustainable Urbanism – Green building standards, impervious surface, solar and wind ordinances, deconstruct ion, geothermal, native plants, low impact developmen t etc.	2/09/2005 7/11/2007 8/08/2007 9/12/2007 1/9/2008 9/10/08 1/14/09 1/28/09 2/10/09 (LRP) 5/13/09 8/12/09 11/11/09 1/23/10 (LRP) 5/12/2010 6/9/10	2/25/09 (PB - Solar) 1/13/10 (PB-Wind) 2/10/10 (PB-Wind) 6/14/2010 (CC-Wind)	Solar ordinance completed; Wind ordinance completed	Incentive option in Triangle District Guest speakers in LEED Certification, Pervious Concrete, LED Lighting, Wind Power, Deconstruction Sustainability website & Awards Native plant brochure
13	Regional Planning Projects	6/12/13 10/9/13 11/13/13 2/1/14 (LRP)		Ongoing	Woodward Complete Streets and Woodward Alternatives Analysis
14	Wayfinding			On Hold	Implement way finding plan
15	Southern Downtown Overlay Gateway	5/13/2015, 6/10/2015, 7/08/2015, 9/09/2015, 9/30/2015		In Progress	Consideration of a new D5 overlay zone requested by the owners of the 555 Building
16	Medical Marijuana	2/25/2015		On Hold	

HISTORIC DISTRICT & DESIGN REVIEW COMMISSION, THE HISTORIC DISTRICT COMMISSION, AND THE DESIGN REVIEW BOARD

Both the HDC (Historic District Commission) and the DRB (Design Review Board) meet on the first and third Wednesdays of each month, with a limit of 4 regular reviews per meeting, and up to 8 reviews without formal presentation. Limiting reviews in this way allows the HDC & DRB time to conduct public hearings and discuss study session items.

Design Reviews

The following businesses requested design reviews by the DRB to alter the appearance of their buildings:

- 1. 344 Hamilton Façade renovation
- 2. 1555 E. 14 Mile Kakos Market, Façade renovation
- 3. 180 E. Brown Façade Renovation
- 4. 34602 Woodward Lavery Audi, Façade renovation
- 5. 33722 Woodward, Meadow Brooke Urgent Care Façade renovation
- 6. 912 S. Old Woodward, OWC Façade renovation
- 7. 33502 Woodward Façade renovation
- 8. 2254 Cole St. Façade renovation

Historic Reviews

The following historic buildings proposed changes that required review by the HDC:

- 1. 556 W. Maple Allen House
- 2. 100 Townsend Façade renovation
- 3. 166 W. Maple Caruso Caruso
- 4. 277 Pierce Demolition request
- 5. 539 S. Bates New Addition
- 6. 300 Warren Ct. Alterations to historic home
- 7. 215 N. Old Woodward Façade renovation
- 8. 126 S. Old Woodward Façade renovation
- 9. 539 S. Bates Changes to previously approved addition
- 10. 159 Pierce Façade renovation
- 11. 325 S. Old Woodward Façade renovation
- 12. 117 Willits, Mitchell's Outdoor Dining

Sign Reviews

The following businesses requested sign reviews:

- 1. 576 E. Lincoln, Birmingham Bloomfield Credit Union
- 2. 555 S. Old Woodward, Triple Nickel
- 3. 2100 E. Maple, Whole Foods
- 4. 200 Chester, Baldwin House
- 5. 210 S. Old Woodward KW Domain
- 6. 142 W. Maple Allen Edmonds

Study Session Discussions:

1. Millrace Rd. name change request

SECTION TWO: GOALS

The Planning Division boards and commissions set specific goals and priorities each year as part of the annual report. The formulation of these goals comes from the City Commission, Planning Board, HDC, DRB, and City Staff. Upon review of the items noted on the action lists that follow (see attached), the Planning Board, the HDC, and the DRB will make recommendations to the City Commission, as they deem important and necessary.

