



**CITY COMMISSION MEETING AGENDA
NOVEMBER 20, 2017
7:30 PM**



Municipal Building, 151 Martin, Birmingham, MI 48009

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BIRMINGHAM CITY COMMISSION AGENDA
NOVEMBER 20, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Andrew M. Harris, Mayor

II. ROLL CALL

J. Cherilynn Mynsberge, City Clerk

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

Announcements:

- Presentation of Sister City gift to City Commission
- The City offices will be closed on Thursday, November 23rd and Friday, November 24th, 2017 for Thanksgiving.

Appointments:

- A. Interviews for Birmingham Shopping District Board
 - 1. Richard Astrein
 - 2. William Roberts
 - 3. Samy Eid
- B. Appointments to the Birmingham Shopping District Board
 - 1. To concur with the City Manager's appointment of Richard Astrein to the Birmingham Shopping District Board, as a member who is a business operator or property owner, for a four-year term to expire November 16, 2021.
 - 2. To concur with the City Manager's appointment of William Roberts to the Birmingham Shopping District Board, as a member who is a business operator, for a four-year term to expire November 16, 2021.
 - 3. To concur with the City Manager's appointment of Samy Eid to the Birmingham Shopping District Board, as a member who is a business operator, for a four-year term to expire November 16, 2021.
- C. Interviews for Planning Board
 - 1. Daniel Share
 - 2. Nasseem Ramin
- D. Appointments to the Planning Board
 - 1. To appoint ____ to the Planning Board, as an alternate member, for a three-year term to expire November 2, 2020.
 - 2. To appoint ____ to the Planning Board, as an alternate member, for a three-year term to expire November 2, 2020.
- E. Administration of oath of office to appointees.

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 November 13, 2017
- B. Approval of warrant list, including Automated Clearing House payments, dated November 15, 2017, in the amount of \$1,082,940.45.
- C. Resolution approving a request from Common Ground to hold the 44th Annual Birmingham Street Art Fair in and around Shain Park on September 14 - 16, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any location change or minor modifications that may be deemed necessary by administrative staff at the time of the event.
- D. Resolution authorizing the City Manager to sign the new backup services contract with All Covered for a continued monthly cost of \$1192.00. Funds are available in the IT Computer Maintenance fund account #636-228.000-933.0600
- E. Resolution setting Monday, December 11, 2017 at 7:30 PM for a public hearing to consider an application for a Special Land Use Permit Amendment and Final Site Plan for 220 restaurant at 220 E. Merrill.
- F. Resolution setting Monday, December 11, 2017 at 7:30 PM for a public hearing to consider an application for a Special Land Use Permit Amendment and Final Site Plan for Vinoteca at 210 S. Old Woodward.

V. UNFINISHED BUSINESS

- A. Resolution endorsing the Proposed Plan for Finalization of the City Logo.

VI. NEW BUSINESS

- A. Public Hearing to consider proposed lot combination of 412 & 420 E. Frank as well as the small strip of parking that abuts 420 E. Frank on the east
 - 1. Resolution approving the proposed lot combination of 412 – 420 E. Frank Street, Lots 31 & 32 and the west 32' of lots 3 & 4 Blakeslee Addition.
- B. Public Hearing to consider ordinance amendments – Economic Development Liquor Licenses area.
 - 1. Ordinance amending Chapter 126, Zoning, to allow the use of Economic Development Liquor Licenses in the following expanded areas:
 - A. Article 2, Section 2.27, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B1 (Neighborhood Business) zone district;
 - B. Article 2, Section 2.29, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2 (General Business) zone district;
 - C. Article 2, Section 2.31, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2B (General Business) zone district;
 - D. Article 2, Section 2.39, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MX (Mixed Use) zone district;
 - E. Article 3, Section 3.08, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MU-3, MU-5 and MU-7 (Mixed Use) zone districts; and

- F. Appendix C, Exhibit 1, Economic Development Licenses Map to expand the number of parcels which may qualify for the use of an Economic Development Liquor License.
- C. Audit Presentation
- D. Resolution accepting the recommendation of the Multi-Modal Transportation Board for improvements to Oakland Ave. between Woodward Ave. and Lawndale Ave., as described below:
 - 1. Narrowing of Oakland Ave. to accommodate one westbound traffic lane.
 - 2. Installation of a ten-foot wide multi-use path on the south side of this block, marked to encourage use by both pedestrians and bicycles, and
 - 3. Relocation of the westbound Oakland Ave. STOP sign to northbound Lawndale Ave. Further, directing staff to implement the relocation of the STOP sign (Item #3) as soon as possible, while the remaining improvements are designed to be coordinated with the planned relocation of the Woodward Ave. crosswalk by the Michigan Dept. of Transportation during the 2018 construction season.
- E. Resolution approving the recommendations of the Public Arts Board to accept the donation of the sculpture, Sound Heart, by Jay Lefkowitz, and approving the proposed location at the northeast corner of Woodward Ave and E. Maple Rd within Kroger's pedestrian plaza;

AND

Resolution approving the Donation and Access Agreement with Christina Heidrich and further directing the Mayor and City Clerk to sign the agreement on behalf of the City;

AND

Resolution approving the Access Agreement with The Kroger Company, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

OR

Resolution declining the donation of the sculpture, Sound Heart, by Jay Lefkowitz.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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. Audit Findings and Recommendations, submitted by Finance Director Gerber
 - 2. Woodward Ave. Resurfacing Project Report, submitted by City Engineer O'Meara

XI. RECESS

- A. Resolution to recess the meeting and reconvene immediately outdoors by the easterly most streetlight on the north side of E. Lincoln Street, near the intersection with S. Eton Street (the closest building address is Armstrong White Advertising Agency, 2125 E. Lincoln Street, Birmingham MI 48009).

- B. Resolution adopting the Halophane GlasWerks Flat LED2 Hallbrook fixture, at _____watts, 4000K, with a _____lens as the specified light for the Rail District, and requesting DTE Energy replace all previously installed lights in the Rail District from 2013 to present with this fixture, and utilizing this fixture for all future street light installations in the Rail District.

The City Commission meeting will adjourn from this location.

XII. ADJOURN

INFORMATION ONLY

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

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



**NOTICE OF INTENTION TO INTERVIEW
FOR APPOINTMENT TO THE
BIRMINGHAM SHOPPING DISTRICT BOARD**

At the regular meeting of Monday, November 20, 2017, the Birmingham City Commission intends to appoint three members to the Birmingham Shopping District Board to serve four-year terms to expire November 16, 2021.

The goal of the shopping district board shall be to promote economic activity in the principal shopping districts of the city by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities. (Section 82-97(a)) The board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the city commission from the financing methods specified in this article. (Section 82-97(b)).

The shopping district board shall consist of 12 members. One member shall be the City Manager, one shall be a resident of an area designated as a principal shopping district, and one shall be a resident of an adjacent residential area. A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located in the district. The remaining members shall be representatives of businesses located in the district.

The ordinance states that the City Manager will make the appointment with the concurrence of the City Commission.

Interested persons may submit an application available from the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, November 15, 2017. These documents will appear in the public agenda for the City Commission meeting.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Applicants shall be representatives of businesses located in the district.
Richard Astrein	Astreins Fine Jewelry 120 W. Maple <i>Business Operator/Property Owner</i>
William Roberts	Streetside Seafood 273 Pierce <i>Business Operator</i>
Samy Eid	Owner of Phoenicia 588 South Old Woodward <i>Buisness Operator</i>

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 concur with the City Manager's appointment of ____ to the Birmingham Shopping District Board, as a member who is a business operator or property owner, for a four-year term to expire November 16, 2021.

To concur with the City Manager's appointment of ____ to the Birmingham Shopping District Board, as a member who is a business operator, for a four-year term to expire November 16, 2021.

To concur with the City Manager's appointment of ____ to the Birmingham Shopping District Board, as a member who is a business operator, for a four-year term to expire November 16, 2021.



BIRMINGHAM SHOPPING DISTRICT BOARD

Ordinance 1534 - Adopted September 14, 1992

The Board shall consist of 12 members as follows:

- City Manager.
- Resident from an area designated as a principal shopping district.
- Resident from an adjacent residential area.
- A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located in the district.
- The remaining members shall be representatives of businesses located in the district.

4-Year Terms

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Astrein	Richard	(248) 399-4228	11/16/1992	11/16/2017
13125 Ludlow		(248) 644-1651	Business Operator/Property Owner	
Huntington Woods	48070			
A-Woods	Rachael	(248) 933-5421	12/5/2011	11/16/2019
30485 Red Maple Lane			Business Operator	
Southfield	48076	<i>ra-woods@sbcglobal.net</i>		
123 W. Maple				
Birmingham	48009			
Daskas	Cheryl		11/9/1998	11/16/2018
353 Aspen		(248) 258-0212	Business Operator/Property Owner	
Birmingham	48009	<i>cheryl@tenderbirmingham.com</i>		
271 West Maple				
Birmingham	48009			

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Eid 2051 Villa, Apt. 303 Birmingham 48009 588 S. Old Woodward Birmingham 48009	Samy	(248) 840-8127 <i>samyeid@mac.com</i>	11/14/2016 Business Operator	11/16/2017
Fehan 833 Hazel Birmingham 48009	Douglas	(248) 705-3000 <i>godug@aol.com</i>	12/14/1992 District Resident	11/16/2020
Hockman PO Box 936 Birmingham 48012	Geoffrey	(248) 431-4800 (248) 433-0713 <i>jeff.hockman.mec@gmail.com</i>	11/16/1992 Business Operator/Property Owner	11/16/2018
Pohlod 1360 Edgewood Birmingham 48009 912 South Old Woodward Birmingham 48009	Amy	(248) 219-5042 <i>amypohlod@hotmail.com</i>	7/25/2016 Business Operator/Property Owner	11/16/2018
Quintal 880 Ivy Lane Bloomfield Hills 48304 112 Peabody St Birmingham 48009	Steven	248-642-0024 <i>steve@fullercentralpark.com</i>	12/8/2003 Member greater than 5% total sq ft in SAD 1.	11/16/2019

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Roberts 410 Whippers in Court Bloomfield Hills 273 Pierce Birmingham	William 48304 48009	(248) 463-8606 (248) 646-6395 <i>BR@RobertsRestaurantGroup.com</i>	11/10/1997 Business Operator	11/16/2017
Solomon 588 Stanley Birmingham	Judith 48009	(248) 645-2330 <i>judyfreelance@aol.com</i>	11/21/2016 Resident from Adjacent neighborhood	11/16/2020
Surnow 411 South Old Woodward, #714 Birmingham 320 Martin, Ste. 100 Birmingham	Sam 48009 48009	(248) 877-4000 (248) 865-3000 <i>sam@surnow.com</i>	11/23/2015 Business Operator/Property Owner Member	11/16/2019
Valentine 151 Martin Birmingham	Joseph 48009	(248) 530-1809 <i>jvalentine@bhamgov.org</i>	City Manager	

**BIRMINGHAM SHOPPING DISTRICT
BOARD MEETING ATTENDANCE RECORD 1/17-12/17**

MEMBER NAME	JAN	FEB	MAR	MAR SPECIAL MEETING 3/29	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL MEETING ATTENDANCE	TOTAL ABSENCES	ATTENDANCE %
ASTREIN	P	P	P	P	P	P	P	C	A	P	P					
A.-WOODS	P	P	P	P	A	P	P	C	P	A	P					
DASKAS	P	A	P	P	P	P	P	C	P	P	P					
EID	P	P	P	P	P	A	A	C	P	A	P					
FEHAN	A	P	P	P	A	A	A	C	P	P	A					
HOCKMAN	P	A	P	P	P	P	A	C	P	P	P					
POHLOD	P	P	P	P	P	P	P	C	P	P	P					
QUINTAL	P	P	P	P	P	P	P	C	P	P	P					
ROBERTS	A	P	P	P	P	P	P	C	P	P	A					
SOLOMON	A	P	A	P	P	P	A	C	P	P	A					
SURNOW	P	P	P	P	A	P	P	C	P	P	P					
VALENTINE	P	P	P	P	P	P	P	C	P	P	P					

KEY:

P = PRESENT

A = ABSENT

C = CANCELLED

*** = NEW**

**** = MEDICAL**

***** = GONE**

**BIRMINGHAM SHOPPING DISTRICT
BOARD MEETING ATTENDANCE RECORD 1/16-12/16**

MEMBER NAME	JAN	FEB	MAR	MAR SPECIAL MEETING 3/29	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL MEETING ATTENDANCE	TOTAL ABSENCES	ATTENDANCE %
ASTREIN	P	P	P	P	P	P	P	C	A	P	P	P		10	1	91%
A.-WOODS	P	P	P	P	A	P	P	C	P	A	P	A		8	3	73%
DASKAS	P	A	P	P	P	P	P	C	P	P	P	P		10	1	91%
EID	P	P	P	P	P	A	A	C	P	A	P	P		8	3	73%
FEHAN	A	P	P	P	A	A	A	C	P	P	A	P		6	5	55%
HOCKMAN	P	A	P	P	P	P	A	C	P	P	P	P		9	2	82%
POHLOD	P	P	P	P	P	P	P	C	P	P	P	A		10	1	91%
QUINTAL	P	P	P	P	P	P	P	C	P	P	P	P		11	0	100%
ROBERTS	A	P	P	P	P	P	P	C	P	P	A	P		9	2	82%
SOLOMON	A	P	A	P	P	P	A	C	P	P	A	A		6	5	55%
SURNOW	P	P	P	P	A	P	P	C	P	P	P	P		10	1	91%
VALENTINE	P	P	P	P	P	P	P	C	P	P	P	P			11	100%

KEY:

P = PRESENT

A = ABSENT

C = CANCELLED

*** = NEW**

**** = MEDICAL**

***** = GONE**

BIRMINGHAM SHOPPING DISTRICT
BOARD MEETING ATTENDANCE RECORD 1/15-12/15

[illegible]

DOWNTOWN BIRMINGHAM PRINCIPAL SHOPPING DISTRICT
BOARD MEETING ATTENDANCE RECORD 1/14-12/14



RECEIVED BY

NOV 10 2017

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 BSDSpecific Category/Vacancy on Board CONTINUEName RICHARD ASTREINPhone 248 644 1651Residential Address 13125 LUDLOWEmail RICHARD@ASTREIN.S.COMResidential City, Zip HUNTINGTON WOODS 48070

Length of Residence _____

Business Address 120 W. MAPLEOccupation RETAILBusiness City, Zip BIRMINGHAM MI 48004

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

RETAIL HAVE BEEN IN BIRMINGHAM SINCE 1974

List your related employment experience _____

RETAILList your related community activities BEAUMONT HOSPITAL ALZHEIMER KIWANISBIRMINGHAM COALITION B'HAM CHAMBERList your related educational experience BA MICHIGAN STATE

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: _____

NODo 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? _____

Signature of Applicant [Signature]Date 11/10/2017



OFFICE USE ONLY
Meets Requirements? Yes No
Will Attend Unable to Attend

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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 BIRMINGHAM SHOPPING DISTRICT BOARD

Specific Category/Vacancy on Board BOARD VACANCY

Name WILLIAM ROBERTS

Phone 248-463-8606

Residential Address 410 WHIPPERS IN COURT

Email B2@RobertsRestaurantGroup.com

Residential City, Zip BLOOMFIELD TWP, 48304

Length of Residence 12 YRS

Business Address 273 PIERCE STREET

Occupation RESTAURATEUR

Business City, Zip BIRMINGHAM, 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied OWNER OF RESTAURANT IN BIRMINGHAM SINCE 1983. UNDERSTAND THE CITY AND CUSTOMERS. BSD BOARD MEMBER SINCE 11/97

List your related employment experience OWNER OF 6 RESTAURANTS IN DIFFERENT COMMUNITIES IN OAKLAND COUNTY INCLUDING STREETSIDE SEASONS IN BIRMINGHAM

List your related community activities BSD BOARD MEMBER FOR 20 YEARS. MEMBER & PAST BOARD MEMBER OF B'HAM-B'FIELD CHAMBER. PAST PRESIDENT OF MICHIGAN RESTAURANT ASSOCIATION

List your related educational experience GRADUATE OF MSU HOSPITALITY SCHOOL

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? NO

William T. Roberts
Signature of Applicant

11/14/17
Date



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 BSD
Name Samy Eid Phone 248.840.8127
Residential Address 2051 VILLA, Apt. 303 Email samyeid@mac.com
Residential City, Zip BIRMINGHAM, 48009 Length of Residence 15 YEARS
Business Address 588 S. OLD HODDWARD Occupation RESTAURANT OWNER
Business City, Zip BIRMINGHAM, 48001

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

WANT TO BE MORE INVOLVED IN HELPING SHAPE OUR RETAIL AND ENTERTAINMENT FUTURE.

List your related employment experience OWNER OF TWO BIRMINGHAM RESTAURANTS FOREST AND PHOENIX

List your related community activities /

List your related educational experience UoM, 2003 GRAD

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: /

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? YES

Samy Eid
Signature of Applicant

11-15-17
Date



NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD

At the regular meeting of Monday, November 20, 2017, the Birmingham City Commission intends to appoint two alternate members to serve three-year terms to expire November 2, 2020. Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Districts, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the city clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the city clerk's office on or before noon on Wednesday, November 15, 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.

PLANNING BOARD DUTIES

The planning board consists of nine members who serve three-year terms without compensation. The board meets at 7:30 p.m. on the second and fourth Wednesdays of each month to hear design reviews, zoning ordinance text amendments and any other matters which bear relation to the physical development or growth of the city.

Specifically, the duties of the planning board are as follows:

1. Long range planning
2. Zoning ordinance amendments
3. Recommend action to the city commission regarding special land use permits.
4. Site plan/design review for non-historic properties
5. Joint site plan/design review for non-residential historic properties
6. Rezoning requests.
7. Soil filling permit requests
8. Requests for opening, closing or altering a street or alley

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

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications Members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.
Daniel Share	Resident, 1040 Gordon Lane Real Estate and Business Law
Nasseem Ramin	1701 Maryland Blvd. Commercial Litigation Attorney

SUGGESTED ACTION:

To appoint _____ to the Planning Board, as an alternate member, for a three-year term to expire November 2, 2020.

To appoint _____ to the Planning Board, as an alternate member, for a three-year term to expire November 2, 2020.

PLANNING BOARD

Chapter 82 – Section 82-26 – Nine Members

Job Requirements: An architect duly registered in this state, a building owner in the Central Business or Shain Park Districts, and remaining members, must represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.

Terms: Three Years

Appointment by City Commission

Meeting Schedule: Second and Fourth Wednesday of the month at 7:30 PM.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Afrakhteh 653 Wallace	Ariana	(248) 238-5495 <i>afrakhteh.ariana82@bloomfield.org</i>	2/27/2017 Student Representative	12/31/2017
Boyce 179 Catalpa	Janelle	(248) 321-3207 <i>jlbboyce@hotmail.com</i>	12/10/2007	3/28/2020
Boyle 840 Wimbledon	Robin	(248) 961-1514 <i>r.boyle@wayne.edu</i>	4/19/2004 Planner/Professor	3/28/2019
Clein 1556 Yosemite	Scott	(248) 203-2068 <i>s.clein@comcast.net</i>	3/22/2010	3/28/2019
Jeffares 1381 Birmingham Blvd	Stuart	(248) 321-2120 <i>stuartjeffares@gmail.com</i>	12/14/2015 (served as alternated 11/2014-12/2015)	3/28/2018

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Koseck 2441 Dorchester	Bert	(248) 302-4018 <i>bkoseck@comcast.net</i>	10/12/2009 (Architect) Design Professional	3/28/2020
Lazar 420 Harmon	Gillian	(248) 613-3400 (248) 644-2500 <i>glazar@hallandhunter.com</i>	4/10/2006 Building Owner in the Central Business	3/28/2018
Niskar 510 Henley	Bella	(248) 321-7570 <i>bellaniskar@gmail.com</i>	2/27/2017 Student Representative	12/31/2017
Prasad 622 Vinewood	Lisa	(248) 241-6092 <i>lprasad@fullcircleadvisory.com</i>	1/25/2016 alternate	11/2/2017 Not seeking reappointment
Share 1040 Gordon Lane	Daniel	(248) 642-7340 <i>dshare@bsdd.com</i>	11/24/2014 Alternate	11/2/2017
Williams 1421 Stanley	J. Bryan	(248) 420-3522 (248) 433-7289 <i>jwilliams@dickinsonwright.com</i>	4/16/2007 attorney	3/28/2018

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee:

Planning Board

Year: 2017

MEMBER NAME	6/14	6/19	6/28	7/12	7/26	8/9	8/23	9/13	9/27	10/25	11/8	11/29	Total Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS		wkshp													
Janelle Boyce	P	P	P	P	P	A	P	A	P				7	2	78%
Robin Boyle	A	A	A	P	P	P	P	P	P				6	3	67%
Scott Clein	P	P	P	P	A	P	P	P	P				8	1	89%
Stuart Jeffares	P	P	P	P	A	P	P	P	P				8	1	89%
Bert Koseck	P	P	P	A	P	P	P	P	P				8	1	89%
Gillian Lazar	P	A	P	P	P	P	P	P	A				7	2	78%
J. Bryan Williams	A	P	P	P	A	P	P	P	A				6	3	67%
Arianne Afrahtek (Student Rep)			P	P	P	A	A	A	P				4	3	57%
Isabella Niskar (Student Rep)			P	A	P	A	A	A	P				3	4	42%
ALTERNATES															
Lisa Prasad	P	A	A	P	A	A	A	A	P				3	6	33%
Daniel Share	P	A	P	A	A	A	P	A	P				4	5	44%
Members in attendance	7	5	9	8	6	6	8	6	9	0					

KEY:

A = Absent

P = Present

NM = No Meeting



Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee:

Planning Board

Year: 2016

MEMBER NAME	Jan	Jan	Feb	Mar	Mar	Apr	Apr	May	May	Jun	Jun	Jul	Jul	Aug	Aug	Sep	Sep	Oct	Nov	Dec	Total Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS																							
Janelle Boyce	A	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	A	P	P	P	17	3	85%
Robin Boyle	P	P	P	P	P	P	P	A	P	A	P	P	P	A	P	P	A	P	P	P	17	3	85%
Scott Clein	P	P	P	P	A	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	18	2	90%
Stuart Jeffares	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	19	1	95%
Bert Koseck	P	P	P	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18	2	90%
Gillian Lazar	A	A	P	A	A	P	P	P	P	P	P	P	P	P	P	P	A	P	P	A	14	6	70%
J. Bryan Williams	P	P	P	P	P	P	A	P	P	A	P	P	P	P	P	P	P	A	P	P	17	3	85%
Colin Cussimano	**		P	P	A	A	P	P	P	A	P	P	P	P	P	P	A	P	P	P	14	4	70%
ALTERNATES																							
Lisa Prasad	**			P	P	P		A	P	A							A				4	3	57%
Daniel Share	P	P		A	P			P		P								P	P		7	1	88%
Members in attendance	6	5	8	7	6	8	7	7	8	6													

KEY: A = Absent

P = Present

NM = No Meeting

**** = Not yet appointed**



Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee:

Planning Board

Year: 2015

MEMBER NAME	Jan	Jan	Feb	Feb	Mar	Mar	Apr	Apr	May	May	Jun	Jun	Jul	Jul	Aug	Aug	Sep	Sep	Oct	Oct	Nov	Dec	Total Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS																									
Janelle Boyce	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	21	1	95%
Robin Boyle	A	A	A	A	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P	P	10	12	45%
Scott Clein	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21	1	95%
Scott Jaspersen	**	**	**	**	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1	17	6%
Bert Koseck	P	P	P	P	A	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	20	2	91%
Gillian Lazar	P	P	A	A	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	P	17	5	77%
J. Bryan Williams	P	P	P	P	A	P	P	P	P	P	A	P	P	A	P	P	P	A	A	P	P	P	17	5	77%
Andrea Laverty	**	**	**	**	P	A	A	P	P	A	A	P	A	P	A	A	A	A	A	A	A	A	5	13	28%
Caroll Deweese	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	P	P	P	P	P	*	*	15	5	75%
ALTERNATES																									
Stuart Jeffares	A	P	P	P	P	P	A	P		P	P	P	P	A	A	P		P	P	P	P	P	16	4	80%
Daniel Share	P		P	A	P	P	P		P		P		P	A	A		P	P			P	P	12	3	80%
Members in attendance	7	5		6	8	7	6	8	8	7	7														

KEY:

A = Absent

P = Present

NM = No Meeting

**** = Not yet appointed**



Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee:

Planning Board

YEAR: 2014

MEMBER NAME	Jan	Jan	Feb	Mar	Apr	Apr	May	May	Jun	Jul	Jul	Aug	Sep	Sep	Oct	Oct	Nov	Dec	Total Mtgs. Att.	Total Absent	Percent Attend
REGULAR MEMBERS																					
Janelle Boyce	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	17	1	94%
Robin Boyle	P	P	P	A	P	P	P	P	P	P	P	P	P	A	A	A	A	P	13	5	72%
Scott Clein	P	P	A	P	A	P	P	P	P	P	P	A	P	P	P	P	P	P	15	3	83%
Jack Moore	**	**	P	P	A	P	A	A	A	A	A	A	P	P	P	A	A	P	7	9	44%
Bert Koseck	P	A	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	16	2	89%
Gillian Lazar	P	P	P	A	P	P	A	A	P	P	P	P	P	P	P	P	P	A	14	4	78%
J. Bryan Williams	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	A	P	16	2	89%
Shelby Wilson	**	**	P	P	P	P	A	P	A	P	P	P	A	P	A	P	A	P	11	5	64%
Stuart Jeffares	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	P			
ALTERNATES																					
																					#DIV/0!
																					#DIV/0!
Members in attendance	6	5		6	6	8	5	6	6	7	5	6	6	7	6	6	4	8			

KEY:



 Department Head Signature



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Reappointment to the Planning Board

3 messages

Cherilynn Mynsberge <cmynsberge@bhamgov.org>
To: lprasad@fullcircleadvisory.com

Wed, Oct 18, 2017 at 2:41 PM

Ms. Prasad:

Thank you for your service as an alternate on the *Planning Board*. Your term will expire on November 2, 2017, although, by ordinance, you will continue to hold office until reappointed or until your successor is appointed.

If you would like to continue serving on the Board, please complete the attached application and return the form to the Clerk's Office, no later than noon on Wednesday, November 15, 2017.

The City Commission meeting and interview for this appointment will be held on Monday, November 20, 2017 at 7:30 p.m. in room 205 of the Municipal Building.

Please confirm your availability for the commission meeting by calling the clerk's office at [248.530.1802](tel:248.530.1802) or by email cmynsberge@bhamgov.org.

J. Cherilynn Mynsberge
City Clerk
City of Birmingham
[248-530-1802](tel:248-530-1802)

Lisa Prasad <lprasad@fullcircleadvisory.com>

Tue, Oct 31, 2017 at 11:14 AM

To: Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Dear Cherilynn,

I wanted to let you know that I will not be seeking reappointment to the board. Thank you,

Lisa Prasad, CEO
Full Circle Advisory Inc.
lprasad@fullcircleadvisory.com
(313) 241-6092



OFFICE USE ONLY	
Meets Requirements?	<u>Yes</u> No
Will Attend	<u>Unable to Attend</u>

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 Planning Board

Specific Category/Vacancy on Board Alternate Member

Name Daniel M. Share

Phone 248-642-7340

Residential Address 1040 Gordon Lane

Email dshare@bsdd.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 39 years

Business Address 333 West Fort Street, 12th Floor

Occupation Attorney

Business City, Zip Detroit, MI 48226

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied During the past three years I have enjoyed participating in numerous Planning Board meetings.

I welcome the opportunity to continue in this role. I think I have made positive contributions to the Board's deliberations.

List your related employment experience Nearly 40 years experience in real estate and business law, including land use, finance, construction and development.

List your related community activities Alternate Planning Board Member; Ad Hoc Greenwood Cemetery Committee; Birmingham School Board; Board Member - Oakland Schools

List your related educational experience BA Degree; Law Degree

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

October 25, 2017
Date



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Reappointment to Planning Board

DShare <DShare@bsdd.com>

Wed, Oct 25, 2017 at 4:53 PM

To: Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Thank you for advising me of the opportunity to apply to extend my term as an Alternate Planning Board member. Attached is my completed application.

I will be in Denver on November 20 and thus will be unable to appear before the City Commission that evening. Please convey to the Commissioners my interest in continuing to serve on the Planning Board

BARRIS | SOTT | DENN | DRIKER | PLLC

Daniel M. Share

333 W. Fort St.
Suite 1200
Detroit, MI 48226
Tel: (313) 965-9725
Fax: (313) 983-3324
Direct: (313) 596-9306
e-mail: dshare@bsdd.com
Web: www.bsdd.com

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From: Cherilynn Mynsberge [mailto:cmynsberge@bhamgov.org]

Sent: Wednesday, October 18, 2017 2:45 PM

To: DShare <DShare@bsdd.com>

Subject: Reappointment to Planning Board

[Quoted text hidden]



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OFFICE USE ONLY	
Meets Requirements?	<input checked="" type="radio"/> Yes <input type="radio"/> No
<input checked="" type="radio"/> Will Attend / <input type="radio"/> 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 Planning board

Specific Category/Vacancy on Board Alt. member

Name Nasseem Sara Kamin

Phone 248.769.9444

Residential Address 1701 Maryland Blvd

Email nramin@dykema.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 4 years

Business Address 400 Renaissance Ctr

Occupation Attorney

Business City, Zip Detroit, MI 48247

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied real estate litigation and mediation skills honed during past 8+ years of legal practice

List your related employment experience commercial litigation attorney @ dykema goette since 2009

List your related community activities detroit metropolitan bar association and federal bar association

List your related educational experience BA, Univ. of Michigan; MA, American University; JD, American 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? no

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

Nasseem S. Kamin
Signature of Applicant

Nov. 14, 2017
Date

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

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Nickita called the meeting to order at 7:30 p.m.

II. ROLL CALL

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

Administration: City Manager Valentine, Senior Planner Baka, IT Director Brunk, Police Chief Clemence, City Attorney Currier, City Planner Ecker, Finance Director Gerber, Assistant to the City Manager Haines, Building Official Johnson, Assistant Building Official Morad, City Clerk Mynsberge, City Engineer O'Meara, BSD Director Tighe, DPS Director Wood

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

Mayor Nickita announced:

- City offices will be closed for Thanksgiving on Thursday, November 23rd and Friday, November 24th.

Mayor Nickita acknowledged and congratulated the graduating members of the Citizen's Academy:

Kellie Awdey	Jake Herbert	Lester Richey
Christine Bookmyer	Kathryn Lampi	Kristin Roy
Dan Cook	Elissa Laskey	Donovan Shand
Peggy Cook	Xinxin Liu	Suzanne Stone
Pam Graham	Chris Pray	Jennifer Wheeler
Dan Haugen	Martin Reisig	

11-286-17 OATH OF OFFICE – CITY COMMISSION

The City Clerk administered the oath of office to City Commissioners Rackeline Hoff, Mark Nickita, and Stuart Lee Sherman.

11-287-17 OATH OF OFFICE – LIBRARY BOARD

The City Clerk administered the oath of office to Library Board Members Ashley Aidenbaum, Melissa S. Mark, and Frank Pisano.

11-288-17 ORGANIZATION OF THE CITY COMMISSION

MOTION: Motion by Sherman, seconded by DeWeese:

To nominate Mayor Nickita as the temporary chair of City Commission for purposes of conducting the Mayor and Mayor Pro Tem election.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Commissioner Hoff:

To nominate Mayor Pro Tem Harris as Mayor.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Commissioner DeWeese:

To nominate Commissioner Bordman as Mayor Pro Tem.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

The Clerk administered the oath of office to Mayor Harris and Mayor Pro Tem Bordman.

Mayor Harris laid out his vision for guiding the City through the upcoming Master Planning process, and expressed appreciation for the community's support and confidence in him.

Mayor Pro Tem Bordman expressed gratitude for the camaraderie with her fellow Commissioners, and explained that collaboration between the Commissioners allows them to do their best work, which she looks forward to continuing.

Mayor Harris presented a gift on behalf of the City to outgoing Mayor Nickita.

Commissioner Nickita thanked the citizens of Birmingham, the City staff, and his family for their confidence in him. He reflected on the health of the City and the accomplishments of the Commission, and is glad for the continued opportunity to perform this work.

The meeting was recessed at 8:02 p.m.

INTERMISSION

Mayor Harris reconvened the meeting at 8:21 p.m.

11-289-17 APPOINTMENTS TO THE RETIREMENT BOARD, RETIREES HEALTH CARE FUND COMMITTEE, TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY, AND FOUNDATION FOR BIRMINGHAM SENIOR RESIDENTS.

MOTION: Motion by Nickita:

To appoint Andrew Harris, Mayor, to the Retirement Board.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Nickita:
To appoint Patty Bordman, Mayor Pro Tem, to the Retirement Board.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Boutros:
To appoint Andrew Harris, Mayor, to the Retirees Health Care Fund Committee.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by DeWeese:
To concur in the Mayor's appointment of Commissioner Sherman to the Triangle District Corridor Improvement Authority.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Boutros:
To concur in the Mayor's appointment of Commissioner Hoff to the Foundation for Birmingham Senior Residents.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

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.

11-290-17 APPROVAL OF CONSENT AGENDA

Commissioner Sherman recused himself from the vote on Item H based on a conversation with City Attorney Currier.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To approve the Consent Agenda, with the recusal of Commissioner Sherman from the vote on Item H.

ROLL CALL VOTE: Yeas, Mayor Pro Tem Bordman
 Commissioner Boutros

	Commissioner DeWeese
	Mayor Harris
	Commissioner Hoff
	Commissioner Nickita
	Commissioner Sherman
Nays,	None
Absent,	None

- A. Approval of City Commission minutes of October 30, 2017.
- B. Approval of warrant list, including Automated Clearing House payments dated 11/1/17, in the amount of \$665,659.89.
- C. Approval of warrant list, including Automated Clearing House payments dated 11/8/17, in the amount of \$1,446,526.12.
- D. Resolution accepting the resignation of Lisa Prasad from the Planning Board, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- E. Resolution authorizing the mayor to sign the 2017 Program Year Community Development Block Grant (CDBG) Subrecipient Agreement on behalf of the City.
- F. Resolution setting Monday, December 4, 2017 at 7:30 PM for the Public Hearing date for the 2018 Community Development Block Grant Program.
- G. Resolution setting Monday, December 4, 2017 at 7:30 PM for a Public Hearing to consider the Final Site Plan and Special Land Use Permit to allow service to patrons in their vehicles at 33353 Woodward Avenue – Tide Dry Cleaners.
- H. Resolution setting Monday, December 4, 2017 at 7:30 PM for a Public Hearing to consider the approval of the Final Site Plan and Special Land Use Permit Amendment to allow the sale of Rojo and Sidecar restaurants at 250 & 280 E. Merrill from Rojo Five, LLC to Sidecar Birmingham, LLC., subject to execution of a Special Land Use Permit contract between Sidecar Birmingham, LLC and the City of Birmingham.
- I. Resolution approving a request from the Birmingham Shopping District to hold Birmingham Farmers' Market on Sundays, May through October, 2018 from 9:00 AM to 2:00 PM, in Municipal Parking Lot No. 6 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- J. Resolution approving a request from the Birmingham Shopping District to hold the Family Movie Night on June 22, July 20, and August 24 in Booth 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.
- K. Resolution approving the Settlement Agreement and Mutual Release and authorizing the Mayor and Clerk to sign the same on behalf of the city.

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

11-291-17

PUBLIC HEARING OF APPROVAL OF THE FINAL SITE PLAN AND SPECIAL LAND USE PERMIT AMENDMENT – 505 N. OLD WOODWARD

Mayor Harris opened the public hearing at 8:25 p.m.

From Senior Planner Baka's report to City Manager Valentine dated November 7, 2017:

The subject site, Salvatore Scallopini, is located at 505 N. Old Woodward, on the northwest corner of N. Old Woodward and Harmon Street. The parcel is zoned O2, Office Commercial and D-2 in the Downtown Birmingham Overlay District. The applicant is applying for a Special Land Use Permit Amendment ("SLUP") to allow interior and exterior changes to the existing bistro.

Article 2, section 2.23, O2 (Office/Commercial) District allows a bistro as a permitted use with a valid Special Land Use Permit. Salvatore Scallopini currently operates a bistro under a SLUP. The changes proposed require a SLUP Amendment, and thus the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit Amendment, and then obtain approval from the City Commission for the Final Site Plan and Special Land Use Permit Amendment.

On September 27, 2017, the Planning Board conducted a public hearing to discuss the applicant's request for the proposed changes to the existing bistro. The Planning Board voted to recommend approval to the City Commission of the SLUP Amendment and Final Site Plan for 505 N. Old Woodward, Salvatore Scallopini, with the following conditions:

1. The non-operating door be filled in and turned into a window; and
2. The sill of the window is to match all other windows across the facade of the building.

On October 16, 2017 the City Commission set a public hearing date for November 13, 2017 to consider approval of the Final Site Plan and Special Land Use Permit Amendment to allow interior and exterior changes to the existing bistro at 505 N. Old Woodward. Please find attached the staff report presented to the Planning Board, along with the relevant meeting minutes for your review.

Senior Planner Baka confirmed for Commissioner Hoff that:

- The concern over the exterior mosaic tiles was the possibility of deterioration due to weather, but the restaurant owners have stated that they are committed to the tiles' upkeep.
- There will be 5' for pedestrian clearance around the outdoor dining, and two parking spaces will be regained by the removal of the platform.
- The tree on Harmon St. would have an ADA-approved grate surrounding it, and the opposite seating would only be a two-top, which would allow for the required 5' of pedestrian clearance between the tree and the outdoor seating.

Senior Planner Baka confirmed for:

- Commissioner DeWeese that Mr. Guy Simmons' street furniture and newspaper box will be relocated at the discretion of the Department of Public Services (DPS).
- Commissioner Nickita that if a platform is required for outdoor seating on Harmon Street, due to the slope of the sidewalk, the platform would be reviewed and approved prior to installation.

- Mayor Harris that the SLUP amendment paragraph 5, page 2, refers to:
 - An annually-renewed outdoor dining permit; and,
 - A sign which will stretch into the right-of-way, which is allowed if the sign is 8' above grade.

Larry Bongiovanni, manager of Salvatore Scallopini, was available for questions.

Nicole Adler, architect from Ron and Roman, Inc., explained to Commissioner Hoff that the darker stained wood would be around both the fixed and sliding windows and the lighter stained wood would be around the door. She added that the exterior tile being proposed is porcelain, which:

- Has color all the way through, meaning if it is scratched the color is not removed;
- Is frost-proof; and,
- Is much more durable than indoor, ceramic tile.

There being no further comment, Mayor Harris closed the public hearing at 8:39 p.m.

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Bordman: To approve the Final Site Plan and Special Land Use Permit Amendment for 505 N. Old Woodward to allow interior and exterior changes to the existing Salvatore Scallopini bistro at 505 N. Old Woodward. (*Appended to these minutes as Attachment A*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

11-292-17 PUBLIC HEARING OF APPROVAL OF THE PROPOSED LOT COMBINATION – 607 & 635 S. BATES

Mayor Harris opened the public hearing at 8:40 p.m.

Senior Planner Baka explained that the owners of 607 and 635 S. Bates are looking to combine the two parcels into one lot, and confirmed that the lot combination meets all the requirements of the Subdivision Regulation Ordinance, Chapter 102, Section 102-83.

Bill Finnicum, from Finnicum Brownlie Architects, and Mr. Angileri, the owner of lots 607 & 635 S. Bates, were available for questions.

Mr. Finnicum confirmed for:

- Commissioner Boutros that the existing house is 1900 sq. ft., and the proposed will be 4300 sq. ft.
- Commissioner Hoff that:
 - This is a historically-designated house, and that the plan is to take down the part of the house that is not historically significant, and create an addition that is consonant with the historically significant part of the house.
 - The addition will be both to the east and the south.

Senior Planner Baka confirmed for Commissioner Hoff that the house still falls under the guidelines of a historically designated structure, and that the house received a variance for the building of the cupola.

There being no further comment, Mayor Harris closed the public hearing at 8:58 p.m.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese:
To approve the proposed lot combination of 607 and 635 S. Bates.

Commissioner Hoff stated that the Commission should be watchful for circumstances in which a Commission-granted lot split may subsequently appear before the Commission for a lot recombination.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**11-293-17 PUBLIC HEARING OF AMENDMENT TO ARTICLE 9 OF THE
 ZONING ORDINANCE TO ADD A DEFINITION OF PERSONAL
 SERVICES**

Mayor Harris explained that the purpose of this hearing was to clarify language. He urged all speakers to be concise and specific to the point, and for comments not to be repetitive. Mayor Harris declared a two-minute time limit for speakers.

Mayor Harris opened the public hearing at 9:02 p.m.

City Planner Ecker laid out the history of the issue. Most recently, the Planning Board:

- Created a draft chart of potential personal service uses;
- Made modifications to the pros and cons of each use;
- Requested that the last two columns be removed and a comments column be added to note where there was not a unanimous opinion of the entire Planning Board.

In addition, City Planner Ecker explained that:

- A column was added to provide examples of existing businesses in the City that would fall under each category.
- The Planning Board re-reviewed the 5 sample definitions that were previously provided as options in previous agenda packets; and,
- Added 12 more definitions from other communities to supplement the ones originally selected as possible options.

City Planner Ecker confirmed for:

- Commissioner Nickita that none of the supplied example definitions of personal services included offices as one of the possible business types.
- Commissioner Hoff that the Planning Board's chart designated their agreement or disagreement on whether a type of business could be a personal service.
 - White comments reflected general agreement that the business-type in question was a personal service;
 - Green comments reflected general agreement that the business-type in question was not a personal service; and,
 - Red comments reflected a split on whether the business-type in question could be considered a personal service.

Attorney Currier told Mayor Pro Tem Bordman that the chart cannot be appended to the ordinance language as guidance to staff, since ordinance language reflects City law.

City Planner Ecker explained that the definition proposed in 9.02 could be changed to include the chart, but that it would be a substantive change to the proposed definition.

Commissioner Sherman stated the Commission may be better off looking at the proposed ordinance amendment, passing it, and then sending it to be reviewed, as has been done in the past.

Commissioner DeWeese expressed concern that the proposed personal services definition does not sufficiently exclude office or quasi-office use, and desired that the definition stand-alone without a chart since the chart may be subject to shifts over time.

City Planner Ecker confirmed for Commissioner Hoff that Article 9, Section 9.02 of the City Ordinances specifies personal services, but that office use has never been permitted under this definition of retail use in the redline retail district. She reiterated that issue before the Commission now is to clarify the grey area between office and personal service use.

Commissioner Boutros outlined four options he sees for the definition of personal services: it could be enforced, it could be left flexible, the City could hire consultants for the process, or it could be included in the master plan. Commissioner Boutros then listed his considerations regarding the approaches:

- Enforcing a personal services definition excluding offices could cause vacancies in the redline retail district should the retail market crash.
- A flexible personal services definition could allow for a wider range of businesses to fill vacancies in the event of a retail crash.
- Hiring consultants, as the City has done in the past, would allow the City to have dedicated advice on the matter.

He stated that he does not feel there has been sufficient economic information or study to move forward on this.

Mayor Pro Tem Bordman stated that:

- The Commission currently has several documents recommending against first-floor office space under personal services, including the 2016 Plan.
- The Commission also has dozens of community definitions of personal services which exclude office use as a type of personal service.
- The local communities of Ferndale, Royal Oak, Plymouth and Holland do not have first-floor offices in their retail districts.
- Birmingham is not sufficiently different from the other communities to require a different approach to this matter.
- The issue needs to be resolved quickly. She would like to see a yes or no vote, with the possibility of adjustments at a later date.

Commissioner Hoff commented that while the ordinance officially does not permit office space, offices have been allowed under this ordinance. She added that perhaps the best option is to try an approach for six months, and to see how it affects the City.

City Planner Ecker confirmed for Mayor Harris that the definitions of personal services before the Commission were selected for specificity in their language, but no other criteria. She also clarified that Birmingham City staff only looked for definitions of personal services within other cities' ordinances. As a result, cities' considerations of retail definitions, office spaces, and types

of zoning may not have been included in the report, or may be very different from Birmingham's considerations.

Commissioner Nickita reminded the Commission that:

- This is not a process that has been done haphazardly, as 3,000 members of the public and a professional team worked on the downtown plan as recently as two years ago.
- The author of the plan described it as the most advanced plan he had ever worked on.
- The Commission's responsibility is to now fill in a gap they have been made aware of.

Commissioner Sherman explained that there are no offices allowed under the current ordinance. Any offices currently occupying first-floor retail spaces are there because of an interpretation of personal services by tenants and landlords. That is the potential loophole the Commission is looking to clarify.

Scott Aikens (owns 350 N. Old Woodward) stated that:

- Birmingham's redline retail district is extraordinarily overbroad.
- The buildings on the hill between Willits and Harmon were designed as office buildings, and office space is at a premium there.
- Landlords can charge more for office space within the redline retail district.
- If 350 N. Old Woodward were to lose an office tenant and not replace it within six months, Mr. Aikens is afraid they would have to rent to a retail store.
- If that were to happen, Mr. Aikens explained he might be forced to sue.
- He is profoundly disheartened that the City would treat its landlords like this.

Marlin Wroubel, developer of "Google" building, stated that no one was interested in renting retail on the first floor of the building. Mr. Wroubel was in the process of selling the building when the Commission first started talking about disallowing office use, and he said that every offer he had has been pulled off the table since as a result.

Ted Eisholz (401. S. Old Woodward - President of Condominiums at Birmingham Place Association) appeared before the Commission to state the Birmingham Place Association's opposition to limiting the uses of the redline district. Mr. Eisholz continued that there were significant retail vacancies in 2010, and since then the value of the Association's properties has more than doubled. The Association does not wish to move forward with anything that would impede this positive trend.

James Esshaki, owner of Essco Development Company:

- Reminded the Commission that the Planning Board unanimously recommended not changing the definition of personal services.
- Emphasized City Planner Ecker's point that studying other communities' personal services definitions does not necessarily tell the Commission how those communities handle office rentals within retail districts.
- Requested that the Commission differentiate between grade level and first floor level.

Richard Huddleston (representing owner of Unit 1 of Birmingham Place) stated:

- That his company owns about 110,000 sq. ft. of office and retail space.
- That they brought Birmingham Place out of foreclosure in 2010.
- That he most recently counted 21 vacant store fronts in Birmingham, including four in a row on Old Woodward.

- That having Google in Birmingham, along with attorneys, medical offices, and architects is preferable to vacancies.
- The Commission should adopt as broad a definition of personal services as possible as retail declines.

Jeanette Smith (Core Partners) explained that the real estate community would like the Commission to hold off on a definition until there has been more collaboration and study as part of the master planning process, especially since available data suggests a 10% retail vacancy over the next few years for the City of Birmingham.

Richard Astrein, jeweler in downtown Birmingham, stated:

- That retail density is important in the redline retail district;
- That offices add strain to Birmingham's limited parking resources, whereas retail enables a faster parking turnover; and,
- That if Birmingham continues adding offices to its retail district, it will no longer have the uniqueness that interests potential homebuyers in the community.

Karen Daskas (co-owner of Tender) stated that:

- Business of Fashion, a digital fashion publication, recently released a study that said independent retailers are gaining traction.
- Birmingham needs a strong group of independent retailers that are here to stay.
- Offices in the middle of a retail walking area limit walkability.

Debbie Astrein spoke as a lifetime resident of Oakland County and explained that:

- Birmingham has always been a unique place to visit.
- Adding first-floor offices will significantly alter the feel of the City negatively.

Lane Caruso (Caruso + Caruso, 166 W. Maple Road) asked the Commission to name businesses in order to clarify what they will and will not allow in downtown, and then to leave some room for future determinations.

Paul Terrace (resident) reminded the Commission that parks and recreation upkeep requires a large tax-base, and allowing these landlords to rent to offices will allow Birmingham to have that. He added that the landlords are the experts, and what is good for them will be good for Birmingham.

Brian Najor (Najor Companies) said:

- There is a wide variety of expert opinions, and a lot of remaining confusion on the issue.
- He would not be comfortable seeing something passed tonight, especially since the Planning Board itself was so against the definition's adoption.
- That it might behoove the City to reduce the size of the redline retail district, possibly by focusing on a few key areas.
- While retail is desirable for everyone, there are enough vacant spaces to accommodate Birmingham's retail demand.
- Maintaining the grey area afforded by the current understanding of personal services may provide the flexibility the City needs in order to make discretionary decisions about businesses within the redline retail district.
- He believes medical and dental practices should be allowed.

Mayor Harris confirmed for Mr. Najor that the downtown plan is currently undergoing requests for proposals (RFP).

Commissioner Nickita clarified for Mr. Najor that:

- The Master Plan and the downtown plan are different.
- The Master Plan is a citywide plan, which is out for RFP.
- The citywide plan deals with Birmingham on a macro level, and not necessarily the details of the downtown.
- The citywide, Master Plan will be different than the Rail District Plan or the Triangle District Plan, which were more detailed regarding those areas.
- The 2016 Plan was created 20 years ago, but was updated in 2014 during a full review of the Plan and its progress.

Richard Astrein stated that, as a landlord in Birmingham, he has seen very high offers for his property, and does not believe that the City is in danger of plunging real estate values.

There being no further comment, Mayor Harris closed the public hearing at 10:25 p.m.

Mayor Pro Tem Bordman clarified that any businesses currently in operation in the redline district would be grandfathered in.

Commission Boutros stated that:

- He is a huge supporter of retail.
- As a retailer his three most important considerations are visibility, convenience, and parking.
- He wants to see a study before decisions are made for the definition.
- Birmingham is vibrant because of offices in the downtown, but not the first floor, which has been ruled out.
- The issue does not seem to be the personal services definition.
- Birmingham now has a retail consultant who he would like to see work with the retailers and landlords to better secure the position of retail in Birmingham.

Commissioner Nickita agreed with Mr. Najor. He reiterated that offices are not allowed on the first floor. The Commissioner continued that:

- The definition of personal services needs clarification so City staff knows how to implement it.
- The loophole in the definition of personal services needs to be closed because the ordinance currently permits businesses that are not allowed per ordinance in downtown.
- Within the definition business-to-business services should be prohibited, and a focus on individual services should be encouraged, which would be progress for the definition.
- Many types of further study would be useful, but for now the Commission needs to clarify the definition.

Commissioner Sherman pointed out that this conversation has been on-going since June 2016. He moved the ordinance as-is in order to close the loophole, while acknowledging it is not perfect. He stated that more clarification in the future would likely be necessary.

Mr. Aikens explained to Commissioner Hoff where 350 N. Old Woodward is, and described some of the offices within the building.

City Attorney Currier confirmed for Mayor Pro Tem Bordman that:

- If a landlord has an ongoing office tenant on the first floor, or replaces an office tenant on the first floor with another office tenant within six months, then the first floor could remain designated for office use under this ordinance.
- If a vacancy occurs on the first floor of any building within the retail district, however, and the vacancy lasts more than six months, it would be required to become retail under the proposed ordinance.

Commissioner DeWeese expressed:

- Discomfort with the definition, especially due to the Planning Board's lack of endorsement;
- A belief that the definition does not fulfill its intentions;
- A concern with potential consequences of the definition;
- That the Commission has not done due diligence before passing this; and
- His support for retail.

The Commissioner finished by stating that, due to these reasons, he is not in support of the motion.

Mayor Harris explained he is inclined to support the motion because:

- Of the 17 communities surveyed, not one includes office use in their definition of personal services.
- The ordinance does not allow for offices, which means an update of the definition of personal services would encourage an interpretation more in line with the ordinance's original intent.
- The definition can be modified in the future if there are damaging unforeseen consequences.

City Manager Valentine confirmed for Commissioner Hoff that this definition does clarify the ordinance for staff implementation because, in addition to the other language included, it specifies "services primarily provided directly to individuals" being the primary focus of first floor businesses.

Commissioner Boutros expressed his hesitancy once more to make a change without having sufficient information on the potential impact on the Birmingham Shopping District.

Mr. Esshaki thanked Commissioner DeWeese and asked what Birmingham would propose to do with the office buildings north of Maple that were built as office buildings. He added that the Commission stands reduce the value of these buildings significantly, and that this motion should not be passed without considering the ramifications.

Mr. Ballard (resident) stated that there are some sections of the City being included in this ordinance that are not suitable for retail, like Brown Street, N. Old Woodward, and S. Old Woodward. He believes those areas should be excluded from this definition, and is surprised to hear they were originally included.

Jeannette Smith (Core Partners) stated that she is still seeing inconsistencies in the application of this definition, but that the compromise might be to focus on the geography of its application like other speakers have suggested.

Derek Dickow (lives at Merrillwood Building) expressed opposition to this motion, and he thinks parking is a much bigger issue.

Mr. Caruso:

- Agreed with other speakers that the loophole needs to be closed, but that this solution may be too adversarial.
- Expressed concern that the City is setting itself up for a lawsuit, and that if the loophole is closed this way the redline retail district must immediately be studied and redefined.
- Said that his feeling is that the retail district should be Maple Road from Southfield to Woodward, and the Old Woodward corridor to some degree.
- Finished by saying that there are certain parts of the City currently defined as redline retail that would actually prevent a retailer from succeeding there without an online presence or an already-loyal local clientele.

City Planner Ecker confirmed for Mr. Najor that:

- Every tenant within the redline retail district has to follow the overlay standards which include first floor retail.
- Internally it has been decided that the first 20' beyond the windows or doors on the first floor cannot include desks or cubicles.