HISTORIC	Rank
Historic District Ordinance Enforcement	1
Coordinate Overlay/Historic/General sign standards	2
Preservation Education	3
Commercial In-fill Guidelines	4
Certified Historic Homes Plaques	5
Print Eco City Neighborhood Survey	6
Alleys and Passages	7

2017 HDC ACTION LIST RANKING

2017 DRB ACTION LIST RANKING

SIGNS	Rank
Sign Ordinance Enforcement	1
Coordinate Overlay/Historic/General sign standards	2
Develop Informational Sign Guidelines	3
Sign Band Designation on New buildings	4

DESIGN REVIEW	Rank
Ordinance Enforcement	1
Improve Sequence of Reviews Between Boards	2
Continue to Implement 2016 Plan	3
Alleys and Passages	4

March 13, 2017



Ms. Laura Pierce, Clerk City of Birmingham 151 Martin St. Birmingham, MI 48012-3001

Re: Important Information about Customer TV Boxes and Modem

Dear Ms. Pierce:

As part of our continuing effort to keep you informed, we wanted to let you know about an upcoming change affecting certain Comcast TV boxes and modems. Beginning March 15, 2017, a limited number of customers in our market will be asked to upgrade their equipment to take advantage of our new technology enhancements. With this upgrade, customers will enjoy improved HD picture quality and be able to record and store more shows on their DVR.

We established a customer friendly process for our customers to upgrade their equipment. They simply need to tune to channel 1995 on each TV connected to their account and follow the simple instructions on the screen. We will send them everything they will need to get set up.

While we recognize this change may be an initial inconvenience to customers, this change will pave the way for more HD options and the fastest in-home WiFi.

We are informing our customers of this upcoming change through letters to their homes and email notifications. Sample notification letters are attached for your reference. We will continue to notify customers on an ongoing basis about this change, including any deadlines for action, and will keep you informed as well.

Please let me know if you have any questions.

Sincerely,

Kyle V Mazurek Manager of External Affairs Comcast, Heartland Region 41112 Concept Drive Plymouth, MI 48170 734-254-1557

Enclosures

INFORMATION ONLY

Equipment Update

Update your TV box — on us.

We've noticed you have an older TV box and we'd like to give you a new one - on us.

You'll need the latest technology to enjoy an unmatched entertainment experience. Older devices like yours can't keep up with new features and will eventually lose HD channels.

That's why we've made it easy to update equipment so you can enjoy enhanced HD and, for those of you with DVR, up to 8x the storage. Here's how:

- 1> Tune to channel 1995 on each TV in your home.
- 2> Follow the simple instructions on the screen to order your replacement.
- 3) Set up and activate your new equipment.

With this update, you'll get XFINITY X1 — a whole new way to experience TV throughout your home. X1 delivers the simplest, fastest and most complete way to enjoy all your entertainment on all your screens. It even lets you change channels with your voice.

Questions? Find answers at xfinity.com/tradeup or call 1-800-XFINITY (934-6489) and mention "Equipment Update."

Thank you for choosing XFINITY. Ensuring that you get the most from your TV service is part of our commitment to improving your overall experience.

Sincerely,

Tarrity Hariboron

Parvathy Hariharan Vice President, Customer Experience

Replace and activate your new TV box by 5/31 to keep your favorite HD channels.

COMCAST

xfinity

V9.Westl.60

Frequently Asked Questions

1> Do I really need to replace my TV box(es)?

Yes. To provide you with better TV service, we have upgraded our network. As a result, one or more of your devices needs to be replaced to keep up with today's latest technology. For those of you with a DVR, saved recordings will not transfer and recordings for future programs will need to be reset on the new TV box.

2> I have more than one TV box — how do I know which one(s) needs to be replaced?

Simply tune to channel 1995 on each of your TVs and follow the on-screen instructions. It will let you know if your TV box is compatible with the upcoming changes or needs to be replaced.

3> How do I replace the box(es)?

- On your TV: Go to channel 1995 and follow the on-screen instructions to get a new TV box shipped to your home.
- Call us at 1-800-XFINITY (934-6489): Place an order, ask questions or schedule a professional installation for an additional fee.

4> How do I return my existing TV box(es)?

- By mail: Use the return label in your self-installation kit.
- By appointment: If your new TV box is professionally installed, your technician will take your existing equipment.

Please note there is a charge for unreturned equipment.

V9.Westl.60

Equipment Update

xfinity

Update your TV box — on us.

We've noticed you have an older TV box and we'd like to give you a new one — on us.

You'll need the latest technology to enjoy today's enhanced HD. Older devices like yours can't keep up with new features and will eventually lose HD channels.

That's why we've made it easy to update equipment so you can enjoy enhanced HD and, for those of you with DVR, up to 8x the storage.

X1 is a whole new way to experience TV throughout your home. It delivers the simplest, fastest and most complete way to enjoy all your entertainment on all your screens. It even lets you change channels with your voice.

Call 1-800-XFINITY (934-6489) and mention "Equipment Update" to schedule a free professional installation.

Thank you for choosing XFINITY. Ensuring that you get the most from your TV service is part of our commitment to improving your overall experience.

Sincerely,

Tarriety Haribaran

Parvathy Hariharan Vice President, Customer Experience

Your TV box must be installed by 5/31 to keep your favorite HD channels.

COMCAST

V101.Westl.60

FitchRatings

FITCH AFFIRMS BIRMINGHAM, MI'S GOS AT 'AAA'; OUTLOOK STABLE

Fitch Ratings-New York-23 February 2017: Fitch Ratings has affirmed the following Birmingham, MI ratings at 'AAA':

--\$12.5 million outstanding unlimited tax general obligation (ULTGO) bonds; --Issuer Default Rating.

The Rating Outlook is Stable.

SECURITY

The ULTGO bonds are payable from ad valorem taxes, which may be levied without limitation as to either rate or amount, upon all taxable property within the corporate limits of the city.

KEY RATING DRIVERS

The 'AAA' IDR and ULTGO ratings are based on Fitch's view of the city's ample ability to raise revenues, solid prospects for revenue growth, solid expenditure flexibility, manageable labor contracts, low long-term liability burden, and ability to maintain financial flexibility through economic cycles.

Economic Resource Base

Birmingham is an affluent community located in Oakland County, 20 miles north of Detroit. The city has experienced a prolonged period of steady growth, with the population increasing about 7% over the past 10 years to 20,857.

Revenue Framework: 'aa' factor assessment Revenue growth is solid and the city maintains ample independent revenue raising ability within its Headlee limitation relative to the potential for revenue volatility in a moderate economic downturn.

Expenditure Framework: 'aa' factor assessment The natural pace of expenditure growth is in line with to marginally above expected revenue growth and expenditure flexibility is solid.

Long-Term Liability Burden: 'aaa' factor assessment The long-term liability burden is low when compared to the economic base.

Operating Performance: 'aaa' factor assessment The city has exceptionally strong gap closing ability and is expected to rapidly rebuild financial flexibility if faced with an economic downturn.

RATING SENSITIVITIES

Expenditure Management: Failure to maintain strong fiscal management of expenditures may reduce budgetary flexibility and could result in a rating downgrade.

CREDIT PROFILE

INFORMATION ONLY

Birmingham is suburban and residential in nature. The city has an expanding downtown area and management reports new retail and restaurant additions, which are attributed to continued population growth. The city's wealth levels are high, with estimated per capital personal income equal to more than double the state and national rates. Unemployment data is not available for the city given its small size.

Taxable assessed value (TAV) began recovering from the great recession in 2012 and has experienced annual increases since this time. TAV grew by an approximate 6% in 2016 and management projects continued growth in 2017 (5%), 2018 (4%), and 2019 (3.5%). The affluence of city residents and property values are reflected in a high market value per capita of nearly \$240,000.

Revenue Framework

The city is reliant primarily on property tax receipts, which comprised 63% of fiscal 2016 general fund revenue. Other revenues include state shared revenue, permit revenue, and charges for services which each account for roughly 9% to 12% of general fund revenues.

Growth prospects for revenues are solid, absent revenue-raising measures, with the historical 10-year compound annual growth rate (CAGR) exceeding the rate of inflation. Fitch believes that future revenue growth will remain consistent with this trend. Revenue gains are capped by Michigan's Headlee amendment, which limits growth in the property tax levy to the rate of inflation plus new construction. The city expects state shared revenues to remain flat and for permit activity to see a modest decline in 2017, followed by approximately 3% to 4% increases in 2018 and 2019 due to new developments added to the tax base.