City Planner Ecker confirmed for Mr. Caruso that any businesses that are open to the public, display their merchandise, and display their services for the first 20' beyond the door are operating within the City's requirements.

Commissioner Hoff stated that she supports this but does not support it for the whole geographic area being considered.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman:
To amend Article 9, Section 9.02, Definitions, to add a definition for personal services to the Zoning Ordinance. (*Appended to these minutes as Attachment B*)

VOTE: Yeas, 4
 Nays, 3 (DeWeese, Hoff, Boutros)
 Absent, 0

Commissioner Nickita stated he believes it would be beneficial to move forward with a review of the redline retail district.

Commissioner Sherman stated that:

- The Planning Board has a review of the redline retail district on their agenda.
- The list of business types provided by the Planning Board may be used to provide further guidance for ordinance implementation.
- He would like the Planning Board to revisit the issues broached in this public hearing.

Mayor Harris said he would like to see geographic study of the redline retail district moved to the top of the Planning Board's agenda, given the concern expressed by members of the public at tonight's hearing. Mayor Pro Tem Bordman, Commissioner Hoff and Commissioner DeWeese agreed.

Commissioner Nickita agreed with Mayor Harris and added that perhaps different standards could be applied depending on location and how far out the business in question is from the core of Birmingham's shopping district.

Commissioner DeWeese added he would also like to see buildings discussed that currently fall within the redline retail district, but were originally built and have remained office buildings.

VII. REMOVED FROM CONSENT AGENDA

None

VIII. COMMUNICATIONS

11-294-17 COMMON GROUND

Letter of appreciation.

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

None.

X. REPORTS

11-295-17 COMMISSIONER REPORTS

The Commission will appoint two regular members and one alternate member to the Board of Review on December 4, 2017 at 7:30 p.m.

The Commission will appoint one member to the Birmingham Triangle District Corridor Improvement Authority on December 4, 2017 at 7:30 p.m.

11-296-17 COMMISSIONER COMMENTS

Commissioner Hoff congratulated the Library on a successful fundraising event.

Commissioner DeWeese said he has heard complaints from longtime shoppers in Birmingham regarding parking. The complaints regarded:

- General availability of parking;
- The fact that often short-term shoppers need to park on top floors due to long-term parkers claiming lower floor spaces;
- Difficulty using the credit card machines to enter and exit the parking garages; and,
- A perceived lack of availability of street parking.

Commissioner DeWeese would like to see more effort towards:

- Long-term parkers perhaps using higher floors of the garages;
- A way of fixing the credit card machine issue;
- Ways the City can keep more street spaces available.

11-297-17 CITY STAFF REPORTS

The Commission received the Parking Utilization report, submitted by City Engineer O'Meara.

The Commission received the 1st Quarter Financial Reports, submitted by Finance Director Gerber.

IX. ADJOURN

Mayor Harris adjourned the meeting at 11:22 p.m.

J. Cherilynn Mynsberge, City Clerk

ATTACHMENT A

RESOLUTION 11-291-17

**SALVATORE SCALLOPINI BISTRO
505 N. OLD WOODWARD
SPECIAL LAND USE PERMIT AMENDMENT
2017**

WHEREAS, Salvatore Scallopini filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate their existing 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 at the northwest corner of Harmon and N. Old Woodward;

WHEREAS, The land is zoned O-2, Office Commercial, and is located within the Downtown Birmingham Overlay District, 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 September 27, 2017 reviewed the application for a Special Land Use Permit Amendment and Final Site Plan to allow interior and exterior changes to the existing bistro, and recommended approval with the following conditions:

1. The non-operating door be filled in and turned into a window; and
2. The sill of the window to match all other windows across the facade of the building.

WHEREAS, The applicant is required to obtain an amended Outdoor Dining License from the City Clerk's office for the proposed outdoor dining;

WHEREAS, The applicant has complied with all conditions for approval as recommended by the Planning Board on September 27, 2017;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and the Salvatore Scallopini application for a Special Land Use Permit Amendment authorizing the proposed interior and exterior changes to the existing bistro at 505 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 Amendment is granted subject to the following conditions:

1. Salvatore Scallopini shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit Amendment may be canceled 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.;
4. Salvatore Scallopini shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;
5. Salvatore Scallopini shall maintain a license agreement for use of the public right- of-way with the appropriate insurance certificates; and
6. Salvatore Scallopini enter into a contract with the City outlining the details of the proposed bistro option.

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

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

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on November 13, 2017.

J. Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
ORDINANCE NO. 2252**

**AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:
TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD A DEFINITION FOR PERSONAL SERVICES.**

THE CITY OF BIRMINGHAM ORDAINS:

Personal Services: An establishment that is open to the general public and engaged primarily in providing services directly to individual consumers, including, but not limited to, personal care services, services for the care of apparel and other personal items, but not including business to business services, medical, dental and/or mental health services.

ORDAINED this 13th day of November, 2017 to become effective 7 days after publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held November 13, 2017, and that a summary was published in the Observer & Eccentric newspaper on November 19, 2017.

J. Cherilynn Mynsberge, City Clerk

City of Birmingham
Warrant List Dated 11/15/2017

Meeting of 11/20/2017

Check Number	Early Release	Vendor #	Vendor	Amount
254193		MISC	3JS BUILDERS LLC	593.34
254194	*	000820	46TH DISTRICT COURT	1,500.00
254195	*	000855	48TH DISTRICT COURT	100.00
254196	*	000855	48TH DISTRICT COURT	100.00
254197	*	000855	48TH DISTRICT COURT	500.00
254198		002284	ABEL ELECTRONICS INC	29.99
254199		008555	ABELL PEST CONTROL INC	40.00
254200		007012	ACROSS THE STREET PRODUCTIONS INC	346.50
254201		007266	AETNA BEHAVIORAL HEALTH LLC	430.56
254202		007745	ALL COVERED	1,192.00
254203		008015	ALL PHASE LOCK AND SAFE	159.50
254204		MISC	AMERICAN METAL ROOFING	200.00
254205		001206	AMERICAN MIDWEST PAINTING INC	3,750.00
254206	*	007437	CHERYL ARFT	68.78
254207		000500	ARTECH PRINTING INC	524.00
254208		007479	ASB DISTRIBUTORS	30.25
254209	*	006759	AT&T	150.64
254210	*	008576	AT&T CWO	5,931.81
254211		004027	AUTOMATED BENEFIT SVCS INC	7,094.27
254212		003012	BATTERIES PLUS	40.40
254213		MISC	BEAM BUILDERS & MAINTENANCE	400.00
254214		MISC	BELLINGER BUILDING COMPANY	100.00
254215		007345	BEVERLY HILLS ACE	23.72
254216		002231	BILLINGS LAWN EQUIPMENT INC.	9.61
254217		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	39.96
254218	*	001086	CITY OF BIRMINGHAM	356.19
254219		000542	BLUE WATER INDUSTRIAL	158.21
254220		MISC	BOLYARD, GARY L	200.00
254223		MISC	CALDERONE, FRED	914.78
254224		007875	CANFIELD EQUIPMENT SERVICE INC.	1,987.71
254225		MISC	CEDAR RESTORATION INC	300.00
254226		002067	CENTRAL PARKING SYSTEM	50.00
254227	*	007744	MOHAMED F. CHAMMAA	83.99
254228		000605	CINTAS CORPORATION	240.80
254230		002234	CMP DISTRIBUTORS INC	9,516.40
254231		008620	CODE 3 SUPPLY	170.00
254232		004188	COFFEE BREAK SERVICE, INC.	121.50
254233		004026	COFINITY	1,341.00
254234	*	007625	COMCAST	254.85
254235		001367	CONTRACTORS CONNECTION INC	442.85
254236		003923	CUMMINS BRIDGEWAY LLC	458.82
254237		004386	CYNERGY PRODUCTS	1,480.00
254238	*	000956	DELTA TEMP INC	3,355.07
254239		006907	DENTEMAX, LLC	141.30

City of Birmingham
Warrant List Dated 11/15/2017

Meeting of 11/20/2017

Check Number	Early Release	Vendor #	Vendor	Amount
254240		008559	DETROIT BATTERY COMPANY	101.95
254241		MISC	DINVERNO REMODELING AND CONSTRUCTIO	200.00
254242	*	000187	JOHN DONOHUE	219.41
254243	*	000179	DTE ENERGY	3,716.78
254244	*	000180	DTE ENERGY	47,207.67
254245		001077	DUNCAN PARKING TECH INC	6,321.15
254246		000493	ED RINKE CHEVROLET BUICK GMC	464.22
254247	*	007538	EGANIX, INC.	720.00
254248		000196	EJ USA, INC.	1,560.16
254249		004671	ELDER FORD	393.28
254250		000995	EQUATURE	3,120.00
254251		008308	ERADICO PEST SERVICES	38.00
254252	*	006689	F.D.M. CONTRACTING INC.	5,170.39
254253		004574	FAIR-WAY TILE & CARPET, INC.	715.00
254254		MISC	FAIRWAY CONSTRUCTION CO INC	200.00
254255		001223	FAST SIGNS	331.46
254256		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
254257		007172	GARY KNUREK INC	259.00
254258		000223	GASOW VETERINARY	147.00
254259		000920	GLOBAL EQUIPMENT COMPANY INC	149.95
254260		MISC	GOLEMBIESKI, JOSEPH	100.00
254261	*	004604	GORDON FOOD	299.07
254262		MISC	GRENNAN CONSTRUCTION	100.00
254263	*	007473	DONALD GRIER	207.05
254264		000249	GUARDIAN ALARM	224.03
254265		001447	HALT FIRE INC	50.39
254266		006346	HARRELL'S LLC	6,240.00
254267		006153	HARRY'S ARMY SURPLUS	139.99
254268		003132	HASTINGS AIR-ENERGY CONTROL INC	306.18
254269		001846	HIGHWAY MAINTENANCE AND	16,185.50
254271		000948	HYDROCORP	1,315.00
254272		007035	INNOVATIVE OFFICE TECHNOLOGY GROUP	856.95
254273		000261	J.H. HART URBAN FORESTRY	11,801.53
254274		000344	J.T. EXPRESS, LTD.	4,010.00
254275		008612	JADE STRATEGIES	3,000.00
254276		004391	JANSSEN REFRIGERATION CO., INC	220.40
254277		003823	JAY'S SEPTIC TANK SERVICE	140.00
254278		003458	JOE'S AUTO PARTS, INC.	129.27
254279		006283	K & J VENTILATION	150.00
254280		005291	KAESER & BLAIR INC	227.36
254281	*	007837	LARYSSA R KAPITANEC	49.00
254282	*	007827	HAILEY R KASPER	156.00
254283		MISC	KEARNS BROTHERS INC	100.00

City of Birmingham
Warrant List Dated 11/15/2017

Meeting of 11/20/2017

Check Number	Early Release	Vendor #	Vendor	Amount
254284		000353	KNAPHEIDE TRUCK EQUIPMENT	7.44
254285		004085	KONE INC	1,779.97
254286		008553	L.G.K. BUILDING, INC	21,210.00
254287		008188	LEARN TO SKATE USA	1,397.50
254288		008158	LOGICALIS INC	9,700.00
254289		002648	MARC DUTTON IRRIGATION INC	403.50
254290		000888	MCKENNA ASSOCIATES INC	43,546.25
254291	*	MISC	MICHAEL & BARBARA HOROWITZ	75,000.00
254292		MISC	MICHAEL JOHN GEORGE	100.00
254293		001660	MICHIGAN CAT	731.29
254294	*	004388	MICHIGAN CHAPTER I.A.E.I.	150.00
254295		001005	STATE OF MICHIGAN	5,650.06
254296		005079	STATE OF MICHIGAN	50.00
254297		000230	MIKE SAVOIE CHEVROLET INC	1,428.78
254298		MISC	MILLER LANDSCAPE INC	829.56
254299		008313	MMIA	70.00
254300		000649	MML WORKERS' COMP FUND	51,528.00
254301		008211	MULTI-PLAN	4.50
254303		007755	NETWORK SERVICES COMPANY	668.19
254304		001864	NOWAK & FRAUS ENGINEERS	3,280.50
254305		006359	NYE UNIFORM COMPANY	541.92
254306		004110	OAKLAND COMMUNITY COLLEGE	450.00
254307	*	000477	OAKLAND COUNTY	412,767.13
254308		006602	OAKLAND COUNTY TREASURER'S ASSN.	50.00
254309		008214	OAKLAND COUNTY WATER DEPARTMENT	8,821.04
254310		008626	OCBOA	700.00
254311		008626	OCBOA	420.00
254312		004370	OCCUPATIONAL HEALTH CENTERS	103.50
254314		002767	OSCAR W. LARSON CO.	210.00
254315		006625	PACIFIC TELEMAGEMENT SERVICES	78.00
254316		006853	PAUL C SCOTT PLUMBING INC	320.00
254317	*	001753	PEPSI COLA	461.39
254318	*	003352	JAMIE CATHERINE PILLOW	678.00
254319		MISC	PRICE CONSTRUCTION SERVICES	100.00
254320		006697	PROGRESSIVE IRRIGATION, INC	18,677.00
254321		002852	QMI GROUP INC	156.55
254322		001062	QUALITY COACH COLLISION LLC	3,877.12
254323		000286	RESIDEX LLC	2,494.00
254324		MISC	ROOFING & BEYOND LLC	200.00
254325		000221	RUSSELL HARDWARE COMPANY	28.98
254326		MISC	SHERRIFF-GOSLIN CO.	200.00
254327		007142	SHERWIN-WILLIAMS COMPANY	28.93
254328		MISC	SIGNS BY TOMORROW INC, R.O.	200.00

City of Birmingham
Warrant List Dated 11/15/2017

Meeting of 11/20/2017

Check Number	Early Release	Vendor #	Vendor	Amount
254329		000254	SOCRRA	71,361.00
254330		005787	SOUTHEASTERN EQUIPMENT CO. INC	1,016.49
254331		004355	SYMETRA LIFE INSURANCE COMPANY	29,737.50
254332		001076	TAYLOR FREEZER OF MICH INC	325.00
254333		000275	TIRE WHOLESALERS CO INC	887.92
254334		MISC	TOWER CONSTRUCTION LLC	300.00
254335		008371	TREDOC TIRE SERVICES	195.20
254336		MISC	TRESNAK CONSTRUCTION INC	100.00
254337	*	005481	TRI-COUNTY INTL TRUCKS, INC.	1,145.22
254338		004379	TURNER SANITATION, INC	95.00
254339		000293	VAN DYKE GAS CO.	425.52
254340		MISC	VANGUARD BUILDING GROUP LLC	1,900.00
254341		008411	VARIPRO	777.50
254342		005231	WALKER RESTORATION CONSULTANTS	2,002.66
254343		MISC	WALLSIDE INC	500.00
254344		007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,577.04
254345		001337	WILCOX BROS.	180.00
254346		MISC	William Ellis Company	100.00
254347		000306	WOLVERINE CONTRACTORS INC	1,594.60
254348	*	003890	LAUREN WOOD	525.00
254349		008391	XEROX CORPORATION	858.45
Sub Total Checks:				<u>\$946,775.14</u>
Sub Total ACH:				<u>\$136,165.31</u>
Grand Total:				<u><u>\$1,082,940.45</u></u>

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



Mark Gerber
Finance Director/ Treasurer

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

11/20/2017

City of Birmingham
11/15/2017

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	11/13/2017	136,165.31
TOTAL		136,165.31



MEMORANDUM

City Clerk's Office

DATE: November 7, 2017

TO: Joseph A. Valentine, City Manager

FROM: Cherilynn Mynsberge, City Clerk

SUBJECT: Special Event Request
Birmingham Street Art Fair

Attached is a special event application submitted by Common Ground to hold the 44th Annual Birmingham Street Art Fair in and around Shain Park on September 14-16, 2018. **The location for this year's fair has been changed to accommodate the anticipated South Old Woodward construction project in 2018.**

The application has been circulated to the affected departments and approvals and comments have been noted.

The following events are anticipated to be held in September and have not yet submitted an application. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Farmers Market	Sundays	Lot 6
Run on the Town 5K	Sept	Booth Park area

SUGGESTED RESOLUTION:

To approve a request from Common Ground to hold the 44th Annual Birmingham Street Art Fair in and around Shain Park on September 14 - 16, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any location change or minor modifications that may be deemed necessary by administrative staff at the time of the event.

18-00011082

**CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES**



I. EVENT DETAILS

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

FEES: **FIRST TIME EVENT:** **\$200.00**
 ANNUAL APPLICATION FEE: **\$165.00**

(Please print clearly or type)

Date of Application October 30, 2017

Name of Event Common Ground's 44th Annual Birmingham Street Art Fair

Detailed Description of Event (attach additional sheet if necessary) _____

Fine Art Fair featuring approximately 160 jury selected professional artists, artist demonstrations

and children's art activities. The event serves as an annual fundraiser for Common Ground.

Location In and around Shain Park (layout map included)

Date(s) of Event September 15 & 16, 2018 Hours of Event Saturday, 10am-6pm & Sunday 10am-5pm

Date(s) of Set-up September 14, 2018 Hours of Set-up 5pm-9pm (5pm street closure with meters bagged at 3pm)

Date(s) of Tear-down September 16, 2018 Hours of Tear-down 5pm-9pm

Organization Sponsoring Event Common Ground

Organization Address 1410 South Telegraph, Bloomfield Hills, MI 48302

Organization Phone 248.456.8150

Contact Person Jeffrey Kapuscinski

Contact Phone 248.431.3730

Contact Email jkapuscinski@commongroundhelps.org

II. EVENT INFORMATION

1. Organization Type Non-profit
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) _____
Producing partner is the Guild of Artists & Artisans
118 N. Fourth Ave, Ann Arbor, MI 48104 (734)662-3382 ext. 303
Karen Delhey, Executive Director, karen@theguild.org
3. Is the event a fundraiser? ☒ YES ☐ NO
List beneficiary Common Ground
List expected income \$25,000
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ ☒ NO
If no, describe This will be Common Ground's 44th annual Birmingham Street Art Fair.
5. Total number of people expected to attend per day 30,000+
6. The event will be held on the following City property: (Please list)
☒ Street(s) Martin, Henrietta, Merrill, Bates
☐ Sidewalk(s) _____
☒ Park(s) Shain Park
7. Will street closures be required? ☒ YES ☐ NO
8. What parking arrangements will be necessary to accommodate attendance? Exhibitors and attendees will use city parking structures and lots.

9. Will staff be provided to assist with safety, security and maintenance? ☒ YES ☐ NO
Describe Trained staff and volunteers are on site from move-in to move-out to ensure safety and provide site maintenance. In addition, overnight professional security is contracted for the event.
10. Will the event require safety personnel (police, fire, paramedics)? ☒ YES ☐ NO
Describe Police and paramedics
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 TBD
Time music will end 5:00 each day
Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.
13. Will there be signage in the area of the event? ☒ YES ☐ NO
Number of signs/banners Approx 15-20 signs
Size of signs/banners 24" and 36" A-frames
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?
TBD			

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	33	\$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	4	\$200.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	___ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO
(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	170	10'x10'
Portable Toilets	8-10	Reg and handicap
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Common Ground's 44th Annual Birmingham Street Art Fair
EVENT DATE September 15 & 16, 2018

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
10/30/17 Date

IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. *(Sample letter attached to this application.)*
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.



Common Ground
helping people move from crisis to hope

**SPECIAL EVENT REQUEST
NOTIFICATION LETTER**

DATE: November 2, 2017

TO: **Principal Shopping District Members, Downtown Birmingham Residents,
Interested Parties and Property 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.

EVENT INFORMATION

NAME OF EVENT: **Common Ground's 44th Annual Birmingham Street Art Fair**

LOCATION: **In and around Shain Park, map enclosed**

DATES/TIMES OF EVENT:

Saturday, Sept. 15, 2018, 10am – 6pm and Sunday, Sept. 16, 2018, 10am – 5pm

BRIEF DESCRIPTION OF EVENT/ACTIVITY:

Fine art fair featuring the handmade and original artwork of approximately 160 juried artists and is an important annual fundraiser for Common Ground, which has been serving youths, adults and families in crisis for more than 40 years.

DATES/TIMES OF SET UP:

Friday, Sept. 14, 2018, meters bagged at 3pm and street closings at 5pm with move-in completed by 9pm

DATES/TIMES OF TEAR DOWN: **Sunday, Sept. 16, 2018, from 5pm to 9pm**

DATE/TIME OF CITY COMMISSION MEETING: **Monday, November 20, 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).** To receive updates on special events held in the city log on to www.bhamgov.org/enotify.

EVENT ORGANIZER: Common Ground (Birmingham Street Art Fair)
ADDRESS: 1410 S. Telegraph
Bloomfield Hills, MI 48302
PHONE: 248.456.8150
Day of Event Contact: Karen Delhey (734)646-8431

Attachments: Proposed site map for Birmingham Street Art Fair

***1410 S. Telegraph • Bloomfield Hills, MI 48302 • 248.451.8150
www.commongroundhelps.org***



Common Ground

helping people move from crisis to hope

October 30, 2017

Hold Harmless Agreement

To the fullest extent permitted by law, **Common Ground** and any entity or person for whom **Common Ground** are legally liable, agree 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 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 contract. 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.



Jeffrey Kapuscinski
Director of Business Development

10/30/17

Date



October 30, 2017

Hold Harmless Agreement

To the fullest extent permitted by law, **The Guild of Artists & Artisans** and any entity or person for whom **The Guild of Artists & Artisans** are legally liable, agree 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 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 contract. 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.

Karen Delhey
Executive Director

October 25, 2017

Date

T H E G U I L D O F A R T I S T S & A R T I S A N S

**118 N. Fourth Avenue • Ann Arbor, MI 48104-1402
734.662.3382 • Fax: 734.662.0339 • info@theguild.org • www.theguild.org**



Common Ground is a nonprofit agency dedicated to helping people move from crisis to hope. The agency's programs throughout Oakland and Genesee Counties are a lifeline for runaway and homeless youths, families in crisis, victims of crime, people with mental illness and others in critical situations. Common Ground serves more than 80,000 individuals each year and is supported in part by state and federal grants, contracts, individual and corporate contributions, foundations, special events, the Oakland County Community Health Network and Genesee County Community Mental Health. Most of its services are free of charge and 90 percent of the funds received go to direct service. Common Ground's programs and services are divided into three distinct impact areas: Responding to crisis, providing safety and advocacy, and building communities of support. Here is a sampling of these programs and services:

- **Crisis and Resource Helpline** is available 24-hours per day, 365 days per year. Trained staff and volunteers provide over-the-phone, text and chat crisis intervention counseling, information and referrals.

Oakland Assessment and Crisis Intervention Service provides recovery oriented face to face assessment, crisis intervention, and stabilization services for all Oakland county residents including children at risk for hospitalization.

- **Victim Assistance Program** provides 24-hour access to counselors and advocates for victims of crime, domestic and sexual abuse, and workplace violence.

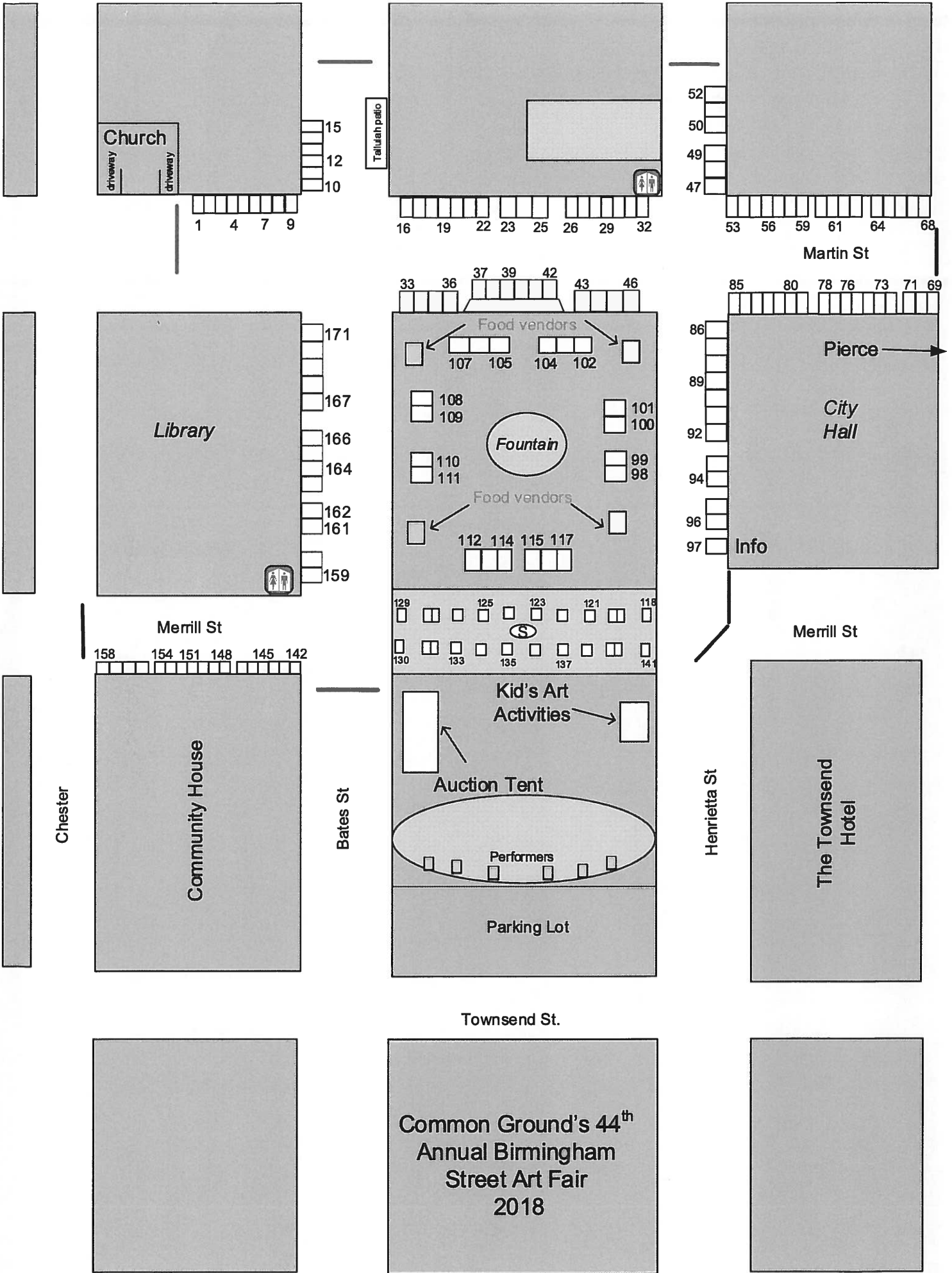
- **Crisis Residential Unit** provides short-term voluntary psychiatric care for adults that includes medical supervision, nursing and discharge planning. These services are designed to support stabilization, reduce symptoms, restore function and prevent additional functional impairment, with the goal of transitioning to a less-restrictive level of care.

- **The Sanctuary**, a free and safe 24-hour shelter, provides up to 3-week voluntary residential counseling to runaways and youths in crisis between the ages of 10-17, with the goal of reuniting youths with their families.

- **A Step Forward** is a safe and home-like transitional living shelter for homeless youths ages 16-21, who are seeking self-sufficiency. The program provides counseling, job training, career development, educational assistance, financial subsidies and medical assistance for up to 21 months.

- **Survivors of Suicide Support Group** is a bi-monthly free 12-week program available to all surviving family, friends and work colleagues of the person who ended their life through suicide.

- **Survivors of Homicide Support Group** is a bi-monthly free 12-week group available to all surviving family, friends and work colleagues of the homicide victim.



DEPARTMENT APPROVALS

EVENT NAME 2018 COMMON GROUND STREET ART FAIR

LICENSE NUMBER #18-00011082

COMMISSION HEARING DATE: NOVEMBER 20, 2017

NOTE TO STAFF: Please submit approval by **WED., NOV. 8, 2017**

DATE OF EVENT: SEPT. 14 – 16, 2018

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	SC	Non comments.	None	\$0	
BUILDING 101-000.000-634.0005 248.530.1850		1 Tents in excess of 200 square feet and canopies over 400 square feet require permits. 2. All tents/canopies must be flame resistant with certification. 3. No smoking inside any tent or canopy. Signs to be posted. 4. Tents or canopies must be secured with sandbags, weights, or water ballast. 5. Tents and canopies must be located per the approved layout.		\$221.48	
FIRE 101-000.000-634.0004 248.530.1900	JMC	1. No Smoking in any tents or canopy. Signs to be posted. 2. All tents and Canopies must be flame resistant with certificate on site. 3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents. 4. Tents and Canopies must be properly anchored for the		\$80	

		<p>weather conditions, no stakes allowed.</p> <ol style="list-style-type: none"> 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. <p>Suppression systems shall be inspected,</p>			
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		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	S.G.	Personnel and barricades		\$1660	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird	Includes Barricade placement, Dumpster rental, PSD boxes and trash removal as requested.		\$2,500	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	Maintain 5' clear pedestrian pathway on sidewalks. No pavement damage allowed for barricades, tents or other temporary installations.	None	\$0	\$0
SP+ PARKING	A.F.	Emailed comments to SP+ on 11/01/17	-	-	-
INSURANCE 248.530.1807					
CLERK 101-000.000-614.0000 248.530.1803		Notification letters mailed by applicant on 11/4/17. 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 8/31/18.	Applications for vendors license must be submitted no later than 8/31/18.	\$165 (pd)	
				TOTAL DEPOSIT REQUIRED \$4,461.48	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

Rev. 11/7/17

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MEMORANDUM

IT Department

DATE: 11/20/2017

TO: Joseph A. Valentine, City Manager

FROM: Eric Brunk

SUBJECT: Backup Solution Renewal / Upgrade

In 2012 the It department developed a comprehensive Request for Proposal for a "Disaster Recovery and Backup Solution" at that time 4 vendors responded to the RFP and the contract was awarded to Integrated Data Solutions at a significant savings as a 3 year contract at a cost of \$1192.00 per month. During that contract, Integrated data solutions was purchased by All Covered and in July of 2015 the city negotiated a 1 year renewable contract with All covered for the same monthly amount and co-hosted some services with the Library. The contract has been automatically renewed on a yearly basis since 2015.

The hardware and software for the current disaster recovery backup solution are now nearing end of life and will soon no longer be supported by the manufacturer. Additionally, changes in the infrastructure that we have implemented require a change in the servers we are backing up for disaster recovery. We have had a great working relationship with All covered who currently administers our backup solution and they have a new hardware and software solution that they have been implementing as a replacement at client sites as their current contracts have come up for renewal. They would like to implement that solution to replace our existing setup but require a change in the contract to cover the change the hardware and servers covered.

If we renew the contract for backup services with them they will replace the existing hardware and implement the new software on the new servers at no cost and the monthly recurring cost will not change.

I have had the City Attorney review the contract and he has found it acceptable and agreeable for a project of this scope and price.

The renewed contract would cover the 6 new primary data and application servers, up to 5 Terabytes of data and Rental of a 20 Terabyte server for performing the daily backups managed by All Covered. The monthly cost of the contract is \$1192.00 Total yearly cost of the contract is \$14,304 billed monthly with an automatic renewal.

SUGGESTED RESOLUTION:

Authorize the City Manager to sign the new backup services contract with All Covered for a continued monthly cost of \$1192.00 Funds are available in the IT Computer Maintenance fund account # 636-228.000-933.0600



**All Covered Care
Proposal
and
Schedule of Services
for
City of Birmingham**

October 17, 2017

Proposal Ref: 10460276



Pricing is valid for 15 days from the date of this document
Confidential and not to be distributed to third parties

BENEFITS OF THE ALL COVERED SOLUTION

All Covered Care (ACC) is designed to increase each client's return on technology investments by creating and supporting a stable and secure IT infrastructure, tuned to the client's business needs. Through a strong partnership with the client, the All Covered team delivers proactive and preventive PC, Network and Server management, troubleshooting and user support, backed by documentation and planning. All Covered also offers a range of Cloud Server, Hosting, Security and Application Development services.

Experience has shown that regularly scheduled management of systems and networks will substantially reduce the frequency and severity of the common problems that jeopardize the stability, security, and performance of an organization's IT environment.

ACC is delivered through a combination of remote and on-site services.

- **Proactive Services and Preventive Support.** These services are based on a proven methodology that will help the IT environment run smoothly and prevent many problems before they affect computer or network performance. The services are performed primarily via secure remote connections.
- **Monitoring and Reactive Support.** Support initiated by the client or All Covered that provides response to active issues. Troubleshooting and problem-solving are provided on-site if appropriate. The managed environment is monitored 24 hours a day.
- **End-user Support.** This addresses day-to-day end-user problems primarily through remote diagnostics and telephone support.

All Covered Care Engagement Plan For City of Birmingham

TRANSITION PROCESS

- A kick-off meeting will be held to introduce the details of the support model to you and to officially begin the startup phase.
- Your support team will include Service Delivery Engineers, their managers, an Account Manager, a Project Coordinator and a representative from Operations.
- The environment will be fully documented in an electronic guidebook which will be available to you in the Client Portal.
- Remote monitoring is set up for key network elements by our Managed Services team. The All Covered Service Desk then monitors these network elements. The Service Desk operates 24 hours a day, staffed with All Covered employees, and performs round-the-clock monitoring of critical devices and applications with alarm conditions being validated, remediated and escalated to your service delivery team as needed.
- Support is available to you starting on the effective date of the contract. Urgent needs are communicated by calling the All Covered Service Desk.



ONGOING SUPPORT

- You will be assigned a member of All Covered's account management team who will manage your overall relationship with All Covered, including discussing your strategic IT needs, scheduling review meetings and bringing together the team to build and refresh the technology plan for your organization.
- The All Covered team will manage the network, servers, computers and technology infrastructure based on a comprehensive support plan.
- Proactive management of the systems helps to avoid problems that would otherwise interfere with day-to-day operations.
- End user problems are addressed promptly and the systems are monitored continuously to ensure rapid response to emerging issues.
- All Covered manages escalations to your telecom service providers, hardware vendors, software vendors and application providers.

- Upon request, All Covered will act as support-liaison for end-user to initiate a support call to Line of Business support provider and request support on behalf of end-user and direct vendor support provider to work directly with end-user to resolve issue.

SERVICE DEFINITIONS

All Covered implements the All Covered Care services according to the following definitions. Actual services to be delivered to the client are identified in the Schedule of Services section.

Server Management

- Inventory of computer hardware, software and network devices.
- Windows Event Log management to proactively detect and resolve emerging problems
- Disk space management.
- Automatic deployment of approved Microsoft patches as approved via All Covered's patch management policy.
- Automatic virus definition updates and real-time scanning to protect against virus infections.
- Regular cleaning of temporary folders and files.
- Password resets for the supported servers, server applications and services.
- Remote server management may require a server to be taken off-line or rebooted, which will be done during pre-approved support windows or with express permission.
- Implementation of new upgrades to the operating system or applications may incur additional charges.



Server Monitoring

- 24/7 remote monitoring of network connectivity, key Windows Services and significant events in the Windows Event Logs.
- Monitoring alert validation, notification, remediation, and escalation services from a multi-tier and fully redundant Service Desk.
- Monitoring of disk space thresholds. Should file storage requirements exceed the limitations of the server, additional fees may be incurred to expand the storage. Data removal, if necessary, will be the responsibility of the client.
- Access to on-demand trend reports for connectivity, CPU utilization, memory utilization and disk space utilization.
- Response to all validated alerts to provide for expedited resolution of incidents.
- Real-time access to client-facing monitoring portal.

Network Devices

- Monitor network connectivity to supported Firewalls, Routers, and Managed Switches.
- Manage and remediate incidents related to supported network devices covered under contract, including firewalls, routers, and managed switches. Additional fees may be incurred for replacement of equipment or upgrades.
- Manage firewall rules and built-in security services.

End User Computers

- Inventory of computer hardware, software and network devices.
- Support for connectivity to servers, printers and the Internet.
- Supported Workstation Operating Systems
 - Automatic deployment of Microsoft patches as approved via All Covered's desktop patch policy.
 - Management and updates of included virus and malware protection software.
 - Removal of temporary folders and files from detected hard drives.

Mobile Devices

- Support corporate network connectivity and email synchronization for phones and tablets running Windows Mobile, Blackberry, iOS or Android operating systems.

Remote Offices and Workers

- Provide support for remote office connectivity at the locations stated in the client's Agreement. Additional charges may be incurred for providing on-site services to remote locations and users.

File Directory and Print Services

- Monitor data storage thresholds and establish user directories for file management.
- Establish network printers and provide user access to these printers.

Hosted Email Filtering

- Filtering of suspected spam and viruses
- Web portal for user review of filtered and quarantined items

User Resources

- Create, modify and delete as requested by client: user accounts and passwords, file and printer shares, user rights, mailboxes, aliases, and distribution lists.

Data Backup

- Monitor and support automated backup of data. This backup routine will be configured and scheduled as determined by the Client and All Covered's Engineering Team.

SERVICES NOT INCLUDED

- Services not specifically defined in this agreement are excluded from it, such as, but not limited to the following. These services may be available as separately billed projects.
 - Programming and Line of business application support
 - Software and hardware upgrades, cabling
 - Home or private network troubleshooting
 - Audio/visual support (projectors, TVs, etc.)
 - New application, computer, or peripheral installations
- All Covered does not provide hardware repair and recommends clients use warranty or vendor repair services.



ALL COVERED
2004–16
CRN Top Ranked



ALL COVERED
2009–16
TOP MSPs



ALL COVERED
2013-15
TOP 100 Cloud Services Provider

SYSTEM REQUIREMENTS

The full and effective operation of All Covered's service delivery tools and processes depend on the following system requirements being met. Requirements that are not met may affect system stability and the ability for All Covered to resolve issues promptly.

- Servers:
 - Servers must be from a major brand (Dell, Cisco, HP, IBM, Lenovo, etc.)
 - Servers must be under current manufacturer hardware warranty or manufacturer hardware maintenance contract
 - Servers must have an appropriate amount of memory for the applications to function properly
 - Hardware Management Cards for servers must be installed and licensed fully
 - Servers must be connected to a managed/smart UPS backup
- Firewall:
 - Firewalls must be from a major brand (Cisco, Fortinet, SonicWall, etc.)
 - Firewalls must be a current/supported model
 - Firewalls must be under manufacturer warranty
 - Firewalls must have relevant support contracts
 - Firewalls must have a static public IP address
- Support will not be provided for any operating system, application, or device that is beyond the manufacturer's published End of Support date.
- All systems must be backed up using an All Covered managed, or industry-standard backup solution.
- Ethernet cabling must be Category 5E or higher and be properly grounded and bonded.
- Suitable power surge protection must be installed for all critical systems.
- Room temperature must be maintained for servers and network devices according to manufacturers' specifications.
- All the client's servers and computers must be covered under this Schedule of Services agreement unless specifically agreed to therein.

CLIENT REQUIREMENTS

Client agrees to:

- Follow safe browsing and safe email procedures. No anti-virus solution is foolproof and the client's systems are not guaranteed to be 100% virus free by using this service.
- Provide remote access to all supported devices to allow technical issues to be resolved.
- Notify All Covered via Service Ticket twenty-four (24) hours or more prior to any significant proposed device changes for non-system down issues to allow All Covered to review prior to any changes occurring.
- Own genuine user or device licenses for every operating system and application installed and to maintain records of all software media with CD-keys, serial numbers and unlock codes.
- Own valid maintenance contracts for all software and devices and to designate All Covered as an authorized agent of client under those contracts.
- Maintain 3rd party software support contracts for all line-of-business applications to address end-user support, updates and upgrades, or to maintain expertise internally by client staff.
- Designate a primary point of contact or contacts to interact with the Help Desk to avoid multiple tickets being generated for the same issue and to perform simple, guided on-site tasks.
- Plan for the upgrade of any device, operating system or application that is scheduled to become end-of-support by its manufacturer; whether or not covered under this Schedule of Services.

SERVICE LEVEL OBJECTIVES

All Covered will use commercially reasonable efforts to maintain satisfactory uptime and availability for all supported devices and to respond and escalate all reactive support according to the support response processes identified below. System availability may be affected by reasons beyond All Covered's control including:

- Defects and malfunctions of or client changes to devices, operating systems or applications
- Reprioritization of tasks by the client
- Problems resulting from actions or inactions of the client contrary to All Covered's reasonable recommendations
- Loss of power or Internet connectivity.

SUPPORT RESPONSE PROCESSES

For each selected service, All Covered will perform reactive services in accordance with its problem prioritization, management and escalation processes. A service ticket in All Covered's systems will be used to track and document each service level incident.

Clients may request support by phone, e-mail or the All Covered client portal. The following is a list of service delivery procedures by source of their request:

- Phone: Used to report high impact incidents. Incidents reported by phone are addressed immediately.
- E-mail: Used to report medium and low impact incidents that do not require immediate attention. Incidents submitted through e-mail are assigned to an engineer within one business day.
- Portal: Used to report non-critical incidents that do not require immediate attention. Incidents submitted through the client portal are assigned to an engineer within one business day.

Remote Support Center target time to answer new calls 24 hours a day is within 2 minutes.

The team strives to meet and exceed the objectives defined below.

Escalation Objectives

	Urgent (Priority 1)	High (Priority 2)	Medium/Low (Priority 3/4)
Alert Receipt	10 minutes from event	30 minutes from event	60 minutes from event
Validation	15 minutes from receipt	60 minutes from receipt	1 business day from receipt
Escalation	30 minutes from validation	30 minutes from validation	30 minutes from validation
Field Escalation	60 minutes from escalation	90 minutes from escalation	120 minutes from escalation

Urgent (Priority 1) – Complete system failure or critical business function failure, or >50% of users affected.

High (Priority 2) – No system failure but system degradation where users are unable to access or execute critical system functions, or 25%-50% users affected.

Medium/Low (Priority 3) – Application not performing per documentation but users can perform basic job functions with alternate procedures, or <25% users affected.

SCHEDULE OF SERVICES FOR ALL COVERED CARE

Effective Date: 12/01/07

December 1st, 2017

Supported Location: 1

151 Martin Street, Birmingham Mi 48012

Unified Management for the following environment

Client Owned Servers

- Physical, hosting virtual servers: 1
- Virtual Servers: 6

Servers: CH-DC / CH-FS1 / CH-BSA (currently SQL1) / CH-LASERFICHE / CH-DPS / CH-APPS (currently DC2)

including:

- Asset inventory

Help Desk and Remote Support

Standard Hours for Help Desk and Remote Support are Monday through Friday, 7 a.m. to 7 p.m., in the time zones of supported locations, excluding public holidays

See www.allcovered.com/holidays for a list of public holidays for the purposes of this

Statement of Work

During Standard Help Desk and Remote Support Hours

- \$155 per hour, in 15 minute increments

Outside of Standard Help Desk and Remote Support Hours

- \$230 per hour, in 15 minute increments

On-site Support

Standard Hours for On-Site Support are Monday through Friday, 8 a.m. to 6 p.m., in the time zones of supported locations, excluding public holidays

See www.allcovered.com/holidays for a list of public holidays for the purposes of this

Statement of Work

During Standard On-Site Support Hours

- \$155 per hour for covered incidents and \$155 per hour for customer requested on-site support. In both cases, 15 minute increments apply, with a minimum half an hour, plus one-way travel time

Outside of Standard On-Site Support Hours

- \$230 per hour for covered incidents and \$230 per hour for customer requested on-site support. In both cases, 15 minute increments apply, with a minimum two hours, plus round trip travel time

Labor rates for project work may differ from these rates based on the nature of the work

All Covered Backup

- All Covered Business Continuity for Servers - Hybrid: 7, with 5TB of storage to be protected

- Total cloud backup space contracted: None

- Rental of 20TB Devices with 11 concurrent recovery spin ups: 1
Additional fees may apply for major data restores

Additional terms of use for All Covered Server Backup can be found at:
www.allcovered.com/terms

If contract is terminated all data is removed from storage

Included Services

- Guidebook documentation; Itemized monthly billing; Secure Client Portal
- Management of escalations to telecommunications and software providers
- Procurement Services; Assistance with hardware & software purchasing
Leasing and Finance Programs available

Monthly Fee of: \$1,192

All prices are exclusive of any applicable sales or use taxes, and shipping costs.

Fee assumes that Client equipment is under manufacturer warranty or maintenance contract.

See www.allcovered.com/terms for additional terms of service.

See www.allcovered.com/holidays for a list of public holidays for the purposes of this Schedule.

Additional Fee Details:

- Monthly support fee for each additional server: \$2
- \$83 monthly for every additional 0.5TB of Server Backup - Hybrid storage capacity.
Additional backup devices may be required.
- \$40 monthly for additional servers to be protected with Server Backup - Hybrid

Transition Process

Transition Fee of: \$0

All Covered will provide transition support services upon Client's execution of this Schedule, as the Client's environment is documented, monitoring systems are deployed and Client specific support procedures are put in the place, and said services will be subject to the Terms and Conditions of Service.

The transition process includes the following:

- **Presentation of All Covered support procedures including Client Portal training**
- **Preparation of Guidebook**
 - Gaining access to the environment
 - Network, computer and device inventory
 - Agreement and expectations around escalation paths and processes
 - Documenting support windows
 - Establishing and programming of remote monitoring thresholds
- **Infrastructure inspection**
 - Information technology assets

- Network Security
- **Set-up**
 - Email spam control and antivirus as required
 - Installation of any backup devices and remote monitoring agents

* No anti-virus solutions are foolproof. In tandem with All Covered's anti-virus services, Client should implement its own set of best practices, including safe browsing and email procedures. Additional charges may apply for the recovery of devices from virus infections if the need is significantly higher than anticipated in these Contract Documents.

TERMS AND CONDITIONS OF SERVICE

1. **Term and Termination:** (a) The initial term of this Schedule of Services shall commence on the Effective Date and terminate after one (1) year. This Schedule shall automatically renew for successive terms of one (1) year unless either party gives notice of its intent not to renew at least thirty (30) days prior to the expiration of the then-current term. If the Schedule is terminated early due to non-payment of fees or Client's cancellation of services for any reason other than for cause, Client agrees to pay a lump sum termination fee equal to the monthly fee multiplied by the number of months remaining for the term. As used herein, 'cause' shall mean a material breach of any obligation in this Schedule, which remains uncured thirty (30) days after written notice thereof.

(b) Either party may terminate this Schedule for cause if the other party fails to cure a material breach of any obligation set forth therein within thirty (30) days after written notice of such breach. Termination is not an exclusive remedy and the exercise by either party of such remedy shall be without prejudice to any other available legal or equitable remedies. Sections 3(b) (Warranty Disclaimer), 4 (Liquidated Damages), 5 (Limitation of Liability), 6 (Confidential and Proprietary Information) and 7-13 (general terms) shall survive any expiration or termination of this Schedule.

2. **Fees and Payment:** (a) Client agrees to pay all fees specified in this Schedule. Payment terms are net 30 days from date of invoice. All Covered may invoice in advance for any recurring service. Client shall be responsible for all applicable taxes arising from the services. All Covered may suspend service if Client has failed to pay any undisputed invoice within thirty (30) days of receipt. Unpaid invoices will be subject to a monthly service charge which is the lesser of one and one-half percent (1½%) per month or the highest rate allowed by law.

(b) All Covered reserves the right to adjust the fees if (i) the supported environment materially changes, such as a change in the number of end users, workstations, servers, network elements supported, warranty or hardware maintenance coverage or other changes in the IT infrastructure, or (ii) the level of support required by the client changes. All Covered anticipates that its costs for providing services will increase annually. Accordingly, All Covered reserves the right to increase its fees on the anniversary date of this Schedule. All Covered shall provide at least thirty (30) days prior notice of any fee increases. All Covered reserves the right to charge Client for the time utilized in the development of quotes for hardware or software not ultimately purchased through All Covered at the then-current hourly rate for contracted clients.

3. **Limited Warranty:** (a) All Covered warrants for a period of thirty (30) days following delivery (the "Warranty Period") that all services shall be performed in a professional manner in accordance with generally applicable industry standards. All Covered's sole liability (and Client's exclusive remedy) for any breach of this warranty shall be for All Covered to re-perform any deficient services, or, if All Covered is unable to remedy such deficiency within thirty (30) days, to void the invoice for the deficient services. All Covered shall have no obligation with respect to a warranty claim (i) if notified of such claim after the Warranty Period or (ii) if the claim is the result of third-party hardware or software failures, or the actions of Client or a third party.

(b) THIS SECTION 3 IS A LIMITED WARRANTY, AND SETS FORTH THE ONLY WARRANTIES MADE BY ALL COVERED. ALL COVERED MAKES NO OTHER WARRANTIES, CONDITIONS OR UNDERTAKINGS, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY WARRANTIES REGARDING THE PERFORMANCE OF ANY SOFTWARE OR HARDWARE PROVIDED OR INSTALLED BY ALL COVERED. CLIENT MAY HAVE OTHER STATUTORY RIGHTS. HOWEVER, TO THE FULL EXTENT PERMITTED BY LAW, THE DURATION OF STATUTORILY REQUIRED WARRANTIES, IF ANY, SHALL BE LIMITED TO THE WARRANTY PERIOD.

4. LIQUIDATED DAMAGES FOR HIRING OTHER PARTY'S EMPLOYEES: During the term of this Schedule and for twelve (12) months thereafter, neither party shall retain the services (whether as an employee, independent contractor or otherwise) of any employee of the other party (or ex-employee within six (6) months of the employee's termination of employment.) Client and All Covered agree that any breach of the foregoing obligation would result in harm to the other party and that the amount of legal damages would be difficult to determine. Accordingly, Client and All Covered agree that for each such employee or ex-employee retained in breach of this Section 4, the party in breach shall pay to the non-breaching party the sum of Fifty Thousand Dollars (\$50,000) as liquidated damages. Client and All Covered acknowledge and agree that such liquidated damages constitute a reasonable estimate of the damages that would accrue to the non-breaching party and do not constitute a penalty.

5. LIMITATION OF LIABILITY: (A) NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INDIRECT, INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES (INCLUDING, WITHOUT LIMITATION, DAMAGES FOR INTERRUPTION OF SERVICES, LOSS OF BUSINESS, LOSS OF PROFITS, LOSS OF REVENUE, LOSS OF DATA, OR LOSS OR INCREASED EXPENSE OF USE), WHETHER IN AN ACTION IN CONTRACT, WARRANTY, TORT (INCLUDING, WITHOUT LIMITATION, NEGLIGENCE), OR STRICT LIABILITY, EVEN IF THE PARTIES HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH LIABILITIES. ALL COVERED SHALL NOT BE RESPONSIBLE FOR PROBLEMS THAT OCCUR AS A RESULT OF THE USE OF ANY THIRD-PARTY SOFTWARE OR HARDWARE.

(B) IN NO EVENT SHALL THE AMOUNT EITHER PARTY MAY RECOVER UNDER ANY SCHEDULE EXCEED IN THE AGGREGATE (AND NOT PER OCCURRENCE) THE TOTAL PAYMENTS MADE BY CLIENT TO ALL COVERED IN THE TWELVE (12) MONTHS IMMEDIATELY PRECEDING THE OCCURRENCE OF THE EVENT GIVING RISE TO SUCH LIABILITY.

(C) THE LIMITATIONS SET FORTH IN THIS SECTION 5 SHALL NOT APPLY TO PERSONAL INJURY OR DAMAGE TO TANGIBLE PROPERTY CAUSED BY THE WILLFUL MISCONDUCT OR GROSS NEGLIGENCE OF EITHER PARTY.

6. Confidential and Proprietary Information: (a) Each party agrees that all know-how, business, technical and financial information it obtains (as a "Receiving Party") from the disclosing party (as a "Disclosing Party") constitute the confidential property of the Disclosing Party ("Confidential Information"), provided that it is identified as confidential at the time of disclosure or should be reasonably known by the Receiving Party to be Confidential Information due to the nature of the information disclosed and the circumstances surrounding the disclosure. Except as may be necessary to perform its obligations under this Schedule, the Receiving Party will hold in confidence and not use or disclose any of the Disclosing Party's Confidential Information. The Receiving Party's nondisclosure obligation shall not apply to information that: (i) was known to it prior to receipt of the Confidential Information; (ii) is publicly available; (iii) is rightfully obtained by the Receiving Party from a third party; (iv) is independently developed by employees of the Receiving Party; or (v) is required to be disclosed pursuant to a regulation, law or court order. (b) Any templates, schematics, processes or technical documentation provided by All Covered shall be deemed Confidential Information and proprietary information of All Covered without any marking or further designation. Client may use such information solely for its own internal business purposes. All Covered shall retain all rights to the aforementioned, which shall be returned to All Covered upon termination of the applicable Schedule. (c) All Covered shall maintain the confidentiality of protected health information in its possession or under its control in accordance with the Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology for Economic and Clinical Health Act.

7. Independent Contractor: All Covered and Client shall at all times be independent contractors. There is no relationship of partnership, joint venture, employment, franchise or agency created hereby between the parties. Neither party shall have the power to bind the other or incur obligations on the other party's behalf without the other party's prior written consent.

8. Assignment: This Schedule may not be assigned by either party without the prior written consent of the other party, which consent shall not be unreasonably withheld or delayed. No consent shall be required where an assignment is made (i) pursuant to a merger or change of control or (ii) to an assignee of all or substantially all of the party's assets. Any purported assignment in violation of this section shall be void.

9. Disputes; Governing Law; Arbitration; Attorney's Fees: New York law, without regard to its conflict of laws principles, shall govern and enforce this Schedule. Any legal action between the parties arising out of or related to this Schedule shall be adjudicated by binding arbitration by the Judicial Arbitration and Mediation Services in New York, New York in accordance with its Expedited Arbitration Procedures. The prevailing party in any such action shall be entitled to an award of reasonable attorney's fees and costs in addition to any other award or recovery to which such party may be entitled. No legal action, regardless of form, may be brought by either party against the other more than one (1) year after the cause of action has arisen.