Fitch believes Birmingham has a high capacity to legally raise revenues without requiring external approvals. The city currently levies property taxes below their Headlee limitation equivalent to an additional 0.94 mills or approximately \$1.8 million (about 6% of general fund revenues). Management also maintains the ability to institute a 1% administrative fee on property tax, which would generate \$989 thousand or 3% of general fund revenues.

Expenditure Framework

The city's expenditures are driven by public safety and public works, equal to 40% and 22% of general fund expenditures, respectively.

The natural pace of expenditure growth is expected to be marginally above or in line with solid revenue growth. Management expects spending increases to be primarily driven by wage growth.

Birmingham has solid expenditure flexibility. Carrying costs for pension, other post-employment benefits (OPEB), and debt service are equal to approximately 20% of governmental expenditures. Half of the carrying cost burden is related to OPEB, for which the city makes the full actuarially based payment.

Management has identified several areas where cost savings may be actualized. This includes the expiration of a 0.31 operating mill transfer to the library for capital improvements and through the elimination of various pay-go infrastructure projects, equal to about 5% of general fund expenditures. The city has strong legal control over head count and maintains some flexibility to adjust staffing. Birmingham's five bargaining units are all under contract, opening in for negotiation on a rolling basis from 2017 - 2020. Negotiations are expected to include manageable salary increases and will not include changes to benefits. Management has opted to close self-administered defined benefit pension and OPEB benefits to new employees.

Long-Term Liability Burden

The city has a low long-term liability burden with debt plus Fitch-adjusted net pension liabilities totaling about 5.7% of personal income. Overall debt is equal to about 90% of the liability. Fitch expects the city's direct debt to remain low as there are no new debt plans in the near term and existing debt is amortized rapidly with approximately 93% retired within the next 10 years. The city has plans for pay-go capital investments including the construction of new fire station and library renovations.

Pension and OPEB are provided through a self-administered defined benefit plan - The City of Birmingham Employees' Retirement System (BERS). The plan reports an assets-to-liabilities ratio of approximately 85%, assuming a 7% rate of return, as of June 30, 2016.

Operating Performance

Birmingham has exceptionally strong gap-closing ability and has maintained a high level of financial flexibility through periods of economic pressure. This is evidenced by low revenue volatility combined with solid revenue and expenditure growth, which have allowed for the city to maintain ample reserves commensurate with an 'aaa' subfactor assessment through the great recession.

Budget management at times of economic recovery is strong. Management routinely takes action to maintain high levels of financial flexibility and is able to rapidly rebuild reserves when needed with no material deferral of required spending. These efforts include past pre-funding of OPEB liabilities, maintenance of staffing at recessionary levels, and willingness to modify pay-go capital improvement plans as needed. Fitch believes that management will continue implementing practices that support superior inherent budget flexibility.

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Additional information is available at 'www.fitchratings.com'.

In addition to the sources of information identified in Fitch's applicable criteria specified below, this action was informed by information from Lumesis and InvestorTools.

Applicable Criteria U.S. Tax-Supported Rating Criteria (pub. 18 Apr 2016) https://www.fitchratings.com/site/re/879478

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March 15, 2017

RECEIVED BY

MAR 2 3 2017

CITY CLERK'S OFFICE CITY OF BIRMINGHAM

Laura Broski City of Birmingham 151 Martin St. Birmingham, MI 48009-3368

Dear Laura,

As part of our ongoing efforts to keep you informed of changes that impact our customers, I want to share an upcoming change in our channel line-up offering.

We currently carry Fox Business Network in our Large Cable package. Effective April 4, 2017, we will migrate this channel to our Medium Cable package; it will move to channel 84 and remain on HD channel 251.

As a result of this change, customers subscribing to Medium Cable will have access to Fox Business Network for no additional charge. We will communicate this change to our customers by placing a notice in the local newspaper and on our website.

Thank you for your continued support and cooperation. If you have any questions, please contact me at 248-677-9080 or by email at Terrell.Priester@wowinc.com.

Sincerely,

Terrell Priester **Everyone's Friend, Family Focused, Sports Fan** System Manager of WOW! Southeast Michigan WOW! Internet, Cable and Phone