10. Complete Understanding; Modification: This Schedule, as well as any applicable terms of service posted at www.allcovered.com/terms, shall constitute the full and complete understanding and agreement between Client and All Covered and supersedes all prior or contemporaneous negotiations, discussions or agreements, whether written or oral, between the parties regarding the subject matter contained herein. Any waiver, modification or amendment of any provision of this Schedule shall be effective only if in writing and signed by both parties.

11. Waiver and Severability: Waiver or failure by either party to exercise in any respect any right or obligation provided for in this Schedule shall not be deemed a waiver of any further right or obligation hereunder. If any provision of this Schedule is found by a court of competent jurisdiction to be unenforceable for any reason, the remainder of the Schedule shall continue in full force and effect.

12. Force Majeure: Neither party shall be liable to the other for any delay or failure to perform any obligation under this Schedule, except for a failure to pay fees, if the delay or failure is due to unforeseen events which are beyond the reasonable control of such party, such as strikes, blockade, war, terrorism, riots, natural disasters, power outages, and/or refusal of license by the government, insofar as such an event prevents or delays the affected party from fulfilling its obligations and such party is not able to prevent or remove the force majeure at reasonable cost.

13. Notices: Any notice or communication required or permitted to be given under this Schedule shall be in writing and addressed to All Covered, Attn. Legal Counsel, 1051 E. Hillsdale Blvd., Suite 510, Foster City, CA 94404 and shall be deemed given: (i) upon receipt if by personal delivery; (ii) upon receipt if sent by certified U.S. mail (return receipt requested); or (iii) one day after it is sent if by next day delivery by a major commercial delivery service.

14. Counterparts: This Schedule may be executed in any number of counterparts and each fully executed counterpart shall be deemed an original. The parties agree (a) that facsimile or electronic signature shall be accepted as original signatures; and (b) that the Schedule, or any document created pursuant to the Schedule, may be maintained in an electronic document storage and retrieval system, a copy of which shall be considered an original. In any legal proceeding relating to the Schedule, the parties waive their right to raise any defense based on the execution of the Schedule in counterparts or the delivery of such executed counterparts by copy, facsimile, or electronic delivery.

By executing this Schedule of Services, Client agrees to purchase the services designated above subject to the preceding Terms and Conditions of Service.

Client: City of Birmingham

Signature:

Name:

Title:

Date:

All Covered

Signature:

Name:

Title:

Date:



MEMORANDUM

Planning Division

DATE: November 13, 2017

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana L. Ecker, Planning Director

Re: Set Public Hearing for a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill

The subject property at 220 E. Merrill is located in the B4 Business Residential zone district. The B4 zone lists food and drink establishment as a permitted use requiring a Special Land Use Permit (SLUP). The applicant was approved for a SLUP by the City Commission on March 10, 2014. The applicant is now requesting an amendment to the existing SLUP to allow them to utilize the lower level of the building, formerly known as "Edison's" for special events, private parties, and the public as an extension to 220 Restaurant on the first floor. The applicant has indicated that the proposed lower level of 220 Restaurant will offer a food menu (the same as that offered on the main floor of the existing restaurant) and will host low-key entertainment, such as jazz music and piano music, in the space. Business hours would be the same as those of the main restaurant.

The applicant appeared before the Planning Board on November 8, 2017 and received a recommendation for approval. The previously approved plans were submitted with the application to demonstrate that there are no exterior changes proposed to the historic structure. Accordingly, they are not required to obtain approval from the Historic District Commission.

The Planning Division requests that the City Commission set a public hearing date for **December 11, 2017** to consider an application for a Special Land Use Permit ("SLUP") Amendment and Final Site Plan for 220 restaurant at 220 E. Merrill. Please see attached staff report presented to the Planning Board, along with the application, submitted plans and relevant meeting minutes.

SUGGESTED ACTION:

To set a public hearing date for December 11, 2017 to consider an application for a Special Land Use Permit Amendment and Final Site Plan for 220 restaurant at 220 E. Merrill.

220 RESTAURANT
220 E. MERRILL
SPECIAL LAND USE PERMIT ADMENDMENT
2017

- WHEREAS, 220 Restaurant filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 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. Merrill, west of S. Old Woodward;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant was granted a Special Land Use Permit by the City Commission on March 10, 2014;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant;
- WHEREAS, The Planning Board on November 8, 2017 reviewed the application for a Special Land Use Permit Amendment and recommended approval of the application with the following conditions:
1. Add the required street tree to the existing open tree well, with a minimum caliper of 3 in. DBH at the time of planting;
 2. Complete and legible plans, with all required information, will need to be submitted before approval of any occupancy of this space, and for the evaluation of this space for the allowable occupant load; and
 3. Compliance with the requests of all City departments.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The Birmingham City Commission has reviewed 220 Restaurant's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that 220 Restaurant's application for a Special Land Use Permit Amendment and Final Site Plan at 220 E. Merrill is hereby approved;

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

1. 220 Restaurant shall abide by all provisions of the Birmingham City Code; and
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

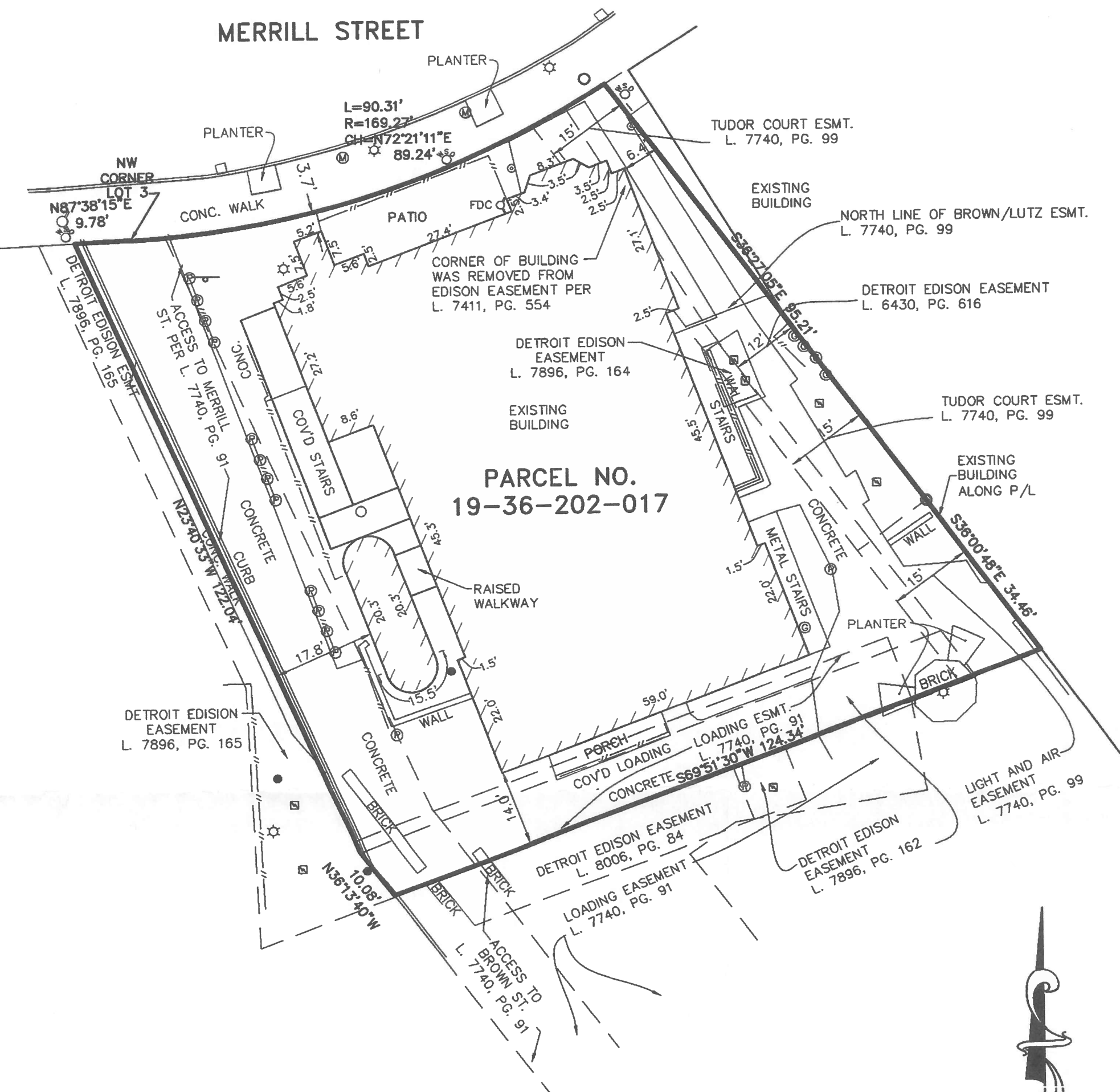
BE IT FURTHER RESOLVED, Except as herein specifically provided, 220 Restaurant and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of 220 Restaurant to 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 220 Restaurant is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises, subject to final inspection.

I, Cherilynn Mynsberge, 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 December 11, 2017.

Cherilynn Mynsberge, City Clerk

Previously Approved Plans

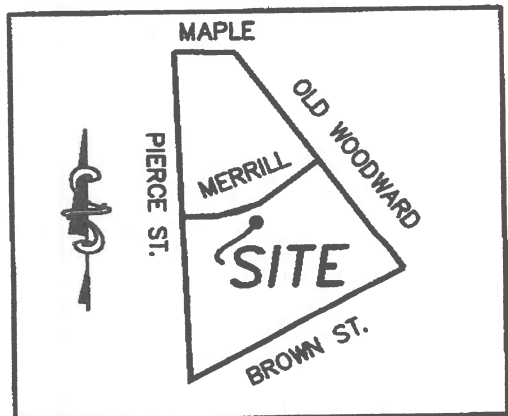


PARCEL NO.
19-36-202-017

NOTE:
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.

LEGEND

- EX. CATCH BASIN
- ⊙ EX. WATER SHUTOFF
- ⊙ EX. PARKING METER
- ⊙ EX. LIGHT POLE
- ⊙ EX. TRANSFORMER
- ⊙ EX. UTILITY POLE
- FOUND IRON ROD
- ⊙ EX. UTILITY METERS
- ⊙ EX. FIRE DEPT. CONNECTION
- EXISTING OVERHEAD LINES
- ⊙ EX. CLEAN OUT
- ⊙ EX. POST
- ⊙ EX. MANHOLE
- ⊙ EX. HYDRANT
- ⊙ EX. SIGN
- EX. FENCE LINE



LOCATION MAP
NOT TO SCALE

ALPINE ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS

RESIDENTIAL
SUBDIVISIONS
SITE CONDOMINIUM
MULTI-FAMILY
PLOT PLANS
CONSTRUCTION LAYOUT

SURVEYING
ALTA SURVEYS
BOUNDARY SURVEYS
TOPOGRAPHIC SURVEYS
PARCEL SPLITS

COMMERCIAL
SITE PLANNING
SITE ENGINEERING
INDUSTRIAL & MULTI-UNIT
LAND SURVEYING
CONSTRUCTION LAYOUT

46892 WEST ROAD
SUITE 109
NOVI, MICHIGAN 48377

(248) 926-3701 (BUS)
(248) 926-3765 (FAX)
WWW.ALPINE-INC.NET

CLIENT: **220 PARK PLACE, LLC**

ALTA/ACSM LAND TITLE SURVEY

220 E MERRILL STREET
TOWNSHIP: 2 N
CITY OF BIRMINGHAM
OAKLAND COUNTY
MICHIGAN

SECTION: 36 RANGE: 10 E

REVISED	
12/9/2013	
DATE:	10/16/2013
DRAWN BY:	JDH
CHECKED BY:	GLM
SCALE: HOR 1"=20 FT. VER 1"=--- FT.	
FBK: 256 & 264	1/2
CH: RDF	13-317

1 FIRST FLOOR PLAN
1/4" = 1'-0"

	02/06/14	DD SET
	01/27/14	FINAL DD COORDINATION
	01/27/14	BACKGROUND TO KEC
	01/23/14	FOR DEMOLITION PERMIT
	01/17/14	FOR OWNER APPROVAL
	01/15/14	PRELIMINARY FLOOR PLAN
	01/14/14	BACKGROUND TO KEC
	01/13/14	OFFICE MEETING
MARK ISSUED	DATE	DESCRIPTION

220 MERRILL

220 MERRILL
BIRMINGHAM, MI 48009

PROJECT NO: 3199

CAD DWG FILE: R3110 - 220 E MERRILL BIRMINGHAM UICAD3110 - 220 E MERRILL BIRMINGHAM
-MEINETTRICHSCHEMATIC DESIGN - 100RA-101 FIRST FLOOR PLAN.DWG DWG

DRAWN BY: -

CHIKO BY: -

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SHEET TITLE

FIRST FLOOR PLAN

A-101

KETAN CHOKSHI — DWG TO PDF PCX KVALUER AEC STANDARD STB 1'-0" x 1'-0" 02/08/2014 17:07:23



**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
MINUTES OF WEDNESDAY, FEBRUARY 26, 2014**

**SLUP & FINAL SITE PLAN REVIEW
220 E. Merrill St.**

Site Plan Review

Ms. Ecker advised the subject site, currently 220 Restaurant, is located on the south side of Merrill St. west of Old Woodward Ave. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, 220 Restaurant, is proposing to renovate the existing interior of the restaurant and to update and enlarge the outdoor dining area across the front of the building. A new door system is also proposed to replace a window on the existing façade to allow direct access from the restaurant into the outdoor dining area. The establishment will remain as 220 Restaurant, operating under the existing Class C liquor license. The applicant is required to obtain a Special Land Use Permit ("SLUP") due to the change in ownership of both the restaurant and the liquor license. Article 06 section 6.02 Continuance of Nonconformity, A (5) requires that any establishment with alcoholic beverage sales (on-premise consumption) shall obtain a ("SLUP") upon change in ownership or name of establishment, or upon application for a site plan review.

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 and SLUP. As the proposed establishment is located within the Central Business District Historic District, the applicant is also required to appear before the Historic District Commission.

There is an unscreened dumpster at the rear of the building which is visible from the vias to the south and west of the building. ***The applicant will be required to screen the dumpster or obtain a variance from the Board of Zoning Appeals.***

Design Review

The applicant is proposing to renovate the north elevation of the building by reconfiguring the central bay, and adding glass doors with sidelites in metal frames with a bronze finish to match the existing windows. The existing transom windows in this bay are proposed to remain. This new door will improve access and circulation in the area of the outdoor dining as guests and servers will be able to access the outdoor dining area directly from the building without having to go in and out of the main entrance door to the restaurant.

No signage changes are proposed at this time. The name of the restaurant will remain the same.

The applicant is proposing to expand the existing 360 sq. ft. outdoor dining area to both the east and west to extend the full length of the property. The existing outdoor dining area will also extend into the public sidewalk to the north. The total outdoor dining area proposed is 825 sq. ft.

Nine 24 in. by 30 in. two-top dining tables with stainless steel bases and white carrarra marble table tops are proposed within the expanded outdoor dining area. Ten 32 in. by 48 in. four-top dining tables with stainless steel bases and white carrarra marble table tops are also proposed. Sixty-four

powder coated aluminum chairs in lime green are proposed for use at all dining tables. Sunbrella "Canvas Walnut" fabric chair cushions are proposed for each dining chair.

The applicant also proposes to install a pergola structure constructed of 5 ft. steel tube columns and 3 ft. aluminum cross bars, with overhead planters and lights in the central portion of the outdoor dining area at 11 ft. above grade.

The required 5 ft. pedestrian pathway will be maintained along the entire frontage of the building.

Mr. Christopher Longe, Architect, said their proposal opens up the rear of the restaurant to the front and to the street. Chairs and tables in the outdoor area are all movable. In response to Ms. Whipple-Boyce's inquiry, the space between tables is adequate at 3 ft. His preference was to put in a regular door in the middle and not a roll-up door. In answer to Ms. Lazar, the food will stay about the same. The chef will remain. On the interior, the paneling will be stained. Valet parking is not part of their plan. They hope to open by June 1.

Motion by Mr. DeWeese

Seconded by Mr. Williams that the Planning Board approve the applicant's request for Final Site Plan and a SLUP for 220 E. Merrill, 220 Restaurant, with the following conditions:

There were no public comments on the motion at 10:05 p.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Clein

LIBER 46848 PAGE 534

0039513

LIBER 46848 PAGE 534
\$22.00 DEED - COMBINED
\$4.00 REMONUMENTATION

OAKLAND COUNTY TREASURERS CERTIFICATE:
I HEREBY CERTIFY that there are no TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES on same are paid for five years previous to the
date of this instrument as appears by the records in the office
except as stated.

FEB 28 2014

001523

1.00 *Q*

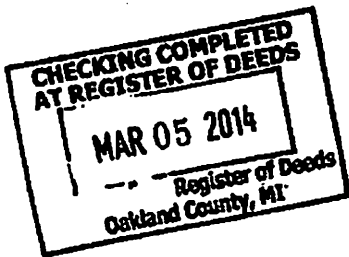
ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 208, 1893 as amended

03/10/2014 08:29:11 AM RECEIPT# 22098
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

WARRANTY DEED

TWO TWENTY, L.L.C., a Michigan limited liability company ("Grantor"), having an address of 16267 West 14 Mile Road, Suite 200, Beverly Hills, Michigan 48025, conveys and warrants to 220 PARK PLACE, LLC, a Michigan limited liability company ("Grantee"), having an address of 124 South Old Woodward Avenue, Suite A, Birmingham, Michigan 48009, certain land situated in the City of Birmingham, Oakland County, Michigan, and more particularly described in attached Exhibit A, subject to those matters set forth in attached Exhibit B, for good and valuable consideration [Real Estate Transfer Tax Valuation Affidavit filed].

Dated as of the 11th day of February, 2014.



GRANTOR:

TWO TWENTY, L.L.C., a Michigan limited liability company

By: *Judith Ann Roberts*

Name: Judith Ann Roberts

Its: Authorized Representative

[ACKNOWLEDGMENT ON FOLLOWING PAGE]

REVENUE TO BE AFFIXED
AFTER RECORDING

Warranty Deed - 220 East Merrill Street
2000939162 12472/068440

2014 MAR - 4 AM 10:25
OK - *AN*

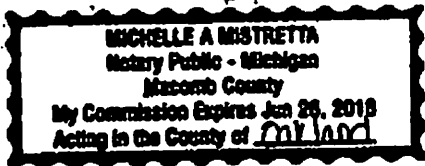
5P
R
TC

TC13-49880 *SR*
Title Connect LLC *SR*
a title insurance agency
28470 W. 13 Mile Rd. Suite 325
Farmington Hills, MI 48334

LIBER 46848 PAGE 535

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11th day of February, 2014, by Judith Ann Roberts, authorized representative of Two Twenty, L.L.C., a Michigan limited liability company, on behalf of the limited liability company.



Michelle A. Mistretta
Michelle A. Mistretta, Notary Public
Macomb County, Michigan
My commission expires: 1-28-2018
Acting in Oakland County, Michigan

Prepared by:

Brandon J. Muller
Clark Hill PLC
151 South Old Woodward Avenue, Suite 200
Birmingham, Michigan 48009

When recorded, return to:

Zaid D. Elia
220 Park Place, LLC
124 South Old Woodward Avenue, Suite A
Birmingham, Michigan 48009

Exhibit A to Warranty Deed

Legal Description

Land situated in the City of Birmingham, Oakland County, Michigan, described as follows:

Part of Lots 3, 4, 6 and 7, Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73, Oakland County Records, described as beginning at the Northwest corner of said Lot 3; thence along the Northerly line of said Lot 3, on a curve to the left (radius = 169.27 feet, long chord bears North 72 degrees 21 minutes 11 seconds East, 89.24 feet), a distance of 90.31 feet; thence South 36 degrees 27 minutes 05 seconds East 95.21 feet, thence South 36 degrees 00 minutes 48 seconds East, 34.46 feet, thence South 69 degrees 51 minutes 30 seconds West, 124.34 feet; thence North 36 degrees 13 minutes 40 seconds West, 10.08 feet; thence North 23 degrees 40 minutes 33 seconds West, 122.04 feet; thence North 87 degrees 38 minutes 15 seconds East 9.78 feet to the point of beginning.

**Commonly known as 220 East Merrill Street, Birmingham, Michigan 48009
Tax Parcel No. 19-36-202-017**

Subject to and together with easements for ingress, egress and loading described as:

ACCESS TO MERRILL STREET:

A 15 foot wide easement for ingress and egress described as the Westerly 15.00 feet of part of Lots 3, 4, 6 and 7 of Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73, Oakland County Records, described as beginning at the Northwest corner of said Lot 3; thence along the Northerly line of said Lot 3 on a curve to the left (radius = 169.27 feet, long chord bears North 72 degrees 21 minutes 11 seconds East, 89.24 feet), a distance of 90.31 feet; thence South 36 degrees 27 minutes 05 seconds East, 95.21 feet; thence South 36 degrees 00 minutes 48 seconds East, 34.46 feet; thence South 69 degrees 51 minutes 30 seconds West, 124.34 feet; thence North 36 degrees 13 minutes 40 seconds West, 10.08 feet; thence North 23 degrees 40 minutes 33 seconds West, 122.04 feet; thence North 87 degrees 38 minutes 15 seconds East, 9.78 feet to the point of beginning. Created by Easement recorded in Liber 7740, Page 91, Oakland County Records.

LOADING EASEMENT:

An easement for loading and unloading over and across part of Lots 3, 6 and 7, Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73, Oakland County Records, described as commencing at the Northwest corner of said Lot 3; thence along the Southerly right-of-way line of Merrill Street (60 feet wide), South 87 degrees 38 minutes 15 seconds West 9.78 feet; thence South 23 degrees 40 minutes 33 seconds East, 119.72 feet to the point of beginning; thence North 69 degrees 51 minutes 30 seconds East, 102.28 feet; thence South 20 degrees 08 minutes 30 seconds East, 12.00 feet; thence South 69 degrees 51 minutes 30 West, 99.34 feet; thence North 36 degrees 13 minutes 40 seconds West, 10.08 feet; thence North 23 degrees 40 minutes 33 seconds West, 2.32 feet to the point of beginning. Created by Easement recorded in Liber 7740, Page 91, Oakland County Records.

ACCESS TO BROWN STREET:

A 15 foot wide easement for ingress and egress described as the Westerly 15.00 feet of Lots 19 and 20 and part of Lots 3, 7, 8, 9 and 18 of Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73,

Oakland County Records, described as beginning at the Southeasterly corner of said Lot 20; thence South 61 degrees 38 minutes 00 seconds West, along the Southerly line of said Lots 19, 20 and part of Lot 18, a distance of 120.00 feet; thence North 36 degrees 13 minutes 40 seconds West, 229.0 feet; thence North 69 degrees 51 minutes 30 seconds East, 124.34 feet; thence South 36 degrees 00 minutes 48 seconds East, 47.0 feet; thence South 35 degrees 56 minutes 29 seconds East, 43.96 feet; thence South 36 degrees 07 minutes 40 seconds East, 120.0 feet to the point of beginning. Created by Easement recorded in Liber 7740, Page 91, Oakland County Records.

LOADING EASEMENT:

An easement for loading and unloading over and across part of Lots 3, 7, 8 and 9, Assessor's Plat No. 25, as recorded in Liber 54A of Plats, Page 73, Oakland County Records, described as commencing at the Southeast corner of said Lot 20; thence along the Southerly lot line of Lots 20, 19 and part of Lot 18, also being the Northerly right-of-way line of Brown Street, South 61 degrees 38 minutes 00 seconds West, 120.00 feet; thence North 36 degrees 13 minutes 40 seconds West, 182.62 feet to the point of beginning; thence North 36 degrees 13 minutes 40 seconds West, 46.38 feet; thence North 69 degrees 51 minutes 30 seconds East, 99.34 feet; thence South 08 degrees 38 minutes 00 seconds East, 17.00 feet; thence South 81 degrees 22 minutes 00 seconds West, 35.00 feet; thence South 56 degrees 43 minutes 20 seconds West, 10.00 feet; thence South 36 degrees 13 minutes 40 seconds East, 20.00 feet; thence South 53 degrees 46 minutes 20 seconds West, 46.56 feet to the point of beginning. Created by Easement recorded in Liber 7740, Page 91, Oakland County Records.

Exhibit B to Warranty Deed

Permitted Exceptions

1. Taxes and assessments that are not yet due and payable.
2. Easements over subject property as shown on the recorded plat.
3. Rights of tenants under any unrecorded leases.
4. Easement to Detroit Edison Company to construct, operate and maintain its lines for transmission and distribution of electrical light and power over the Easterly 12 feet of the subject property as recited in deed recorded in Liber 6430, Page 616, Oakland County Records, which easement has been partially released by Release recorded in Liber 7411, Page 554, Oakland County Records.
5. Agreement to create common easements for ingress, egress and loading as recorded in Liber 7740, Page 91, Oakland County Records.
6. Agreement for creation of limited easement to provide light and air and to satisfy zoning set back requirements as recorded in Liber 7740, Page 99, Oakland County Records.
7. Underground Easement in favor of The Detroit Edison Company as recorded in Liber 7896, Page 162, Liber 7896, Page 164, Liber 7896, Page 165 and in Liber 8006, Page 84, Oakland County Records.
8. Resolution regarding special assessment recorded in Liber 8715, Page 137, Oakland County Records.

Previously Approved Plans

220 Merrill
Birmingham, MI. 48009



Plantings



Elevation



Paving



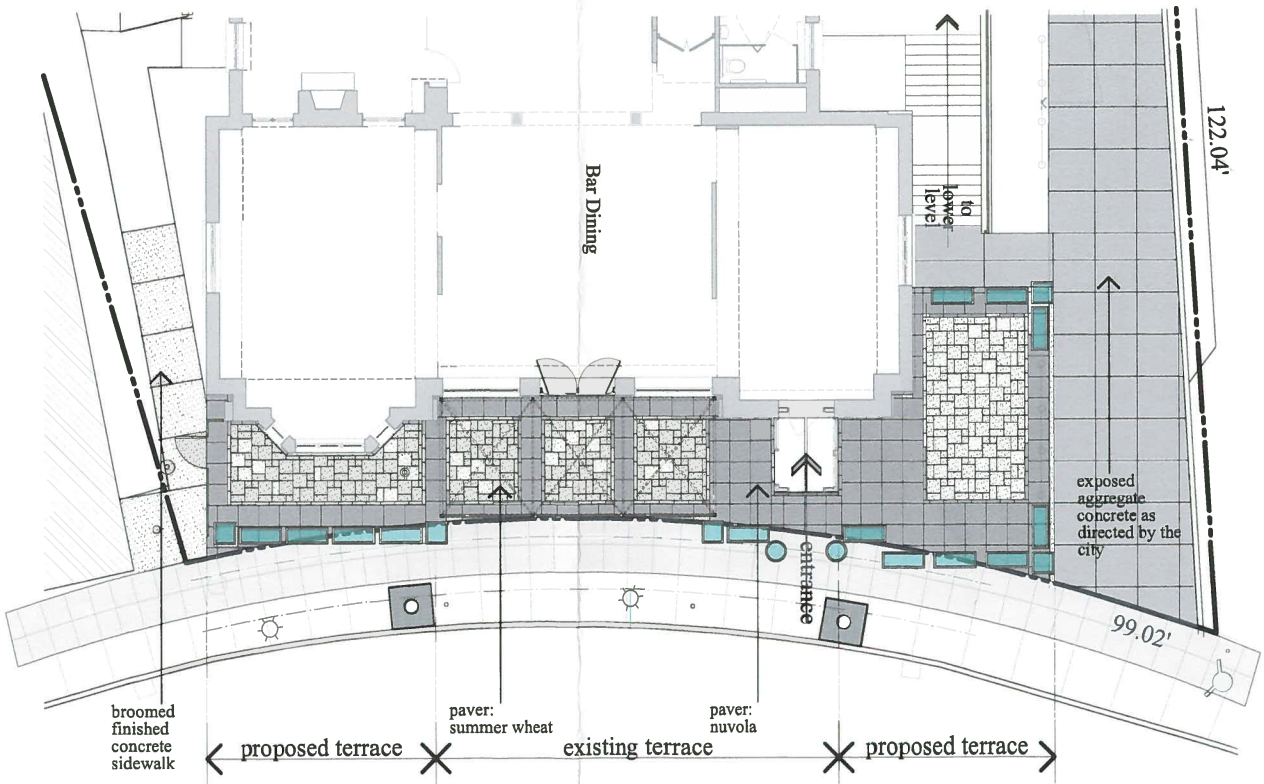
CONTAINER GARDEN
CAST STONE PLANTER
ARABESQUE WINDOW BOX
48.75"Wx18.25"Hx16.75"D



CONTAINER GARDEN
CAST STONE PLANTER
ARABESQUE MEDIUM PLANTER
24.00"W x 20.00"H

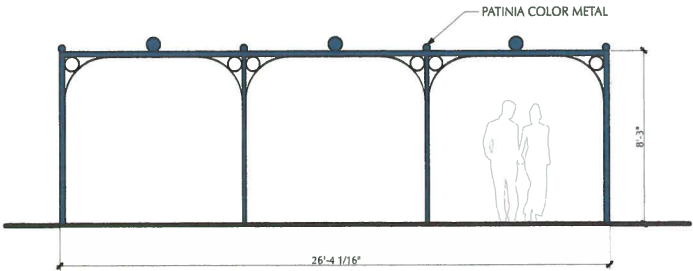
CONTAINER GARDEN
CAST STONE PLANTER
ARABESQUE SQUARE PLANTER
25.00"W x 20.50"H

Planters



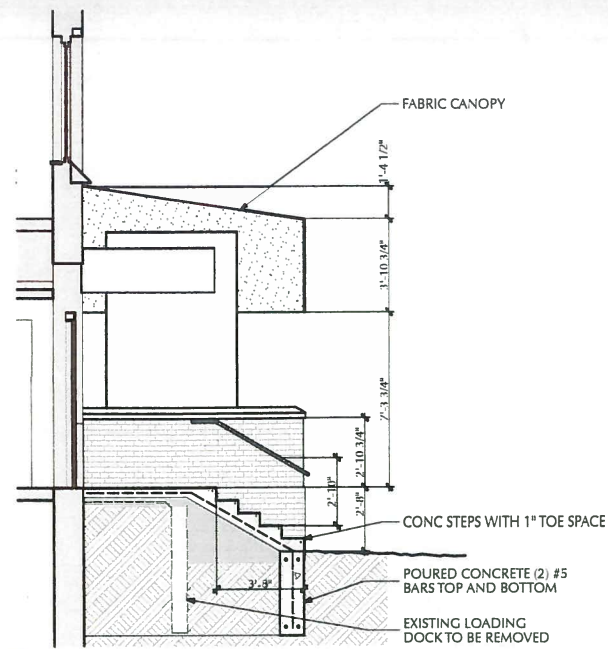
Site Plan

CHRISTOPHER J. LONGE AIA
ARCHITECTURE
INTERIORS
124 Peabody, Birmingham, Michigan 48009 248.258.6940

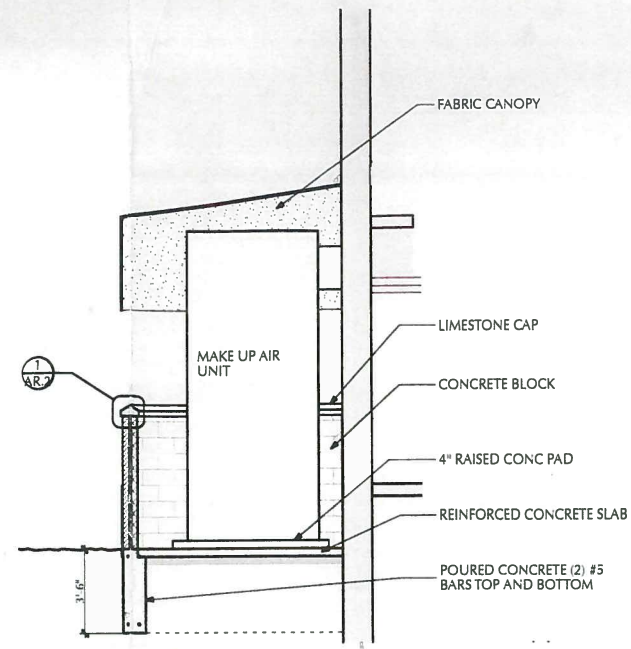


Pergola

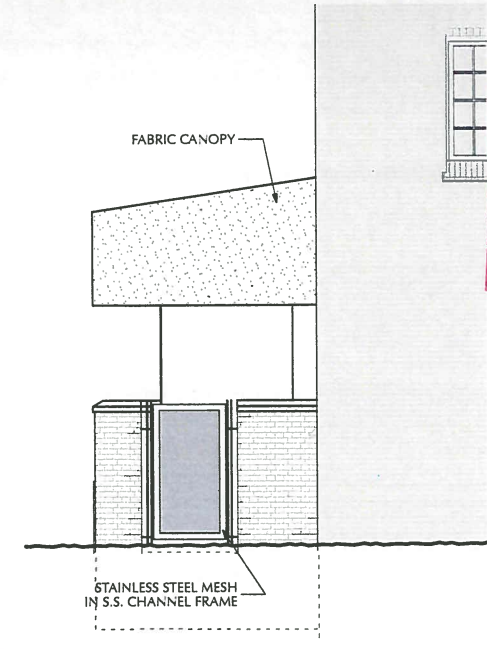
Previously Approved Plans



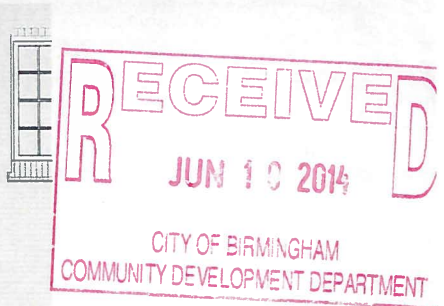
4 Stair Section
AR.1 SCALE: 1/4" = 1'-0" 



5 Section at Screen
AR.1 SCALE: 1/4" = 1'-0"



6 East Elevation
AR.1 SCALE: 1/4" = 1'-0"



124 Pea
Birming
Mict
4

CHRISTOPHER J. LONGE A
A R C H I T E C T U R
I N T E R I O R

T. 248.258.
F. 248.258.

Project Title

220 Merrill

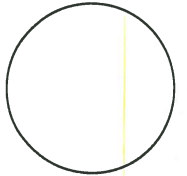
220 Merrill
Birmingham, MI. 48009

Date 6.7.2014

preliminary	bids/permits	construction
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[illegible]

Sealed By



Christopher J. Longe A.I.A Architect No. 3178

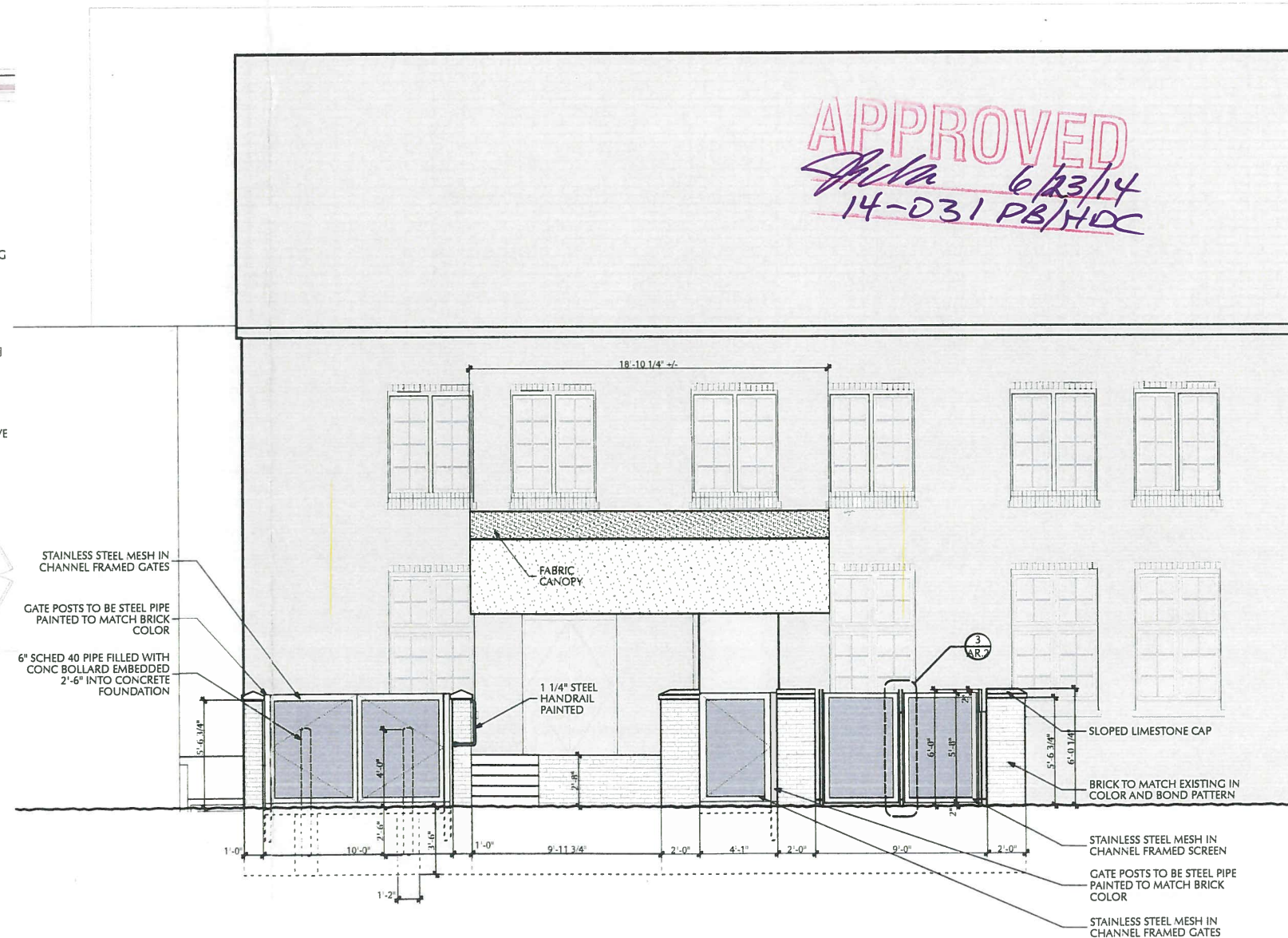
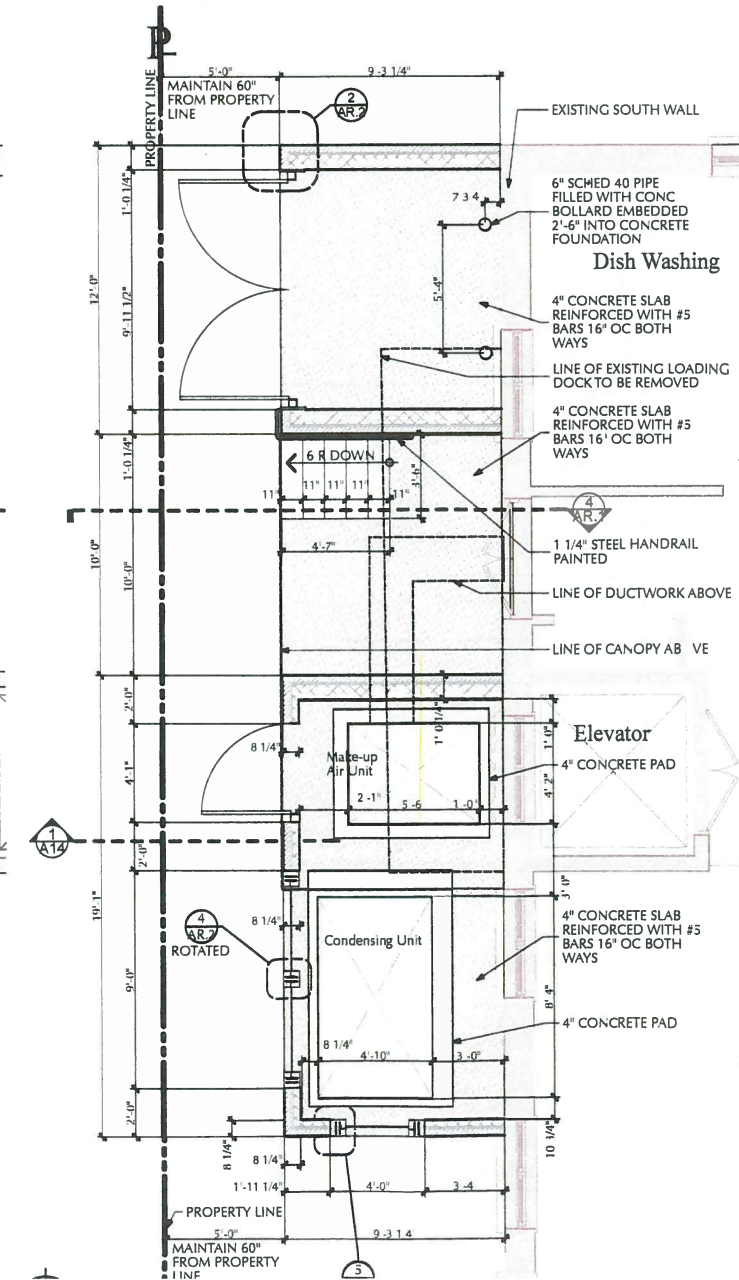
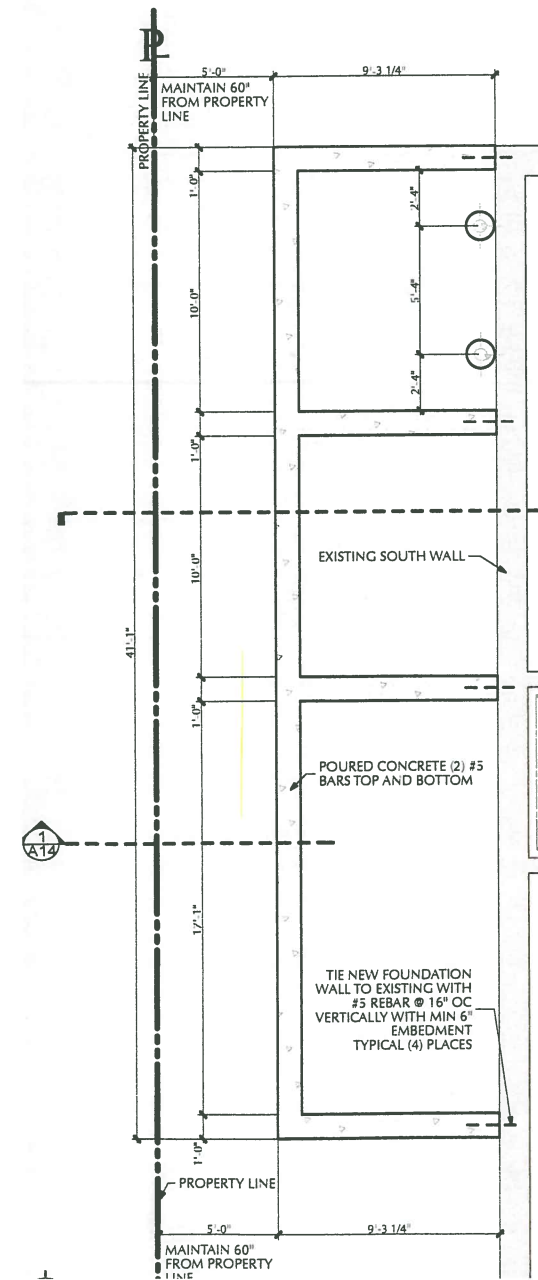
Signed: _____

PROJECT NO: _____ 1
DRAWN BY: _____ CE, C
CHK'D BY: _____

Sheet Title
Rear Elevation

Sheet

1 כח א



APPROVED
Jhla 6/23/14
14-031 PB/HDC

HISTORIC DISTRICT COMMISSION
MINUTES OF June 17, 2015

HISTORIC DESIGN AND SIGN REVIEW

220 E. Merrill

220 Restaurant Legendary Steaks

CBD Historic District

Zoning: B-4 Business Residential

Proposal: The applicant proposes to renovate the tenant space front elevation of a one-story, multi-tenant non-contributing building in the CBD Historic District. The tenant space is currently occupied by Max and Erma's. The applicant proposes to extend the façade toward the sidewalk and apply new finishes and add a new canopy. The applicant also proposes to install planters and outdoor dining. The project requires a Special Land Use Permit (SLUP), so the applicant will be reviewed for the SLUP application, additional square footage, signage and the outdoor dining at the November 14, 2012, Planning Board Meeting. The applicant will receive final review at a City Commission meeting in December.

Design: The applicant proposes to demolish the existing façade and construct a new façade. The east half of the new facade will extend an additional 6 ft. out to the edge of the existing second-story overhang. Artificial timber planks stained with Sherwin Williams Woodscape Plum Mahogany are proposed to be mounted over the main entrance, and the bays east and west of it. A Heritage Cast Stone arch in Greystone is proposed and is to be mounted in the wall beneath the wood timber plank, and a matching stone is proposed to be applied at the base of the existing columns. The applicant proposes to add Sturgis Natural Thin Stone Veneer in Crystal Ridge to the new façade and existing columns of the building.

A new storefront window system will be installed in the new facade. Kawneer aluminum windows in Boysenberry will have aluminum detailing in Light Bronze. Six windows with transoms are proposed on the east side of the recessed entrance which consists of a set of three windows on either side of the column. The proposed recessed entry will have a single window placed perpendicular to the east side of the Marvin Windows glass double door stained to match the timber plank. An additional single window is proposed west of the double doors.

Two windows and a door with transoms are proposed for the west end of the façade.

The applicant proposes to install a canopy over the entire length of the main entrance. The canopy finish will match the Boysenberry window frame. A door with a transom and stained to match the timber is proposed for the east elevation of the new addition.

Illumination: The applicant proposes to install two Hinkley Casa Extra Large wall lanterns.

Mr. Henry Clover, Clover Architects, Kansas City, and Mr. Fred Timm, President of 220 Restaurant Legendary Steaks, were present. Mr. Clover explained that the intent of their proposed design is to add life to the front facade by pulling the building out flush with the

second floor. He went on to highlight the design and pass around material samples. Mr. Timm described 220 Restaurant as being a high-end steak restaurant.

Ms. Bashiri advised that the applicant will need to present cut views of the signage that show how it is mounted. Mr. Clover indicated the sign will be back-lit.

Mr. Willoughby urged the applicant to construct the arch out of the same stone so that it is not yet another element on a building that already has too much decoration. Mr. Clover agreed to check if it is possible to do that with the stone.

Motion by Mr. Willoughby

Seconded by Mr. Goldman to approve the design for 220 E. Merrill, 220 Restaurant Legendary Steaks, with capability of getting administrative approval should they be able to successfully change the arch to fieldstone, and to make sure that the 220 Restaurant sign complies with the Ordinance.

Motion carried, 4-0.

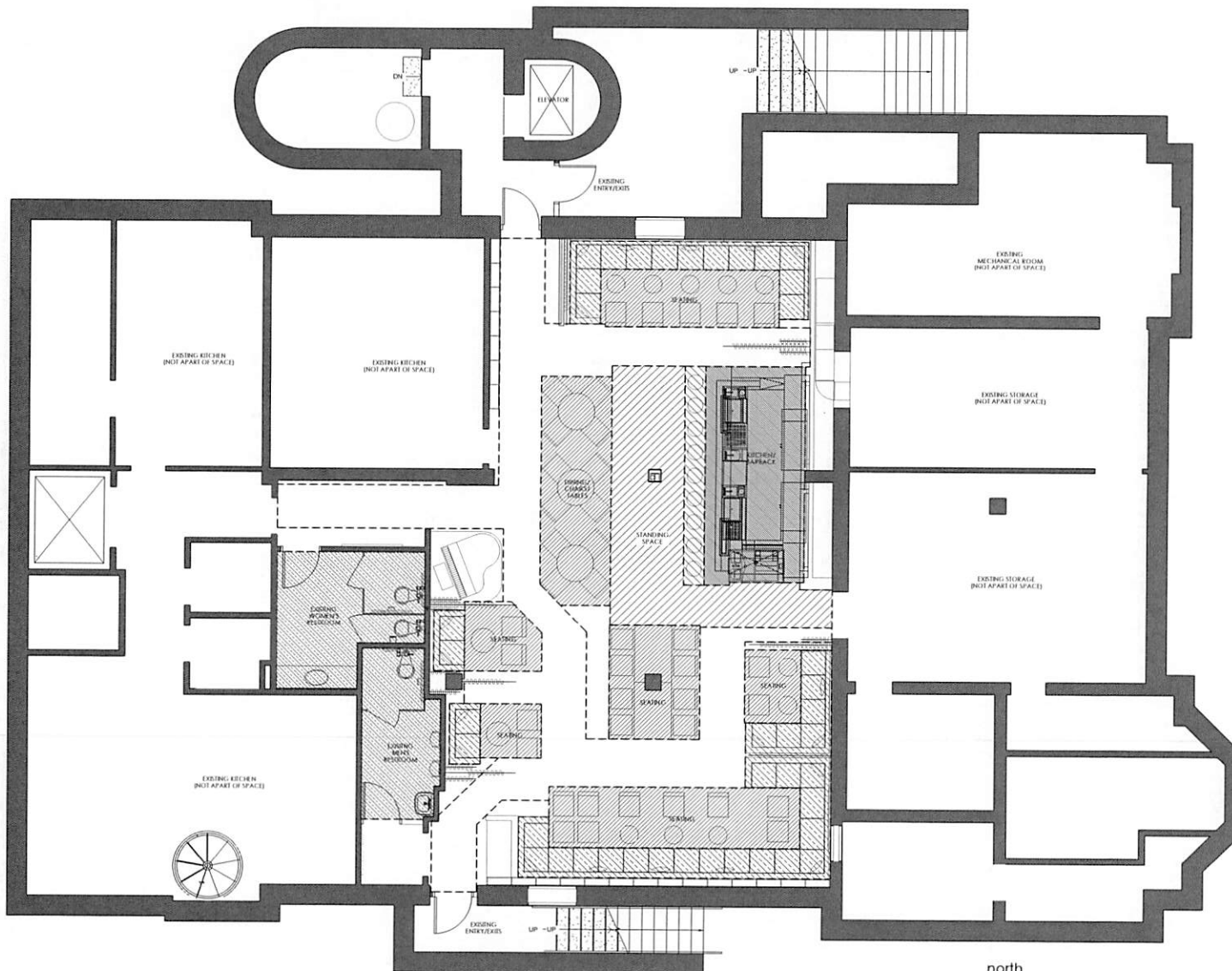
Mr. Timm said their price point is half or less than a lot of high priced restaurants in town. The entire inside will be renovated.

VOICE VOTE

Yeas: Willoughby, Goldman, Lekas, Gehringer

Nays: None

Absent: Henke, Deyer, Weisberg



CONCEPTUAL FLOOR PLAN

SCALE: 1/4" = 1'-0"

EGRESS DATA		
OCCUPANCY CALCULATIONS		
TOTAL FLOOR AREA *		1,980 SF
ASSEMBLY STANDING SPACE 137 SF @ 1.5 *	34 OCCUPANTS	
ASSEMBLY UNCONCENTRATED (TABLE & CHAIRS) 1,800 SF @ 1.5 *	29 OCCUPANTS	
ASSEMBLY FIXED SEATING WITH/OUT DIVIDED AREA 150 SF @ 10 PER OCCUPANT *	10 OCCUPANTS	
ASSEMBLY SEATING BOOTH 700 SF @ 10 PER OCCUPANT *	35 OCCUPANTS	
KITCHEN/BAR/BACK 485 SF @ 1.200 *	2 OCCUPANTS (ACTUAL)	
CORRIDOR/WALKWAY 200 SF		
RESTROOMS *		
TOTAL OCCUPANTS	110 OCCUPANTS	



ABRO DESIGN GROUP, INC.
30600 NORTHWESTERN HWY.
SUITE 310
FARMINGTON HILLS, MI 48334
P. 248-254-3834 F. 248-671-2772
WWW.ABRODESIGNGROUP.COM

PROJECT:

220

INTERIOR BUILD-OUT

220 E MERRILL ST.
BIRMINGHAM, MICHIGAN
48009

SHEET TITLE:

CONCEPTUAL
FLOOR PLAN

DO NOT SCALE DRAWINGS
USE FIGURED DIMENSIONS ONLY

DATE: ISSUE:

09.12.17 DESIGN DEVELOPMENT

KNAUER

Project Incorporated
720 Westinghouse Road, Suite 200
Farmington Hills, MI 48334
(248) 248-9000
(248) 248-9000
www.knauder.com

PROJECT NO:

080717

SHEET NO:

A1.0

220 Merrill
Birmingham, Michigan 48009



Elevation

220 Merrill
Birmingham, Michigan 48009



West Elevation

CHRISTOPHER J. LONGE AIA
ARCHITECTURE
INTERIORS
124 Peakbody, Birmingham, Michigan 48009 248.258.6940

9.26.2017



LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

PHILLIP G. ADKISON
KELLY A. ALLEN
JESSICA A. HALLMARK
GREGORY K. NEED
G. HANS RENTROP

39572 Woodward, Suite 222
Bloomfield Hills, Michigan 48304
Telephone (248) 540-7400
Facsimile (248) 540-7401
www.ANAfirm.com

OF COUNSEL:
KEVIN M. CHUDLER
SARAH J. GABIS
LINDA S. MAYER

September 28, 2017

Via Hand Delivery and Electronic Mail

Jana Ecker, Planning Director
City of Birmingham
151 Martin St.
Birmingham, MI 48012

**Re: Special Land Use and Final Site Plan Application for
220 Merrill Street Lower Level**

Dear Ms. Ecker:

220 Restaurant Hospitality, LLC requests City approval for a Special Land Use Permit and a Final Site Plan to enable the lower level of the building (f/k/a Edison's) to reopen.

The plan is to open the lower level for special events, private parties, and the public. The hours would be the same as the hours for the main restaurant. A food menu will be offered.

The lower level may have low-key entertainment, such as jazz music and a piano bar.

There will be no changes to the façade or layout of the lower level. There will be upgrades of the plumbing, electrical, and HVAC systems.

The Michigan Liquor Control Commission has approved the lower level as part of the licensed premises, as well as the following permits: Add Bar, Sunday Sales (AM and PM), Dance/Entertainment, and Outdoor Service.

Enclosed for your review are the following:

1. Special Land Use Permit Application;
2. Elevations;
3. Floor plan;
4. Deed; and

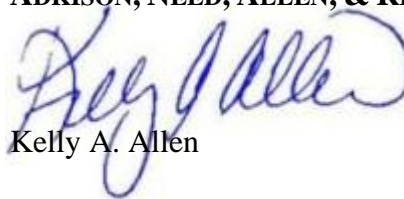
5. Check for \$2,800.00.

Please contact me if you need any further information or documentation. We would appreciate being placed on the Planning Board agenda as soon as possible.

Thank you, as always, for your assistance.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

/kjf
Enclosures

Cc: Matt Baka
Zaid Elia



Special Land Use Permit Application

Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: 220 Restaurant Hospitality, LLC
Address: 124 S Old Woodward, Birmingham, Michigan 48009

Phone Number: _____
Fax Number: _____
Email Address: zaid@theeliagroup.com

Property Owner

Name: 220 Park Place, LLC
Address: Same as applicant

Phone Number: _____
Fax Number: _____
Email Address: _____

2. Applicant's Attorney/Contact Person

Name: Kelly Allen
Address: 39572 Woodward, Suite 222, Bloomfield Hills, Michigan 48304

Phone Number: (248) 540-7400
Fax Number: (248) 540-7401
Email Address: kallen@anafirm.com

Project Designer/Developer

Name: _____
Address: _____

Phone Number: _____
Fax Number: _____
Email Address: _____

3. Required Attachments

- Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- Fifteen (15) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan
- Photographs of existing site and buildings
- Samples of all materials to be used

- Catalog sheets for all proposed lighting, mechanical equipment & outdoor furniture
- An itemized list of all changes for which approval is requested
- Completed Checklist
- Digital copy of plans
- One (1) additional set of plans mounted on a foam board, including a color rendering of each elevation

4. Project Information

Address/Location of Property: 220 Merrill Street

Name of Development: 220 Park Place, LLC

Sidwell #: _____

Current Use: Commercial/bar/restaurant

Proposed Use: Commercial/bar/restaurant

Area in Acres: _____

Current Zoning: B-4

Zoning of Adjacent Properties: B-4

Is there a current SLUP in effect for this site?: Yes

Is property located in the floodplain? No

Name of Historic District site is in, if any: _____

Date of HDC Approval, if any: _____

Date of Application for Preliminary Site Plan: _____

Date of Preliminary Site Plan Approval: _____

Date of Application for Final Site Plan: _____

Date of Final Site Plan Approval: _____

Date of Revised Final Site Plan Approval: _____

Date of Final Site Plan Approval: _____

Date of DRB approval, if any: _____

Date of Last SLUP Amendment: 6/23/14

Will proposed project require the division of platted lots? _____

5. Details of the Nature of Work Proposed (Site plan & design elements)

The applicant intends to open the lower level of the building, to be used for special events, and to be open to the public during the same hours as the main restaurant upstairs. The only changes will include updated plumbing, HVAC, and electrical.

6. Buildings and Structures

Number of Buildings on site: 1
Height of Building & # of stories: 2

Use of Buildings: Restaurant/Bar/Office
Height of rooftop mechanical equipment: N/A

7. Floor Use and Area (in square feet)

Commercial Structures:

Total basement floor area: 3,500
 Number of square feet per upper floor: 6,400
 Total floor area: _____
 Floor area ratio (total floor area divided by total land area): _____
 Open space: _____
 Percent of open space: _____

Office space: _____
Retail space: _____
Industrial space: _____
Assembly space: _____
Seating Capacity: _____
Maximum Occupancy Load: 110

Residential Structures:

Total number of units: N/A

Number of one bedroom units: _____

Number of two bedroom units: _____

Number of three bedroom units: _____

Open space: _____

Percent of open space: _____

Rental units or condominiums?: _____
 Size of one bedroom units: _____
 Size of two bedroom units: _____
 Size of three bedroom units: _____
 Seating Capacity: _____
 Maximum Occupancy Load: _____

8. Required and Proposed Setbacks

Required front setback: N/A
Required rear setback: _____
Required total side setback: _____
Side setback: _____

Proposed front setback: _____
 Proposed rear setback: _____
 Proposed total side setback: _____
 Second side setback: _____

9. Required and Proposed Parking

Required number of parking spaces: N/A
 Typical angle of parking spaces: _____
 Typical width of maneuvering lanes: _____
 Location of parking on the site: _____
 Location of off site parking: _____
 Number of light standards in parking area: _____
 Screenwall material: _____

Proposed number of parking spaces: _____
 Typical size of parking spaces: _____
 Number of spaces < 180 sq. ft.: _____
 Number of handicap spaces: _____
 Shared Parking Agreement?: _____
 Height of light standards in parking area: _____
 Height of screenwall: _____

10. Landscaping

Location of landscape areas: N/A

Proposed landscape material:

11. Streetscape

Sidewalk width: N/A
Number of benches: _____
Number of planters: _____
Number of existing street trees: _____
Number of proposed street trees: _____
Streetscape Plan submitted?: _____

Description of benches or planters: _____

Species of existing street trees: _____
Species of proposed street trees: _____

12. Loading

Required number of loading spaces: No change
Typical angle of loading spaces: _____
Screenwall material: _____
Location of loading spaces on the site: _____

Proposed number of loading spaces: _____
Typical size of loading spaces: _____
Height of screenwall: _____

13. Exterior Trash Receptacles

Required number of trash receptacles: No change
Location of trash receptacles: _____
Screenwall material: _____

Proposed number of trash receptacles: _____
Size of trash receptacles: _____
Height of screenwall: _____

14. Mechanical Equipment

Utilities & Transformers:

Number of ground mounted transformers: No change
Size of transformers (LxWxH): _____

Number of utility easements: _____
Screenwall material: _____

Location of all utilities & easements: _____

Height of screenwall: _____

Ground Mounted Mechanical Equipment:

Number of ground mounted units: No change
Size of ground mounted units (LxWxH): _____

Screenwall material: _____

Location of all ground mounted units: _____

Height of screenwall: _____

Rooftop Mechanical Equipment:

Number of rooftop units: No change
Type of rooftop units: _____

Screenwall material: _____
Location of screenwalls: _____

Location of all ground mounted units: _____
Size of rooftop units (LxWxH): _____

Height of screenwall: _____
Percentage of rooftop covered by mechanical units: _____
Distance from units to rooftop units to screenwall: _____

15. Accessory Buildings

Number of accessory buildings: No change
Location of accessory buildings: _____

Size of accessory buildings: _____
Height of accessory buildings: _____

16. Building Lighting

Number of light standards on building: No change
Size of light fixtures (LxWxH): _____

Type of light standards on building: _____
Height from grade: _____

Maximum wattage per fixture: _____
Light level at each property line: _____

Proposed wattage per fixture: _____
Number & location of holiday tree lighting receptacles: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: _____

Date: 9-28-17

Print Name: Zaid Elia

Signature of Applicant: _____

Date: 9-28-17

Print Name: Zaid Elia

Signature of Architect: _____

Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____



SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: 220 Restaurant Hospitality, LLC Case #: _____ Date: _____

Address: 124 S Old Woodward Project: 220 Merrill Lower Level

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan for Special Land Use Permit

A full site plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- _____ 1. Name and address of applicant and proof of ownership;
- _____ 2. Name of Development (if applicable);
- _____ 3. Address of site and legal description of the real estate;
- _____ 4. Name and address of the land surveyor;
- _____ 5. Legend and notes, including a graphic scale, north point, and date;
- _____ 6. A separate location map;
- _____ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- _____ 8. A list of all requested elements / changes to the site plan;
- _____ 9. Any changes requested marked in color on the site plan and on all elevations of any building(s);
- _____ 10. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, City Commission, or the Historic District Committee ("HDC");
- _____ 11. Existing and proposed layout of streets, open space and other basic elements of the plan;
- _____ 12. Existing and proposed utilities and easements and their purpose;
- _____ 13. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- _____ 14. General description, location, and types of structures on the site;
- _____ 15. Details of existing or proposed lighting, signage and other pertinent development features;
- _____ 16. A landscape plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- _____ 17. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- _____ 18. Name and address of applicant and proof of ownership;
- _____ 19. Name of Development (if applicable);
- _____ 20. Address of site and legal description of the real estate;
- _____ 21. A separate location map;
- _____ 22. Legend and notes, including a graphic scale, north point, date and all relevant dimensions;
- _____ 23. Color elevation drawings showing the proposed design for each façade of the building;
- _____ 24. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer; and
- _____ 25. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- _____ 26. Details of existing or proposed lighting, signage and other pertinent development features;
- _____ 27. A list of any requested design changes;
- _____ 28. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometry analysis of all exterior lighting fixtures showing light levels to all property lines; and
- _____ 29. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.



MEMORANDUM

Planning Division

DATE: November 1, 2017

TO: Planning Board

FROM: Sean Campbell, Assistant City Planner

APPROVED BY: Jana Ecker, Planning Director

SUBJECT: 220 E. Merrill, 220 Restaurant – Final Site Plan and Special Land Use Permit Amendment

Executive Summary

The subject site, currently 220 Restaurant, is located at 220 E. Merrill, on the south side of Merrill west of Old Woodward. The parcel is located in the B-4, Business-Residential zoning district and is also zoned D-4 in the Downtown Overlay District, and is located in a historic district. At this time, the applicant is proposing to utilize a portion of the basement of the building (formerly Edison's) to use for special events, private parties, and the public as an extension to 220 restaurant on the first floor. The applicant has indicated that the proposed lower level of 220 Restaurant will offer a food menu (the same as that offered on the main floor of the existing restaurant) and will host low-key entertainment, such as jazz music and piano music, in the space. Business hours would be the same as those of the main restaurant. No changes to the existing building facade or first floor plan are proposed.

As no exterior changes are proposed to the building, historic review by the Historic District Commission is not required at this time.

The subject site currently operates under a Special Land Use Permit ("SLUP") as 220 restaurant serves alcoholic beverages under a Class C liquor license. No changes are proposed to the name of the establishment or to the ownership of the existing establishment. The only change proposed at this time is to amend the SLUP to include the lower level as part of 220 restaurant. The Michigan Liquor Control Commission has already approved the basement of the 220 E. Merrill as part of the licensed premises, and thus no licensing changes are required with the State of Michigan.

However, in accordance with Article 06 section 6.02 Continuance of Nonconformity, A(5) of the Zoning Ordinance, any establishment with alcoholic beverage sales (on-premises consumption) shall obtain a Special Land Use Permit upon change in ownership or name of establishment, or upon application for a site plan review. As the applicant is proposing to expand the square footage of the restaurant operating under the existing SLUP, site plan review is required. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan

and SLUP Amendment, and then obtain approval from the City Commission for the Final Site Plan and SLUP Amendment.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing site is used for retail and commercial purposes, including an eating establishment with alcoholic beverage sales. Land uses surrounding the site are also retail and commercial, with multi-family residential to the north.
- 1.2 Existing Zoning – 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 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Commercial / Retail and Residential	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 Screening and Landscaping

- 2.1 Screening – No screening is required, nor proposed at this time. The applicant was previously required to screen mechanical equipment and a dumpster at the rear of the building, which was completed.
- 2.2 Landscaping – No changes are proposed at this time.

3.0 Parking, Loading, Access, and Circulation

- 3.1 Parking – No changes are proposed. Parking is not required as the site is located within the Parking Assessment District.
-

-
- 3.2 Loading – No changes are proposed. Existing loading occurs from the adjacent alleys to the west and south of the building.
 - 3.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.
 - 3.4 Pedestrian Access & Circulation – No changes are proposed to either pedestrian circulation or the existing outdoor dining layout.
 - 3.5 Streetscape – The applicant is not proposing to alter the existing sidewalk, street trees, or light poles. **However, there is one street tree missing from a tree well in front of the existing 220 restaurant which the applicant was required to plant as part of their previous approval. This was not done, and thus the applicant will be required to add the required street tree to the existing open tree well. At the time of planting, the new tree must measure at least 3" DBH. The species of tree must be approved by the Department of Public Services.**

4.0 Lighting

No new lighting is proposed at this time to the exterior of the building.

5.0 Departmental Reports

- 5.1 Engineering Division – The Engineering Division has no concerns.
- 5.2 Department of Public Services – The DPS has stated that the applicant still owes the City a new tree in the tree well located in front of the building on E. Merrill.
- 5.3 Fire Department – The Fire Department has no concerns with the **concept** of occupying this lower level space. **However, a readable set of floor plans, with all required information, will need to be submitted before approval of any occupancy of this space, and for the evaluation of this space, for the allowable occupant load. This space is only approved for storage at this time. Additionally this space will require a full final inspection before occupancy.**
- 5.4 Police Department - **No comments have been received at this time, but will be provided prior to the Planning Board meeting on November 8, 2017.**
- 5.5 Building Division – **No comments have been received at this time, but will be provided prior to the Planning Board meeting on November 8, 2017.**

6.0 Design Review

The applicant is not proposing any design changes to the exterior of the subject building.

The interior of the existing restaurant on the first floor currently has 145 seats in the dining room, 17 seats at the bar, and 8 seats in a lounge area near the front entrance, for an

existing total of 170 interior seats on the first floor. No interior changes are proposed for the first floor at this time. The applicant is now proposing to incorporate the lower level of the building (formerly Edison's) into the existing 220 restaurant on the first floor. The addition of the lower level will add 77 seats in the open area around the bar, and 9 seats at the bar. A piano is also proposed to provide low key entertainment for guests. The applicant has stated that the lower level will be an extension of the first floor restaurant, but it may be used for private events at times, and open to the general public at other times. The furniture plan for the lower level appears to be lounge style seating with cocktail tables. Only 3 full size dining tables are provided in the area between the bar and the piano, thus suggesting more of a lounge atmosphere than the first floor restaurant space. With the addition of the lower level to the restaurant, a total of 256 seats will be provided between the dining areas, lounge areas and the upper and lower bar areas.

7.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, and is within the Downtown Birmingham Overlay District. The proposed plans conform to the provisions of the D-4 overlay zoning district, and continue to implement the goals of the plan.

8.0 Approval Criteria

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.
-

9.0 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.

10.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL to the City Commission of the applicant's request for Final Site Plan and a SLUP amendment for 220 E. Merrill, 220 Restaurant to enable the restaurant to reopen the basement for food and alcoholic beverage sales, public use, special events, private parties, and low-key entertainment.

11.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL to the City Commission of the applicant's request for Final Site Plan and a SLUP Amendment for 220 E. Merrill, 220 Restaurant with the following conditions:

1. Add the required street tree to the existing open tree well, with a minimum caliper of 3" DBH at the time of planting; and
2. Complete and legible plans, with all required information, will need to be submitted before approval of any occupancy of this space, and for the evaluation of this space for the allowable occupant load; and
3. Compliance with the requests of all departments.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP Amendment to the City Commission for 220 E. Merrill, 220 Restaurant for the following reasons:

1. _____
2. _____

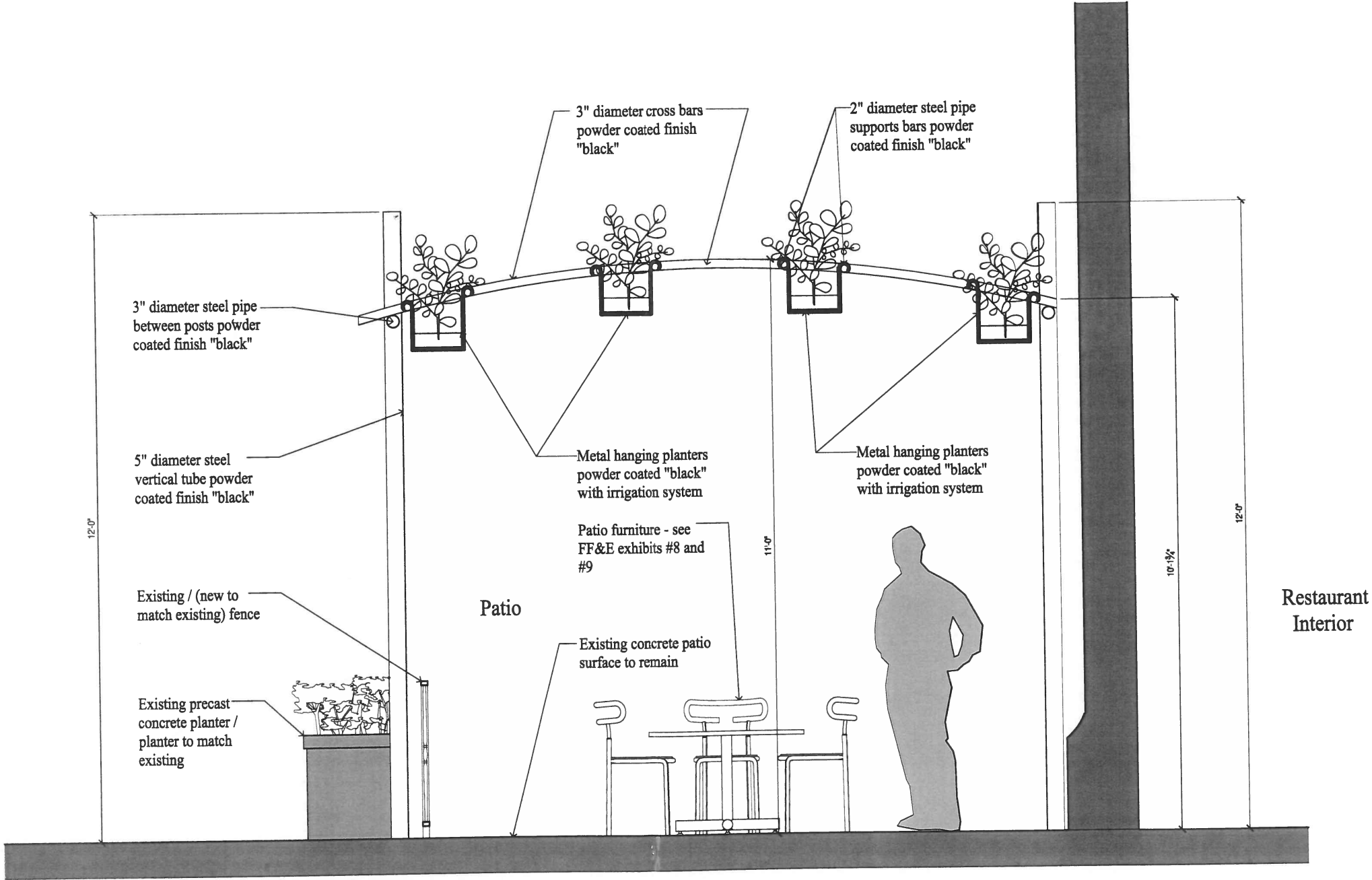
OR

Motion to recommend POSTPONEMENT of the Final Site Plan and SLUP Amendment for 220 E. Merrill, 220 Restaurant, pending receipt of the following:

1. _____
2. _____

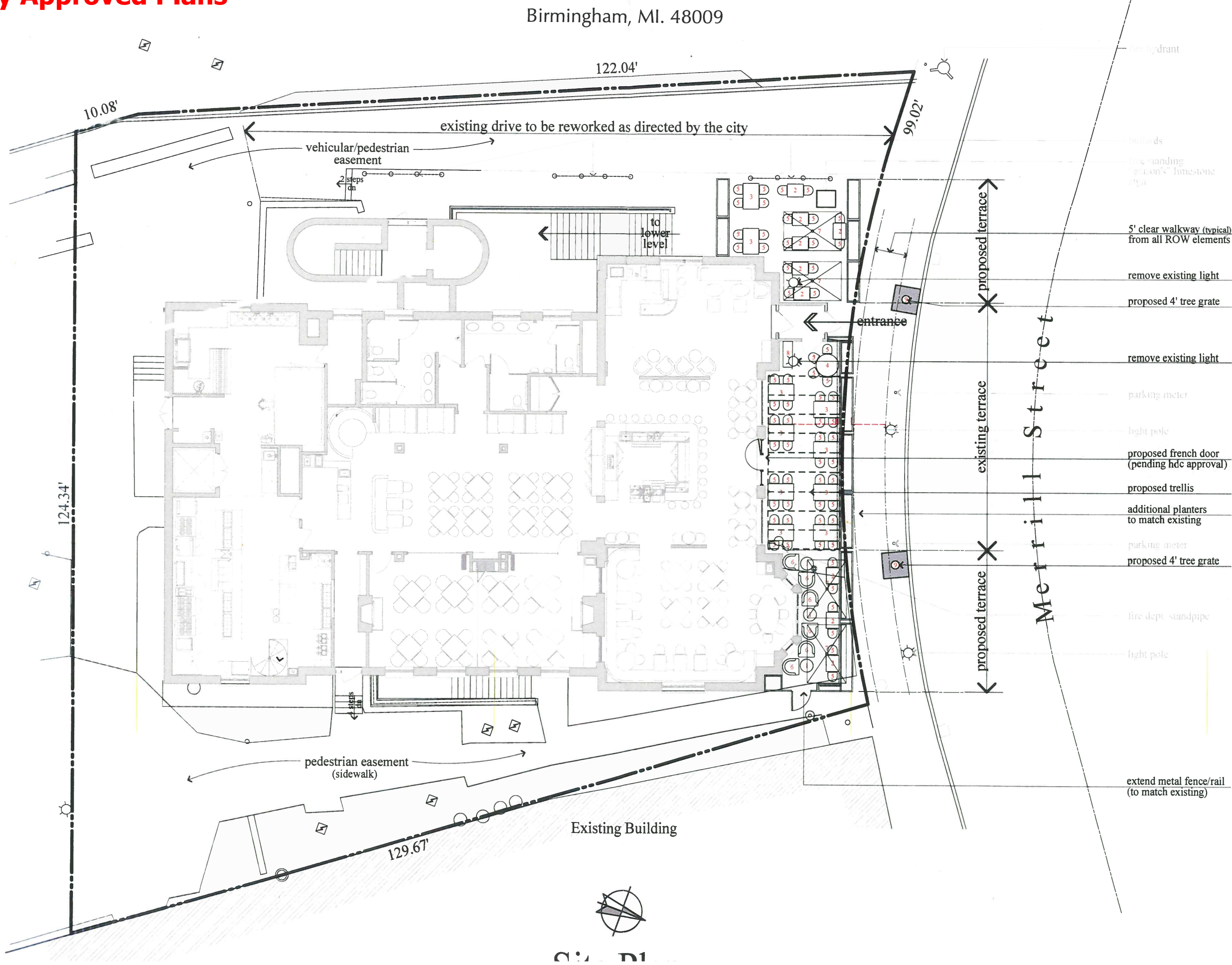
Previously Approved Plans

220 Merrill
Birmingham, MI. 48009



Previously Approved Plans

220 Merrill
Birmingham, MI. 48009



Previously Approved Plans

220 Merrill
Birmingham, MI. 48009



Previously Approved Plans

220 Merrill
Birmingham, MI. 48009



220 Restaurant





MEMORANDUM

Planning Division

DATE: November 13, 2017

TO: Joseph A. Valentine, City Manager

FROM: Brooks Cowan, Planning Assistant

APPROVED: Jana L. Ecker, Planning Director

SUBJECT: Set Public Hearing for a Special Land Use Permit Ammendment and Final Site Plan for Vinoteca at 210 S. Old Woodward Ave

The subject business is located at 210 S. Old Woodward Avenue in the southern portion of The Plaza at Birmingham building, just south of Merrill Street. The applicant is the current owner of the restarant on site, The Bird and the Bread, and intends to change the name and concept the the current restaurant into Vinoteca, which will have a wine a European food focus. According to Section 6 Article 6.02(A)(5) of the Zoning Ordinance, existing and new establishments with alcoholic beverage sales shall obtain a Special Land Use Permit upon change in ownership or name of establishment.

The parcel is Zoned B-4, Business Residential and D-4 in the Downtown Overlay District. The applicant is proposing new signage and minor remodeling for the interior that includes the construction of a stage for low key entertainment. The applicant will be operating with the existing Class C liquor license controlled by the property owner which is currently in use by the Bird and the Bread.

The Planning Board met on November 8th, 2017 and conducted a public hearing to discuss the Final Site Plan and Special Land Use Permit Review for 210 S. Old Woodward. The Planning Board raised the issue of isinglass with the applicant, citing their disapproval and encouraging the applicant to find different screening materials for the outdoor café. The Planning Board voted unanimously to recommend approval of the Special Land Use Permit and Final Site Plan for 210 S. Old Woodward Avenue to the City Commission with the following conditions:

1. The applicant obtains approval from the Historic District Commission; and
2. The Proposed Isinglass is not considered a part of the Final Site Plan and SLUP approval.

The Historic District Commission met on November 15, 2017 and conducted a public hearing to discuss the Final Site Plan and Special Land Use Permit Review for 210 S. Old Woodward. The Historic District Commission approved the proposed changes with the exception of the Isinglass enclosure, however they did note that it would be reasonable to put up Isinglass or similar material during the construction phase next door to prevent dust and debris from affecting the site.

The Planning Division requests that the City Commission set a public hearing date for **December 11th, 2017** to consider an application for a Special Land Use Permit ("SLUP") Amendment and Final Site Plan for Vinoteca at 210 S. Old Woodward Avenue. Please see attached staff report presented to the Planning Board, along with the application, submitted plans and relevant meeting minutes for your review.

SUGGESTED ACTION:

To set a public hearing date for December 11th, 2017 to consider an application for a Special Land Use Permit Amendment and Final Site Plan for Vinoteca at 210 S. Old Woodward.

VINOTECCA
210 S. OLD WOODWARD
SPECIAL LAND USE PERMIT AMMENDMENT
2017

- WHEREAS, Vinoteca filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of S. Old Woodward, south of Merrill Street;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant received SLUP approval from City Commission on October 7th, 2013 for the restaurant HOME;
- WHEREAS, The applicant received SLUP approval from City Commission on February 10th, 2014 to change the name from HOME to The Bird and the Bread;
- WHEREAS, In October 2017, the applicant submitted an application for a Special Land Use Permit and Final Site Plan to change the restaurant name from The Bird and the Bread to Vinoteca, along with minor interior and exterior changes;
- WHEREAS, The Planning Board on November 8th, 2017 reviewed the application for a Special Land Use Permit Amendment and Final Site Plan Review and recommended approval of the application with the following conditions:
- (1) The applicant obtains approval from the Historic District Commission; and
 - (2) The proposed Isinglass is not considered a part of the Final Site Plan and SLUP Amendment approval.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The HDC reviewed the application for Historic Design Review and recommended approval on November 15, 2017;
- WHEREAS, The Birmingham City Commission has reviewed Vinoteca'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 Vinoteca's application for a Special Land Use Permit Amendment and Final Site Plan at 210 S. Old Woodward is hereby approved;

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

1. Vinoteca shall abide by all provisions of the Birmingham City Code; and
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

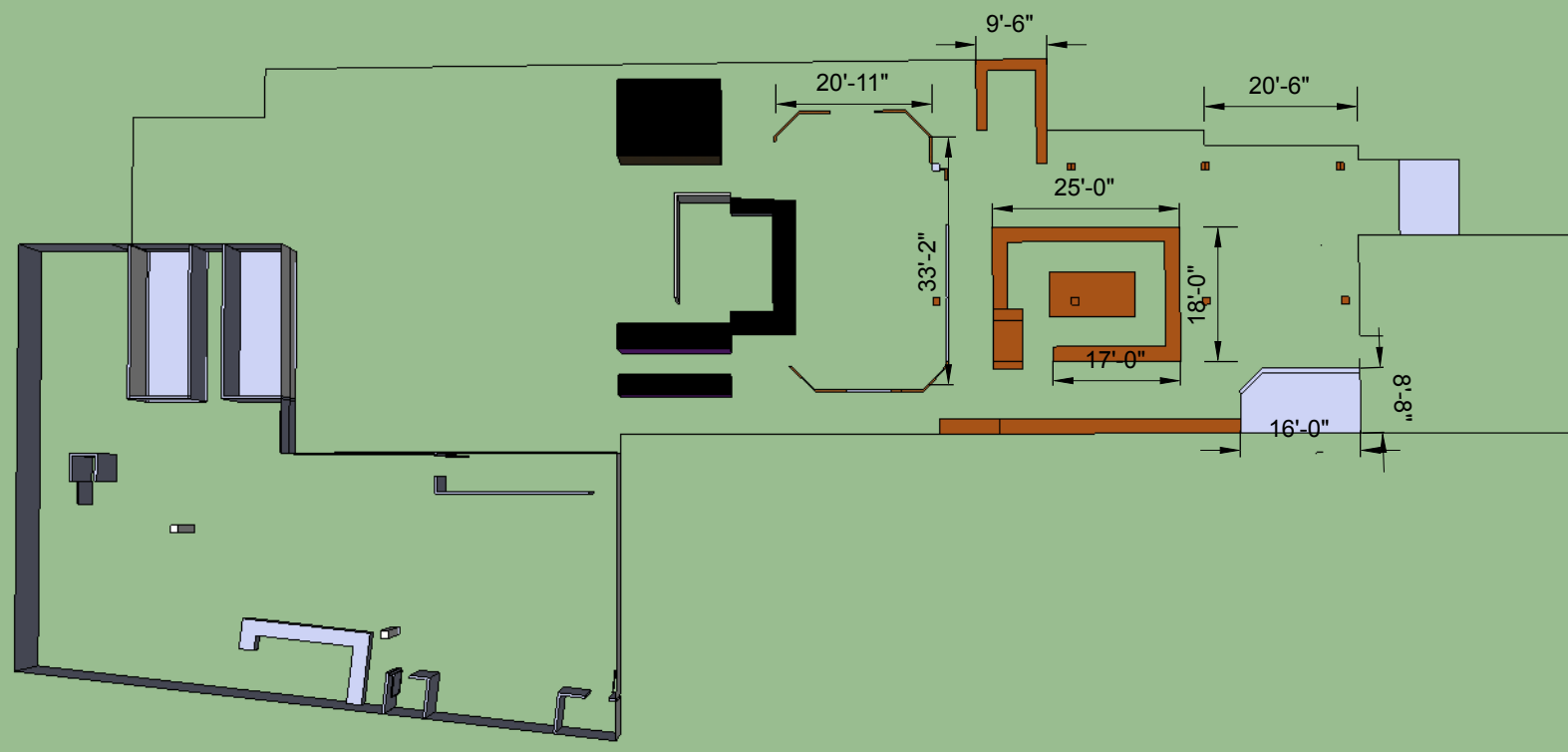
BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Vinoteca 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 Vinoteca 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 Vinoteca is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 210 S. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, 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 December 11th, 2017.

Cherilynn Mynsberge, City Clerk





Special Land Use Permit Application

Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: Vintage LLC
Address: 210 S. Old Woodward
Birmingham MI 48009
Phone Number: 248-203-6600
Fax Number: _____
Email Address: kristin.jonna@gmail.com

Property Owner

Name: ESSCO development
Address: 210 S. Old Woodward #230
Birmingham MI 48009
Phone Number: 248-645-5900
Fax Number: _____
Email Address: sfoumin@esscodevelopment.com

2. Applicant's Attorney/Contact Person

Name: DAVE Eifrid / Kristin Jonna
Address: 210 S. Old Woodward
Birmingham MI 48009
Phone Number: 248-203-6600
Fax Number: _____
Email Address: kristin.jonna@gmail.com

Project Designer/Developer

Name: DAVE Eifrid
Address: 47974 West Rd
Wixom MI 48393
Phone Number: 734-718-7078
Fax Number: _____
Email Address: DAVEEifrid@gmail.com

3. Required Attachments

- Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- Fifteen (15) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan
- Photographs of existing site and buildings
- Samples of all materials to be used

- Catalog sheets for all proposed lighting, mechanical equipment & outdoor furniture
- An itemized list of all changes for which approval is requested
- Completed Checklist
- Digital copy of plans
- One (1) additional set of plans mounted on a foam board, including a color rendering of each elevation

4. Project Information

Address/Location of Property: 210 S. Old Woodward
Name of Development: Uinotecca
Sidwell #: _____
Current Use: Restaurant
Proposed Use: Restaurant
Area in Acres: _____
Current Zoning: _____
Zoning of Adjacent Properties: _____
Is there a current SLUP in effect for this site?: yes
Is property located in the floodplain? no

Name of Historic District site is in, if any: Downtown
Date of HDC Approval, if any: _____
Date of Application for Preliminary Site Plan: _____
Date of Preliminary Site Plan Approval: _____
Date of Application for Final Site Plan: _____
Date of Final Site Plan Approval: _____
Date of Revised Final Site Plan Approval: _____
Date of Final Site Plan Approval: _____
Date of DRB approval, if any: _____
Date of Last SLUP Amendment: _____
Will proposed project require the division of platted lots? _____

5. Details of the Nature of Work Proposed (Site plan & design elements)

Reconcept of The Bird and the Bread to Uinotecca. Uinotecca
has been in Royal Oak for 12 years. This will move the concept to Birmingham.
The Restaurant will have a wine focus with European food pairings. The
restaurant will have an upscale feel, compared to TB&TB and will feature
live music - Jazz and Blues emphasis.

6. Buildings and Structures

Number of Buildings on site: 1
Height of Building & # of stories: 1

Use of Buildings: m. x
Height of rooftop mechanical equipment: N/A

7. Floor Use and Area (in square feet)

Commercial Structures:

Total basement floor area: N/A
 Number of square feet per upper floor: 11,000
 Total floor area: 11,000
 Floor area ratio (total floor area divided by total land area): N/A
 Open space: N/A
 Percent of open space: N/A

Office space: _____
Retail space: _____
Industrial space: _____
Assembly space: _____
Seating Capacity: _____
Maximum Occupancy Load: _____

Residential Structures:

Total number of units: none
 Number of one bedroom units: _____
 Number of two bedroom units: _____
 Number of three bedroom units: _____
 Open space: _____
 Percent of open space: _____

Rental units or condominiums?: _____
 Size of one bedroom units: _____
 Size of two bedroom units: _____
 Size of three bedroom units: _____
 Seating Capacity: _____
 Maximum Occupancy Load: _____

8. Required and Proposed Setbacks

Required front setback: NONE
 Required rear setback: _____
 Required total side setback: _____
 Side setback: _____

Proposed front setback: _____
 Proposed rear setback: _____
 Proposed total side setback: _____
 Second side setback: _____

9. Required and Proposed Parking

Required number of parking spaces: NONE
 Typical angle of parking spaces: _____
 Typical width of maneuvering lanes: _____
 Location of parking on the site: _____
 Location of off site parking: _____
 Number of light standards in parking area: _____
 Screenwall material: _____

Proposed number of parking spaces: _____
 Typical size of parking spaces: _____
 Number of spaces < 180 sq. ft.: _____
 Number of handicap spaces: _____
 Shared Parking Agreement?: _____
 Height of light standards in parking area: _____
 Height of screenwall: _____

10. Landscaping

Location of landscape areas: NONE

Proposed landscape material:

11. Streetscape

Sidewalk width: NONE
Number of benches: _____
Number of planters: _____
Number of existing street trees: _____
Number of proposed street trees: _____
Streetscape Plan submitted?: _____

Description of benches or planters: _____

Species of existing street trees: _____
Species of proposed street trees: _____

12. Loading

Required number of loading spaces: NONE
Typical angle of loading spaces: _____
Screenwall material: _____
Location of loading spaces on the site: _____

Proposed number of loading spaces: _____
Typical size of loading spaces: _____
Height of screenwall: _____

13. Exterior Trash Receptacles

Required number of trash receptacles: NONE
Location of trash receptacles: _____
Screenwall material: _____

Proposed number of trash receptacles: _____
Size of trash receptacles: _____
Height of screenwall: _____

14. Mechanical Equipment

Utilities & Transformers:

Number of ground mounted transformers: NONE
Size of transformers (LxWxH): _____

Location of all utilities & easements: _____

Number of utility easements: _____
Screenwall material: _____

Height of screenwall: _____

Ground Mounted Mechanical Equipment:

Number of ground mounted units: NONE
Size of ground mounted units (LxWxH): _____

Location of all ground mounted units: _____

Screenwall material: _____

Height of screenwall: _____

Rooftop Mechanical Equipment:

Number of rooftop units: NONE
Type of rooftop units: _____

Location of all ground mounted units: _____
Size of rooftop units (LxWxH): _____

Screenwall material: _____
Location of screenwalls: _____

Height of screenwall: _____
Percentage of rooftop covered by mechanical units: _____
Distance from units to rooftop units to screenwall: _____

15. Accessory Buildings

Number of accessory buildings: NONE
Location of accessory buildings: _____

Size of accessory buildings: _____
Height of accessory buildings: _____

16. Building Lighting

Number of light standards on building: NONE
Size of light fixtures (LxWxH): _____

Type of light standards on building: _____
Height from grade: _____

Maximum wattage per fixture: _____
Light level at each property line: _____

Proposed wattage per fixture: _____
Number & location of holiday tree lighting receptacles: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: _____ Date: _____

Print Name: _____

Signature of Applicant: _____ Date: _____

Print Name: _____

Signature of Architect: _____ Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____



CONSENT OF PROPERTY OWNER

I, ESSCO OF BIRMINGHAM, LLC OF THE STATE OF MICHIGAN AND COUNTY OF
(Name of property owner)

CAKUMIO STATE THE FOLLOWING:

1. That I am the owner of real estate located at 210 SOUTH OAKWOOD AVE;
(Address of affected property)
2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by:
Re Bird and The Breed;
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the City of Birmingham.

Dated: 10/17/17

JAMES ESSHAKI, MANAGER
Owner's Name (Please Print)

James Esshaki
Owner's Signature



Notice Signs - Rental Application Community Development

1. Applicant

Name: Vintage LLC
Address: 210 S. Old Woodward
Birmingham AL 35209
Phone Number: 248-203-6600
Fax Number: _____

Property Owner

Name: ESSED Development
Address: 210 S. Old Woodward AL 35209
Birmingham MS 38209
Phone Number: 248-645-5900
Fax Number: _____

2. Project Information

Address/Location of Property: 210 S. Old Woodward 35209
Name of Development: Vintage
Area in Acres: None

Name of Historic District site is in, if any: _____
Current Use: _____
Current Zoning: _____

3. Date of Board Review

Board of Building Trades Appeals: _____
City Commission: _____
Historic District Commission: _____
Planning Board: _____

Board of Zoning Appeals: _____
Design Review Board: _____
Housing Board of Appeals: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant: _____ Date: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____
Date of Approval: _____ Date of Denial: _____ Reviewed by: _____



Kristin
248-752-8142
David
734-718-7078

SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: Vintage LLC Case #: _____ Date: _____

Address: 210 S. Old Woodward Project: Vinoteca / The bird & the bread

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan for Special Land Use Permit

A full site plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ____ 1. Name and address of applicant and proof of ownership;
- ☒ 2. Name of Development (if applicable);
- ☒ 3. Address of site and legal description of the real estate;
- N/A 4. Name and address of the land surveyor;
- N/A 5. Legend and notes, including a graphic scale, north point, and date;
- ☒ 6. A separate location map;
- N/A 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- ☒ 8. A list of all requested elements / changes to the site plan;
- ☒ 9. Any changes requested marked in color on the site plan and on all elevations of any building(s);
- N/A 10. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, City Commission, or the Historic District Committee ("HDC");
- N/A 11. Existing and proposed layout of streets, open space and other basic elements of the plan;
- N/A 12. Existing and proposed utilities and easements and their purpose;
- N/A 13. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- ☒ 14. General description, location, and types of structures on the site;
- ☒ 15. Details of existing or proposed lighting, signage and other pertinent development features;
- N/A 16. A landscape plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- N/A 17. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ✓ 18. Name and address of applicant and proof of ownership;
- ✓ 19. Name of Development (if applicable);
- ✓ 20. Address of site and legal description of the real estate;
- ✓ 21. A separate location map;
- ✓ 22. Legend and notes, including a graphic scale, north point, date and all relevant dimensions;
- ✓ 23. Color elevation drawings showing the proposed design for each façade of the building;
- ✓ 24. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer; and
- N/A 25. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- ✓ 26. Details of existing or proposed lighting, signage and other pertinent development features;
- ✓ 27. A list of any requested design changes;
- N/A 28. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometry analysis of all exterior lighting fixtures showing light levels to all property lines; and
- N/A 29. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.



HURON
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MAP SATIN BLACK

MAP METALLIC SILVER



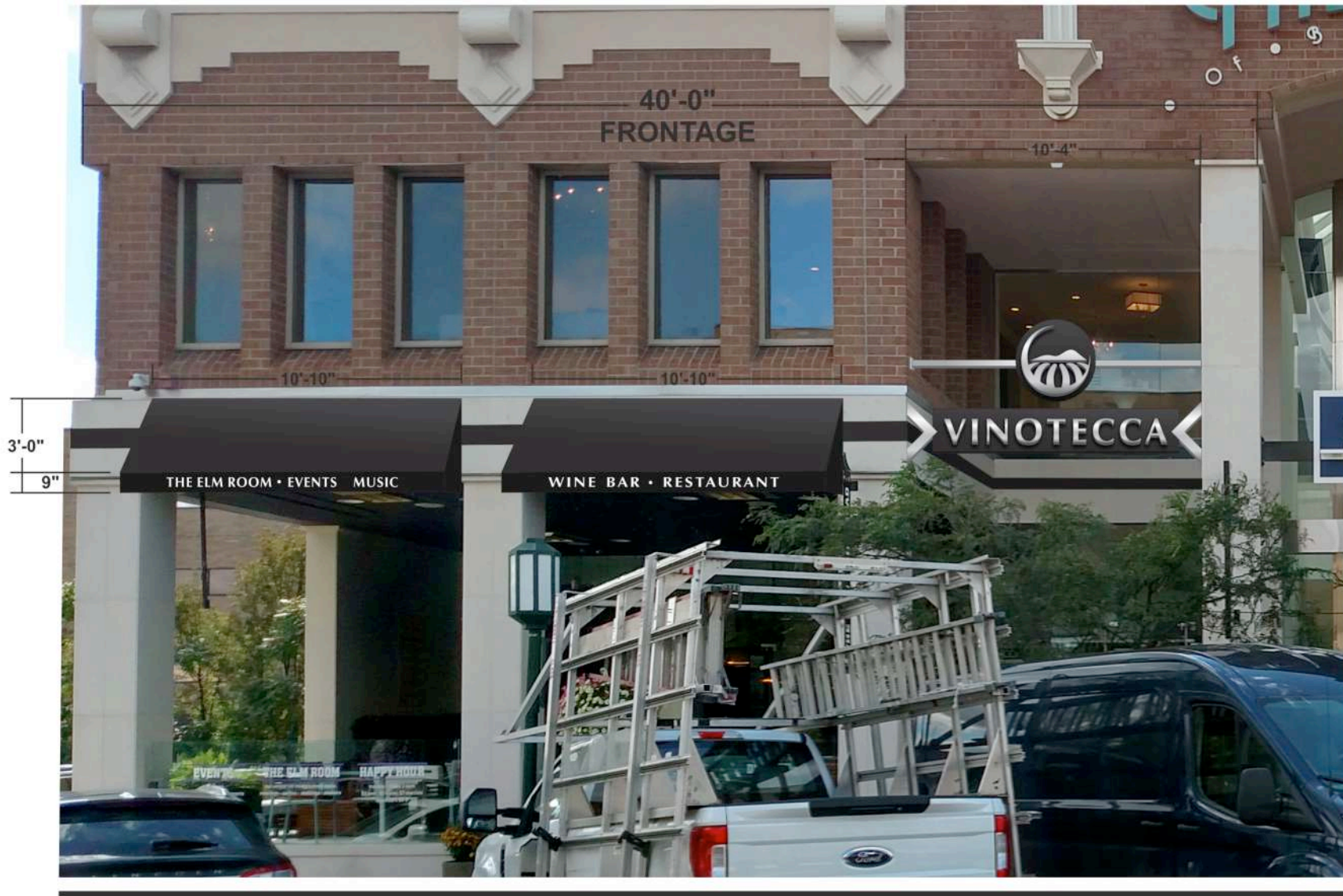
ALL ELECTRICAL SIGNS TO
BEAR THIS MARK


Underwriters
Laboratories, Inc.

-SUITABLE FOR WET LOCATIONS-
IN ACCORDANCE WITH NEC 600

ELECTRIC SIGN
CERTIFIED MANUFACTURER

Proposed Signage Concept





SECTION 1
7.8 SQFT

SECTION 2
13 SQFT

2'-9 1/2"

2'-9 1/2"

1'-6"

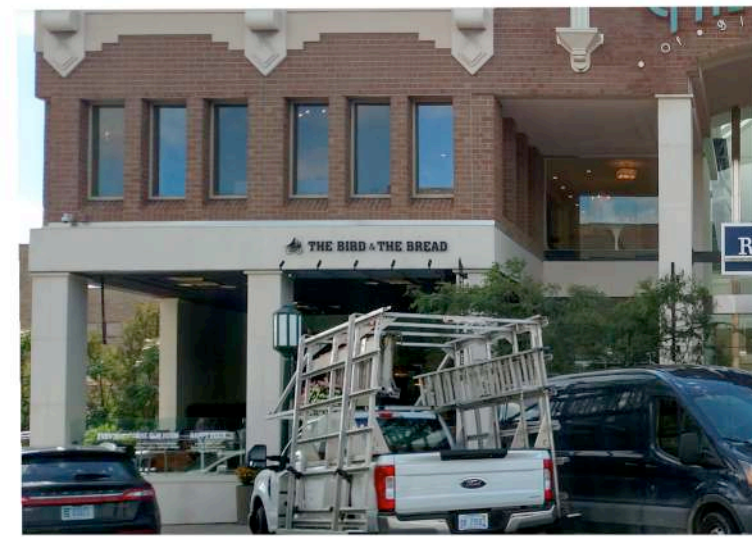
8'-7 3/4"

20.8 SQUARE FEET

SCALE 3/8" = 1'



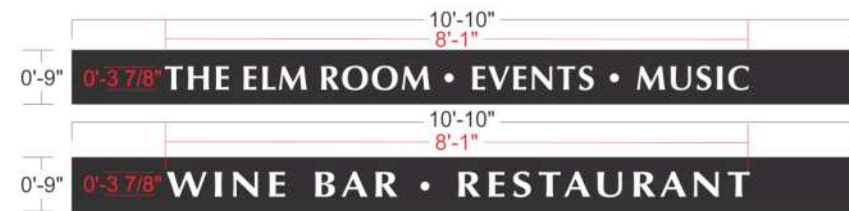
NIGHT SIMULATION



EXISTING CONDITION

NEW CUSTOM DIMENSIONAL HALO LIT WALL SIGN WITH ARCHITECTURAL ACCENT SUSPENSION BRACKETS. THE CABINET COMPONENTS ARE FABRICATED ALUMINUM 6" DEEP WITH WHITE LED LIGHTING THAT IS LET OUT OF THE 3/4" PUSH-THRU ACRYLIC LETTER SIDES. THE FACES ARE OPAQUE SILVER. THE LED LIGHT PASSES THROUGH A TRANSPARENT BURGUNDY FILM TO PRODUCE A COLOR SHIFT TOWARDS PURPLE/ RED. THE SIGN IS INSTALLED WITH WALL PLATES ATTACHED WITH EXPANSION BOLTS ALIGNED TO MORTAR JOINTS WHERE APPLICABLE. THE AWNINGS ARE FABRICATED ALUMINUM TUBE FRAMES WITH SUNBRELLA BLACK FABRIC NON-ILLUMINATED SKINS. THEY HAVE 3 7/8" APPLIED WHITE VINYL TEXT IN THE 9" VALANCES. AWNING PROJECTION IS 24" DEEP.

SCALE 3/16" = 1'



EACH VALANCE IS 8.125 SQFT
33% OF 8.125 = 2.68 SQFT
VALANCE TEXT IS 2.61 SQFT EACH

VALANCE DETAIL

SCALE 3/8" = 1'

# OF SETS	1	RETURN DEPTH	6"	RACEWAY COLOR	N.A.	DESIGNER	S WILKIE
FACE COLOR	SEE ABOVE	TYPE OF INSTALL	WALL MOUNT	TRANSFORMER	N.A.	DATE	10/24/17
RETURN COLOR	TO MATCH	TYPE OF FACE	ALUMINUM / ACRYLIC	BALLAST	N.A.	JOB NO.	9758
RETAINER COLOR	N.A. (BLIND)	RACEWAY D.	H. L. N.A.	COMMENTS:		JOB NAME	VINOTECCA-9758-7
LED COLOR	WHITE	HOUSINGS	N.A.	SALESPERSON:	KEVIN SHORT	ADDRESS:	210 S. OLD WOODWARD BIRMINGHAM, MI

APPROVED BY: _____ DATE: _____

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MEMORANDUM

Planning Division

DATE: November 3, 2017

TO: Planning Board Members

FROM: Brooks Cowan, Assistant Planner

SUBJECT: 210 S. Old Woodward – Vinoteca – Special Land Use Permit Amendment and Final Site Plan application

Executive Summary

The subject site is located at 210 S. Old Woodward, on the west side of S. Old Woodward, just south of Merrill. The applicant is the owner of the current restaurant on site, The Bird and the Bread, and wishes to change the name and concept the current restaurant into Vinoteca which will have a wine focus with European food pairings. According to Section 6 Article 6.02(A)(5) of the Zoning Ordinance, existing and new establishments with alcoholic beverage sales shall obtain a Special Land Use Permit upon change in ownership or name of establishment, or upon application for a Site Plan Review.

The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant is proposing new signage and enclosing the existing outdoor café with framing and retractable isinglass. They are also proposing minor remodeling for the interior that includes the construction of a stage for low key entertainment. The applicant will be operating with the existing Class C liquor license controlled by the property owner which is currently in use by the Bird and the Bread. Article 02 section 2.37(B)(4) permits food or drink establishments with alcoholic beverage sales (on-premise consumption) as an accessory permitted use provided that the establishment obtain Special Land Use Permit approval. 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 and Special Land Use Permit. As the proposed establishment is located within the Central Business District Historic District, the applicant will also be required to appear before the Historic District Commission.

1.0 Land Use and Zoning

- 1.1 Existing Land Use - The existing site is used for retail and commercial purposes. Land uses surrounding the site are also retail and commercial.
 - 1.2 Existing Zoning – 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 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.
-

	North	South	East	West
Existing Land Use	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 Screening and Landscaping

- 2.1 Screening – No screening is proposed at this time. However, if needed in the future, the applicant will be required to screen any additional mechanical equipment in accordance with the Zoning Ordinance.
- 2.2 Landscaping – No changes proposed.

3.0 Parking, Loading, Access, and Circulation

- 3.1 Parking – As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.
- 3.2 Loading – No changes are proposed.
- 3.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.
- 3.4 Pedestrian Access & Circulation – Pedestrian access to the outdoor café is available from the main stair case into the restaurant or the inside dining area. Outdoor cafes are encouraged as they create a more pedestrian friendly environment. The proposed café plans indicate a 5 foot width of unobstructed pedestrian access along the storefront in the public right-of-way, and thus conforms to the Zoning Ordinance provisions for outdoor cafés.
-

- 3.5 Streetscape – The existing sidewalk is concrete on the north side of Maple, accented with sections of brick pavers. The applicant is not proposing to alter the existing sidewalk, street trees, or light poles.

4.0 Lighting

Pedestrian scale light fixtures illuminate S. Old Woodward, and will continue to do so. The applicant is proposing to illuminate the new signage as well.

5.0 Departmental Reports

- 5.1 Engineering Division - No concerns were reported from the Engineering Department.
- 5.2 Department of Public Services – No concerns were reported from the DPS.
- 5.3 Fire Department – No concerns were reported from the Fire Department.
- 5.4 Police Department - No concerns were reported from the Police Department.
- 5.5 Building Department - The Building Department has provided their standard comments.

6.0 Design Review

Awning and Signage

The applicant is proposing to install two new awnings with signage along the building frontage. The two awnings are constructed of fabricated aluminum tubing with Sunbrella black fabric non-illuminated skins. They have 3.88 inch applied white vinyl text in the 9 inch valences. The awnings are 3' x 10'10", and project 2 feet from the building façade. Each valance is 8.125 square feet total, while the proposed valance signage text totals 2.61 square feet for each awning, satisfying the Sign Ordinance requirement of no more than 33% of the valance area in Section 1.05(B), Table B.

The applicant is also proposing a halo lit wall sign with the restaurant name "VINOTECCA", as well as a logo above it. The sign will utilize halo style white LED backlighting through a transparent burgundy film to produce a color shift to purple/red. The name letter sign measures 1'6" in height by 8'7.75" in width for a total of 13 square feet, while the logo sign measures 2'9.5" in height by 2'9.5" in width for a total of 7.8 square feet. The wall sign and the logo sign total 20.8 square feet.

The total linear building frontage for is 130'5" which allows 130.5 square feet of sign area. There are currently four other tenants with approved signage for the building; Chase Bank, Rivage, K&W Domaine, and Ahmet Karaca MD.

Chase Bank:	48.36 SF
Rivage Day Spa:	21.8 SF

K&W Domain:	15 SF
Ahmet Karaca MD:	12 SF
Total:	97.16

The addition of Vinoteca's sign will bring the total to 117.96 which satisfies the maximum square footage permissible according to the Sign Ordinance Section 1.05(B), Table B. Meanwhile the height of the name letter sign is less than 24 inches and the logo sign is less than 36 inches which also satisfies the Sign Ordinance Section 1.05(B), Table B.

Interior

The applicant is proposing minor remodeling for the interior that includes the construction of a small stage for low key entertainment.

Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.44 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. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.
5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
6. 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.
7. 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. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board Approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of

the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.

- d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
- e. 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.
- f. No such facility shall erect or install permanent fixtures in the public right-of-way.

The applicant is proposing to enclose the outdoor seating with roll down isinglass panels. The panels will be stabilized by 2x6 framing with 3/4" plywood cladding on faces and jambs that are primed and painted flat black. There will be 2" of continuous reveal on the top and sides. A 3'x7' wood door with clear plex is proposed on the north elevation with egress only that does not swing into the pedestrian entryway. No changes to the outdoor seating layout is proposed, the applicant is maintaining the same amount of tables and chairs as previously approved by the Planning Board.

7.0 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. The Planning Division finds the proposed site plan adequately implements the goals of the plan as they relate to outdoor café uses. The 2016 Plan states that outdoor dining space is in the public's best interest as it enhances street life, thus promoting a pedestrian friendly environment. The 2016 Plan also recommends that a 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.

8.0 Approval Criteria

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.

9.0 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.

10.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL of the applicant's request for Final Site Plan and a SLUP Amendment for 210 S. Old Woodward - Vinoteca to the City Commission, with the following conditions:

- (1) The applicant obtains approval from the Historic District Commission.

11.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL of the applicant's request for Final Site Plan and a SLUP Amendment for 210 S. Old Woodward – Vinoteca, with the following conditions:

- (1) The applicant obtains approval from the Historic District Commission.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP Amendment to the City Commission for 210 S. Old Woodward - Vinoteca, for the following reasons:

1. _____
-

2. _____
3. _____

OR

Motion to POSTPONE the Final Site Plan and SLUP Amendment for 210 S. Old Woodward - Vinoteca, with the following conditions:

1. _____
2. _____
3. _____

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, NOVEMBER 8, 2017**

11-206-17

**2. 210 S. Old Woodward Ave., The Bird & the Bread
Request for approval of a SLUP Amendment to allow for a concept change of the Bird & the Bread to Vinoteca, with interior and exterior changes proposed**

Ms. Ecker responded to Mr. Williams' question regarding the City's position on Eisenglass. It was permitted on a couple of bistro establishments that were approved. Since the approvals the City has received a number of complaints and concerns. The Planning Board has been charged with updating the development standards for bistros and one of the items is to put in place regulations concerning Eisenglass. Right now there is no specific regulation that states Eisenglass is or is not permitted. It is a case-by-case judgment by this board.

Mr. Cowan advised the subject site is located on the west side of S. Old Woodward Ave., just south of Merrill. The applicant is the owner of the current restaurant on site, The Bird and the Bread, and intends to change the name and re-concept the current restaurant into Vinoteca which will have a wine focus with European food pairings. According to Section 6 Article 6.02(A)(5) of the Zoning Ordinance, existing and new establishments with alcoholic beverage sales shall obtain a SLUP upon change in ownership or name of establishment, or upon application for a Site Plan Review. The parcel is zoned B-4 Business-Residential and D-4 in the Downtown Overlay District.

The applicant is proposing new signage and enclosing the existing outdoor café with framing and retractable Eisenglass. They are also proposing minor remodeling for the interior that includes the construction of a stage for low key entertainment. The applicant will be operating with the existing Class C Liquor License controlled by the property owner which is currently in use by The Bird and the Bread. Article 02 section 2.37(B)(4) permits food or drink establishments with alcoholic beverage sales (on-premise consumption) as an accessory permitted use provided that the establishment obtain SLUP approval. 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 and SLUP. As the proposed establishment is located within the Central Business District Historic District, the applicant will also be required to appear before the Historic District Commission.

Design Review

Awning and Signage: The applicant is proposing to install two new awnings with signage along the building frontage. The two awnings are constructed of fabricated aluminum tubing with Sunbrella black fabric non-illuminated skins. They have 3.88 in. applied white vinyl text in the 9 in. valences. The awnings project 2 ft. from the building façade. Each valance totals is 8.125 sq. ft., while the proposed valance signage text totals 2.61 sq. ft. for each awning, satisfying the Sign Ordinance requirement in Section 1.05 (B), Table B of no more than 33% of the valance area.

The applicant is also proposing a halo lit wall sign with the restaurant name "VINOTECCA", as well as a logo above it. The sign will utilize halo style white LED backlighting through a transparent burgundy film to produce a color shift to purple/red. The wall sign and the logo sign total 20.8 sq. ft. The total linear building frontage is 130 ft. 5 in. which allows 130.5 sq. ft. of sign area. There are currently four other tenants with approved signage for the building; Chase Bank, Rivage, K&W Domaine, and Ahmet Karaca MD. that have a total of 97.16 sq. ft. of signage. The addition of Vinoteca's sign will bring the total to 117.96 sq. ft. which satisfies the maximum square footage permissible according to the Sign Ordinance Section 1.05 (B), Table B.

Meanwhile the height of the name letter sign is less than 24 in. and the logo sign is less than 36 in. which also satisfies the Sign Ordinance Section 1.05 (B), Table B.

Interior: The applicant is proposing minor remodeling that includes the construction of a small stage for low key entertainment.

Outdoor Dining Area: The applicant is also proposing to enclose the outdoor seating with roll down Eisenglass panels. The panels will be stabilized by 2x6 framing with $\frac{3}{4}$ in. plywood cladding on faces and jambs that are primed and painted flat black. There will be 2 in. of continuous reveal on the top and sides. A 3 ft. x 7 ft. wood door with clear plex is proposed on the north elevation with egress only that does not swing into the pedestrian entryway. No changes to the outdoor seating layout are proposed.

Ms. Ecker indicated she and Mr. Baka have warned the applicant that Eisenglass is not currently in favor and the board would have concerns about it.

Ms. Kristin Jonna addressed the board on behalf of The Bird and the Bread. They have streamlined their process by getting back to two wine bar concepts in Ann Arbor and in Birmingham. They intend to continue bringing entertainment to the establishment.

Their reasons for proposing Eisenglass are not to expand seating. Rather they are to bring more energy right up to Old Woodward Ave. and to protect their patio from the dust of upcoming street and hotel construction, Expanding their patio season would be nice because that is where people want to sit. They didn't find more options for temporary enclosure other than Eisenglass.

Mr. Koseck advised that there are other options. He thinks Eisenglass would cheapen the place so he will not support it. Ms. Jonna indicated that other treatments will cost a lot of money and cost is a big factor for them. They tried to design it in a way that would have the least impact of a plastic material being there. Responding to the board's discussion about allowing a temporary Eisenglass installation or having it only on the hotel side, Ms. Jonna said it would not be worth installing if it would be temporary and only on one side.

Mr. Boyle observed that in order to keep out the cold other establishments have added padding to keep the drafts out. However that starts to degrade the appearance of the facility. To him, bringing in Eisenglass is a grave mistake for this establishment and for Downtown Birmingham. Therefore he urged Ms. Jonna to go back to her architect and ask him to find other options. He will not support the plan tonight with the Eisenglass.

Mr. Boyle asked if the board can divide the request and postpone the Eisenglass proposal as a separate item but still covered by the same SLUP. Ms. Ecker indicated the board has never done that before. Therefore, she would have check with the City Attorney, plus she didn't know how the Commission would react if a half of a SLUP application was brought to them.

Mr. Koseck stated the Planning Board shouldn't be making long-term decisions based on the fact that it will take 19 months to construct the hotel. Further, the board should not be designing the project. He knows there are options out there for the applicant to consider. Mr. Williams suggested that the City Attorney and the Building Dept. be consulted as to what the City will permit on an interim basis during construction, not only on this facility but on the other facilities. These are not necessarily Planning Board issues, but issues that the City should address.

Motion by Mr. Williams

Seconded by Mr. Koseck to postpone consideration of the applicant's request for Final Site Plan and a SLUP Amendment for 210 S. Old Woodward - Vinotecta, until November 29th, 2017.

Mr. Jeffares observed that costs cannot be compared to Eisenglass, which is really not an option.

Public comments were heard at 9:10 p.m.

Mr. James Esshaki, the landlord, suggested the board allow a temporary remedy to keep away the dust.

Mr. Derrick Dickow, a Downtown resident, said Eisenglass doesn't bother him as much as it bothers other people so he would support it to control dust. He went on to thank the Jonna Family for their investment in Downtown Birmingham. He urged a motion tonight so they can move forward with their plans.

Motion failed, 6-0.

ROLLCALL VOTE

Yeas: None

Nays: Williams, Koseck, Boyle, Jeffares, Lazar, Whipple-Boyce

Absent: Clein

Motion by Mr. Boyle

Seconded by Mr. Koseck that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP Amendment for 210 S. Old Woodward Ave, Vinotecta, with the following conditions:

- 1. The applicant obtains approval from the Historic District Commission; and**
- 2. The proposed Eisenglass is not to be considered as part of this approval.**

No one from the public commented on the motion at 9:15 p.m.

Motion carried, 6-0.




























VOICE VOTE

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

Nays: None
Absent: Clein

Vinoteca

Legend

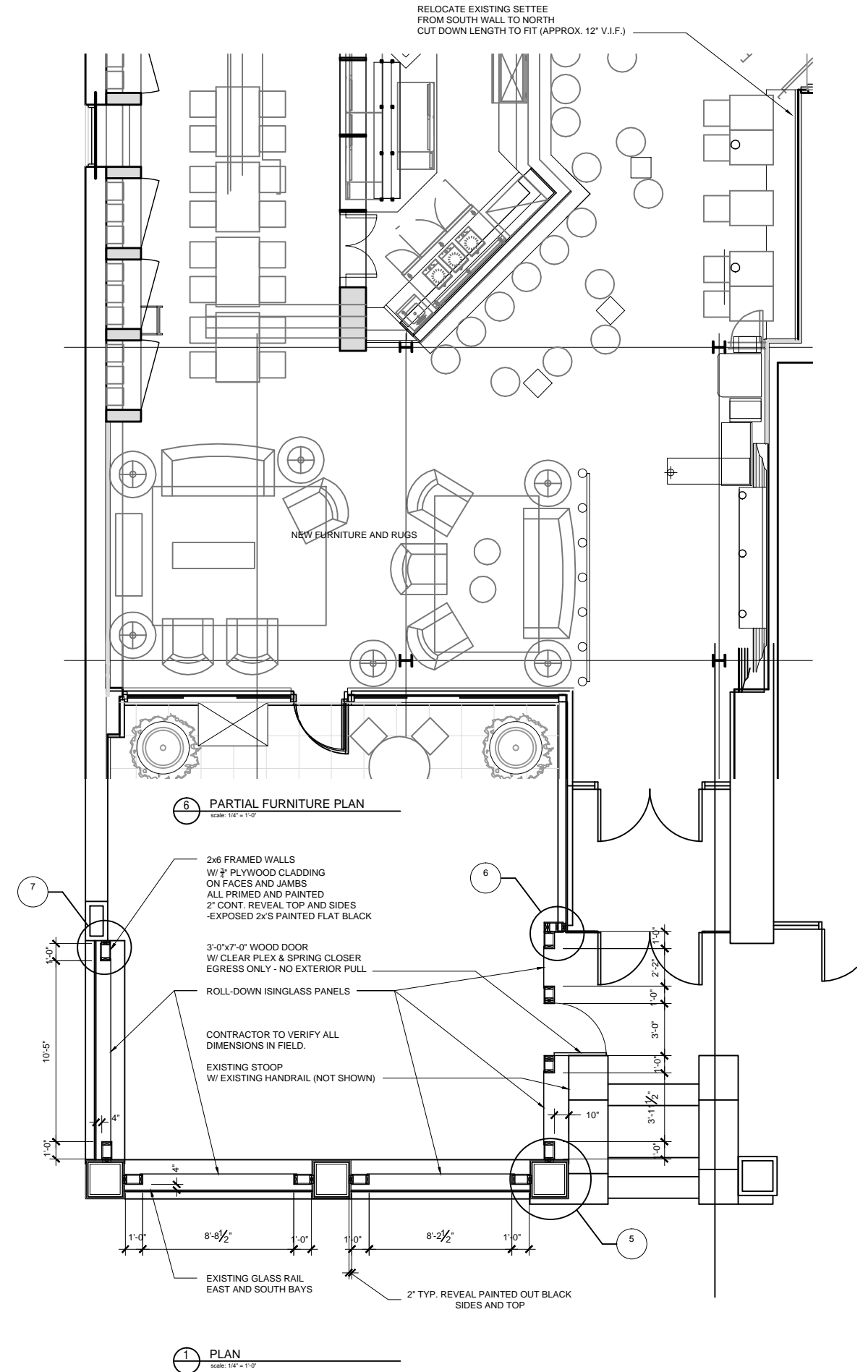
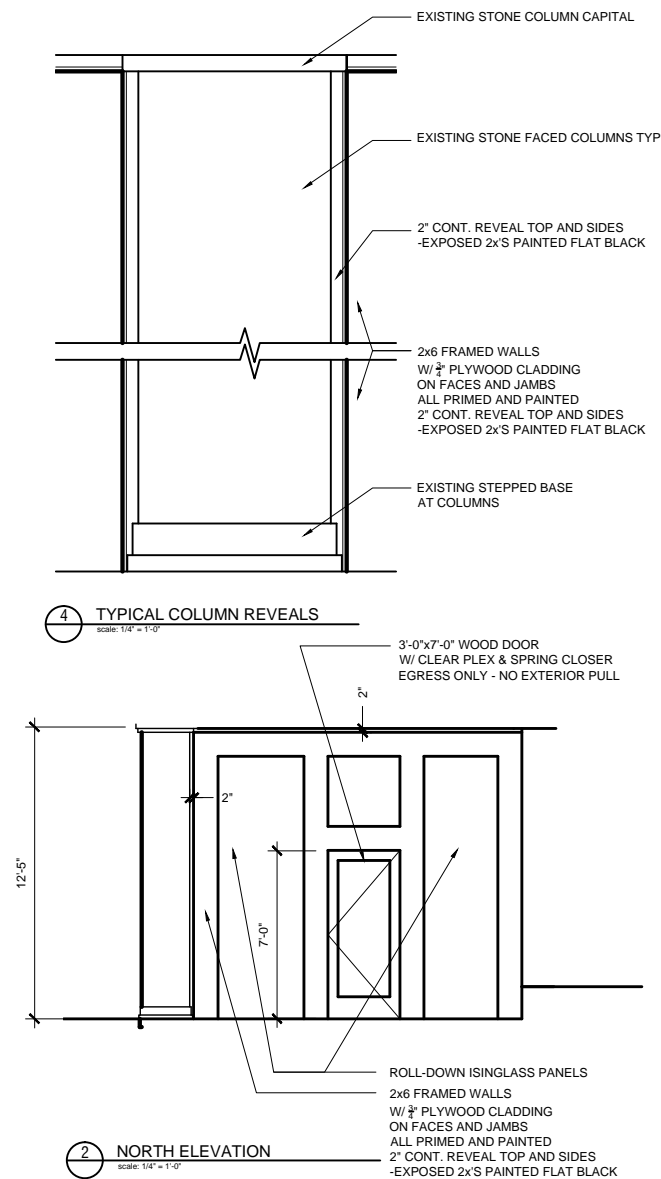
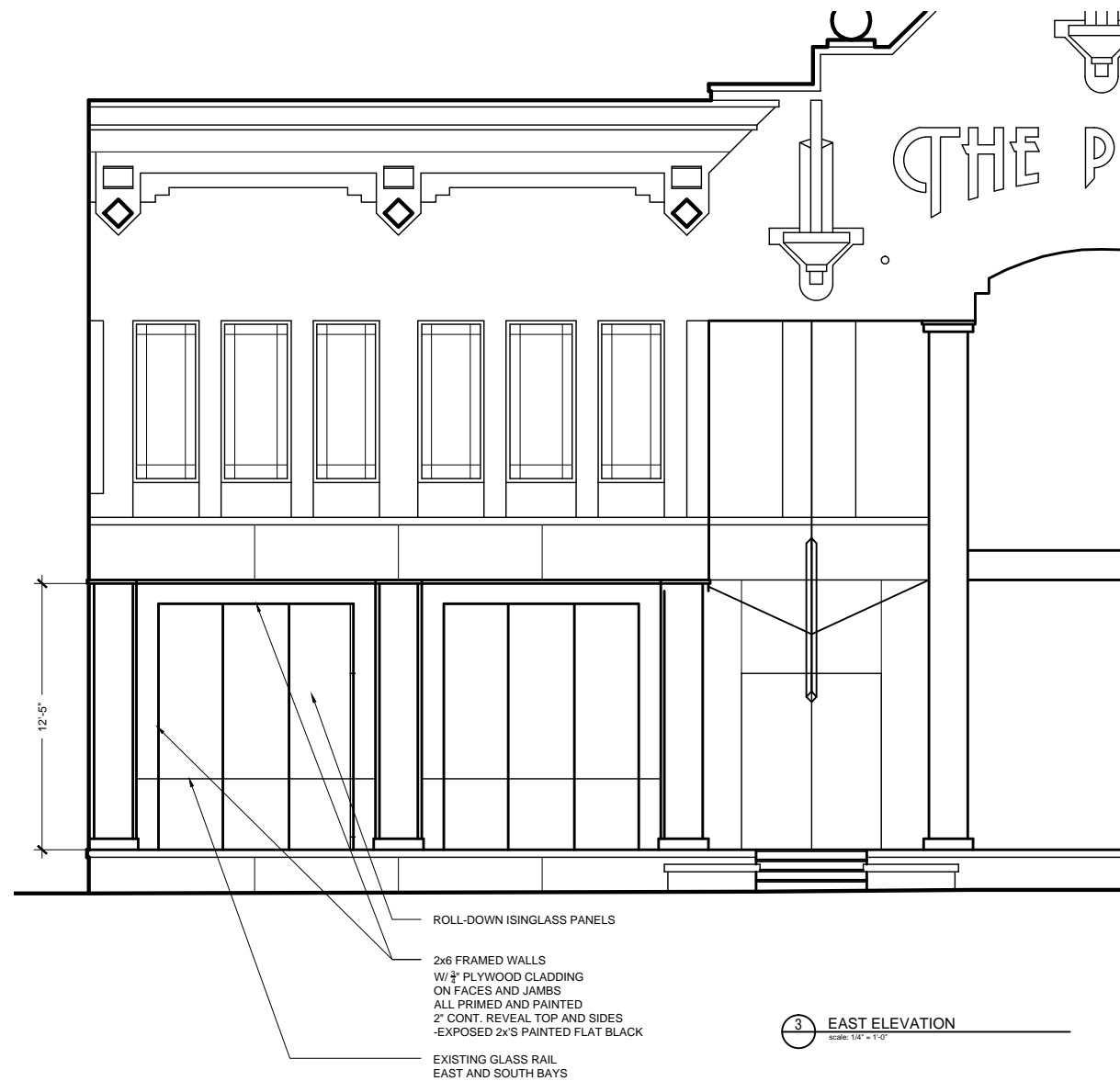
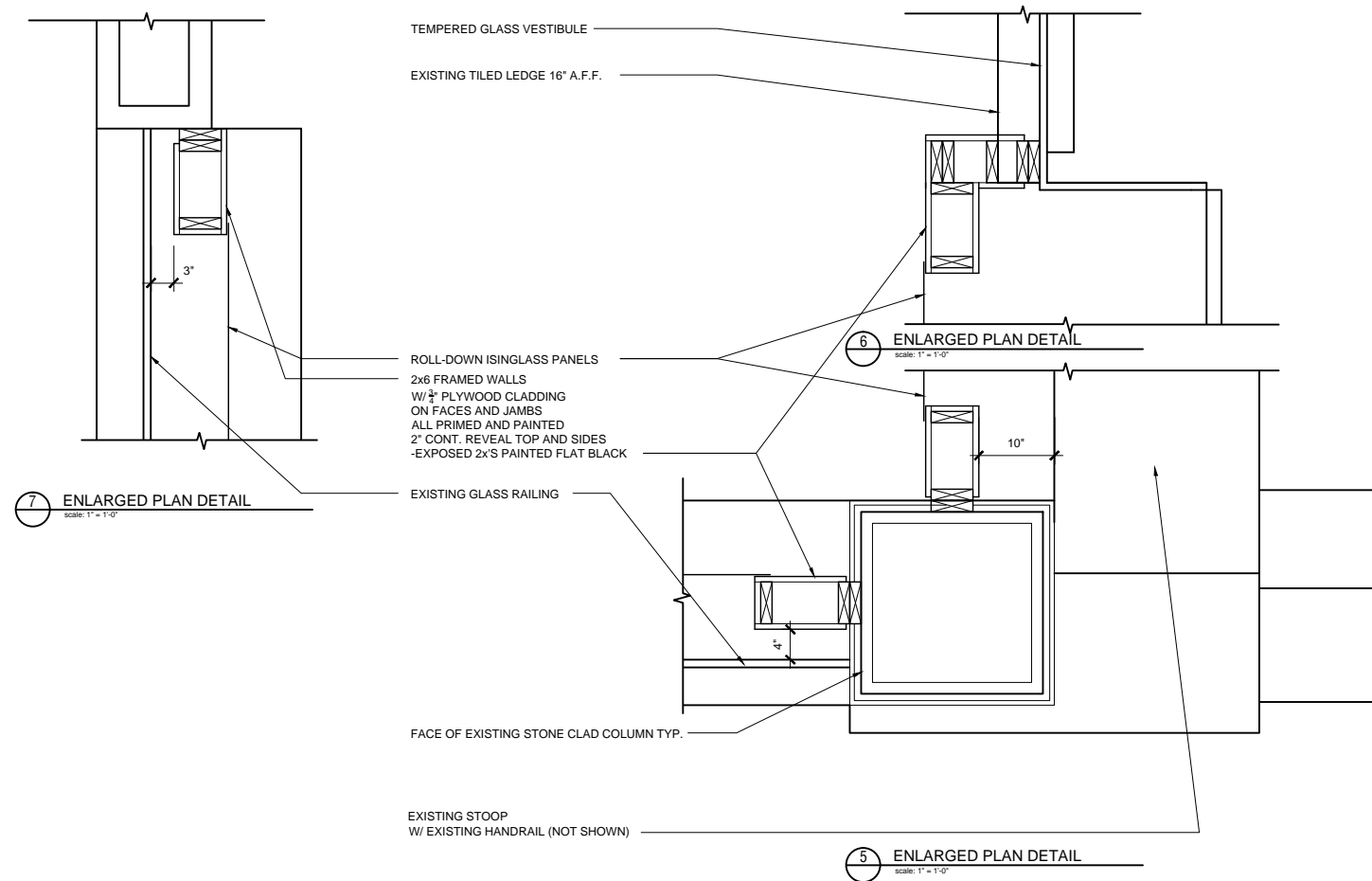
-  210 S Old Woodward Ave
-  Bank
-  Birmingham
-  Birmingham
-  Birmingham City Hall
-  Christian Science Reading Room
-  Clark Hill PLC
-  Cosi
-  DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE
-  Feature 1
-  Feature 10
-  Feature 2
-  Feature 3
-  Feature 4
-  Feature 5
-  Feature 6
-  Feature 7
-  Feature 8
-  Feature 9
-  Frank's Shoe Service
-  Jax Kar Wash
-  Lewand Custom Homes
-  Lindamood-Bell Learning Processes
-  Powerhouse
-  Richard A Litt PC
-  Shades Optical
-  Uptown
-  Wells Fargo Advisors

210 S Old Woodward Ave

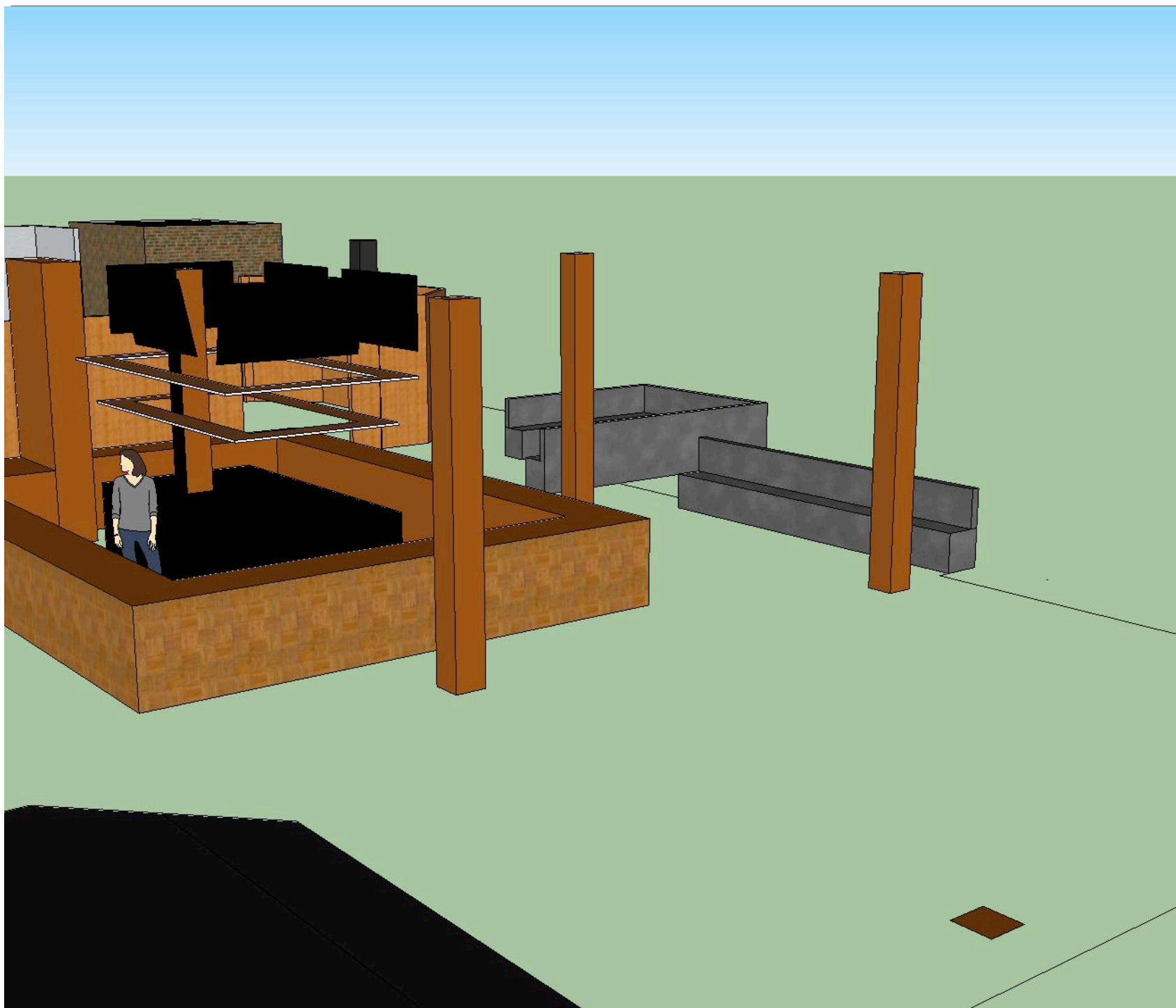
Google Earth

© 2017 Google
© 2017 Europa Technologies

200 ft



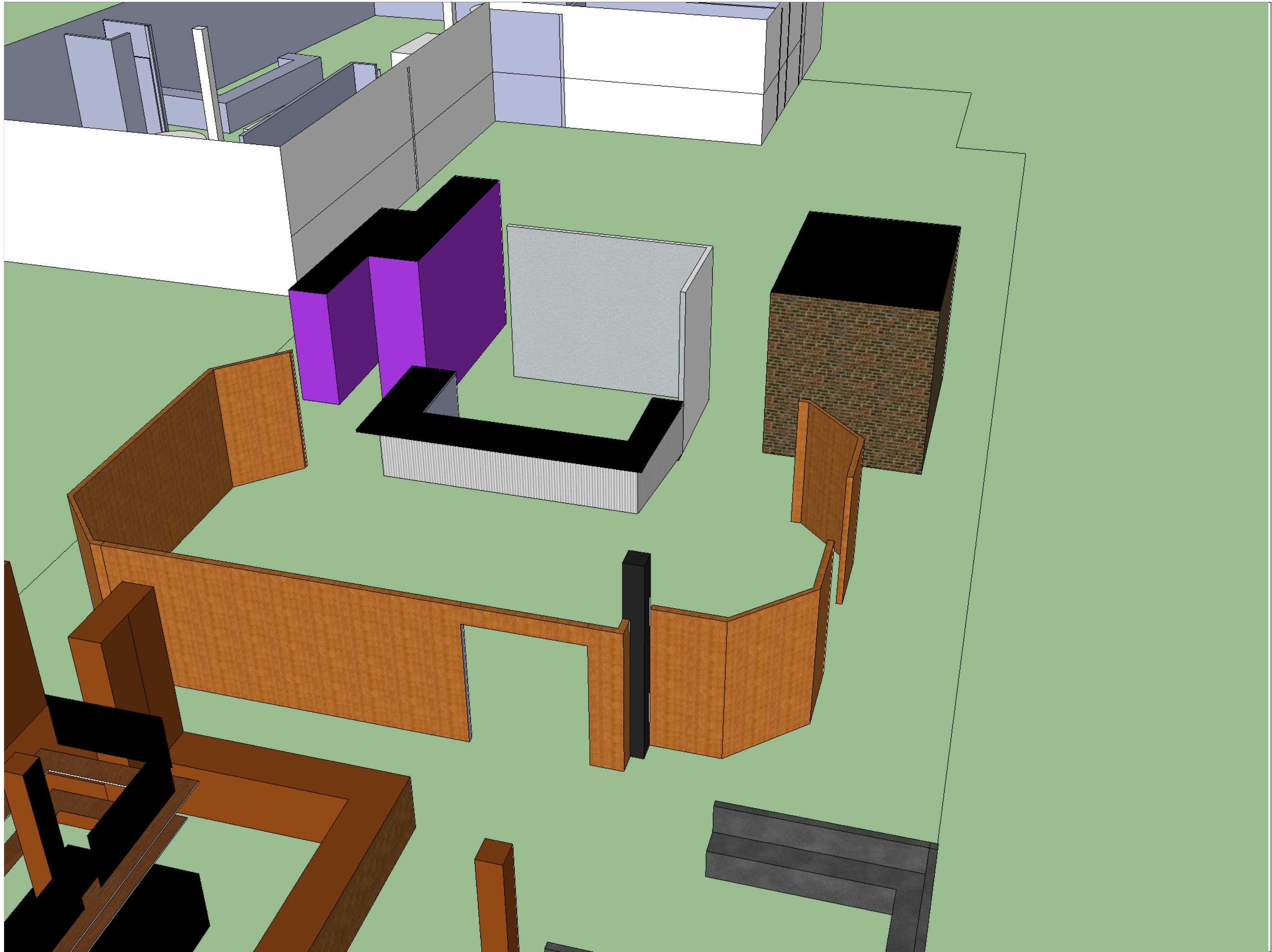
the bird and the bread

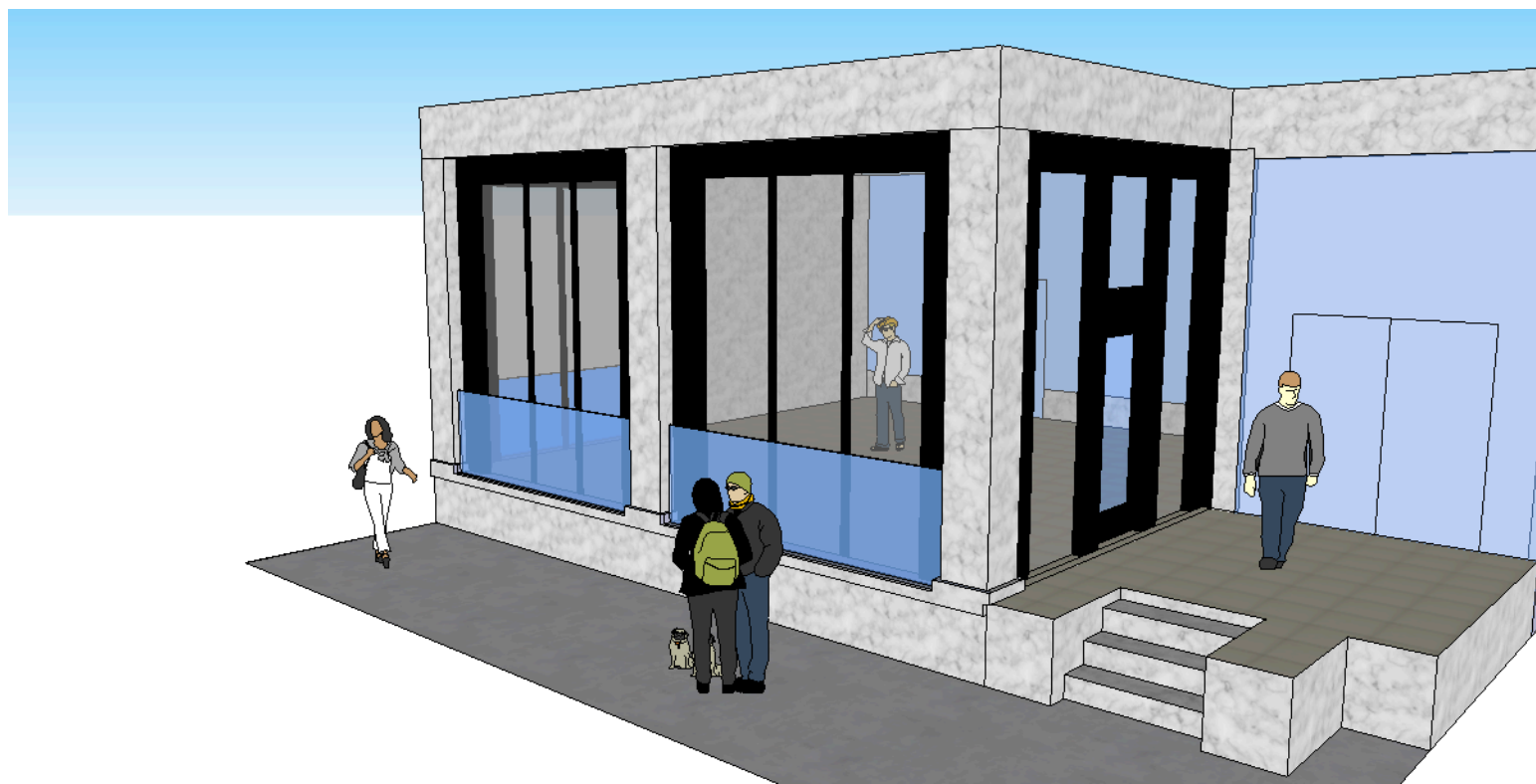


Vinoteca
Elevation

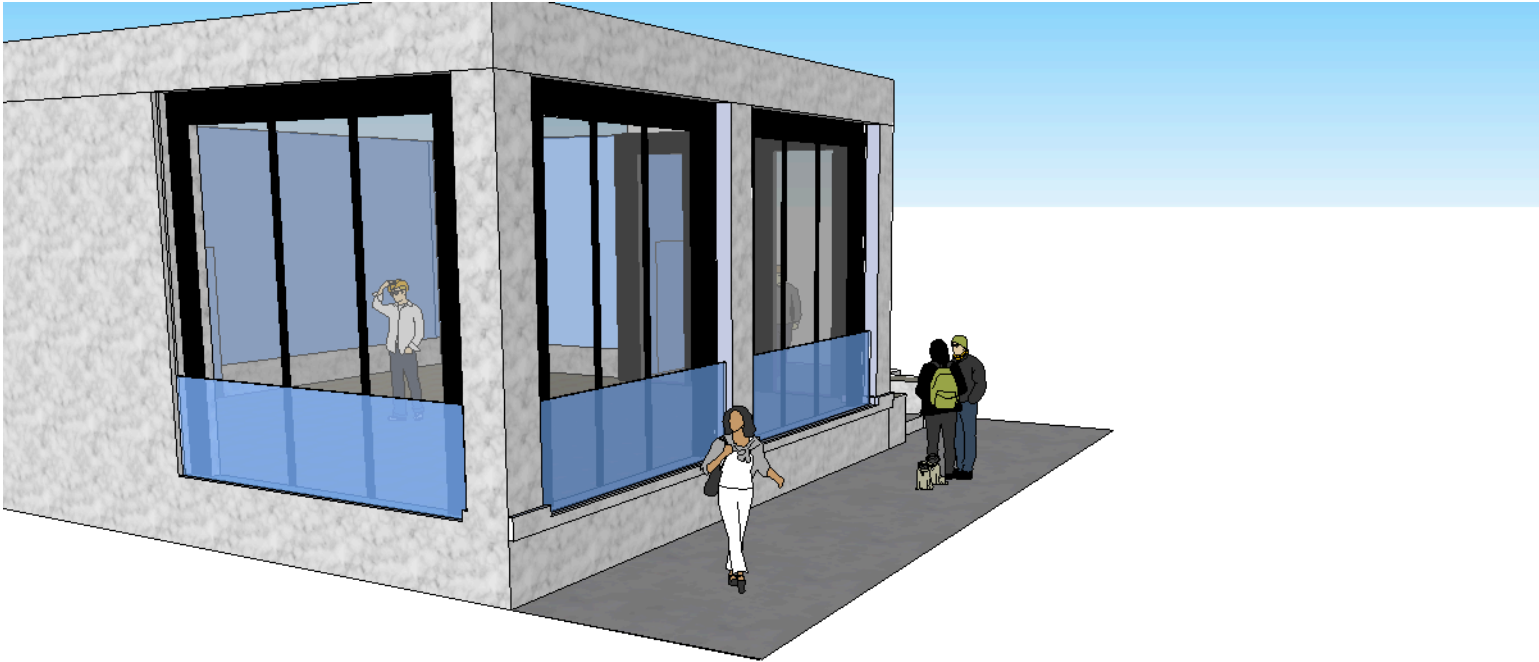
E.01





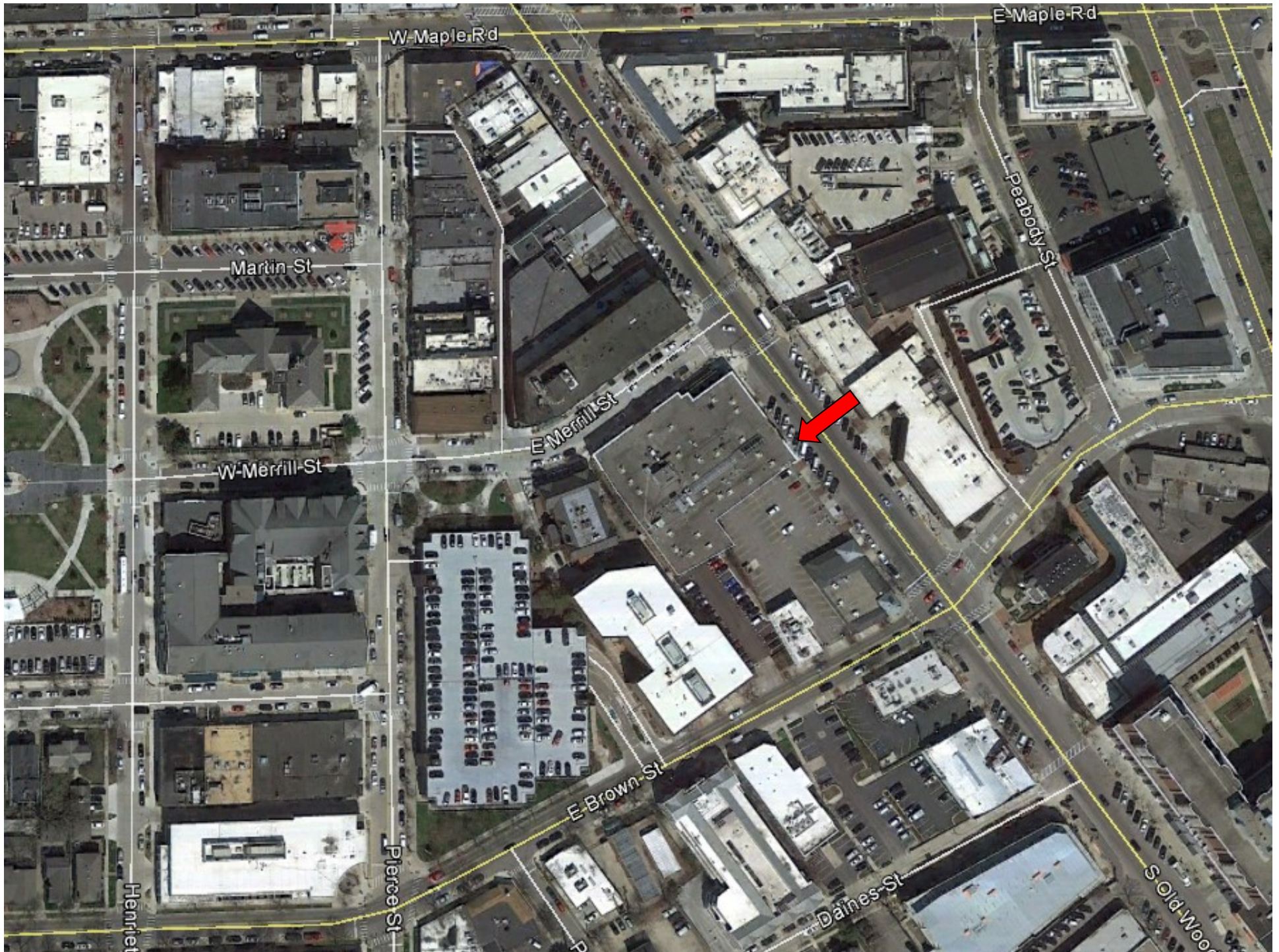








Vinoteca 2017 Aerial Photo





MEMORANDUM

City Manager's Office

DATE: November 15, 2017

TO: Joseph A. Valentine, City Manager

FROM: Joellen Haines, Assistant to the City Manager

SUBJECT: Plan for Finalizing City Logo

At the City Commission meeting of July 24, 2017, McCann Detroit presented the top three logos recommended by the Ad Hoc Birmingham Brand Development Committee (BBDC). No action was taken on the recommendation by the Ad Hoc BBDC to approve the preferred Logo 1 as the new Birmingham city logo.

The Commission indicated that they wanted to consider designs that included a tree. There were comments that the current logo simply needed an update. Two commissioners expressed interest in showing the designs to others to gauge community reaction. (See attached July 24, 2017 City Commission meeting minutes)

Overall, the Commission felt the designs presented were close but not quite ready for approval, and it was suggested that the City meet with McCann to discuss how to move the project forward. The City met with McCann on Aug. 16, 2017, and McCann indicated they felt they had met their commitment to the project, and were willing to turn over to the city working copies of the designs, including two earlier drafts of tree designs.

The following plan attempts to move the project toward completion to adopt a new city logo. By conducting a public survey as outlined in this plan, it moves the process forward by gathering additional public feedback on the proposed designs already vetted by the Ad Hoc BBDC. This course of action follows a similar approach used by the City Commission to decide a city color a few years ago, when a public survey was used to gather feedback to assist in making a final decision. After much public input and review by the Commission, the dark green color was approved as the city color.

PROPOSED PLAN FOR FINALIZATION OF CITY LOGO

1. **Conduct a city-wide survey.** The proposed survey will solicit feedback from the community on six logos, which includes the three initial logos recommended by the Ad Hoc BBC, two tree logo designs from early McCann drafts, and the current Birmingham City logo. The purpose of the survey is to gather input regarding specific logo design elements, and to find out what elements they like or don't like, and to find out which logo design is the most preferred of the six. (The proposed survey is attached.) The survey will be conducted over a period of three weeks, and will be promoted via local news outlets, city social media channels, and the city website.

2. **Gather data and summarize results.** The survey questions are designed to gather specific data and feedback on each design and its design elements, and to determine which logo design is the most preferred. There is also a comment section which provides a way for participants to offer additional feedback on each logo. The results of the survey will be collected and summarized for review by the Commission.

3. **Report data to the City Commission.** A report will be presented to the City Commission to review the survey findings and to determine if the data supports a preference for a specific logo or for specific elements of a logo design. The Commission can then determine, based on the input from the survey, if there are desired modifications to be considered or the Commission may provide direction on a preferred logo. If modifications are desired, staff will modify and bring back for review.

SUGGESTED RESOLUTION:

To endorse the Proposed Plan for Finalization of the City Logo.

Excerpt minutes from the July 24, 2017 Birmingham City Commission Meeting:
See 07-210-17 below-Recommendation by the Ad Hoc BBDC-new Birmingham City Logo

- Commissioner Boutros felt the ordinance has to take into consideration the fact that the sun can jeopardize products and suggested something is needed to protect the display of products being sold. He felt it was a separate issue from advertising in windows.
- Mayor Nickita noted when ordinances are examined precedent is considered. He suggested if a product is jeopardized by the sun, the product does not belong in the window. He agreed that screening for restaurants might be different. He said he was comfortable adopting the proposed ordinances.

Mayor Pro Tem Harris requested Article 04, Section 4.90 E. be clarified to denote that a modification to the standards does not necessarily require approval by all three boards listed, just by those boards required to review the request. Commissioner DeWeese requested further clarification that modification to the standards must be approved by a majority of the board members appointed and serving, rather than just by a majority of those board members in attendance at the meeting.

MOTION: Motion by Commissioner Bordman, seconded by Mayor Nickita:

To approve the following Zoning Ordinance amendments with additional changes to Article 04 Development Standards, Section 4.90, WN-01 as noted under "c." below:

- a. Article 03 Downtown Overlay District, Section 3.04(e) Architectural Standards to require clear glazing at the first floor façade;
- b. Article 03 Triangle Overlay District, Section 3.09, commercial/mixed use architectural requirements to require clear glazing at the first floor façade;
- c. Article 04 Development Standards, Section 4.90, WN-01 (Window Standards) to alter the required glazing on commercial buildings, with the following additional changes:
 - i. Under A.2. delete the words "in neutral colors";
 - ii. Revise the language of E. to read: "To allow flexibility in design, these standards may be modified by a majority vote of *those appointed and serving on the appropriate reviewing body, including the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:*
- d. Article 07 Architectural Design Requirements, Section 7.05, Requirements, to remove inconsistent provisions; and
- e. Article 9, Section 9.02, Definitions, to add definitions for clear glazing and lightly tinted glazing.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**07-210-17 RECOMMENDATION BY THE AD HOC BIRMINGHAM BRAND
DEVELOPMENT COMMITTEE (BBDC) FOR A NEW BIRMINGHAM
CITY LOGO**

Assistant to the City Manager Haines reported:

- The Ad Hoc BBDC is comprised of one member from the Parks and Recreation Board, one member from the Birmingham Shopping District (BSD), one member from the Planning Board, two City Commissioners, and two at-large members drawn from different neighborhoods.
- The goal of the rebranding initiative is to establish a new brand (logo) that communicates Birmingham's image in a positive, evolving and refreshing way.

- McCann Detroit was selected on October 17, 2016 to design a new city logo using the process determined by the City, which included McCann conducting three stakeholder meetings, which took place December 13, 14 and 15th, 2016, designed to gather input about Birmingham from three core stakeholder groups, one representing residents, a second representing business owners, and a third representing current board or committee members.
- During these meetings, participants were asked a series of questions such as what Birmingham means to them, and what makes Birmingham different from other cities.
- McCann presented their first designs to the Ad Hoc Committee on January 30, 2017, and the Committee held a total of nine public meetings, evaluating more than 50 logo designs.
- The Committee directed McCann to focus on specific words to use as logo guideposts which included: Timeless/Classic, Distinctive/Unique, Fresh, Clean, Sophisticated/Refined, and to focus on the iconic historic side of Birmingham for inspiration.
- The Committee narrowed their logo selection down to three, and voted to recommend Logo #1 as their preferred recommendation, with Logo 2 and 3 as alternates in order of preference.
 - Logo #1 uses an icon modelled after the Marshall Frederick's sculpture in Shain Park, along with the words "Birmingham" and "A Walkable City" tagline beneath the icon.
 - Logo #2 uses the words only of Birmingham, with an elongated R, and tagline.
 - Logo #3 uses a square icon resting above the word Birmingham, and includes the tagline.

McCann Detroit representative Susan Stallings explained the process of public input and development of the final three logo designs by Ad Hoc BBDC. Ms. Stallings described the inspiration for each of the three final logos:

- Logo # 1 is inspired by Birmingham resident Marshall Frederick's "Freedom of the Human Spirit" sculpture. The distinctive icon captures the essence and energy of this focal point of Shain Park. When combined with a classic font for the city name, and balanced with the simple tagline, this logo embodies the modern yet timeless nature of the city itself. This logo is versatile. The elements can be used together, separately or arranged differently, depending upon the specific application.
- Logo #2 uses a classic font that has been customized to represent the distinctive, unique nature of the city. It has a fresh, sophisticated feel that lends itself to numerous applications.
- Logo #3 uses an icon that represents the downtown as the center of the city surrounded by its neighborhoods. When combined with a classic serif font in upper and lowercase, it creates a clean, approachable look for the city. The elements can be used together, separately or arranged differently, depending upon the specific application.

Commissioner Bordman asked what a city logo is, what it is supposed to do, who the intended audience is, and if a brand is effective without an icon.

Ms. Stallings explained a logo is a branded identity, is not just for visitors, and can be effective without an icon if it is customized.

Doug Fehan, member of the Ad Hoc BBDC, reported:

- The AD Hoc BBDC included architects, marketing and advertising professionals, an artist and a calligraphy expert.

- The Committee had spirited conversations, considered 50 iterations, and met all criteria set.
- He characterized the work of the Committee as exhaustive.
- Logo #1 creates the image of the City, and, like the Nike swoosh, will become known through branding and use.

Peter Hollinshead, member of the Ad Hoc BBDC, thanked Ms. Stallings for an excellent presentation and her wonderful work with the committee throughout the process. He explained:

- A logo and a graphic identity for a governmental body should be a device that reaches not only visitors and outsiders but also residents and users of City services.
- It should draw on things that will resonate with those audiences.
- The Committee worked to avoid a logo that was dated or trendy.

Commissioner DeWeese felt Logo #3 was too complicated because it requires explanation of the square. He said Logo #1 may have captured the spirit of the City, noting it represents something unique about Birmingham.

Commissioner Hoff commended McCann Detroit for their leadership. She was not certain Logo #1 was the best for Birmingham and commented that she personally does not believe the logo is right yet.

Mayor Pro Tem Harris said he prefers Logo #1 and indicated initial ignorance of what the icon is does not detract from the logo.

Commissioner Boutros echoed Mayor Pro Tem Harris' statements, and said he personally prefers Logo #1 from a design standpoint. He questioned why the typeface is not sans serif which is more modern. Ms. Stallings explained the feeling of most people was that the modern look of sans serif would eventually date the logo, so a combination of styles was used to make the logo more approachable.

Mayor Nickita commented on the thorough approach to the development of the logos. He noted the majority of icons and logos use imagery which is meant to be ultimately identified with a product.

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Harris:
To approve Logo # 1 as the preferred logo by the Ad Hoc BBDC as the new Birmingham city logo.

Commissioner Sherman agreed with Commissioner Hoff that none of the three are ready to be the Birmingham logo. He said they are a starting point, but are not an ending point, and commented that none of the three logos made him think "Birmingham".

Commissioner Bordman said she attended a few of the Committee meetings, knows how hard the members worked on the project, recognizes they are very attached to the results, and she extended the City's appreciation. She commented that she does not understand the icon on Logo #1 and does not support it. She thinks neither of the other two logos really depict Birmingham. Commissioner Bordman agreed with Commissioners Hoff and Sherman that the three logos presented don't do what they need to do.

Commissioner Sherman stated he does not want a split decision on the City's logo.

Mayor Nickita was comfortable with Logo #1, but agreed a unified agreement by the Commission was preferred.

Brief discussion ensued regarding options for next steps.

Commissioner DeWeese strongly supported an icon in the logo. He stated he will vote against his own motion because the Commission should be unified in the decision. Commissioner DeWeese commented the logo needs to be something people will accept and identify with.

Commissioner Deweese moved to withdraw his motion. Mayor Pro Tem Harris did not support the motion to withdraw.

VOTE: Yeas, 2 (Harris, Boutros)
 Nays, 5 (Bordman, DeWeese, Hoff, Nickita, Sherman)
 Absent, 0

Motion failed.

Mark Canavan, McCann Detroit, explained that identity of a logo is a day-forward process, meaning a logo gains meaning with every touchpoint and is meant to grow over 10 or 20 years.

Mayor Nickita asked what the next step is that will help build consensus, stating he wants to build on momentum, not falter. He asked if meeting with McCann Detroit or taking City Manager Valentine's suggestion of workshops should be the next step.

The McCann Detroit representatives indicated time is needed to think about the next step. Mayor Nickita felt it would probably be worthy of the effort to have McCann Detroit put together some suggestions for how to move forward to create consensus.

Commissioner Boutros favored focusing on refining Logo #1.

Commissioners Hoff and Bordman expressed interest in showing the logos to other people to gauge reactions. Commissioner Bordman wondered if receiving reactions from others would crystalize her thoughts and help her determine if one of the logos is the right one.

No action was taken.

07-211-17 S. ETON RD. CORRIDOR – MAPLE RD. TO LINCOLN AVE. MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATIONS

City Engineer O'Meara's report to City Manager Valentine, dated July 19, 2017, is excerpted in regard to four suggested changes on the first block of S. Eton Rd.:

The Ad Hoc Rail District Committee identified four suggested changes on the first block of S. Eton Rd. They are as follows:

- 1. Relocate the west side curb for the entire block from its current location to a point three feet closer to the center of the road. Relocating the curb takes the extra space currently available on the one southbound lane of S. Eton Rd., and makes it available for an enhanced 8 ft. wide sidewalk (up from the existing 5 ft.). The recommendation came from the fact that the current sidewalk is the main*

Sample Survey

City of Birmingham Logo Survey **Your City Needs You!**

We want to know your thoughts! Thank you for helping the City of Birmingham by providing valuable feedback on design elements for our city logo. Please answer the following questions and tell what you like or dislike about these designs.

This survey is quick, online, completely secure, and your responses will remain anonymous. Please note: the survey will take less than 3 minutes to fill out. Thanks for your feedback!

1. Which category best describes you?

- ☐ I am a Birmingham resident
- ☐ I am not a Birmingham resident
- ☐ I am not a Birmingham resident, but own a business or property in Birmingham

2. Examine the design below. (Check all that apply)



- ☐ I like the logo
- ☐ I dislike the logo
- ☐ I like the font
- ☐ I dislike the font
- ☐ It represents Birmingham to me
- ☐ It does not represent Birmingham to me
- ☐ Comments _____

3. Examine this design below. (Check all that apply)



- ☐ I like the logo
- ☐ I dislike the logo
- ☐ I like the font
- ☐ I dislike the font
- ☐ It represents Birmingham to me
- ☐ It does not represent Birmingham to me
- ☐ Comments _____

4. Examine this design below. (Check all that apply)



- ☐ I like the logo
- ☐ I dislike the logo
- ☐ I like the font
- ☐ I dislike the font
- ☐ It represents Birmingham to me
- ☐ It does not represent Birmingham to me
- ☐ Comments _____

5. Examine this design below. (Check all that apply)



- ☐ I like the logo
- ☐ I dislike the logo
- ☐ I like the font
- ☐ I dislike the font
- ☐ It represents Birmingham to me
- ☐ It does not represent Birmingham to me
- ☐ Comments _____

6. Examine the design below. (Check all that apply)



- ☐ I like the logo
- ☐ I dislike the logo
- ☐ I like the font
- ☐ I dislike the font
- ☐ It represents Birmingham to me
- ☐ It does not represent Birmingham to me
- ☐ Comments _____

7. Examine the design. (Check all that apply)



- ☐ I like the logo
- ☐ I dislike the logo
- ☐ I like the font
- ☐ I dislike the font
- ☐ It represents Birmingham to me
- ☐ It does not represent Birmingham to me
- ☐ Comments _____

8. Rank the designs from 1 to 6, 1 being your favorite and 6 being the least favorite.

☐



☐



☐



☐





Birmingham



NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
PROPOSED LOT COMBINATION

Meeting Date, Time, Location:	Monday, November 20, 2017 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	412 & 420 E. Frank, Lots 31 & 32, and the west 32' of Lots 3 & 4 Blakeslee Addition
Nature of Hearing:	To consider the proposed lot combination of 412 & 420 E. Frank (Parcel #) as well as the small strip of parking that abuts 420 E. Frank on the east
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners within 300 feet of subject address.
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



MEMORANDUM

Planning Division

DATE: November 15, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Public Hearing for a Lot Combination of 412 – 420 E. Frank Street, Lots 31 & 32 and the west 32' of lots 3 & 4 Blakeslee Addition

The subject site is composed of three parcels, 412 & 420 E. Frank as well as the small strip of parking that abuts 420 E. Frank on the east (see attached survey and aerial photo). 412 E. Frank was most recently occupied by Frank Street Bakery, while 420 E. Frank has been used as an interior design office space for the past several years. The owner of these properties is seeking approval to combine the three parcels into one lot. All 3 parcels combine to make one parcel 15,200 square feet in size on the southeast corner of E. Frank and Ann Street. The applicant is proposing to combine all three lots into one parcel, and demolish the existing buildings to construct a three story, five (5) unit multi-family residential structure.

On February 13, 2017, the City Commission approved a rezoning of all three of the above lots to TZ1, Transition Zoning to allow both single and multiple family residential uses on the site. The proposed residential units are permitted principal uses in the TZ1 zone.

On March 22nd, 2017, the Planning Board approved the Preliminary Site Plan for construction of the new three story residential building with the following conditions:

1. The applicant will be required to provide the height of the chimneys at Final Site Plan Review to determine compliance with the Zoning Ordinance;
2. The applicant will be required to provide the required number of trees on-site;
3. The applicant will be required to provide the dimensions of the sidewalks to verify that they meet the ordinance requirements;
4. The applicant will be required to provide three additional street trees or obtain a waiver from the Staff Arborist;
5. The applicant must provide the required bike racks or obtain a variance from the BZA;
6. The applicant provides the required 6 ft. masonry screenwall or meets the ordinance requirements; and
7. The applicant complies with requests from City Departments.

On June 28, 2017, the Planning Board approved the Final Site Plan & Design Review for the construction of a new three story residential building on the above parcels with the following conditions:

1. The applicant provide calculations that confirm at least 25% of the proposed building's front facade is comprised of windows or doors;
2. The east elevation first floor is broken up with some masonry detail to be administratively approved.

At this time, the applicant is seeking approval from the City Commission to combine the three lots into one parcel to allow construction of a new three story building on the site.

On October 30, 2017, the City Commission set a public hearing date to consider the proposed lot combination, pursuant to the procedures set forth in Section 102-52 of the Subdivision Ordinance. The Subdivision Regulation Ordinance (Chapter 102, Section 102-83) requires that the following standards be met for approval of a lot combination:

An unplatted or platted parcel or tract of land shall not be combined with another parcel unless the city commission finds that all of the following conditions have been met:

1. The combination will result in lots or parcels of land consistent with the character of the area where the property is located, Chapter 126 of this Code for the zone district in which the property is located, and all applicable master land use plans.

The subject parcels are located in a transitional area that includes commercial properties of equal or larger sizes than the proposed combined parcel to the east and north. The residential area to the southwest also contains a variety of lot sizes, with three on the opposite side of Anne Street similar in size to the proposed lot after combination. Residential parcels to the south are smaller than the proposed lot after combination. **Due to the mixed lot sizes in this transitional area, the proposal appears to meet this requirement.**

2. All residential lots formed as a result of a combination shall be a maximum width of no more than twice the average lot width of all lots in the same zone district within 300 feet on the same street.

There are no other lots within 300' that have TZ1 Transitional Zoning. **Thus, the proposal meets this requirement.**

3. All residential lots formed as a result of a combination shall be a maximum area of no more than twice the average lot area of all lots in the same zone district within 300 feet on the same street.

The lots to be combined are not zoned residential, but are zoned TZ1, Transitional Zone, which does allow residential uses only. However, there are no other lots in the same TZ1 zone district within 300' of the subject site. **Thus, the proposal meets this requirement.**

4. The combination will result in building envelopes on the combined parcels that will allow for the placement of buildings and structures in a manner consistent with the existing rhythm and pattern of development within 500 feet in all directions in the same zone district.

The lots to be combined are zoned TZ1, Transitional Zone. There are no other lots in the same TZ1 zone district within 500' of the subject site. **Thus, the proposal meets this requirement.**

5. Any due or unpaid taxes or special assessments upon the property have been paid in full.

There are no outstanding taxes due on this property. **The proposal meets this requirement.**

6. The combination will not adversely affect the interest of the public or the abutting property owners. In making this determination, the city commission shall consider, but not be limited to the following:

- a) The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use or appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.

Vehicular access to the site is currently on the east side of Anne just south of Frank. The proposed new development proposes to relocate the vehicular access to the south side of Frank Street. This will not hinder access or development of neighboring properties, and will decrease traffic volumes on the residential portion of Anne Street south of Frank Street. **The proposal meets this requirement.**

- b) The effect of the proposed combination upon any floodplain areas, wetlands and other natural features and the ability of the applicant to develop a buildable site on the resulting parcel without unreasonable disturbance of such natural features.

This property is not located in a floodplain, nor adjacent to a floodplain. There are no significant natural features on the site.

- c) The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.

The proposed development to be constructed on the combined lots does not appear to impact the supply of light and air to adjacent properties or the ability of the City to provide essential services.

SUGGESTED ACTION:

To APPROVE the proposed lot combination of 412 – 420 E. Frank Street, Lots 31 & 32 and the west 32' of lots 3 & 4 Blakeslee Addition.

Planning Board Minutes
December 14, 2016

APPLICATIONS FOR REZONING

1. 412 – 420 E. Frank St. (Frank St. Bakery & Petrella Designs) – Request for rezoning of the property from R-3, B-1 and B-2B to TZ-1 (Transition Zone) (continued from November 9, 2016)

Ms. Ecker noted the subject property is located on the southeast corner of Frank St. and Ann St., and includes one corner lot (Lot 32, Blakeslee Addition); one lot immediately to the south facing Ann St. and running parallel to Frank St. (Lot 31, Blakeslee Addition); and the rear 32 ft. of lots 3 and 4 of the Blakeslee Addition that front on S. Old Woodward Ave. All three of these lots or portions of lots were previously combined and appear to have been split into three independent parcels prior to 1960. The three parcels are currently under common ownership.

The applicant is requesting that the Planning Board hold a public hearing to consider the rezoning of the western portion of the property (412 E. Frank St., parcel #19-36-253-001) from R-3 (Single-Family Residential) to TZ-1 (Transition Zone); and the central portion of the property (420 E. Frank St., parcel #19-36-253-002) from B-1 Neighborhood Business to TZ-1 (Transition Zone); and the eastern portion of the property (no known address, parcel #19-36-253-003) from B2-B to TZ-1 (Transition Zone).

On October 26, 2016, the applicant agreed to study the possibility of placing a single-family home on the western portion of the property at the corner of Ann St. and Frank St. and a multi-family residential building on the central and eastern portions of the property using the TZ-1 development standards.

On November 9, 2016, the applicant brought several studies to demonstrate the difficulty in developing the site with the current zoning. However, the plans were submitted at the meeting, and staff did not have an opportunity to review them for zoning compliance. Accordingly, the Planning Board postponed the matter to December 14, 2016 and directed the applicant to conduct additional studies to illustrate their position that the current zoning is obsolete, and to further illustrate that the proposed TZ-1 classification would fit in with the surrounding neighborhood.

The applicant has now made a few changes to their proposals. They added the option for single family on the R-3 lot on the corner of Frank St. and Ann St. with a detached garage and with an attached garage. Staff has found that everything is correct in terms of what could or could not be done on this site.

Mr. John Sarkesian spoke to represent the applicant for the rezoning request. He explained that in order to achieve their proposal the two commercial properties, the B-1 and the B-2B, would require down zoning to residential use, and the R-3 lot would remain a residential use. Their conclusion was the B-2B property would be very

problematic to develop on its own, being only 32 ft. wide. The B-1 property could have a building and the architects have determined that a 6,000 sq. ft. two-story building could be built on the two parcels if they were to be combined as one commercial property.

He offered a detailed analysis of two scenarios for the R-3 lot with a detached and with an attached garage. With an attached garage they determined that the total size as a two-story home with the allowable footprint would not be consistent with the local market. A larger home could be achieved with a detached garage, but it is still undersized and undervalued. Also, any building on the B-1 lot could be right along the eastern property line, two stories, 30 ft. high, affecting desirability, function, and value of the home. There would be no buffer from the commercial properties. For those reasons it seems improbable that someone would want to build a single-family home there, and if they did it would potentially undermine the values of the other single-family homes in the area.

The applicant stated that the character of these three sites with the conditions sited conforms to the stated intent of transitional development, particularly TZ-1. Their proposed project would be a five-unit, for sale, residential condominium with 15 on-site parking spots. Traffic and parking would be contained and separated from the residential neighborhood. The building would be compatible with the area with respect to scale, architecture, and values of the adjacent single-family homes. It would provide a reasonable and orderly transition between commercial and single-family areas. If the property is rezoned, they would voluntarily offer in writing as a condition to rezoning that they would build a residential building of the size, character, and design being proposed.

Mr. Boyle received confirmation that the average size of the units would be 3,000 sq. ft. Further, that the combined B-1 and B-2B commercial site would require 20 parking spaces.

Chairman Clein called for comments from members of the public at 8:25 p.m.

Mr. Paul Reagan pointed out if the applicant is planning for five 3,000 sq. ft. units, they can build three units on the B-1 and the B-2B and one unit on the R-3. The only thing that would not happen is maximization of the total value of the property, which is not the affair of this board. It is feasible to utilize the R-3, so the applicant failed to prove necessity to rezone.

Mr. Eric Morganroth, 631 Ann St., thought that the proposed units would benefit the economic value of his house. He would like to see a commitment by the applicant to ensure the parking is all contained within the structure, that the caliber of the structure would be comparable to the other new construction in the area, and that it would be residential. Therefore, he is in support, knowing that it would down zone the area so that it would be more residential.

Mr. Eric Wolf, 393 E. Frank St. said he would like to get rid of the commercial use. There are advantages to eliminating that and down zoning that he could live with if they engage in "contract zoning." He thinks what has been designed is a very nice project.

Mr. Williams felt the City Commission has been hypocritical on the contract zoning issue. At one time they said no contract zoning and then with respect to Whole Foods that is exactly what they did. So, the question here is whether we can have contract zoning on this site. He will not vote for this proposal or any other proposal until he understands what the City Commission's real position is on contract zoning.

In 1960 these parcels were rezoned to B-1. In 1987 the western-most property was, pursuant to the City's Master Plan, rezoned to R-3. Mr. Williams said it strikes him that this owner is bound by the prior owner's failure to challenge the R-3 rezoning in 1987. They commenced a lawsuit but did not follow through with it. For this board to undo that without a Master Plan is in his view is a dereliction of its responsibilities to adhere to the Master Plan. After saying all of that, he does think the benefits of downsizing on B-1 and B-2B are substantial to the neighborhood and substantial to the existing parking problem in the area. These three properties beg for a contractual resolution. Again, he will vote no on this proposal until he hears from the City Commission.

Mr. Koseck said he looks at these sites and, frankly, finds them to be an odd mix, especially as the B-2B is a very narrow lot. The R-3 house will be 5 ft. away from a wall that goes up 30 ft. and that house will look odd. The neighbors are in favor, so to him, the proposal to combine the lots is a very appropriate plan for this transitional area. Mr. Williams noted that what is proposed is just a general rezoning, not a project. Mr. Koseck pointed out the Planning Board can look at the plan based on the requirements of the ordinance when it comes before them.

Mr. Jeffares thought if this isn't transitional zoning, he doesn't know what it is. There are many people who are empty nesters and are looking for this type of housing and they are not finding it. He appreciates that this allows our town to continue to be attractive to people and they don't have to leave when they move into a different part of their life. This nice five-unit development would be a perfect buffer.

Ms. Whipple-Boyce said she cannot forget the board is here to look at a rezoning and not the building being proposed. It seems to her that contractual zoning would be the best solution for these three properties but this body cannot recommend that. Therefore she was supportive of Mr. Williams' suggestion to forward this matter to the City Commission as a question, rather than a recommendation.

Mr. Williams thought this site begs the question of contract zoning much more so than the Whole Foods property. If that was restricted, why not this property.

Mr. Boyle felt that contemporary zoning needs to be respectful of the community as it is; not as it was. This is an opportunity to sit down and negotiate for a product that is appropriate for this area. The fact there is communication with the neighborhood residents goes hand-in-hand with contemporary master planning and zoning which needs to take into account what is possible in the context of this transitional area.

Chairman Clein said this matter comes down to points about the R-3 and about the overall process. The Planning Board is here for a rezoning. As was said, it is not the

board's job to maximize value. In his opinion the only way a question can be posed to the City Commission is either by putting forth a recommendation tonight related to the site or by postponing tonight because the petitioner wants to enter into negotiations with the administration.

Ms. Whipple-Boyce did not think the Planning Board has all of the tools that it needs and the City Commission is the only one that can help the board get those. Ms. Ecker observed that the Commission will have the final say either way.

Mr. Koseck noted the zoning being requested exists in the Zoning Ordinance. Speaking for himself, he is pretty tough on people that come to the board and do what he thinks is inappropriate for the community. He has faith this will work out as well as the decision on Whole Foods did.

Mr. Jeffares said he is on that same page. This board has the controls to make sure whatever is proposed fits into the community. The board should not have to go to the extent on each and every property in the community to say it has to see first what is going to be built.

Mr. Baka pointed out that TZ-1 has design standards built in as far as building materials, fenestration, etc.

Mr. Sarkesian stated they will not go before the City Commission if their proposal is voted down by this board. If the Planning Board doesn't like what they are doing, why would the Commission support them. So if they get a positive recommendation they will go to the Commission and fight for what they want to do and make it clear that they will voluntarily offer to restrict what they do with the property.

Motion by Mr. Koseck

Seconded by Mr. Jeffares to recommend to the City Commission approval of the proposed rezoning of 412-420 E. Frank St. from B-1, R-3, and B-2B to TZ-1.

Mr. Boyle thought that members of the Planning Board are sending a signal to their colleagues that they have done as much as they can. The developer is proposing to do something that the board is generally in favor of and the board sees this motion as moving it forward. He will therefore vote yes.

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

Motion carried, 6-1.

ROLLCALL VOTE

Yeas: Koseck, Jeffares, Boyle, Klein, Prasad, Whipple-Boyce

Nays: Williams

Absent: Lazar

City Commission Minutes

February 13, 2017

02-26-17: PUBLIC HEARING TO CONSIDER THE PROPOSED REZONING OF 412-420 E. FRANK

Mayor Nickita opened the Public Hearing at 8:50 PM.

City Planner Ecker explained described the current location and zoning classification of each of the three parcels as complicated. The three parcels have been the subject of Commission discussions relative to Transitional Zoning previously, and no action was taken at the time, and the parcels have retained their existing zoning. She explained that currently a house is located on the corner of Frank and Ann which is being used as an office. The center parcel is Frank Street Bakery, which has been a commercial use for many years. The third property on the east is vacant, and is open area and was parking at 4 February 13, 2017 one time. She said the applicant is asking that all three of the parcels be rezoned to TZ1, Transitional Zoning, which would allow residential uses only. City Planner Ecker said the western portion of the property (corner of Frank and Ann) is currently zoned R3, Single Family Residential. From 1935 – 1960, that portion of the lot was zoned R6.

In 1960, the homeowners asked the City to rezone to B1, Neighborhood Business, because they were operating a custom drapery shop out of the home while they were living in the home. The City granted the rezoning. In 1980, the City adopted the Master Plan, and it was determined that most of the area was a sensitive residential neighborhood. Planner Ecker said while it is difficult to see exactly where the line was drawn, it looked like the westernmost parcel was included in the sensitive residential area. The City then down-zoned the parcel from B1 to R3, Single Family Residential. A lawsuit against the City was initiated by the property owner but was later dropped. In 1995, a descendant of the family that owned the property initiated a rezoning process, but did not follow through and nothing changed. In 2013, the current property owner, who is not the applicant on this rezoning request tonight, applied for a rezoning to have all three parcels rezoned to B2B to match the easternmost parcel. B2B is seen along Old Woodward. The neighbors at the time did not want to see commercial uses. There were several postponements, and the applicant eventually dropped the rezoning request. The Planning Board has discussed transitional zoning, and originally thought TZ1 would be the best use for the parcels; however, the neighbors expressed support for the bakery there. The Planning Board changed their recommendation to TZ2, which would allow some commercial uses. The City Commission took no action on that recommendation. The center parcel was zoned R6 until 1960. The lot was split and was rezoned to B1, Neighborhood Business. Prior to Frank's Bakery, there was a vintage resale shop, which was not a legal use, and had to go to the Board of Zoning Appeals for a use variance. That use continued until 2007. In February 2016, the property owner requested a

change to B2B again for the whole site. The Planning Board recommended denial of the rezoning because while B2B was consistent for the eastern side of the lot, it did not provide the transitional feel that the Planning Board recommended. Therefore, the commercial building is still on the site and is zoned B1. City Planner Ecker said the eastern-most parcel was also zoned R6 from 1935 until 1960, so presumably all three lots were all one lot at one time. In 1960, the property owner successfully applied for the B2B, which is zoned that way today.

City Planner Ecker explained what the applicant must prove when submitting a request for a rezoning. The applicant tonight is not the current property owner, but has the consent of the property owner to apply for the rezoning.

City Planner Ecker explained that an applicant for a rezoning must show why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership. She noted that the applicant has indicated that the subject property is surrounded by properties with different uses, some consistent with existing zoning classifications, and many in variance with the existing zoning. The Subject Property is bordered on the east side by an office building and parking lot which fronts on Old Woodward and is in the B2B zoning district. The property adjacent on the north side of Frank Street is a CVS drug store and surface parking lot which fronts on Old Woodward. While the properties to the west and south are in the R-3 (Single Family Residential) zoning district, the home directly west of the Subject Property at the south west corner of Ann Street and Frank Street currently has a multi-family use with three families occupying it. The three buildings on the west side of Ann Street immediately to the south of this corner home are all multi-family properties with 4 units, 24 units and 4 units respectively. The building on the west side of Ann Street, two houses to the north of the intersection of Ann and Frank, is being used as an office building with an adjacent parking lot containing 22 parking spots. Directly to the north of this property on the west side of Ann Street is an 8 unit multi-family building. One block to the west at the intersection of Frank and Purdy is a building with 3 commercial offices, and directly to the north is a 23 unit multi-family property. Other than this last property, all of the other multi-family and commercial properties west of the Subject Property have a non-conforming use in the R-3 Single Family Residential zoning district.

City Planner Ecker said the applicant must provide an explanation of why the existing zoning classification is no longer appropriate. The applicant has noted that the parcel is made up of three contiguous lots with three different zonings (R-3, B-1, and B-2B). Given the current mix of uses on the three parcels, the subject parcel is a transitional property. The very limited areas of the three individual parcels would make it difficult to develop anything consistent to each of the parcel's current zoning. She said the applicant also noted that the B-2B eastern piece is only 32 feet in width. Further, Frank Street from Woodward to Ann has been widened and onstreet metered parking added, with the effect of extending the Woodward business district along Frank Street, which

along with the CVS plaza on the north side of Frank, with its large surface parking lot visible from the windows of any structure facing Frank Street from the subject property, makes this an undesirable site for single family homes.

City Planner Ecker said the applicant must explain why the proposed rezoning will not be detrimental to surrounding properties. The applicant requests that the Subject Property be rezoned to the transitional zoning classification of TZ-1. This request is consistent with the intent of the City's transitional zoning. The applicant intends to develop the property as multifamily with no commercial component to the project. Given the very close proximity of a half dozen or more multi-family properties, this rezoning and use would provide a good transition from B-2B General Business and D-2 in the Downtown Birmingham Overlay to the north and east, and would not change the character of the neighborhood.

City Planner Ecker said the applicant has provided all required documentation. The Planning Board held a Public Hearing on the application. The Planning Board found that the entire parcel at 412 – 420 E. Frank Street is clearly a transitional property that separates the commercial areas to the north and east from the residential area to the west. The use of the property for low density multiple family use acts as a transition and buffer, and is entirely consistent with recent rezonings in similar transitional locations around the downtown. The proposed multifamily residential development will also add to the diversity of housing options available, and is similar to those already found in the surrounding area. The proposed request to rezone the entire property to TZ1 Transition Zone and limit the use to residential use only is very appropriate in such a transition zone. Accordingly, the Planning Division found that the proposed rezoning of the Subject Property from R-3 (Single-Family Residential), B-1 (Neighborhood Business), and B-2B (General Business) to TZ1 (Transition Zone) should be recommended for approval.

City Planner Ecker noted that the applicant provided some development options under current zoning conditions to the Planning Board to demonstrate the feasibility of the options under current zoning conditions. City Planner Ecker reviewed the uses under the current zoning classifications and the permitted uses under the proposed TZ1 zoning classification. She noted it is a down zoning, since the commercial uses are eliminated on the middle parcel and the one to the east. It does allow multi-family residential up to 5 units for the parcel as a whole.

Mayor Nickita said transitional zoning has been discussed for some time. This site has been of some concern because of the three zoning classifications on the small site. The Planning Board has recommended TZ1. Mayor Nickita would like to keep the discussion on the actual zoning and not the proposed project. Commissioner Hoff agreed and noted that apparently there have been presentations to the Planning Board.

City Planner Ecker said there have been discussions with the Planning Board about what the applicant is planning with the rezoning, and emphasized that tonight the Commission is considering the rezoning, and not the site plan. She added that some Planning Board members wanted to see what the options are for the site. Any development proposed hereafter if the rezoning is approved, would have to go through site plan review. City Planner Ecker confirmed for

Commissioner Hoff that previously, the Commission did not create TZ2 or rezone these parcels to TZ2. She explained that TZ1 allows residential uses only. She added that TZ2 allows some small scale commercial uses, but they are limited in size. She said the Planning Board originally felt TZ1 was the correct zoning, but the neighbors were in favor of retaining the bakery there. The Planning Board then changed its recommendation to TZ2, which went to the City Commission. The Commission was concerned about the commercial uses, and ultimately, TZ2 was not created.

Mayor Nickita noted that currently, the parcels are being used as TZ2, because there is a commercial component. This is really about going forward.

Commissioner Boutros asked City Planner Ecker about the parking lot there now and the proposed rezoning. She responded that if the TZ1 rezoning was approved tonight, the site plan review would determine where the parking would be located. She added that parking would be reduced in TZ1, because only five residential units would be allowed, and only ten parking spaces would be needed on site.

Commissioner DeWeese said the complaints received about transitional zoning classifications had to do with uses. This rezoning would be the most minimal use. D'Angelo Espree commented on the current zoning condition, population density in this area, and residential uses as TZ1.

City Planner Ecker said that the Planning Board considered the maximum number of units that would be permitted, and felt the maximum of five units would be suitable there from the overlay to the single family neighborhood there.

Eric Morganroth commented that he supports the proposed plan especially as it relates to parking. He added that he prefers keeping the R3 designation, and down-zoning the other two commercial parcels to TZ1.

Ron Fry owns a single family home directly to the west on Ann. He commented he is not against good development. He asked for the setbacks of TZ1 as opposed to R3.

City Planner Ecker said the minimum front yard setback (on Frank) would be 0-5 feet, the rear yard minimum when it abuts single family would be 20 feet, side setback would be 0 feet from an interior side lot line, and 10 feet from a side street.

Mr. Fry commented on two front yard setbacks on a corner lot. He said he had to conform to very strict zoning rules on his property in order to build a single family home.

Eric Wolfe commented he is in favor of the proposed project. He hoped the Commission would take into consideration the project.

Commissioner Hoff said the Commission is not considering the proposed development, only the proposed rezoning to TZ1.

Mayor Nickita commented that the proposed project is an example of what can be done with the subject properties, and the Commission is not approving the project, and it is not on the table this evening.

Commissioner DeWeese asked what classification would be needed in order for the project to be built in the way the residents favor.

Mayor Nickita said the project would be possible in the TZ1 classification. Commissioner DeWeese clarified that the project would require that all three parcels would have to be rezoned to TZ1.

Commissioner Sherman said the City does not use contract zoning. The City has used conditional zoning where the City takes an offer from a developer and the City approves it or does not approve it, and the property stays as it is.

City Attorney Currier said the developer must submit a written, non-negotiable offer as to the zoning; it is voted on up or down by the Commission, has a specified time to build, and if it is not built, the property goes back to the former zoning. He said there is no contract zoning provision in the zoning enabling statute.

Commissioner Boutros asked to see the example.

Commissioner Bordman said she agrees with Mr. Wolfe that the Commission would not be discussing this if the request to rezone was not accompanied by the project. She added it seems illogical not to look at the project. In view of the City's use of conditional zoning recently, she thinks that since there is substantial support of community, it should be considered by the Commission. She is supportive of letting the petitioner address the Commission and considering his proposal.

Mayor Pro Tem Harris said for the purposes of our decision tonight, he would like to see the project tonight. He said although conditional zoning has not been sent to us, if we want to entertain that idea, he asked if we are able to do that tonight, or would that come back to us later after the zoning decision has been made.

City Manager Valentine said that process would be initiated as a separate process. Commissioner Sherman said if a developer is interested in conditional zoning, he would have to propose it. If that is the case, it should be proposed before we review any plans.

Mayor Nickita said it is important to distinguish what is before the Commission today, which is a zoning clarification of a complex site. To tie it to an approval of a project is not on the table tonight.

Commissioner Hoff commented that we should rezone a property because it is the right thing to do, not because there is a project to be accommodated.

Mayor Nickita said the idea of creating transitional zoning was to clarify and clean up areas along the perimeter of the downtown area. He added that we do not zone to accommodate a project, and if a project falls in line with the zoning that the Commission has determined is appropriate, it can move forward in the process of approval. He said the question is whether TZ1 is appropriate zoning for this site. The project is an example of what could be done under transitional zoning, and nothing the Commission might approve today, ties that project to this zoning condition.

Commissioner Bordman said we know there is a petitioner with a specific project. She asked the City Attorney that if we know that is true, and we also know from reading the Planning Board minutes that the petitioner has already suggested that he would be amenable to conditional zoning, could we table the zoning request today, and have the petitioner proceed with the conditional zoning process, and then bring this back at that time.

City Attorney Currier said that is up to the developer to propose it in writing to the City Commission. He added that Section 125.3405 of the Zoning Enabling Act has specific requirements.

City Planner Ecker commented that the developer submitted a statement to the Planning Board, and added she does not know what the specific format must be.

City Attorney Currier responded that the developer is required to put in writing the conditions he wants, and added that the developer may have stated them at the Planning Board meeting, but a separate letter to the Commission is needed including a time frame for completion.

Mayor Nickita clarified that a formal request to the Commission must be submitted. City Attorney Currier responded that the formal request would then be referred to the Planning Board. Mayor Nickita added that we do not have such a request from the developer tonight. Commissioner Sherman commented that the petitioner could ask for a continuance of the hearing. Mayor Nickita said this is the hearing on the rezoning to TZ1. Commissioner Sherman said the petitioner could ask for this hearing to be postponed to a date certain, or he could withdraw his petition, or continue with the hearing right now.

Commissioner Boutros asked if the petitioner could go back after this hearing, and then ask for conditional zoning.

City Attorney Currier said he needs to do research on that question, and added that there is a time limitation. The same request by the same petitioner cannot be submitted for a year, if the Commission has acted on the request. It can be a different request for a rezoning or a different petitioner for a rezoning.

Commissioner Sherman clarified that if the Commission makes a decision tonight and if it is not what the petitioner wants, he might have to wait a year before submitting again. Mayor Nickita commented that if the Commission rezones this to TZ1 tonight, then the petitioner can submit for site plan approval, which is the process we typically follow.

Commissioner Hoff asked if City Planner Ecker knows why the home on the corner is facing Frank and not Ann, when all the others are facing Ann. City Planner Ecker said the records do not reflect that information.

Commissioner Hoff asked about the property owner. City Planner Ecker explained that the applicant for this rezoning is not the owner, but has provided paperwork to the Planning Department that indicates the property owner is aware of the request. The property owner has submitted rezoning requests for the three parcels previously.

Mayor Nickita commented that there are two considerations tonight. One is that we look at the zoning specifically for a rezoning to TZ1, allowing the applicant to then go through the typical process of getting a project approved and built. On the other hand, if the applicant has an interest in conditional zoning, we could consider that.

John Sherkerjian, representing the applicant, asked the City Attorney if proceeding with a written request to the City Commission would constitute a substantive change so the applicant would not be forced to wait a year before resubmitting the application.

City Attorney Currier said it is a procedural change as to how the same issue is being approached. Mr. Sherkerjian said he would be getting to the same result, but with voluntarily offering a condition. City Attorney Currier said it would take a year.

Mayor Pro Tem Harris suggested that the scenario Mr. Sherkerjian discussed assumes that the Commission makes a substantive decision tonight. Mayor Nickita said, to be clear, if the Commission votes on what is on the table tonight, that is definitive, and Mr. Sherkerjian can submit his project under that zoning.

Mr. Sherkerjian added that the residents may not be as comfortable with that because they want to see his plan versus the unknown.

Mayor Nickita suggested another option would be to consider a conditional zoning application. It would require a formal request, a public hearing at the Planning Board and thereafter, the City Commission. C

Commissioner Bordman asked to make clear the Commission is not asking the applicant to do that. Mr. Sherkerjian said they met with the neighbors and came to the conclusion to voluntarily offer conditional zoning. He understands that the offer does not meet the requirements of the City.

City Attorney Currier said the conditional zoning request would begin at the Planning Board and make its way to the City Commission, which would likely take until May or possibly June.

Mr. Sherkerjian said he would be unable to keep his contract with the seller with that long a delay. He has no issue with conditional zoning, but the timing is an issue for him.

Commissioner DeWeese confirmed that Mr. Sherkerjian's plan will meet the requirements of a TZ1 classification with no variances needed.

Mr. Sherkerjian said the R3 parcel which seems to be the issue with everyone, is inconsistently zoned, is an anomaly, and totally unusual with respect to the other R3 properties. He added that this lot is the only lot not facing Ann, the only lot facing the parking lot, and is the only lot that is not 123 feet deep like the others, so a garage cannot be built. Mr. Sherkerjian described the proposed plan.

Mayor Nickita said an applicant is interested in developing this property, and is ready to proceed subsequent to the rezoning tonight. He added that the Commission is not approving the project shown tonight, but rather a zoning change because of inconsistencies and which will align with transitional zoning.

Commissioner Hoff said she is unclear about neighbors' opinions. She thought she heard they want to keep an R3 zoning on the single parcel, but also want this development.

Mayor Nickita stated if the R3 zoning remains, the proposed development the applicant discussed could not happen. It also would be inconsistent with creating a transitional zoning. It would create an R3 parcel next to a transitional zoning. The resident clarified his objection.

Mayor Pro Tem Harris said he detected some equivocation in the applicant's interest in applying for conditional zoning if the Commission does not make a decision this evening, and asked for clarification by the applicant. Mr. Sherkerjian said his concern was with the timing of the request for conditional zoning, and felt that it would not work.

Eric Wolfe commented that the Planning Board was in favor of the project subject to conditional zoning, and was told by the Planning Board Chairman the Board did not have the authority to do that. He added he does not understand why this has to go back to the Planning Board to come back to the Commission.

City Attorney Currier said the ordinance requires that at least one public hearing be conducted before the Planning Board specifically addresses the request for conditional zoning of the parcels.

The Public Hearing was closed at 9:37 PM.

MOTION: Motion by Hoff, seconded by Bordman:

To approve the proposed rezoning of 412 - 420 E. Frank Street from R3 (Single-Family Residential), B1 (Neighborhood Business), and B2B (General Commercial) to TZ1 (Transitional Zoning) for all three parcels.

VOTE: Yeas, 7

Nays, 0

Absent, None

PROPERTY DESCRIPTION

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

PARCEL 1:
WEST 1/2 OF LOTS 31 AND 32, OF PLAT OF BLAKESLEE'S ADDITION TO THE VILLAGE OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 2 OF PLATS, PAGE 50, OAKLAND COUNTY RECORDS.

PARCEL 2:
EAST 60 FEET OF LOTS 31 AND 32, OF PLAT OF BLAKESLEE'S ADDITION TO THE VILLAGE OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 2 OF PLATS, PAGE 50, OAKLAND COUNTY RECORDS.

PARCEL 3:
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PARCEL AREA

PARCEL 1: ±6,000 SQUARE FEET = ±0.14 ACRES
PARCEL 2: ±6,000 SQUARE FEET = ±0.14 ACRES
PARCEL 3: ±3,200 SQUARE FEET = ±0.07 ACRES
TOTAL: ±15,200 SQUARE FEET = ±0.35 ACRES

SURVEYOR'S NOTE

A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.

FLOOD NOTE:

BY GRAPHICAL PLOTTING, THE SUBJECT PARCEL LIES WITHIN "AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN" (ZONE X) PER FEMA FLOOD INSURANCE RATE MAP 26125C-0537F, EFFECTIVE FEBRUARY 2, 2012.

BENCHMARKS

(U.S.G.S. DATUM)

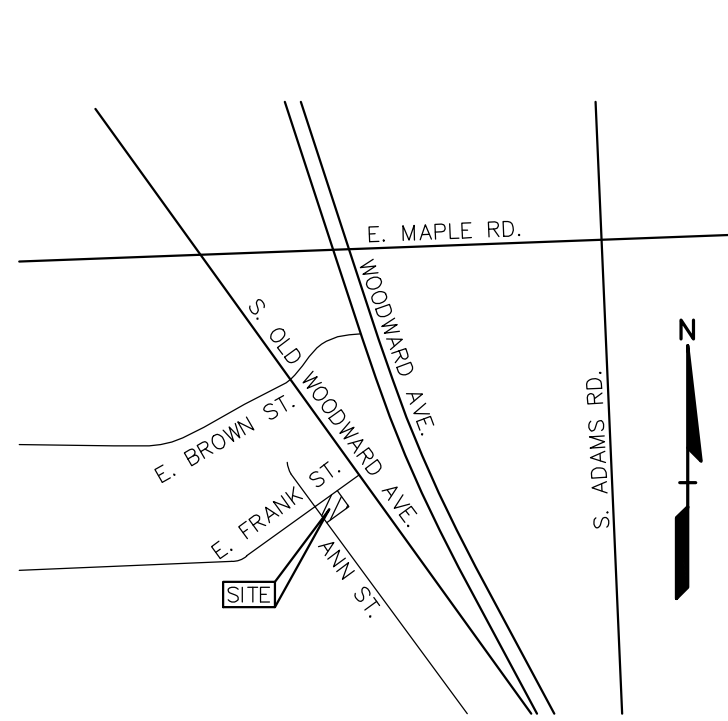
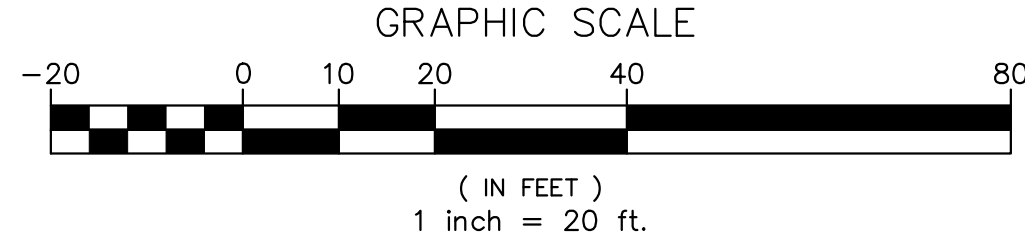
BM#1

NAIL IN POLE NORTHEAST CORNER OF FRANK STREET AND ANN STREET
ELEV. - 765.29

TOPOGRAPHIC AND BOUNDARY SURVEY DISCLAIMER:

TOPOGRAPHIC AND BOUNDARY SURVEY, INCLUDING PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, EXISTING ELEVATIONS, EXISTING PHYSICAL FEATURES AND STRUCTURES WAS PROVIDED BY KEM-TEC & ASSOCIATES AND THOMAS M. SMITH.

PEA, INC. WILL NOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THE SURVEY OR FOR DESIGN ERRORS/OMISSIONS RESULTING FROM SURVEY INACCURACIES.



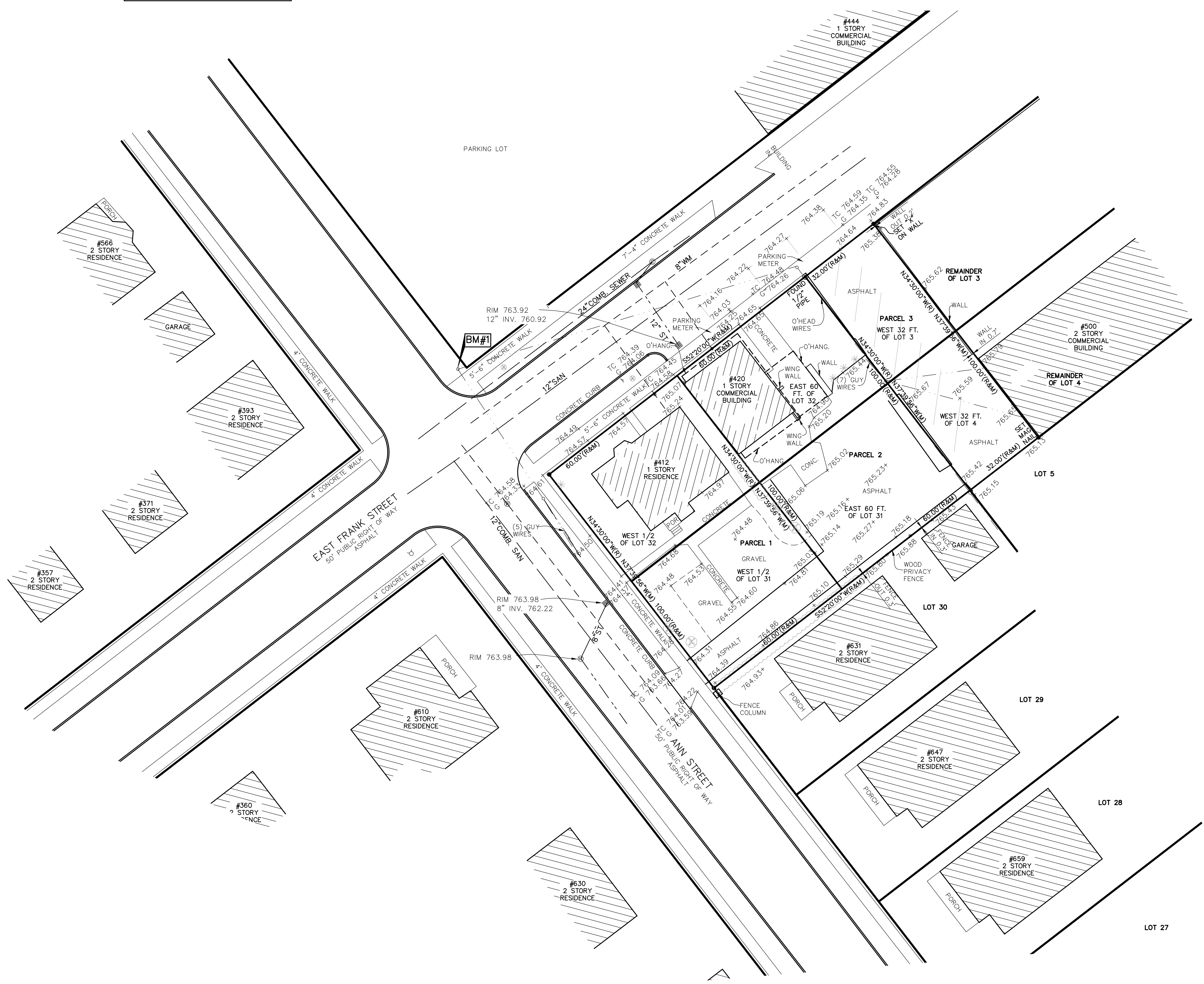
LOCATION MAP - NOT TO SCALE

EXISTING LEGEND

- SET 1/2" REBAR WITH CAP P.S. 47976
- ⊙ FOUND MONUMENT (AS NOTED)
- (R&M) RECORD AND MEASURED DIMENSION
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- UTILITY POLE
- ▬ PARCEL BOUNDARY LINE
- ▬ PLATTED LOT LINE
- ▬ BUILDING
- ▬ BUILDING OVERHANG
- ▬ CONCRETE CURB
- ▬ EDGE OF CONCRETE (CONC.)
- ▬ EDGE OF ASPHALT (ASPH.)
- ▬ EDGE OF GRAVEL
- ▬ FENCE (AS NOTED)
- ▬ WALL (AS NOTED)
- ▬ OVERHEAD UTILITY LINE

LEGEND

- EXISTING**
 - OH—ELEC—W—ELEC, PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
 - UG—CATV—UNDERGROUND CABLE TV, CATV PEDESTAL
 - UG—PHONE—TELEPHONE U.G. CABLE, PEDESTAL & MANHOLE
 - UG—ELEC—ELECTRIC U.G. CABLE, MANHOLE, METER & HANDHOLE
 - GAS—GAS MAIN, VALVE & GAS LINE MARKER
 - WATER—WATERMAN, HYD., GATE VALVE, TAPPING SLAVE & VALVE
 - SEWER—SANITARY SEWER, CLEANOUT & MANHOLE
 - STORM—STORM SEWER, CLEANOUT & MANHOLE
 - COMB—COMBINED SEWER & MANHOLE
 - SQUARE, ROUND & RETIRED CATCH BASIN, YARD DRAIN
 - POST—POST INDICATOR VALVE
 - WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
 - MALBOX, TRANSFORMER, IRRIGATION CONTROL VALVE
 - UNIDENTIFIED STRUCTURE
 - SPOT ELEVATION
 - CONTOUR LINE
 - FENCE
 - GUARD RAIL
 - STREET LIGHT
 - SIGN
 - CONC.—CONCRETE
 - ASPH.—ASPHALT
- PROPOSED**
 - 871.21—
 - 871—
 - STD. DUTY
 - HEAVY DUTY
 - R.O.W. ONLY
 - DEEP DUTY
 - STRENGTH



NO.	DATE	REVISIONS
1	3/1/17	ISSUED FOR PERMITS
2	3/1/17	REVISED PER CITY PLANNER REVIEW
3	4/2/17	REVISED BUILDING LAYOUT
4	4/2/17	REVISED BUILDING LAYOUT
5	4/2/17	REVISED BUILDING LAYOUT

CAUTION!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS GIVEN FOR THE ACCURACY OF THESE UTILITIES. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

THIS DRAWING AND DESIGN ARE THE PROPERTY OF PEA, INC. THEY ARE SUBMITTED ON THE CONDITION THAT THEY ARE NOT TO BE USED, REPRODUCED, OR COPIED IN WHOLE OR IN PART, OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF PEA, INC. ALL COMMON LAW RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED. © 2017 PEA, INC.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERAL Y ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR SHALL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL BE MADE TO APPLY TO CONTRACTORS AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONSTRUCTION CONTRACTOR FURNISHES AGREES TO NOTIFY RELEVANT AND HOLD DESIGN PROFESSIONAL HANDBLES FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPT LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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f: 248.689.1044
www.peainc.com

420 E FRANK, LLC 36400 WOODWARD AVE. BLOOMFIELD HILLS, MI 48304	
TOPOGRAPHIC SURVEY	
420 E FRANK PART OF THE NE 1/4 OF SECTION 36, T. 2N, R. 10E, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN	
DES.	TMK
DN.	TMK
SUR.	OTHERS P.M.
JBT	JBT

ORIGINAL ISSUE DATE:
MARCH 1, 2017

PEA JOB NO. 2017-060

SCALE: 1" = 20'

DRAWING NUMBER:

P-2.0

NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2017\2017060\DWG\17060-TOPOBASE.DWG
XREF: S:\PROJECTS\2017\2017060\DWG\CONSTRUCTION_V-BASE-17060.DWG
XREF: S:\PROJECTS\2017\2017060\DWG\CONSTRUCTION_X-TBLK-17060.DWG

PROPERTY DESCRIPTION

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

PARCEL 1:
WEST 1/2 OF LOTS 31 AND 32, OF PLAT OF BLAKESLEE'S ADDITION TO THE VILLAGE OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 2 OF PLATS, PAGE 50, OAKLAND COUNTY RECORDS.

PARCEL 2:
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BENCHMARKS

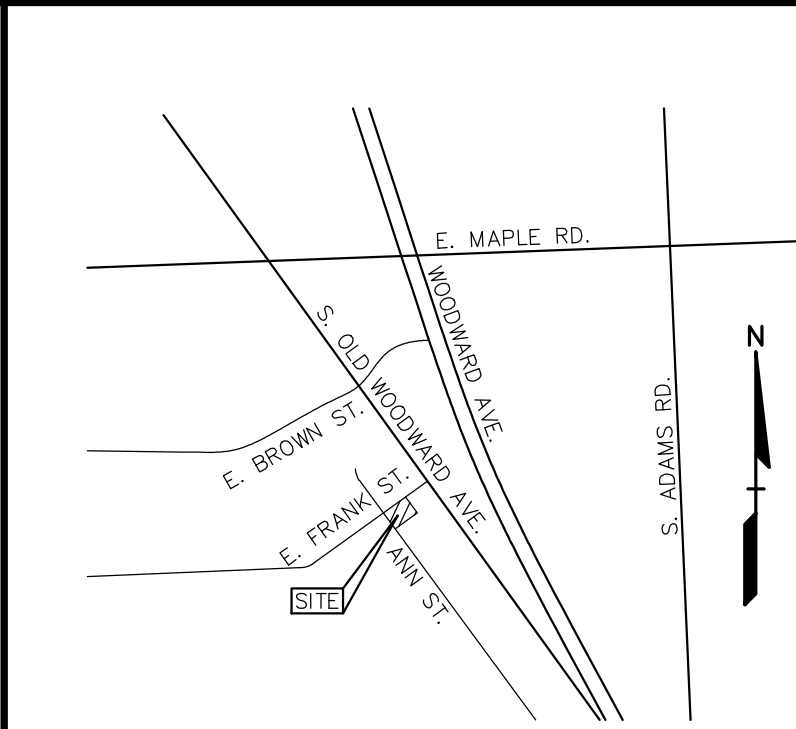
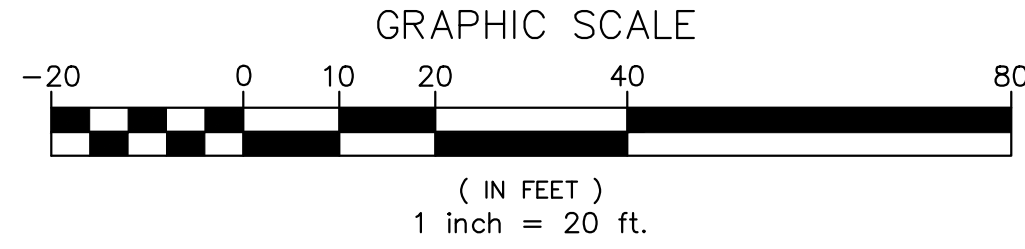
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GENERAL GRADING AND EARTHWORK NOTES:

THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT

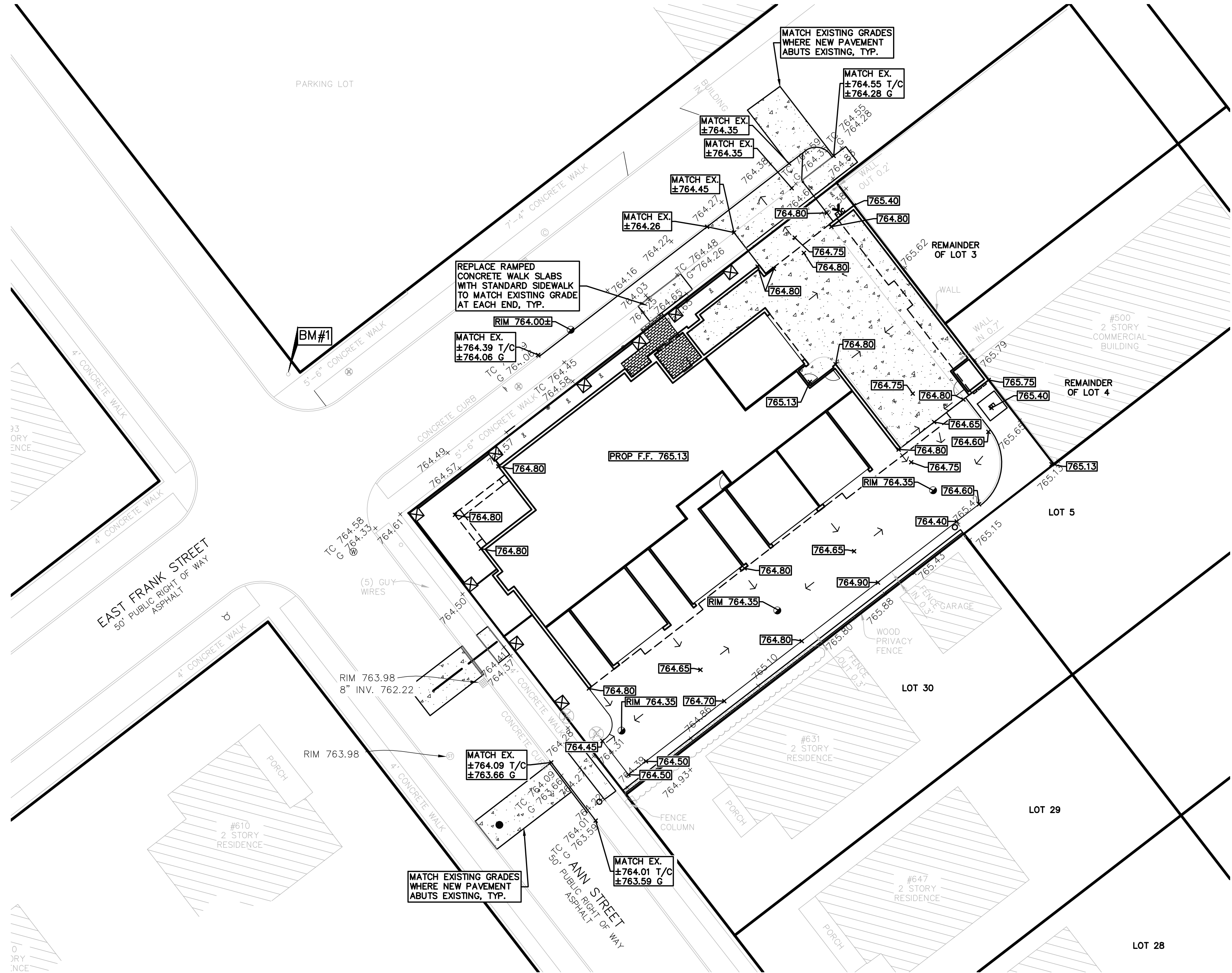
- CONTRACTOR TO FIELD VERIFY ALL EXISTING TREES AND LANDSCAPING AND REMOVE ALL THAT ARE NECESSARY TO GRADE SITE.
- ALL GRADES ARE TO TOP OF PAVEMENT UNLESS OTHERWISE NOTED.
- THE STAGING OF CONSTRUCTION ACTIVITIES SHALL OCCUR ONLY WITHIN THE SITE BOUNDARIES. ANY CONSTRUCTION ACTIVITIES OUTSIDE OF THE SITE BOUNDARIES SHALL BE AT THE SOLE RESPONSIBILITY AND RISK OF THE CONTRACTOR.
- ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL MEET THE REQUIREMENTS OF THE CITY OF BIRMINGHAM. AN EROSION CONTROL PERMIT MUST BE SECURED FROM THE CITY PRIOR TO CONSTRUCTION.
- ALL EARTHWORK AND GRADING OPERATIONS SHALL BE PERFORMED IN ACCORDANCE WITH THE SOILS INVESTIGATION AND REPORT.
- ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED OR SODDED IN ACCORDANCE WITH THE LANDSCAPE PLANS. PROVIDE A MINIMUM OF 3" OF TOPSOIL IN THESE AREAS UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL NOTE EXISTING UNDERGROUND UTILITIES WITHIN AND ADJACENT TO THE SITE. BACKFILL FOR EXISTING UTILITY TRENCHES SHALL BE EXAMINED CRITICALLY. ANY TRENCHES FOUND TO HAVE SOFT, UNSTABLE OR UNSUITABLE BACKFILL MATERIAL, IN THE OPINION OF THE GEOTECHNICAL ENGINEER, THAT ARE TO BE WITHIN THE ZONE OF INFLUENCE OF PROPOSED BUILDINGS OR PAVEMENT SHALL BE COMPLETELY EXCAVATED AND BACKFILLED WITH SUITABLE MATERIAL.

SYMBOLS: GRADING

PROPOSED SPOT GRADE ELEVATION. ALL GRADES INDICATED ARE TOP OF PAVEMENT UNLESS OTHERWISE NOTED.

EARTHWORK BALANCING NOTE:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPORTING OR EXPORTING ALL MATERIALS AS REQUIRED TO PROPERLY GRADE THIS PROJECT TO THE FINISHED ELEVATIONS SHOWN ON THE APPROVED PLANS. THE CONTRACTOR SHALL MAKE THEIR OWN DETERMINATION OF CUT AND FILL QUANTITIES AND ALLOW FOR REMOVAL OF EXCESS OR IMPORTATION OF ADDITIONAL MATERIAL AT NO ADDITIONAL COST TO THE OWNER.



NO.	BY	DATE	REVISIONS
1	TMK	4/26/17	REVISED BUILDING LAYOUT
2	TMK	4/26/17	REVISED PER CITY PLANNER/ENGINEER REVIEW 3/24/17
3	TMK	3/30/17	REVISED BUILDING LAYOUT

CAUTION!!
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PROPERTY DESCRIPTION

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

PARCEL 1:
WEST 1/2 OF LOTS 31 AND 32, OF PLAT OF BLAKESLEE'S ADDITION TO THE VILLAGE OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 2 OF PLATS, PAGE 50, OAKLAND COUNTY RECORDS.

PARCEL 2:
EAST 60 FEET OF LOTS 31 AND 32, OF PLAT OF BLAKESLEE'S ADDITION TO THE VILLAGE OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 2 OF PLATS, PAGE 50, OAKLAND COUNTY RECORDS.

PARCEL 3:
WEST 32 FEET OF LOTS 3 AND 4, OF PLAT OF BLAKESLEE'S ADDITION TO THE VILLAGE OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 2 OF PLATS, PAGE 50, OAKLAND COUNTY RECORDS.

PARCEL AREA

PARCEL 1: ±6,000 SQUARE FEET = ±0.14 ACRES
PARCEL 2: ±6,000 SQUARE FEET = ±0.14 ACRES
PARCEL 3: ±1,200 SQUARE FEET = ±0.07 ACRES
TOTAL: ±15,200 SQUARE FEET = ±0.35 ACRES

SURVEYOR'S NOTE

A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.

FLOOD NOTE:

BY GRAPHICAL PLOTTING, THE SUBJECT PARCEL LIES WITHIN "AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN" (ZONE X) PER FEMA FLOOD INSURANCE RATE MAP 26125C-0537F, EFFECTIVE FEBRUARY 2, 2012.

BENCHMARKS

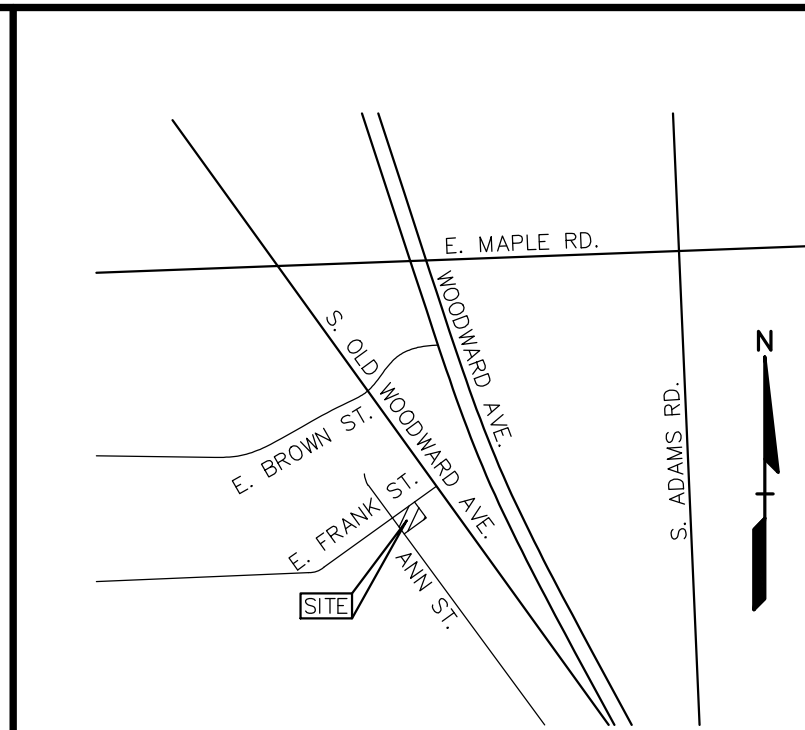
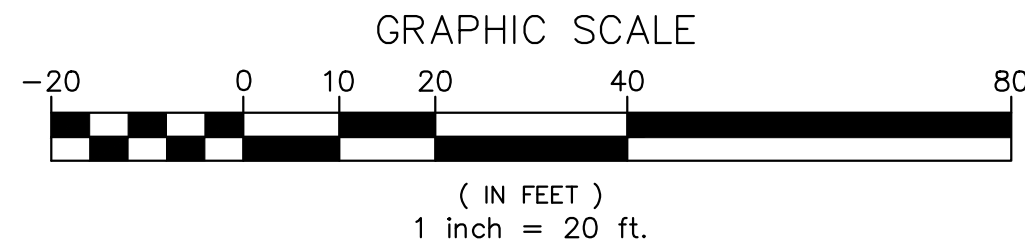
(U.S.G.S. DATUM)

BM#1
NAIL IN POLE NORTHEAST CORNER OF FRANK STREET AND ANN STREET
ELEV. - 765.29

TOPOGRAPHIC AND BOUNDARY SURVEY DISCLAIMER:

TOPOGRAPHIC AND BOUNDARY SURVEY, INCLUDING PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, EXISTING ELEVATIONS, EXISTING PHYSICAL FEATURES AND STRUCTURES WAS PROVIDED BY KEM-TEC & ASSOCIATES AND THOMAS M. SMITH.

PEA, INC. WILL NOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THE SURVEY OR FOR DESIGN ERRORS/OMISSIONS RESULTING FROM SURVEY INACCURACIES.



LOCATION MAP - NOT TO SCALE

EXISTING LEGEND

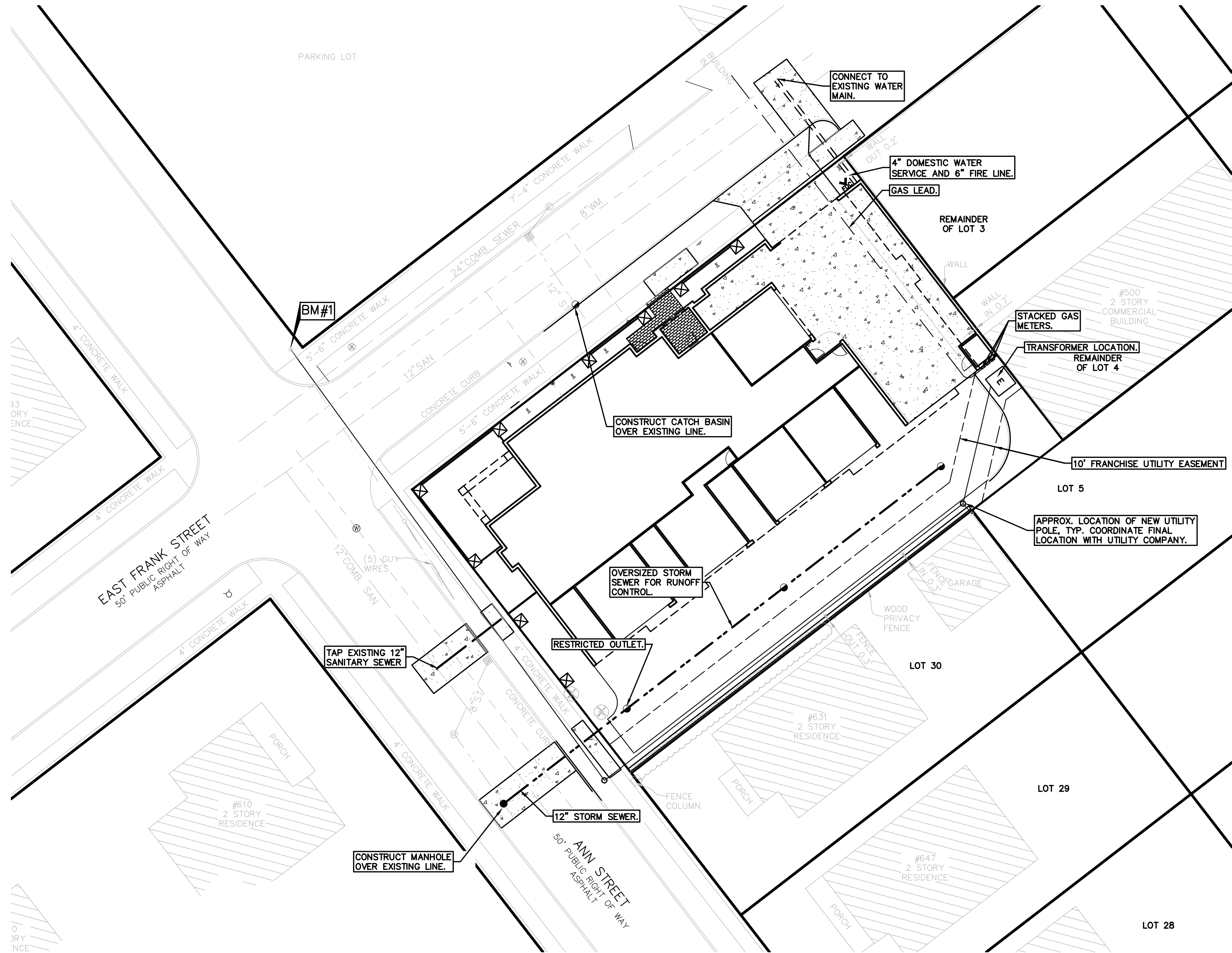
- SET 1/2" REBAR WITH CAP P.S. 47976
- FOUND MONUMENT (AS NOTED)
- (R&M) RECORD AND MEASURED DIMENSION
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- UTILITY POLE
- PARCEL BOUNDARY LINE
- PLATTED LOT LINE
- BUILDING
- BUILDING OVERHANG
- CONCRETE CURB
- EDGE OF CONCRETE (CONC.)
- EDGE OF ASPHALT (ASPH.)
- EDGE OF GRAVEL
- FENCE (AS NOTED)
- WALL (AS NOTED)
- OVERHEAD UTILITY LINE

LEGEND

- EXISTING**
 - OH-ELEC—W— ELEC. PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
 - UG-CATV— UNDERGROUND CABLE TV, CATV PEDESTAL
 - UG-PHONE— TELEPHONE U.G. CABLE, PEDESTAL & MANHOLE
 - UG-ELEC— ELECTRIC U.G. CABLE, MANHOLE & MANHOLE
 - WATERMAN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
 - SANITARY SEWER, CLEANOUT & MANHOLE
 - STORM SEWER, CLEANOUT & MANHOLE
 - COMBINED SEWER & MANHOLE
 - SQUARE, ROUND & BEHAVE CATCH BASIN, YARD DRAIN
 - POST INDICATOR VALVE
 - WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
 - MAILBOX, TRANSFORMER, IRRIGATION CONTROL VALVE
 - UNIDENTIFIED STRUCTURE
 - SPOT ELEVATION
 - CONTOUR LINE
 - FENCE
 - GUARD RAIL
 - STREET LIGHT
 - SIGN
 - CONC. CONCRETE
 - ASPH. ASPHALT
- PROPOSED**
 - 671.21
 - 671
 - STD DUTY
 - HEAVY DUTY
 - R.O.M. ONLY
 - STD DUTY
 - HEAVY DUTY
 - DEEP DUTY

- GENERAL UTILITY NOTES:**
- ALL UTILITY LINES, STRUCTURES AND TRENCHES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF THE CITY OF BIRMINGHAM.
- NO PHYSICAL CONNECTION TO THE EXISTING WATER MAIN CAN BE MADE UNTIL ALL NEW WATER MAIN PASSES PRESSURE AND BACTERIOLOGICAL TESTS TO THE SATISFACTION OF THE CITY.
- ALL WATER MAIN AND FITTINGS (4" DIAMETER AND LARGER) SHALL BE DUCTILE IRON, CLASS 54.
- ALL WATER MAIN SHALL BE PROVIDED WITH 5.5' OF COVER UNLESS OTHERWISE NOTED.
- ALL FIRE HYDRANTS SHALL BE PER CITY OF BIRMINGHAM STANDARDS.
- ALL NECESSARY FITTINGS, THRUST BLOCKS, RESTRAINING GLANDS, BLOW OFFS, ETC. FOR WATER MAIN ARE CONSIDERED INCIDENTAL TO THIS PROJECT. THE CONTRACTOR SHALL INSTALL THESE ITEMS AS NECESSARY AND AS REQUIRED BY THE CITY OF BIRMINGHAM.
- THE WATER MAIN CONTRACTOR SHALL NOTIFY THE INSPECTION SECTION OF THE DETROIT WATER AND SEWER DEPARTMENT AT (313) 833-4682 AT LEAST THREE WORKING DAYS IN ADVANCE OF STARTING CONSTRUCTION.
- ALL SANITARY SEWER LEADS SHALL BE POLYVINYL CHLORIDE (PVC) SDR 23.5 PIPE AND FITTINGS. ALL JOINTS TO BE ELASTOMERIC GASKET JOINTS PER ASTM D3034 UNLESS OTHERWISE NOTED.
- SANITARY LEADS SHALL BE PROVIDED WITH CLEANOUTS EVERY 100 FEET AND AT EVERY BEND AS SHOWN. ALL CLEANOUTS TO BE PROVIDED WITH E.J.W. #1565 BOX OR EQUAL.
- ALL STORM SEWER 12" DIAMETER OR LARGER SHALL BE REINFORCED CONCRETE PIPE (RCP C-76) CLASS IV WITH PREMIUM JOINTS, UNLESS OTHERWISE NOTED.
- ALL STORM SEWER LEADS SHALL BE PVC SCHEDULE 40 WITH GLUED JOINTS UNLESS OTHERWISE NOTED.
- PIPE LENGTHS ARE GIVEN FROM CENTER OF STRUCTURE AND TO END OF FLARED END SECTION UNLESS NOTED OTHERWISE.
- THE CITY OF BIRMINGHAM STANDARD DETAIL SHEETS ARE INCORPORATED INTO AND MADE A PART OF THESE PLANS. CONTRACTOR TO REFER TO THE CITY OF BIRMINGHAM STANDARD DETAIL SHEETS FOR ALL STRUCTURE, PIPE MATERIALS, BEDDING, TESTING, ETC. NOTES AND DETAILS.

SAND BACKFILL NOTE:
ALL UTILITIES UNDER PAVEMENT OR WITHIN 3' OF THE EDGE OF PAVEMENT (OR WITHIN THE 45' LINE OF INFLUENCE OF PAVEMENT) SHALL HAVE M.D.O.T. CLASS II GRANULAR BACKFILL, COMPACTED TO 95% MAX. DRY DENSITY (ASTM D-1557).



NO.	BY	DATE	REVISIONS
1	TMK	4/26/17	REVISOR BUILDING LAYOUT
2	TMK	4/26/17	REVISOR PER CITY PLANNER REVIEW 3/24/17
3	TMK	5/30/17	REVISOR BUILDING LAYOUT

CAUTION!!
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420 E FRANK, LLC 36400 WOODWARD AVE. BLOOMFIELD HILLS, MI 48304	
UTILITY PLAN 420 E FRANK PART OF THE NE 1/4 OF SECTION 36, T. 2N., R. 10E., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN	
DES.	TMK
DN.	TMK
SUR.	TMK
OTHERS	P.M.
JBT	JBT

ORIGINAL ISSUE DATE:
MARCH 1, 2017

PEA JOB NO. 2017-060

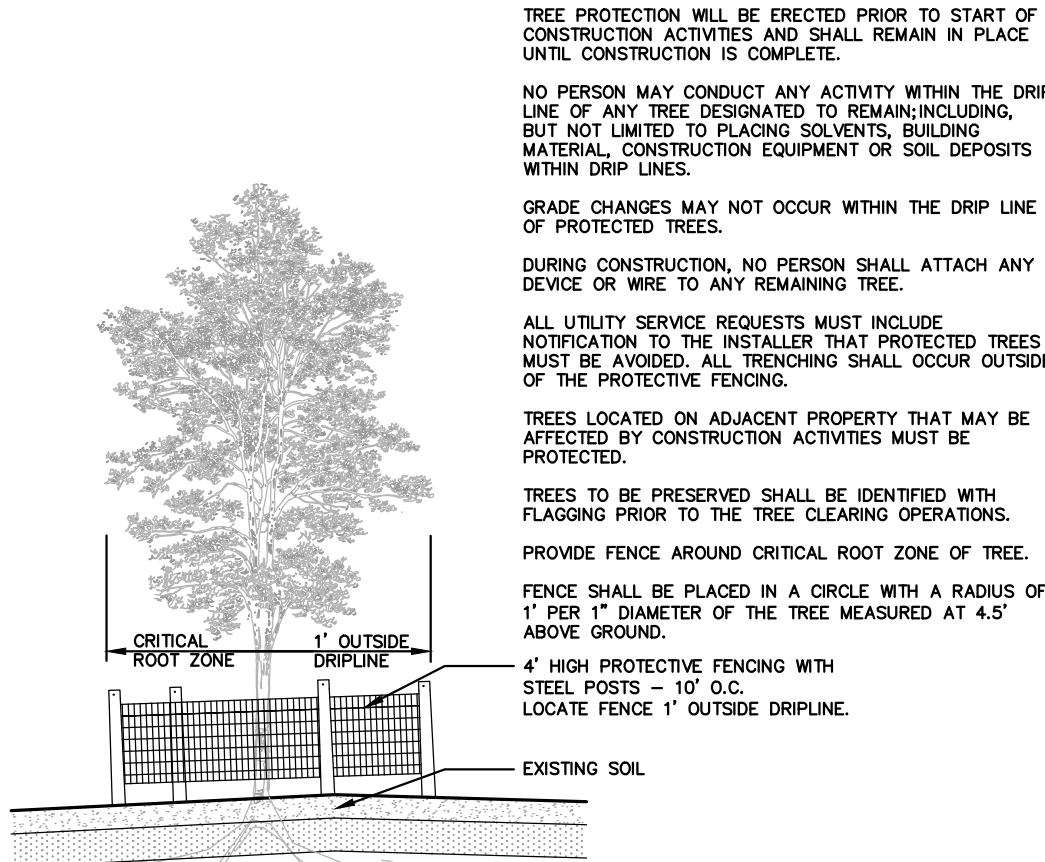
SCALE: 1" = 20'

DRAWING NUMBER:

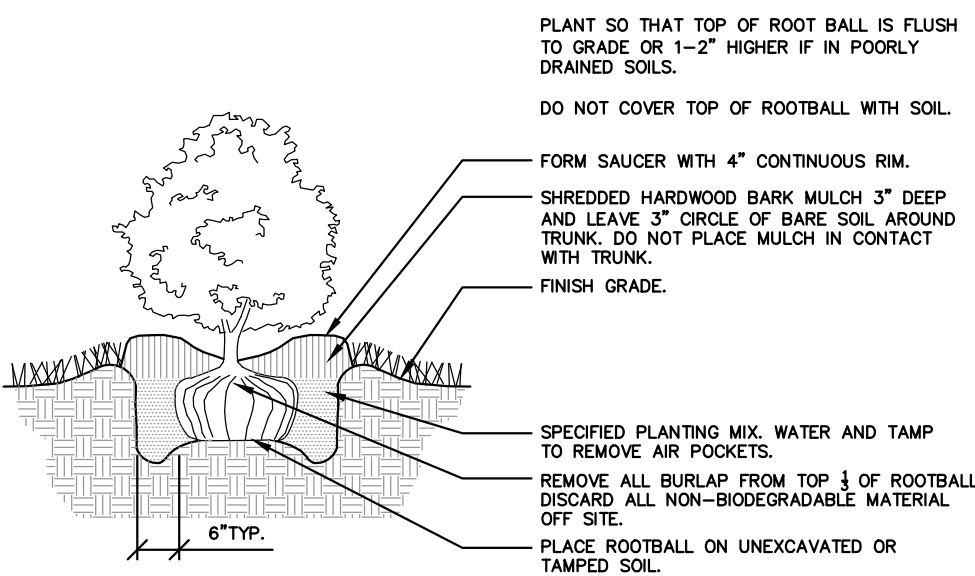
P-5.0

NOT FOR CONSTRUCTION

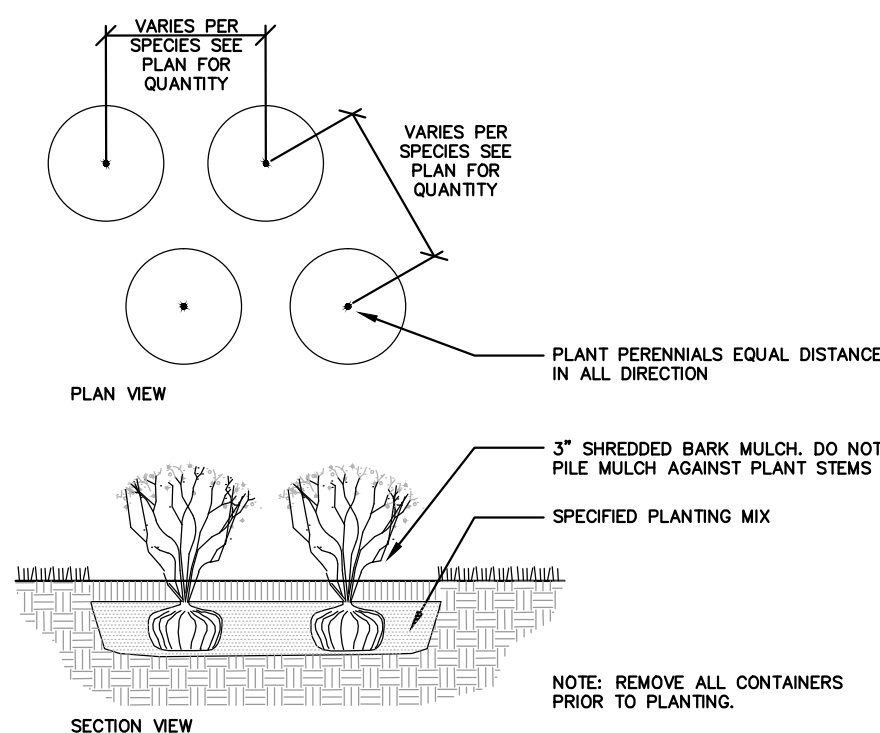
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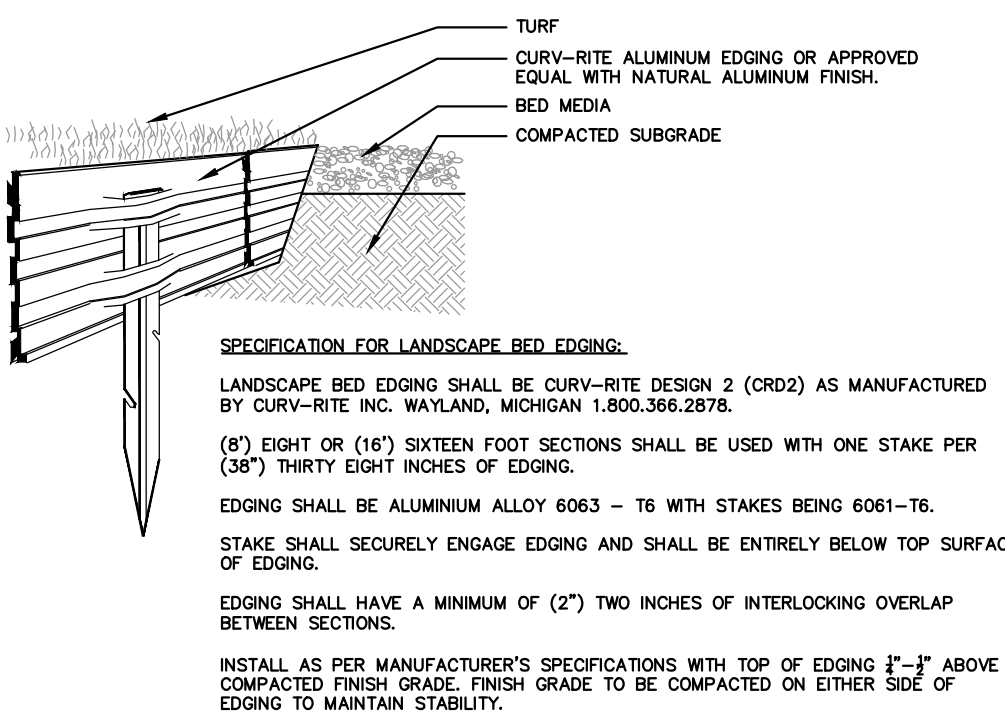
TREE PROTECTION DETAIL
NOT TO SCALE



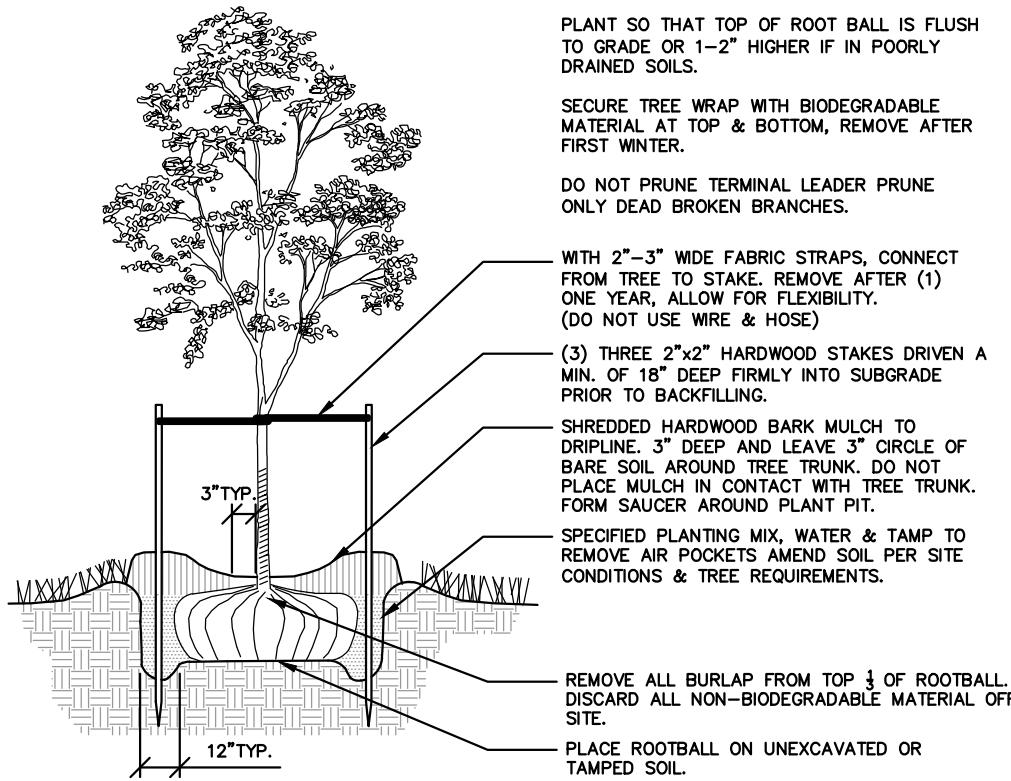
SHRUB PLANTING DETAIL
NOT TO SCALE



PERENNIAL PLANTING DETAIL
NOT TO SCALE



ALUMINUM EDGE DETAIL
NOT TO SCALE



DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE

TREE PLANT LIST:

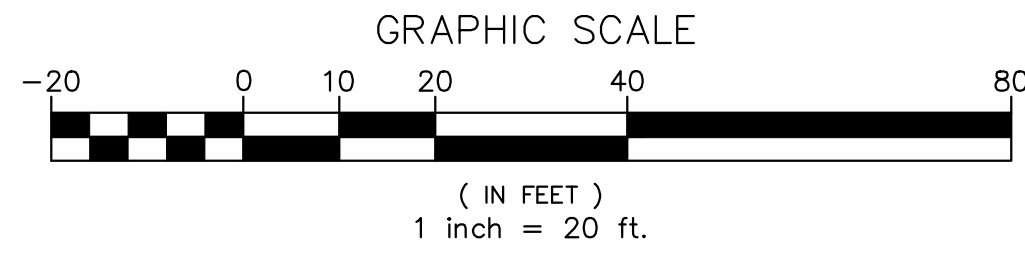
QUANTITY	KEY SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPEC
3	CB3	Columnar European Hornbeam	<i>Carpinus betulus 'Columnaris'</i>	3" Cal.	B&B
6	PC3	Cleveland Select Pear	<i>Pyrus calleryana 'Cleveland Select'</i>	3" Cal.	B&B

EVERGREEN PLANT LIST:

QUANTITY	KEY SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPEC
13	JH6	Hetz Columnar Juniper	<i>Juniperus chinensis 'Hetzi Columnaris'</i>	6'	B&B
3	JW8	Wichita Blue Juniper	<i>Juniperus scopulorum 'Wichita Blue'</i>	8'	B&B

SHRUB AND PERENNIAL PLANT LIST:

QUANTITY	KEY SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPEC
24	SNF24	Neon Flash Spirea	<i>Spiraea japonica 'Neon Flash'</i>	24" Ht.	Cont.
32	BG30	Wintergem Boxwood	<i>Buxus microphylla 'Winter Gem'</i>	30" Ht.	Cont.
36	CA	Feather Reed Grass	<i>Calamagrostis x acutiflora 'Karl Foerster'</i>	1 Gal.	Cont.



LANDSCAPE REQUIREMENTS PER CITY OF BIRMINGHAM:

STANDARD LANDSCAPE REQUIREMENTS PER 4.20 LA-01 BZC.-FOR PARKING 20 OR MORE SPACES PER 4.20 LA-01 F. -FOR PARKING LOTS 7500 SF OR GREATER 5% OF INTERIOR PARKING LOT AREA SHALL BE LANDSCAPED WITH 1 TREE/150 SF OF REQD AREA

PROPOSED: PARKING AREA IS LESS THAN 20 CARS AND 5400 SF LOT, THEREFORE REQUIREMENTS ABOVE ARE NOT APPLICABLE.

SCREENING STDs. PER 4.53, 4.59 - SCREEN WALL, (WITH SLOPING STONE CAP, WITH VARYING TEXTURES/MATERIALS/DESIGN) IS REQUIRED WHEN PARKING IS ADJ. TO SINGLE FAMILY RES. WITH A 2' ROW OF LANDSCAPING ON PARKING LOT SIDE OF WALL.

PROPOSED: 6' HT. SCREEN WALL, AND SHRUB ROW, SEE P-3 FOR WALL DTL.

FRONTAGE TREES: 1 TREE PER 40 LF OF FRONTAGE REQUIRED

FRANK STREET: 152/40 = 3.8 TREES
ANN STREET: 100/40 = 2.5 TREES
PROPOSED: FRANK ST.; 3 NEW TREES AND 1 EXISTING 8" MAPLE TREE
ANN ST.; 3 NEW TREES

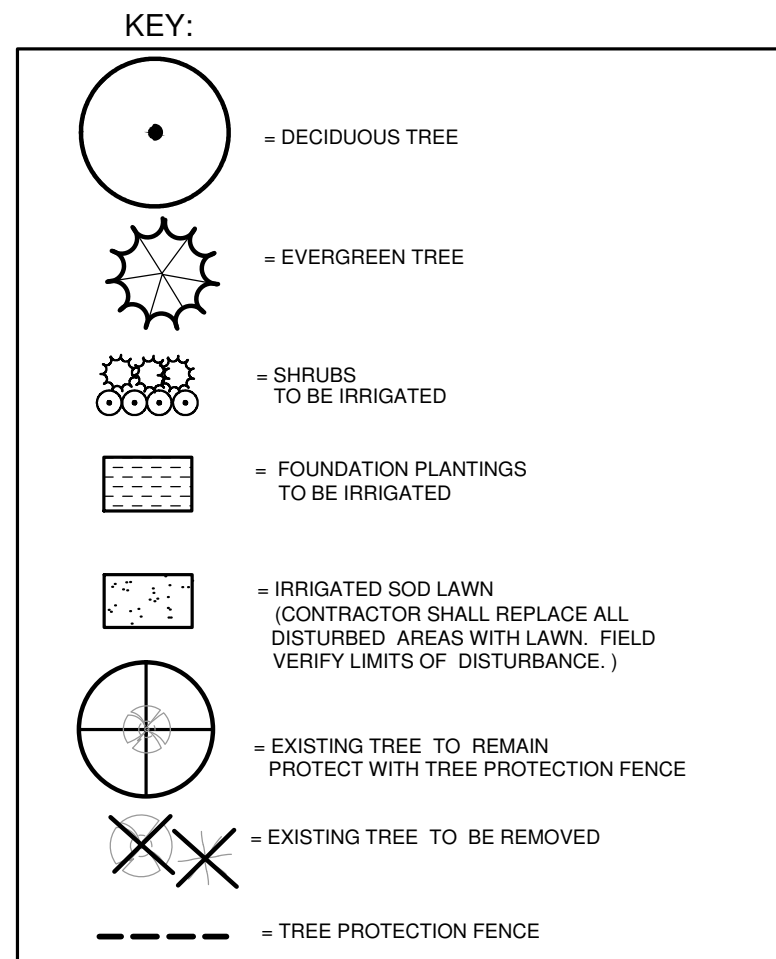
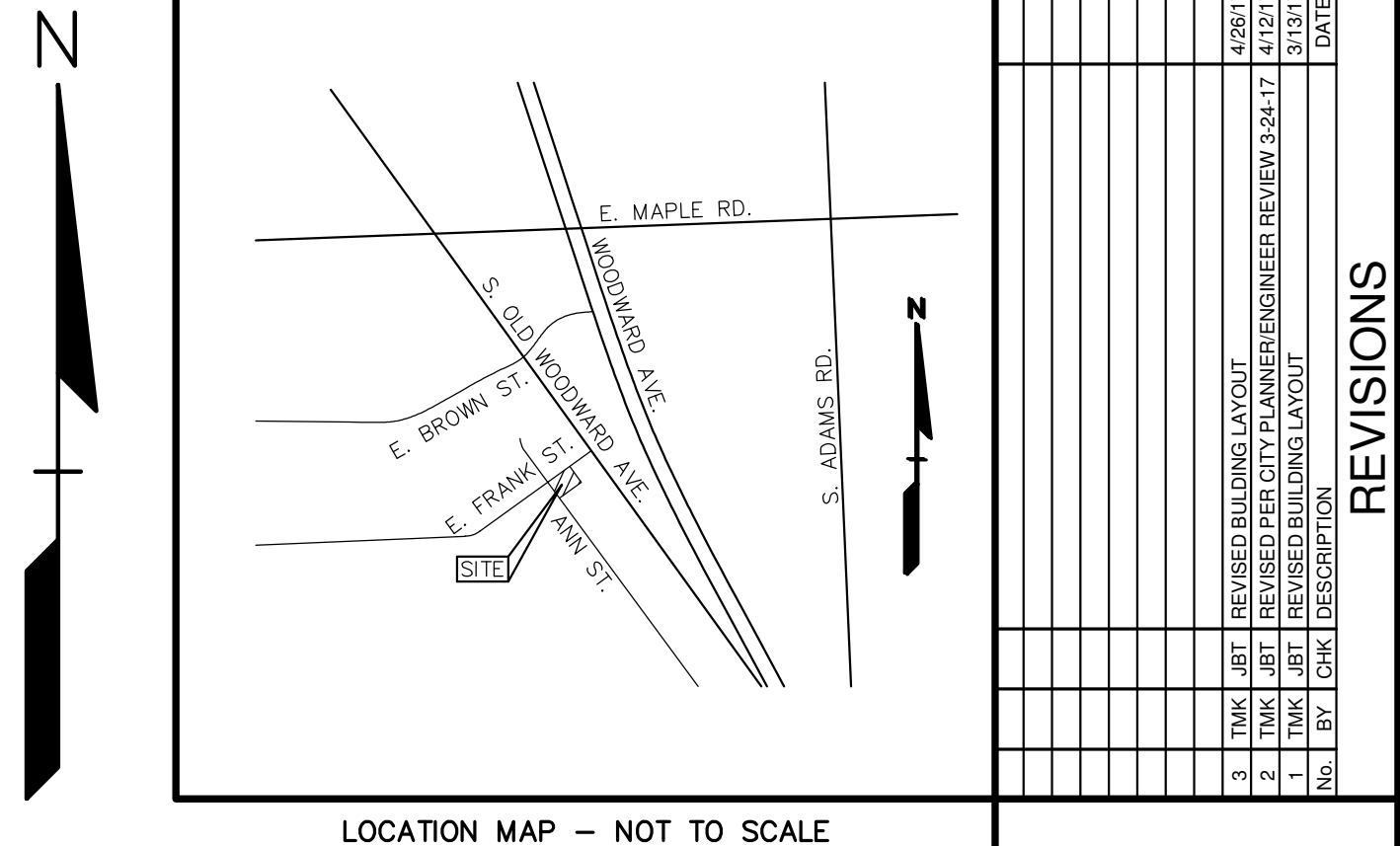
MULTI FAMILY IN RESIDENTIAL LAND USE: 1 DEC. AND 1 EVG. PER 2 DWELLING UNIT 5 UNITS = 3 DEC. AND 3 EVG. REQUIRED

PROPOSED: 3 NEW DEC., 3 NEW EVERGREEN

TREE REPLACEMENT: REMOVE 1 TREE REPLACE WITH 1 TREE IS REQUIRED; REMOVED 2 DEC. AND 4 EVERGREEN TREES ON SITE

PROPOSED: USE 6 TREE CREDIT FROM 2 SAVED EXISTING TREES SOUTH CORNER OF SITE: 1, 6" MAPLE AND 1, 10" LINDEN

NOTE: A TREE PERMIT IS REQUIRED FROM THE CITY FOR PLANTING TREES IN THE R.O.W.



GENERAL PLANTING NOTES:

- LANDSCAPE CONTRACTOR SHALL VISIT SITE, INSPECT EXISTING SITE CONDITIONS AND REVIEW PROPOSED PLANTING AND RELATED WORK. IN CASE OF DISCREPANCY BETWEEN PLAN AND PLANT LIST, PLAN SHALL GOVERN QUANTITIES. CONTACT LANDSCAPE ARCHITECT WITH ANY CONCERNS.
- CONTRACTOR SHALL VERIFY LOCATIONS OF ALL ON SITE UTILITIES PRIOR TO BEGINNING CONSTRUCTION ON HIS/HER PHASE OF WORK. ELECTRIC, GAS, TELEPHONE, CABLE TELEVISION MAY BE LOCATED BY CALLING MISS DIG 1-800-482-7171. ANY DAMAGE OR INTERRUPTION OF SERVICES SHALL BE THE RESPONSIBILITY OF CONTRACTOR. CONTRACTOR SHALL COORDINATE ALL RELATED ACTIVITIES WITH OTHER TRADES ON THE JOB AND SHALL REPORT ANY UNACCEPTABLE JOB CONDITIONS TO OWNER'S REPRESENTATIVE PRIOR TO COMMENCING.
- ALL PLANT MATERIAL TO BE PREMIUM GRADE NURSERY STOCK AND SHALL SATISFY AMERICAN ASSOCIATION OF NURSERYMEN STANDARD FOR NURSERY STOCK. ALL LANDSCAPE MATERIAL SHALL BE NORTHERN GROWN, NO. 1, GRADE.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON LANDSCAPE PLAN PRIOR TO PRICING THE WORK.
- THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL NOT MEETING SPECIFICATIONS.
- ALL SINGLE STEM SHADE TREES TO HAVE STRAIGHT TRUNKS AND SYMMETRICAL CROWNS.
- ALL SINGLE TRUNK SHADE TREES TO HAVE A CENTRAL LEADER; TREES WITH FORKED OR IRREGULAR TRUNKS WILL NOT BE ACCEPTED.
- ALL MULTI STEM TREES SHALL BE HEAVILY BRANCHED AND HAVE SYMMETRICAL CROWNS; ONE SIDED TREES OR THOSE WITH THIN OR OPEN CROWNS SHALL NOT BE ACCEPTED.
- ALL EVERGREEN TREES SHALL BE HEAVILY BRANCHED AND FULL TO THE GROUND, SYMMETRICAL IN SHAPE AND NOT SHEARED FOR THE LAST FIVE GROWING SEASONS.
- ALL TREES TO HAVE CLAY OR CLAY LOAM BALLS, TREES WITH SAND BALLS WILL BE REJECTED.
- NO MACHINERY IS TO BE USED WITHIN THE DRIP LINE OF EXISTING TREES; HAND GRADE ALL LAWN AREAS WITHIN THE DRIP LINE OF EXISTING TREES.
- ALL TREE LOCATIONS SHALL BE STAKED BY LANDSCAPE CONTRACTOR AND ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF THE PLANT MATERIAL.
- IT IS MANDATORY THAT POSITIVE DRAINAGE IS PROVIDED AWAY FROM ALL BUILDINGS.
- ALL PLANTING BEDS SHALL RECEIVE 3" SHREDDED HARDWOOD BARK MULCH WITH PRE EMERGENT, SEE SPECIFICATIONS. SHREDDED PALETTE AND DYED MULCH WILL NOT BE ACCEPTED.
- ALL LANDSCAPED AREAS SHALL RECEIVE 3" COMPACTED TOPSOIL.
- SEE SPECIFICATIONS FOR ADDITIONAL COMMENTS, REQUIREMENTS, PLANTING PROCEDURES AND WARRANTY STANDARDS.



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F: 248.689.1044
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420 E FRANK, LLC 3640 WOODWARD AVE BLOOMFIELD HILLS, MI 48304	LANDSCAPE PLAN 420 E FRANK PART OF THE NE 1/4 OF SECTION 36, T. 2N, R. 10E, CITY OF BIRMINGHAM, OKLAHOMA COUNTY, MICHIGAN	DES. JLE JBT	DN. JLE JBT	SUR. JLE JBT	OTHERS. JLE JBT	P.M. JLE JBT
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ORIGINAL ISSUE DATE:
MARCH 1, 2017

PEA JOB NO. 2017-060

SCALE: 1" = 20'

DRAWING NUMBER:

L-1.0

NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2017\2017060\DWG\17060-TOPOBASE.DWG
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XREF: S:\PROJECTS\2017\2017060\DWG\CONSTRUCTION-X-TBLK-17060.DWG

**Planning Board Minutes
March 22, 2017**

PRELIMINARY SITE PLAN REVIEW

412-420 E. Frank St.

New residential building (currently Petrazellas and Frank Street Bakery)

Review to allow construction of a three-story residential building with five (5) units and enclosed parking

Mr. Baka advised the subject site is composed of three parcels, 412 & 420 E. Frank St. as well as the small strip of parking that abuts on the east. 412 E. Frank St. was most recently occupied by Frank Street Bakery, while 420 E. Frank has been used as an interior design office space for the past several years. The combined parcels are 15,200 sq. ft. in size and are located on the southeast corner of E. Frank St. and Ann St. The applicant is proposing to demolish the existing buildings to construct a five (5) unit multi-family structure. The site was recently rezoned to TZ-1, Transition Zoning. The proposed residential units are permitted principal uses in the TZ-1 Zone.

Article 04 section 4.20 LA-01 (E) requires that one (1) deciduous tree and one evergreen tree be provided per unit. The applicant is proposing five (5) units. Accordingly, they are required to provide five (5) of each type of tree. ***Therefore, the applicant will be required to provide the required number of trees or obtain a variance from the Board of Zoning Appeals ("BZA").***

The cumulative frontage of E. Frank St. and Ann St. is 252 ft., requiring six (6) street trees. The applicant is proposing to plant two (2) new street trees and retain one (1) existing tree. ***Accordingly the applicant will be required to provide three additional street trees or obtain a waiver from the Staff Arborist.***

The applicant is proposing a 19,141 sq. ft. building requiring six (6) bike racks. Currently, no bike racks are proposed. ***Accordingly, the applicant must provide the required bike racks or obtain a variance from the BZA.***

Design Review

A full design review will be performed at Final Site Plan Review.

Mr. John Serkesian, ~~Architect~~, represented the applicant. He advised they are proposing to remove two metered parking spots. Currently there are three curb cuts on the property and they will be eliminating two of those. The remaining curb cut is as far from the neighborhood as they could get it. They are required to have 10 parking spots and they have 15 under roof and screened with direct access into the building. That should address some of the parking issues in the neighborhood. They will meet with the Staff Arborist as required and plan to meet all landscape requirements. He hopes to only be required to do a 5 ft. sidewalk and match what is along Ann St. The units will be for sale and they average 3,000 sq. ft. in size. The building will be brick and stone. They have shared everything with the neighbors. The peaks of the roof are a little higher than the residences along Ann St.

Motion by Mr. Koseck

Seconded by Ms. Whipple-Boyce to approve the Preliminary Site Plan Review for 412 and 420 E. Frank St. with the following conditions:

- 1. The applicant will be required to provide the height of the chimneys at Final Site Plan Review to determine compliance with the Zoning Ordinance;**
- 2. The applicant will be required to provide the required number of trees on-site;**
- 3. The applicant will be required to provide the dimensions of the sidewalks to verify that they meet the ordinance requirements;**
- 4. The applicant will be required to provide three additional street trees or obtain a waiver from the Staff Arborist;**
- 5. The applicant must provide the required bike racks or obtain a variance from the BZA;**
- 6. The applicant provides the required 6 ft. masonry screenwall or meets the ordinance requirements; and**
- 7. The applicant complies with requests from City Departments.**

Discussion concluded that the width of the sidewalks will be determined by how they relate to the other sidewalks.

No one from the public had comments on the motion at 9:05 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Koseck, Whipple-Boyce, Clein, Jeffares, Share, Williams

Nays: None

Absent: Boyle, Lazar

**Planning Board Minutes
June 28, 2017**

FINAL SITE PLAN AND DESIGN REVIEW

**2. 412 - 420 E. Frank St. (vacant office/restaurant)
Request for Final Site Plan to allow construction of a new
three-story
residential building**

Mr. Baka explained the subject site is composed of three parcels, 412 & 420 E. Frank St. as well as the small strip of parking that abuts on the east. 412 E. Frank St. was most recently occupied by Frank Street Bakery, while 420 E. Frank has been used as an interior design office space for the past several years. The combined parcels are 15,200 sq. ft. and are located on the southeast corner of E. Frank and Ann Sts. The applicant is proposing to demolish the existing buildings to construct a three-story five-unit multi-family structure. On February 13, 2017 the City Commission approved a rezoning to TZ-1 Transition Zoning. The proposed residential units are permitted principal uses in the TZ-1 Zone.

On March 22, 2017, the Planning Board approved the Preliminary Site Plan with conditions. The applicant has complied with all of the conditions requested by the Planning Board for the acceptance of the Preliminary Site Plan.

Design Review

The plans meet the requirements of Article 04 section 4.82 SS-09 Development Standards for TZ-1. However, the applicant will need to provide glazing calculations for the front facade of residential units to show they are at least 25% windows or doors.

The applicant is proposing to construct the building façade from "Olde Windsor Sand Coated" brick with sections of tan limestone veneer. These are high quality building materials permitted in the Ordinance. The development will mesh nicely with the surrounding neighborhood as many of its neighbors are constructed with identical materials (631, 647, 659, and 650 Ann St.; 393 E. Frank St.; 500 S. Old Woodward Ave).

Mr. Alex Bogaerts, the architect, was present along with Mr. John Serkesian who represented the applicant. Mr. Bogaerts passed around the materials. The building is predominantly masonry with limestone accent. They intend to add the exact percentage of glass to the plans.

Mr. Jeffares thought this a beautiful building but one thing that bothers him is the massive brick wall along the east elevation that can be seen from Woodward Ave. Mr. Bogaerts indicated they can't put in windows because the building is right on the property line. If someone else were to build they could potentially come right up against their building. However, they would be happy to introduce limestone and masonry detailing in the wall.

Motion by Mr. Jeffares

Seconded by Ms. Whipple-Boyce to approve the Final Site Plan Review for 412-420 E. Frank St. with the following conditions:

- 1. The applicant provide calculations that confirm at least 25% of the proposed building's front facade is comprised of windows or doors;**
- 2. The east elevation first floor is broken up with some masonry detail to be administratively approved.**

No one from the public wished to comment on the motion at 8:47 p.m.

Motion carried, 7-0.

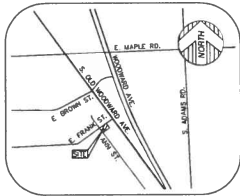
VOICE VOTE

Yeas: Jeffares, Whipple-Boyce, Clein, Koseck, Lazar, Share, Williams

Nays: None

Absent: Boyle

TOPOGRAPHIC SURVEY



VICINITY MAP
(NOT TO SCALE)

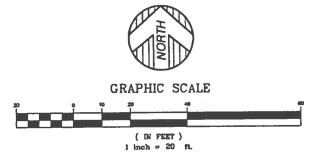
PARKING
NO MARKED PARKING ON SITE

BENCHMARK
SET MARK IN CONCRETE NEAR WESTERLY PROPERTY CORNER.
ELEVATION = 793.73 (NAD 83)

SURVEYOR'S NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA. EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.
2. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY. THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.

LEGEND	
●	SET 1/2" REBAR WITH CAP P.S. 47978
○	FOUND MONUMENT (AS NOTED)
(RM)	RECORD AND MEASURED DIMENSION
(R)	RECORD DIMENSION
(M)	MEASURED DIMENSION
•	GROUND POINT
○	UTILITY POLE
○	SEWER MANHOLE
○	SANITARY MANHOLE
○	ROUND CATCH BASIN
○	SQUARE CATCH BASIN
○	WATER GATE MANHOLE
---	PARCEL BOUNDARY LINE
---	PLATTED LOT LINE
---	BUILDING
---	BUILDING OVERHANG
---	CONCRETE CURB
---	EDGE OF CONCRETE (CONC.)
---	EDGE OF ASPHALT (ASPH.)
---	EDGE OF GRAVEL
---	FENCE (AS NOTED)
---	WALL (AS NOTED)
---	OVERHEAD UTILITY LINE



PROPERTY DESCRIPTION
LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

PARCEL 1:
WEST 1/2 OF LOTS 31 AND 32, OF PLAT OF BLAKESLEE'S ADDITION TO THE VILLAGE OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN USER 2 OF PLATS, PAGE 50, OAKLAND COUNTY RECORDS.

PARCEL 2:
EAST 80 FEET OF LOTS 31 AND 32, OF PLAT OF BLAKESLEE'S ADDITION TO THE VILLAGE OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN USER 2 OF PLATS, PAGE 50, OAKLAND COUNTY RECORDS.

PARCEL 3:
WEST 30 FEET OF LOTS 31 AND 32, OF PLAT OF BLAKESLEE'S ADDITION TO THE VILLAGE OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN USER 2 OF PLATS, PAGE 50, OAKLAND COUNTY RECORDS.

PARCEL AREA

PARCEL 1:	18,000 SQUARE FEET = .414 ACRES
PARCEL 2:	85,000 SQUARE FEET = 1.944 ACRES
PARCEL 3:	15,000 SQUARE FEET = .345 ACRES
TOTAL:	118,000 SQUARE FEET = 2.703 ACRES

SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED. THE ELEVATIONS SHOWN HEREON ARE BASED ON A FIELD SURVEY AND THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME.

ANTHONY J. STEAD, JR., P.E.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47978

KEM-TEC & ASSOCIATES
PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS
25555 GRAYSON AVE. • EASTTOWN, MICHIGAN 48821
(586) 772-2222 • (800) 238-7222 • FAX (586) 772-8048

CERTIFIED TO: ARJA HOLDING, LLC.

DATE: SEPTEMBER 01, 2016	JOB #: 16-03005
SCALE: 1" = 20'	SHEET: 1 OF 1
DRAWN BY: A./J.W.	REV.: OCTOBER 17, 2017



Combination of Platted Lots Application

1. Applicant

Name: 420 E. FRANK ST, LLC
Address: 36400 WOODWARD AVE
Bloomfield Hills, MI 48304
Phone Number: 248 8851153
Fax Number: _____
Email Address: JOHN S & JOHN RICHARDS . COM

Property Owner

Name: SAME AS APPLICANT
Address: _____
Phone Number: _____
Fax Number: _____
Email Address: _____

2. Applicant's Attorney/Contact Person

Name: SAME AS APPLICANT
Address: _____
Phone Number: _____
Fax Number: _____
Email Address: _____

Survey Company

Name: KEM TEC 9 ASSOCIATES
Address: 22556 GRATIOT AVE
EAST POINTE MI 48021
Phone Number: 586 772-2222
Fax Number: _____
Email Address: R GARIBINO @ KEMTEC - SURVEY.COM

3. Project Information

Address/Location of Property: 420 E FRANK ST,
412 E. FRANK ST.

Legal Description: _____

Sidwell #: 19-36-263-001, 19-36-263-002,

19-36-253-003

Current Zoning: T2-1

4. Attachments

- Proof of ownership
- Written statement of reasons for request
- A letter of authority or power of attorney in the event the application is made by a person other than the property owner
- Other data having a direct bearing on the request
- Sketches of proposed development (optional)
- One digital copy of plans
- Two (2) copies of a **registered** land survey showing:
 - All Existing and proposed platted lot lines
 - Legal descriptions of proposed lots
 - Locations of existing/surrounding structures for at least 500 feet in all directions
 - Footprints of proposed development including proposed building envelope with front, side and rear setbacks clearly marked.

(I), (We), the undersigned, do hereby request to combine lots of record in the City of Birmingham, Oakland County, Michigan. (I), (We), do hereby swear that all of the statements, signatures, and descriptions appearing on and with this request are in all respects true and accurate to the best of (my), (our), knowledge.

Signature of Property Owner: [Signature]
Print Name: JOHN SHERIDAN, for 420 E FRANK ST, LLC
Signature of Applicant: [Signature]
Print Name: JOHN SHERIDAN, for 420 E FRANK ST, LLC

Date: 10/26/17

Date: 10/26/17

Fee: \$200.00 per lot affected, minimum fee \$400

APPLICATION COMBINATION OF PLATTED LOTS
Birmingham Michigan

1. Change Premises described as:

412 E. Frank Street & 420 E. Frank Street, Birmingham, MI 48009

Legal description:

Parcel 1:

West ½ of Lots 31 and 32, of Plat of Blakeslee's Addition to the Village of Birmingham, According to the Plat thereof as recorded in Liber 2 of Plats, Page 50, Oakland County Records. (Parcel #19-25-252-001)

Parcel 2:

East 60 feet of Lots 31 and 32, of Plat of Blakeslee's Addition to the Village of Birmingham, According to the Plat thereof as recorded in Liber 2 of Plats, Page 50, Oakland County Records. (Parcel #19-25-252-002)

Parcel 3:

West 32 feet of Lots 3 and 4, of Plat of Blakeslee's Addition to the Village of Birmingham, According to the Plat thereof as recorded in Liber 2 of Plats, Page 50, Oakland County Records. (Parcel #19-25-252-003)

(Together, the "Subject Property")

By combining the three lots into one with an address of 420 E. Frank Street.

See attached Kem-Tec & Associates sealed land survey showing location, size of lot and placement of buildings.

Statements and reason for request or other data have a direct bearing on the request:

The Subject Property consists of three parcels:

The western portion (approximately 60' along Frank starting at Ann, known as 412 E. Frank) was changed from B-1 zoning in 1987 to its prior zoning of R-3 Single Family Residential. There is a building on this parcel that has an office use with associated parking.

The central portion (60' in width along Frank, known as 420 E. Frank) is previously zoned B-1 Neighborhood Business.

The eastern portion (32' in width along Frank, no known address) previously zoned B-2B (General Business) and is currently a parking lot.

The zoning classifications of the properties in the general area of the Subject Property are R-3 (Single Family Residential) to the west and south, and B-2B (General Business) as well as D-2 in the Downtown Birmingham Overlay to the north and east. The Subject Property is surrounded by properties with different uses, some consistent with existing zoning classifications and many in variance of existing zoning. The Subject Property is bordered

on the east side by an office building and parking lot which fronts on Old Woodward and is in the B2B zoning district. The property adjacent on the north side of Frank Street is a CVS drug store and surface parking lot which fronts on Old Woodward. While the properties to the west and south are in the R-3 (Single Family Residential) zoning district, the home directly west of the Subject Property at the southwest corner of Ann Street and Frank Street currently has a multi-family use with three families occupying it. The three buildings on the west side of Ann Street immediately to the south of this corner home are all multi-family properties with 4 units, 24 units and 4 units respectively. The building on the west side of Ann Street two houses to the north of the intersection of Ann and Frank is being used as an office building with an adjacent parking lot containing 22 parking spots. Directly to the north of this property on the west side of Ann Street is an 8 unit multi-family building. One block to the west at the intersection of Frank and Purdy is a building with 3 commercial offices and directly to the north is a 23 unit multi-family property. Other than this last property, all of the other multi-family and commercial properties west of the Subject Property have a non-conforming use in the R-3 Single Family Residential zoning district. (See attached map entitled "Similar in Context Developments/Zoning Plan")

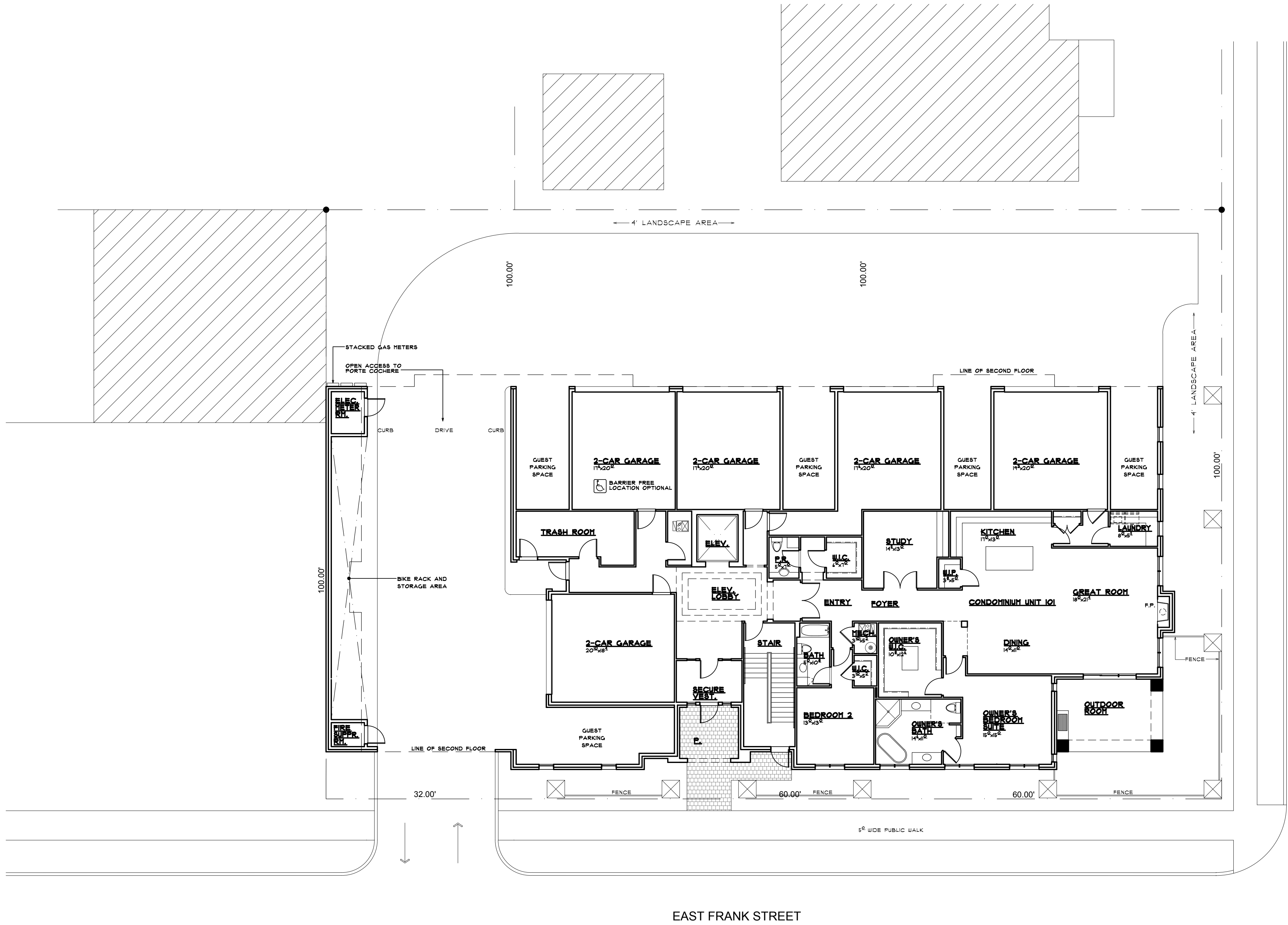
Given the current mix of uses on the three parcels which make up; the City Commission considered this as a transitional property.

The Subject Property was rezoned to the transitional zoning classification of TZ-1. This request was consistent to the intent of the City's transitional zoning.

The applicant received Final Site Plan review approval to develop the property as multi-family three story, 5 unit, residential condominium. The applicant has submitted plans and an application for building permits.

The lots need to be combined in order for the Applicant to proceed with the construction of the building indicated in the Final Site Plan.

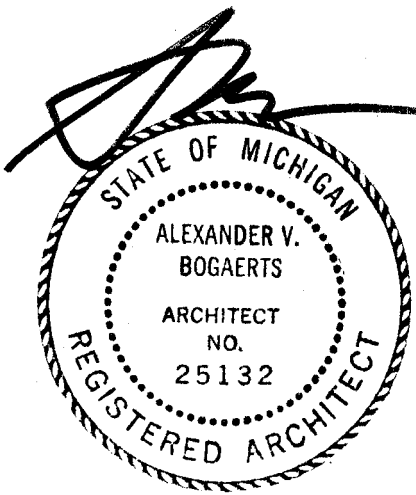
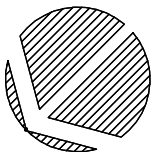
Applicant:	420 E Frank St, LLC
Signature of Applicant:	_____
Print Name:	John Shekerjian, its agent
Name of Owner:	420 E. Frank St. LLC
Applicant Address:	36400 Woodward Ave., Bloomfield Hills, MI 48304
Applicant Telephone #:	(248) 885-1153



SQUARE FOOTAGE	
FIRST FLOOR	5,613 SQ. FT.
SECOND FLOOR	4,112 SQ. FT.
THIRD FLOOR	4,112 SQ. FT.
T O T A L	13,837 SQ. FT.

1 FIRST FLOOR PLAN AND SITE AREA
SEE CIVIL ENGIN. PLANS FOR DETAIL

Scale: 3/32" = 1'-0"



Alexander V. Bogaerts + Associates, P.C. • Architecture • Planning • Interior Design

2445 Franklin Road
Bloomfield Hills, MI 48302
248 • 334 • 5000

SHEET TITLE

FIRST FLOOR PLAN
AND SITE AREA

PRELIMINARY

CLIENT/PROJECT

420 E. FRANK DEVELOPMENT
420 E. FRANK, LLC
BIRMINGHAM, MICHIGAN

COPYRIGHT 2016
ALEXANDER V.
BOGAERTS + ASSOC.

☒ PRELIMINARY
S.P.A. DRAWING

☐ BIDS

☐ PERMITS

☐ CONSTRUCTION

REVISIONS

DRAWN BY
AMM, ABC

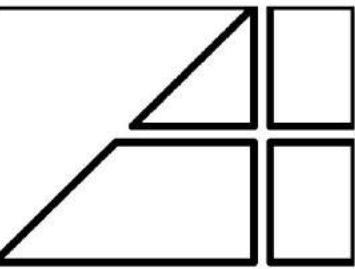
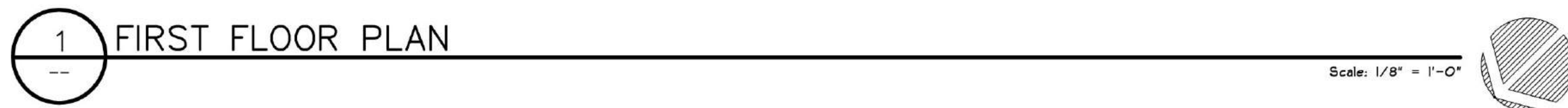
CAD FILENAME
ARJA.dwg

CHECKED BY

JOB NUMBER
1786

DATE

SHEET NUMBER
A1



Running • Interior Design
2445 Franklin Road
Bloomfield Hills, MI 48302
248•334•5000

FIRST FLOOR PLAN

420 E. FRANK DEVELOPMENT

ALEXANDER V.
BOGAERTS + ASSOC.

PRELIMINARY
S.P.A. DRAWING

BIDS

PERMITS

CONSTRUCTION

REVISIONS

DRAWN BY

AMM, A

AD FILENAME

CHECKED BY _____

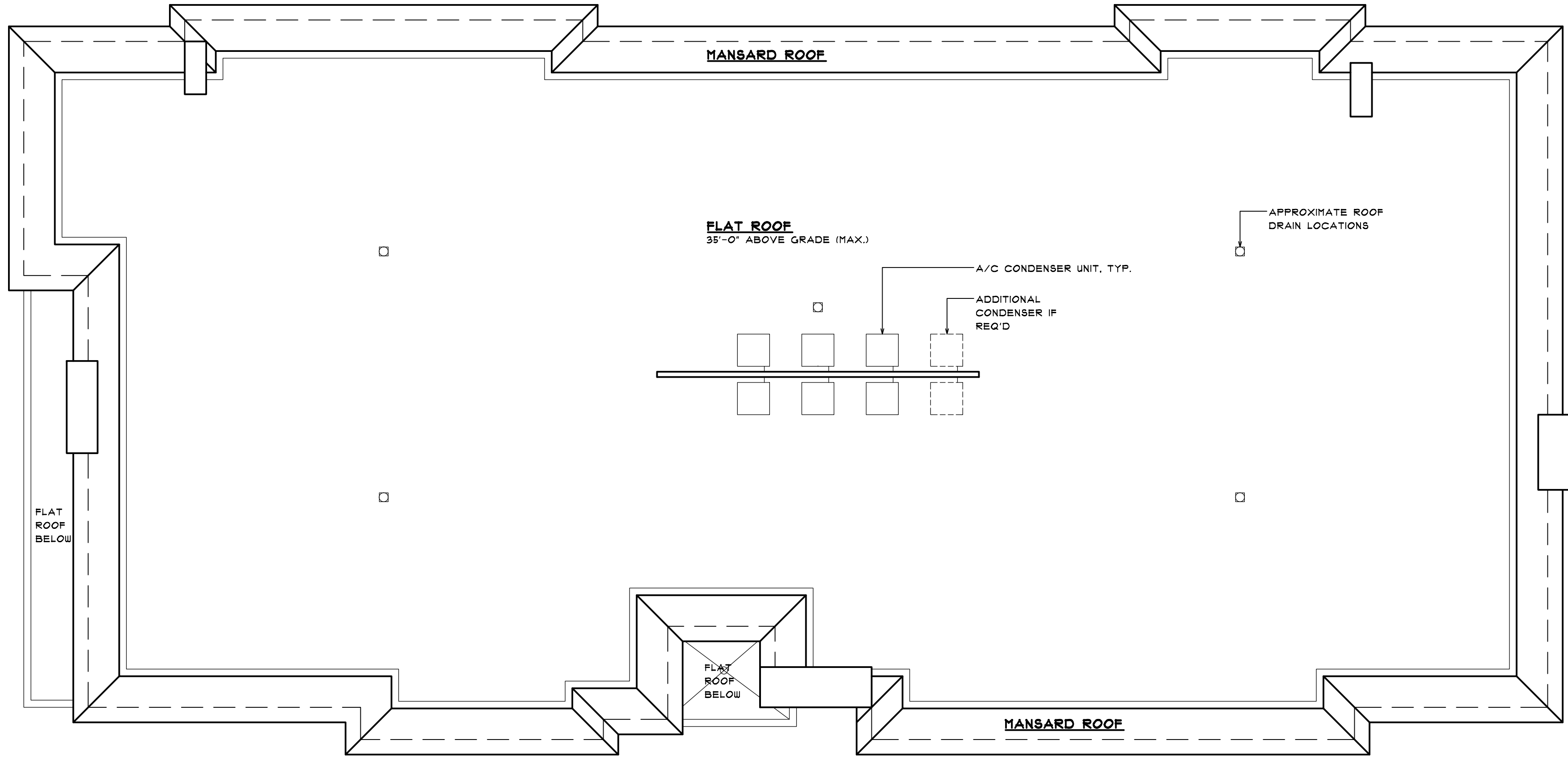
1786

DATE _____

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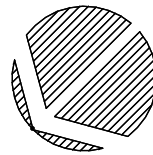
A2

Alexander V. Bogaerts + Associates, P.C. • Architecture • Planning • Interior Design



1 ROOF PLAN

Scale: 1/8" = 1'-0"



Alexander V. Bogaerts + Associates, P.C. • Architecture • Planning • Interior Design

2445 Franklin Road
Bloomfield Hills, MI 48302
248 • 334 • 5000

CLIENT/PROJECT
420 E. FRANK DEVELOPMENT
420 E. FRANK, LLC
BIRMINGHAM, MICHIGAN

420 E. FRANK DEVELOPMENT
420 E. FRANK, LLC
BIRMINGHAM, MICHIGAN

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ALEXANDER V. BOGAERTS + ASSOC.

☒ PRELIMINARY
S.P.A. DRAWING

☐ BIDS

☐ PERMITS

☐ CONSTRUCTION

REVISIONS

DRAWN BY
AMM, ABC

CAD FILENAME
ARJA.dwg

CHECKED BY

JOB NUMBER
1786

DATE

SHEET NUMBER
A4

SHEET TITLE
ROOF PLAN

PRELIMINARY



NORTH ELEVATION

SCALE: 1/8" = 1'-0"

	BUILDING COMPONENT	MATERIAL/DESCRIPTION	MANUFACTURER/SUPPLIER
A	BRICK WALL	"OLDE WINDSOR" SAND COATED BRICK	THE BOWERSTON SHALE CO.
B	STONE WALL	LIMESTONE VENEER, 8"x24"	GENESEE CUT STONE & MARBLE
C	WINDOW SILL	LIMESTONE	GENESEE CUT STONE & MARBLE
D	WINDOW HEADER	LIMESTONE	GENESEE CUT STONE & MARBLE
E	ENTABLATURE	LIMESTONE	GENESEE CUT STONE & MARBLE
F	RAILING	CUSTOM IRON RAILING	DISEONS MFG.
G	FENCE	CUSTOM IRON FENCE	DISEONS MFG.
H	LANDSCAPE PIER	"OLDE WINDSOR" SAND COATED BRICK	THE BOWERSTON SHALE CO.
I	SHINGLES	TIMBERLINE HD SHINGLES; COLOR: WEATHERED WOOD	GAF TIMBERLINE
J	CHIMNEY POTS	ROUND CHIMNEY POT, COPPER FINISH	WOODLAND DIRECT
K	CHIMNEY SHROUDS	VENETIAN COPPER CUSTOM CHIMNEY CAP	WOODLAND DIRECT
L	FRIEZE/GUTTERS	COMPOSITE PANEL	FYPON/GUTTER LOCATIONS PER SUBCONTRACTOR
M	COLUMN	COMPOSITE PANEL	FYPON
N	WALL PANEL	SMOOTH STUCCO PANEL	3 COAT PROCESS
O	WALL TRIM	WOOD	LUMBER SUPPLIER
P	EXTERIOR LIGHT FIXTURES	(SEE LIGHTING PLAN)	(SEE LIGHTING PLAN)
Q	WINDOW AND DOOR FRAMES	BLACK FINISH	JELD-WEN
R	BRICK	"OLDE WINDSOR" SAND COATED BRICK; HERRINGBONE PATTERN	THE BOWERSTON SHALE CO.
S	PANEL BRICK	"OLDE WINDSOR" SAND COATED BRICK	THE BOWERSTON SHALE CO.
T	HEADER	"OLDE WINDSOR" SAND COATED BRICK, SOLDIER	THE BOWERSTON SHALE CO.
U	WINDOW SILL	"OLDE WINDSOR" SAND COATED BRICK, ROWLOCK	THE BOWERSTON SHALE CO.



EAST ELEVATION

SCALE: 1/8" = 1'-0"





SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

	BUILDING COMPONENT	MATERIAL/DESCRIPTION	MANUFACTURER/SUPPLIER
A	BRICK WALL	"OLDE WINDSOR" SAND COATED BRICK	THE BOWERSTON SHALE CO.
B	STONE WALL	LIMESTONE VENEER, 8"x24"	GENESSEE CUT STONE & MARBLE
C	WINDOW SILL	LIMESTONE	GENESSEE CUT STONE & MARBLE
D	WINDOW HEADER	LIMESTONE	GENESSEE CUT STONE & MARBLE
E	ENTABLATURE	LIMESTONE	GENESSEE CUT STONE & MARBLE
F	RAILING	CUSTOM IRON RAILING	DISEONS MFG.
G	FENCE	CUSTOM IRON FENCE	DISEONS MFG.
H	LANDSCAPE PIER	"OLDE WINDSOR" SAND COATED BRICK	THE BOWERSTON SHALE CO.
I	SHINGLES	TIMBERLINE HD SHINGLES, COLOR: WEATHERED WOOD	GAF TIMBERLINE
J	CHIMNEY POTS	ROUND CHIMNEY POT, COPPER FINISH	WOODLAND DIRECT
K	CHIMNEY SHROUDS	VENETIAN COPPER CUSTOM CHIMNEY CAP	WOODLAND DIRECT
L	PRIEZE/GUTTERS	COMPOSITE PANEL	PYPON/GUTTER LOCATIONS PER SUBCONTRACTOR
M	COLUMN	COMPOSITE PANEL	PYPON
N	WALL PANEL	SMOOTH STUCCO PANEL	3 COAT PROCESS
O	WALL TRIM	WOOD	LUMBER SUPPLIER
P	EXTERIOR LIGHT FIXTURES	(SEE LIGHTING PLAN)	(SEE LIGHTING PLAN)
Q	WINDOW AND DOOR FRAMES	BLACK FINISH	JELD-WEN
R	BRICK	"OLDE WINDSOR" SAND COATED BRICK; HERRINGBONE PATTERN	THE BOWERSTON SHALE CO.
S	PANEL BRICK	"OLDE WINDSOR" SAND COATED BRICK	THE BOWERSTON SHALE CO.
T	HEADER	"OLDE WINDSOR" SAND COATED BRICK, SOLDIER	THE BOWERSTON SHALE CO.
U	WINDOW SILL	"OLDE WINDSOR" SAND COATED BRICK, ROWLOCK	THE BOWERSTON SHALE CO.



WEST ELEVATION

SCALE: 1/8" = 1'-0"









NOTICE OF PUBLIC HEARING
BIRMINGHAM CITY COMMISSION
AMENDMENT TO ZONING ORDINANCE

Meeting - Date, Time, Location:	Monday, November 20, 2017 7:30 PM Municipal Building, 151 Martin Birmingham, MI 48009
Nature of Hearing:	To consider amendments to the Zoning Ordinance, Chapter 126: Article 2, Section 2.27, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B1 (Neighborhood Business) zone district; Article 2, Section 2.29, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2 (General Business) zone district; Article 2, Section 2.31, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2B (General Business) zone district; Article 2, Section 2.39, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MX (Mixed Use) zone district; Article 3, Section 3.08, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MU-3, MU-5 and MU-7 (Mixed Use) zone districts; and Appendix C, Exhibit 1, Economic Development Licenses Map to expand the number of parcels which may qualify for the use of an Economic Development Liquor License.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice:	Publish: November 5, 2017
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting or present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



MEMORANDUM

Planning Division

DATE: November 13, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for Economic Development Liquor Licenses

On June 19th, 2017 the City held a joint workshop session with the Planning Board and City Commission to discuss current planning issues. One of the issues discussed was the City Commission's desire for the Planning Board to study the economic development liquor license boundaries, and consider a possible expansion of the areas in which such a license may be permitted.

Accordingly, the Planning Board has been discussing this issue, and on October 25, 2017, the Planning Board voted unanimously to recommend expansion of the area in which economic development liquor licenses are permitted to include additional areas in the Triangle District, the Rail District (with the exception of the Crosswinds development), and the southwest corner of Woodward and Quarton.

Thus, the City Commission set a public hearing date of November 20, 2017 to consider ordinance amendments to the Zoning Ordinance as follows:

- a) Article 2, Section 2.27, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B1 (Neighborhood Business) zone district;
- b) Article 2, Section 2.29, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2 (General Business) zone district;
- c) Article 2, Section 2.31, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2B (General Business) zone district;
- d) Article 2, Section 2.39, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MX (Mixed Use) zone district;
- e) Article 3, Section 3.08, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MU-3, MU-5 and MU-7 (Mixed Use) zone districts; and
- f) Appendix C, Exhibit 1, Economic Development Licenses Map to expand the number of

parcels which may qualify for the use of an Economic Development Liquor License.

Please find attached the staff report to the Planning Board as well as all ordinance language and the relevant meeting minutes for your review.

SUGGESTED ACTION:

To approve the following ordinance amendments to allow the use of Economic Development Liquor Licenses in an expanded area as shown on the attached map:

- 1) Article 2, Section 2.27, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B1 (Neighborhood Business) zone district;
- 2) Article 2, Section 2.29, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2 (General Business) zone district;
- 3) Article 2, Section 2.31, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2B (General Business) zone district;
- 4) Article 2, Section 2.39, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MX (Mixed Use) zone district;
- 5) Article 3, Section 3.08, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MU-3, MU-5 and MU-7 (Mixed Use) zone districts; and
- 6) Appendix C, Exhibit 1, Economic Development Licenses Map to expand the number of parcels which may qualify for the use of an Economic Development Liquor License.

Joint City Commission / Planning Board Minutes
June 19, 2017

D. ECONOMIC DEVELOPMENT LICENSE BOUNDARY REVIEW

Ms. Ecker explained that this issue came up over the past year. The Economic Development License boundary includes mostly properties along the Woodward corridor that the Commission at the time felt were the properties that needed a push forward in order to see some redevelopment occur. The area also now includes Maple Road just to the east of Woodward. The Stand and Triple Nickel have been developed as a result of the district. We have had interest from others who do not fall in the district at this point. She asked if there is interest in changing the boundaries for this district or not. Ms. Ecker added the benefit of being included in the district is the ability to transfer a liquor license from another municipality.

Mr. Jeffares is in favor of looking at this.

Commissioner Hoff said the Economic Development license does not have as many restrictions as the Bistro license, and because of that, she is not in favor of expanding the Economic Development license boundary. By expanding the area, it would bring it closer to residential, areas she feels would be better suited for a Bistro license.

Commissioner DeWeese feels we need more control of it. Currently, we are seeing Bistros getting out of hand. He agrees with Commissioner Hoff, and suggested there maybe is an intermediate step.

Commissioner Sherman said the City does have control, as a Special Land Use Permit is required. This may be another tool to encourage something that would not otherwise be done.

Commissioner DeWeese clarified that his concern is about size, scale, and appropriateness.

Mayor Pro Tem Harris asked how challenging is it for a business to obtain a liquor license if it is not in an area for a Bistro license or economic development license. Ms. Ecker does not have the specifics on that, but the owner would have to obtain an existing quota license, which are rarely for sale, and are expensive.

City Manager Valentine clarified that the investment triggers the ability to obtain the license, then the applicant must purchase the license.

Commissioner Boutros said he thinks it is worth consideration.

Mayor Nickita suggested that a revision is in need of further review to see if it has merit. There are areas in the Triangle District that could use some incentive for development.

**City Commission Minutes
July 10, 2017**

07-196-17 2017 – 2018 PLANNING BOARD ACTION LIST

City Planner Ecker presented the Draft Planning Board Action List for 2017-2018 based on the June 19, 2017 Joint Planning Board/City Commission Meeting. Each Commissioner noted their preference for priority projects, taking into account how quickly an item could be completed, which items might bog down progress because they will require more effort, input and time, and which items are issues the Commission is currently facing.

City Planner Ecker explained the Planning Board addresses 5 study items at each study session, so that 5 issues are being worked on concurrently. She estimated any zoning ordinance amendment takes a minimum of 3 - 6 months to go through the planning and public hearing process to reach the point of adoption.

A change in wording of the Specific Direction/Problem Definition for Definition of Retail – Short Term Study was requested to be consistent with City Manager Valentine's June 30, 2017 memo to the Planning Board: "review the Redline Retail Area as prescribed by the Downtown Birmingham 2016 Report for background on the intent for retail in the downtown".

With regard to the issue of renting properties, which City Planner Ecker noted is not within the scope of the Planning Board, City Manager Valentine indicated he presented the issue at the joint meeting as something to keep an eye on. He believes it important to monitor pending legislation and plan for appropriate language in case the legislation doesn't pass.

The Commission requested that City Planner Ecker provide more clarity and detail for 2 items: (1) "Consider looking at principal uses allowed and add flexibility ("and other similar uses")" and (2) "Potential residential zoning changes; MF & MX garage doors".

Mayor Nickita asked for a timely update on the Planning Board's progress, and City Manager Valentine suggested a progress report be given at the next Joint Planning Board/City Commission Meeting.

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

To approve the Planning Board 2017 Action List as amended:

1. Definition of Retail – Short Term Study
2. Bistro Parameters
3. Economic Development License Boundary Review
4. Renovation of Commercial Properties
5. Commercial Projections onto Public Property / Architectural Allowances
6. Definition of Retail – Long Term Study
7. Shared Parking
8. Consider looking at principal uses allowed and add flexibility ("and other similar uses")
9. Potential residential zoning changes; MF & MX garage doors
10. Rail District Boundary Review
11. Sustainable Urbanism (Green building standards, pervious surfaces, geothermal, native

plants, low impact development, etc.)

12. Additional Items to be Considered during Master Plan Process

VOTE: Yeas, 7

Nays, 0

Absent, 0

Planning Board Minutes
August 9, 2017

3. Economic Development Liquor License Boundaries

Ms. Ecker recalled that in 2009, the City Commission approved the creation of an Economic Development Liquor License as an incentive to encourage development in certain areas of the City. The properties that are eligible for this incentive are predominately located on or near Woodward Ave.

On February 13, 2017, the owners of the Whole Foods property at 2100 E. Maple Rd. requested that the City either expand the Rail District boundary to include the Whole Foods property so that a Bistro License could be approved, or expand the boundaries of the Economic Development License area along Woodward Ave. to allow Whole Foods to qualify for an Economic Development Liquor License. The City Commission reviewed both options, and voted to include Whole Foods within the Rail District to allow the operation of a bistro, and decided not to expand the Economic Development boundaries at that time.

On June 19, 2017 at the joint meeting, both the City Commission and the Planning Board discussed the expansion of the Economic Development License area to include a larger area of the City, perhaps including the Triangle District and/or the Rail District. On July 10, 2017, the City Commission amended the Planning Board's Action List to include a review of the Economic Development License boundaries as the third priority.

Draft ordinance language is presented that expands the boundaries established in Exhibit 1 of Appendix C to include all of the Rail District, and the remainder of the Triangle District, with the exception of the single-family residential area (zoned R-2, Single-Family Residential, and ASF-3, Attached Single-Family Residential).

Mr. Williams did not think the Crosswinds project in the Rail District should be on the Economic Development License map. It was discussed that the Economic Development License is already allowed on numerous parcels in the Triangle District. Ms. Ecker suggested cutting out sites that are immediately adjacent to residential and potentially include sites perhaps along Adams that do not abut single-family residential.

The Chairman called for public comments at 10:35 p.m.

Ms. Catherine Abhoud, said she is a resident at 367 Suffield; a property owner of 2125 E. Lincoln and 2159 E. Lincoln; and also a business owner of Armstrong White which is the tenant at 2159 E. Lincoln. Ms. Abhoud observed there has not been an enormous amount of economic development in the Rail District. So she feels that expanding the Economic Development into the Rail District would foster development. Everything in that area is moving and it is ripe for economic development.

This matter will come to the board one more time with revised draft ordinance language before going to a public hearing.

Planning Board Minutes September 13, 2017

STUDY SESSIONS

1. Economic Development Liquor License Boundaries

Ms. Ecker recalled that in 2009 the City Commission approved the creation of an Economic Development Liquor License as an incentive to encourage development in certain areas of the City. The properties that are eligible for this incentive are predominantly located on or near Woodward Ave.

On July 10, 2017, the City Commission amended the Planning Board's Action List to include a review of the Economic Development License boundaries as the third priority. Accordingly, the Planning Board began discussions again regarding the expansion of the Economic Development Liquor License areas to include the Triangle and/or Rail District(s) or other areas of the City.

On August 9, 2017, the Planning Board discussed the expansion of the Economic Liquor License areas, specifically to expand the opportunities in the Triangle District, and to allow such licenses in the Rail District. Board members discussed several options, and ultimately directed staff to come back to the board with revised ordinance language and a revised map to include all of the Triangle District, with the exception of the single-family residential area at the north end; all of the Rail District with the exception of the Crosswinds development; and parcels along the east side of Adams adjacent to the Triangle District which do not abut single-family residential zoned parcels.

Board members made the following changes to the Economic Development License boundaries that were depicted on the revised map that was provided:

- Take out the parcel behind All Seasons because it butts up to single-family even though it is zoned O-1.
- Include two parcels to the west of Elm between Holland and Lincoln in the Triangle District. Exclude the two parcels east of Elm;
- Continue to leave Baker's Square out.

With regard to the southwest corner of Quarton and Woodward Ave., Ms. Ecker said there is a judgment on record which has established the terms for future development.

Chairman Clein called for comments from the audience at 9:07 p.m.

Mr. Rick Rattner, 380 N. Old Woodward Ave., stated there are 39 liquor licenses in the City and all of them except four are in the Downtown Development Overlay District. He submitted that the whole Downtown District should be part of the Economic Development License Boundary map. Developers are spending incredible amounts of money along Woodward Ave. and Old Woodward Ave. and that area is the engine of this community. The developers should be allowed to apply for a Special Land Use Permit and then go about getting the license as economically as possible.

Secondly, the piece of property at Quarton and Woodward Ave. belongs to his client. It has

been vacant since 1989 when a gas station was torn down and they had a lawsuit with the City. The property was too small to do anything with until the Road Commission for Oakland County abandoned 33 ft. of the right-of-way. On the other side is a very small DTE station. In the back is a public alley, and then Gasow Veterinary to the south. So it is a very good buildable piece and he doesn't know why it hasn't sold.

Mr. Williams thought that a rather limited area of the Rail District could use a big investment. Mr. Koseck noted his sense is that the intention of the Economic Development Liquor License was to shift attention to areas that are under developed. He is happy with the map as the board has amended it. Mr. Williams was also in favor of the map. The Downtown area currently has a lot of places to get a drink so he thinks this tool should go east because both of those districts are underdeveloped in terms of \$10 million type of developments. From the City's standpoint those are the two areas this group sees as being ripe for such development.

The group agreed as to the expansion into the Triangle area and the Rail District as modified tonight.

Motion by Mr. Williams

Seconded by Mr. Boyle to set a public hearing for October 25, 2017 to expand the boundaries of the Economic Development Liquor License to include the south end of the Triangle District and from Holland south in the Rail District.

There were no comments from the public on that motion at 9:34 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Williams, Boyle, Jeffares, Clein, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

Motion by Mr. Jeffares

Seconded by Mr. Williams to include in the boundaries of the Economic Development Liquor License map the one parcel at the SW corner Woodward Ave. and Quarton.

There were no comments from members of the public on the motion.

Motion carried, 4-2.

ROLLCALL VOTE

Yeas: Jeffares, Williams, Koseck, Lazar

Nays: Boyle, Clein

Absent: Whipple-Boyce



MEMORANDUM

Planning Division

DATE: October 19, 2017

TO: Planning Board

FROM: Jana L. Ecker, Planning Director

SUBJECT: Economic Development Liquor License Boundaries

In 2009, the City Commission approved the creation of an Economic Development Liquor License as an incentive to encourage development in certain areas of the City. The properties that are eligible for this incentive are identified on the map in Exhibit 1 of Appendix C of the Zoning Ordinance. These properties are predominately located on or near Woodward Avenue.

On February 13th, 2017, the owners of the Whole Foods property at 2100 E. Maple requested that the City either expand the Rail District boundary to include the Whole Foods property so that a bistro license could be approved or expand the boundaries of the Economic Development License area along Woodward to allow Whole Foods to qualify for an Economic Development Liquor License. The City Commission reviewed both options, and voted to include Whole Foods within the Rail District to allow use of a bistro license, and decided not to expand the Economic Development Boundaries at that time.

On June 19, 2017 at the joint meeting, both the City Commission and the Planning Board discussed the expansion of the Economic Development License area to include a larger area of the City, perhaps including the Triangle District and/or the Rail District.

On July 10, 2017, the City Commission amended the Planning Board's Action List to include a review of the Economic Development License boundaries as the third priority. Accordingly, the Planning Board began discussions again regarding the expansion of the Economic Development Liquor License areas to include the Triangle and/or Rail District(s) or other areas of the City.

On August 9, 2017, the Planning Board discussed the expansion of the Economic Liquor License areas, specifically to expand the opportunities in the Triangle District, and to allow such licenses in the Rail District. Board members discussed several options, and ultimately directed staff to come back to the board with revised ordinance language and a revised map to include all of the Triangle District, with the exception of the single family residential area at the north end, all of the Rail District, with the exception of the Crosswinds development, and parcels along the east side of Adams adjacent to the Triangle District which do not abut single family residential zoned parcels.

On September 13, 2017, the Planning Board reviewed draft ordinance language that expands the boundaries established in Exhibit 1 of Appendix C to include all of the Rail District, with the exception of the Crosswinds development, and the remainder of the Triangle District, with the exception of the single family residential area (zoned R2, single family residential, and ASF-3, attached single family residential). The Board voted unanimously to set a public hearing for October 25, 2017 to consider the required ordinance amendments and map changes to expand the use of Economic Development Liquor Licenses in Birmingham. The parcels previously discussed on the east side of Adams adjacent to the Triangle District which do not abut single family residential zoned properties were removed based on the consensus of the Planning Board. A majority of the Planning Board also voted to include the parcel on the southwest corner of Woodward and Quarton in the expanded Economic Development License area.

Suggested Action:

To recommend approval to the City Commission of the following ordinance amendments to allow the use of Economic Development Liquor Licenses in an expanded area as shown on the attached map:

- m) Article 2, Section 2.27, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B1 (Neighborhood Business) zone district;
- n) Article 2, Section 2.29, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2 (General Business) zone district;
- o) Article 2, Section 2.31, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2B (General Business) zone district;
- p) Article 2, Section 2.39, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MX (Mixed Use) zone district;
- q) Article 3, Section 3.08, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MU-3, MU-5 and MU-7 (Mixed Use) zone districts; and
- r) Appendix C, Exhibit 1, Economic Development Licenses Map to expand the number of parcels which may qualify for the use of an Economic Development Liquor License.

**ECONOMIC DEVELOPMENT
OPTION ORDINANCE NO. __**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND 2.27, B1 (Neighborhood Business) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 2.27, B1 (Neighborhood Business) District Intent, Permitted Uses, and Special Uses

**Accessory Permitted
Uses**

- Alcoholic beverage sales*
- Kennel*
- Laboratory – medical/dental*
- Loading facility – off-street*
- Outdoor cafe*
- Outdoor display*
- Parking facility – off-street*
- Sign

**Uses Requiring a Special Land Use
Permit**

- Alcoholic beverage sales (off-premise consumption)
- Alcoholic beverage sales (on-premise consumption)
- Child care center
- Continued care retirement community
- Independent hospice facility
- Drive-in facility*
- Gasoline full service station*
- Skilled nursing facility
- **Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)**

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

**ECONOMIC DEVELOPMENT OPTION
ORDINANCE NO. _____**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND 2.29, B2 (General Business) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 2.29, B2 (General Business) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales(off-premise consumption) *
- Kennel*
- Laboratory – medical/dental*
- Loading facility – off-street*
- Outdoor cafe*
- Outdoor display*
- Outdoor storage*
- Parking facility – off-street*
- Retail fur sales cold storage facility
- Sign

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on-premise consumption)
- Assisted living
- Auto laundry
- Auto sales agency
- Bistro (only permitted in Triangle District or Rail District)*
- Bus/train passenger station and waiting facility
- Continued care retirement community
- Display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- Drive-in facility
- Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels ~~within the Triangle District and on Woodward Avenue~~ identified on Exhibit 1; Appendix C)
- Funeral home

- Gasoline full service station*
- Gasoline service station
- Independent hospice facility
- Independent senior living
- Skilled nursing facility
- Trailer camp

Uses Requiring City Commission Approval

- Regulated uses*

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

**ECONOMIC DEVELOPMENT OPTION
ORDINANCE NO. _____**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND 2.31, B2B (General Business) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 2.31, B2B (General Business) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales(off-premise consumption) *
- Kennel*
- Laboratory – medical/dental*
- Loading facility – off-street*
- Outdoor cafe*
- Outdoor display*
- Outdoor storage*
- Parking facility – off-street*
- Sign

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on-premise consumption)
- Assisted living
- Auto laundry
- Bistro (only permitted in Triangle District or Rail District)*
- Bus/train passenger station and waiting facility
- Continued care retirement community
- Display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- Drive-in facility
- Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels ~~within the Triangle District and on Woodward Avenue~~ identified on Exhibit 1; Appendix C)
- Funeral home
- Gasoline full service station*
- Gasoline service station

- Independent hospice facility
- Independent senior living
- Skilled nursing facility
- Trailer camp

Uses Requiring City Commission Approval

- Regulated uses*

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

**ECONOMIC DEVELOPMENT OPTION
ORDINANCE NO. _____**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND 2.39, MX (Mixed Use) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 2.39, MX (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Dwelling – accessory*
- Garage – private
- Greenhouse – private
- Home occupation
- Loading facility – off-street*
- Outdoor café*
- Outdoor display*
- Outdoor storage*
- Parking facility – off-street*
- Parking structure*
- Renting of rooms*
- Sign
- Swimming pool - private

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on premise consumption)
- Bistros operating with a liquor license granted under the authority of chapter 10, Alcoholic Liquors, Division 4 – Bistro Licenses
- Uses with expanded hours past 7 a.m. to 11 p.m.
- Church
- College
- Dwelling – first floor with frontage on Eton Road
- Outdoor storage*

- Parking structure (not accessory to principle use)
- Religious institution
- School – private
- School – public
- Residential use combined with permitted nonresidential use with frontage on Eton Road
- Any permitted principal use with a total floor area greater than 6,000 sq. ft.
- **Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)**

Used Requiring City Commission Approval

- Assisted living
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Regulated uses*
- Skilled nursing facility

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

**ECONOMIC DEVELOPMENT OPTION
ORDINANCE #: _____**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 3.08, MU-3 (MIXED USE) DISTRICT INTENT,
PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A
SPECIAL LAND USE PERMIT.**

Section 3.08, MU-3 (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Alcoholic beverage sales (off-premise consumption)*
- Any use incidental to principal use
- Retail fur sales cold storage facility
- Sign
- Parking – off-street

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on premise consumption)
- Bank (with drive-through facilities)
- Bistro
- Drive-in facility accessory to a permitted retail business, excluding restaurants
- Funeral home
- Church
- Parking structure
- Religious institution
- Social club
- **Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)**

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

**ECONOMIC DEVELOPMENT OPTION
ORDINANCE #:** _____

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 3.08, MU-5 (Mixed Use) DISTRICT INTENT,
PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A
SPECIAL LAND USE PERMIT.**

Section 3.08, MU-5 (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Alcoholic beverage sales (off-premise consumption)*
- Any use incidental to principal use
- Retail fur sales cold storage facility
- Sign
- Parking – off-street

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on premise consumption)
- Auto sales agency
- Auto show room
- Bank (with drive-through facilities)
- Bistro
- Drive-in facility accessory to a permitted retail business, excluding restaurants
- Funeral home
- Gasoline full-service station
- Gasoline service station
- Church
- Religious institution
- **Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)**

ORDAINED this_____day of_____, 2017 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

**ECONOMIC DEVELOPMENT OPTION
ORDINANCE NO. _____**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 3.08, MU-7 (Mixed Use) DISTRICT INTENT,
PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A
SPECIAL LAND USE PERMIT.**

Section 3.08, MU-7 (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Alcoholic beverage sales (off-premise consumption)*
- Any use incidental to principal use
- Retail fur sales cold storage facility
- Sign
- Parking – off-street

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on premise consumption)
- Auto sales agency
- Auto show room
- Bank (with drive-through facilities)
- Bistro
- Drive-in facility accessory to a permitted retail business, excluding restaurants
- Funeral home
- Gasoline full-service station
- Gasoline service station
- Church
- Religious institution
- **Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)**

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

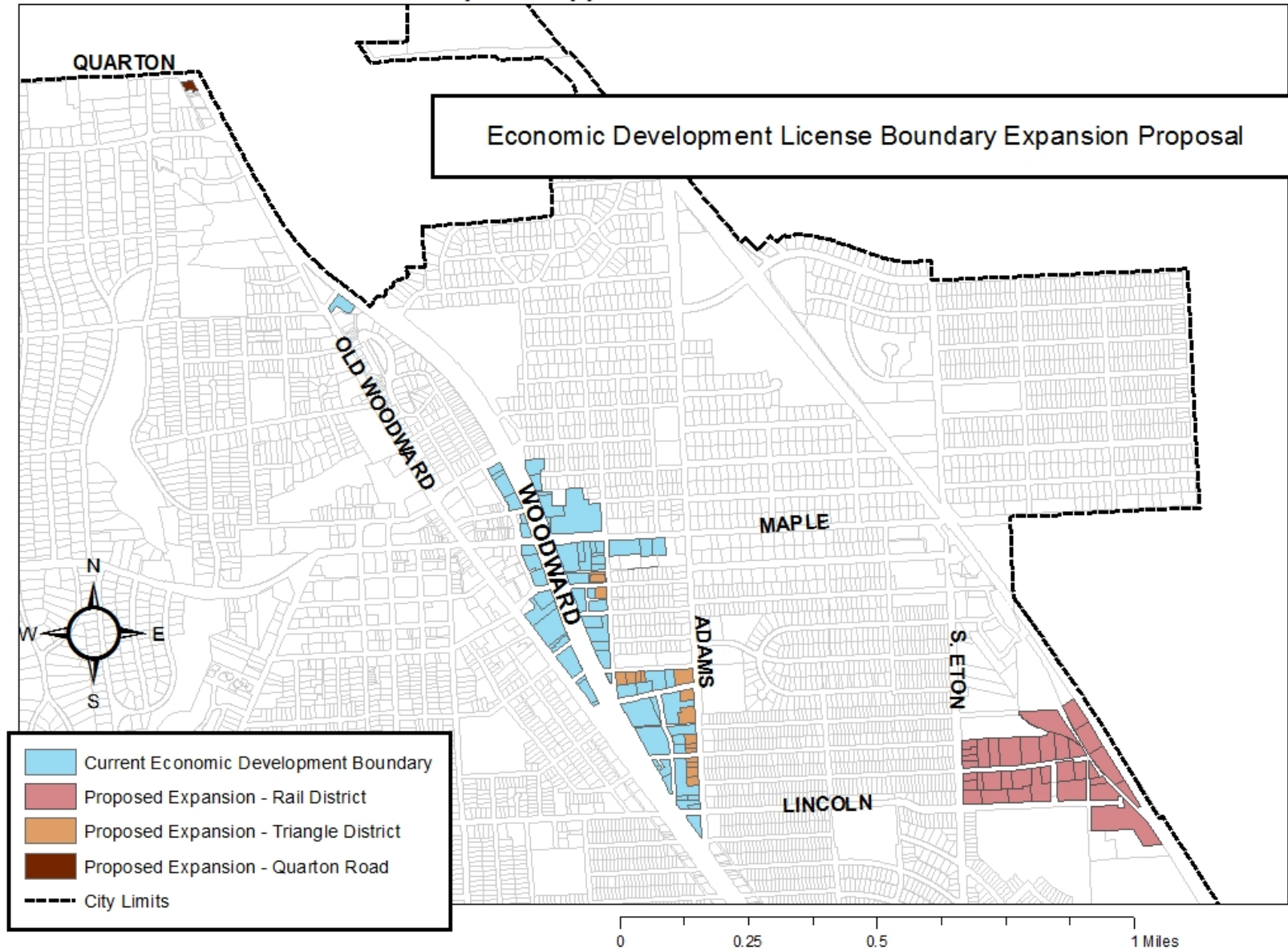
Existing Appendix A, Exhibit 1

Exhibit 1

Appendix
C



Proposed Appendix C: Exhibit 1





Susan Delpup <sdelpup@bhamgov.org>

Fwd: Economic development

1 message

Jana Ecker <jecker@bhamgov.org>
To: Susan Delpup <sdelpup@bhamgov.org>

Tue, Oct 24, 2017 at 4:41 PM

----- Forwarded message -----

From: **Chuck White** <Chuck.White@armstrong-white.com>
Date: Mon, Oct 23, 2017 at 5:24 PM
Subject: Economic development
To: "Jecker@bhamgov.org" <Jecker@bhamgov.org>

Hi Jana,

I hope all is well with you ! I'm writing this letter to you & the planning board in SUPPORT of an " Economic development license " for the Rail district. As a business owner and ownership in 2 premiere Rail district properties I believe this license would unleash continued growth in a very up & coming area " The rail district " .

I cannot attend this Wednesday as I'm out of town and wanted to send my letter of support as

We bring many clients both from our area as well as out of town guest to wine & dine in this GREAT TOWN of Birmingham.

Thank you for listening, I look forward to the outcome.

Sincerely,

Chuck White
248-931-2828
2125 East Lincoln
Birmingham, MI 48009
Chuck.White@armstrong-white.com
www.armstrong-white.com

--

Jana L. Ecker

Planning Director
City of Birmingham
248-530-1841



Susan Delpup <sdelpup@bhamgov.org>

Fwd: Rail District ED Boundaries Expansion

1 message

Jana Ecker <jecker@bhamgov.org>
To: Susan Delpup <sdelpup@bhamgov.org>

Tue, Oct 24, 2017 at 4:41 PM

----- Forwarded message -----

From: Tom Luke <tomluke@me.com>
Date: Mon, Oct 23, 2017 at 5:37 PM
Subject: Rail District ED Boundaries Expansion
To: Jecker@bhamgov.org

Dear Planning Board,

I'm writing to lend my support for the expansion of the economic development boundaries to include the mixed use area in The Rail District. This initiative will activate an area of our community that requires substantial investment, and will bring new dynamic businesses, restaurants, and mixed use developments to the neighborhood.

Please vote yes to this expansion on Wednesday 10/25 and send this proposal to The City Commission.

Thank you for your continued service and for your attention to this matter.

Sincerely,

Name: Tom Luke
Address: 416 Park St., Birmingham 48009--
Jana L. Ecker*Planning Director
City of Birmingham
248-530-1841*



Susan Delpup <sdelpup@bhamgov.org>

Fwd: Support for economic development license expansion

1 message

Jana Ecker <jecker@bhamgov.org>
To: Susan Delpup <sdelpup@bhamgov.org>

Tue, Oct 24, 2017 at 4:41 PM

----- Forwarded message -----

From: Katherine Abboud <Katherine.Abboud@armstrong-white.com>
Date: Mon, Oct 23, 2017 at 9:06 PM
Subject: Support for economic development license expansion
To: "jecker@bhamgov.org" <jecker@bhamgov.org>
Cc: Comcast <katherineabboud@comcast.net>

Dear Planning Board,

I'm writing to lend my support for the expansion of the economic development boundaries to include the mixed use area in The Rail District. This initiative will activate an area of our community that requires substantial investment. This will bring new dynamic businesses, restaurants, and mixed use developments to the neighborhood.

Please vote yes to this expansion on Wednesday 10/25 and send this proposal to The City Commission.

Thank you for your continued service and for your attention to this matter.

Sincerely,

Katherine Abboud
367 Suffield Ave
Birmingham, mi 48009

Katherine Abboud
Partner, Chief Operations Officer | Armstrong White
2125 E. Lincoln St. Birmingham, MI 48009
Cell: 248-981-8729
Katherine.Abboud@armstrong-white.com
www.armstrong-white.com

--

Jana L. Ecker

Planning Director
City of Birmingham
248-530-1841



Susan Delpup <sdelpup@bhamgov.org>

Fwd: Rail District Economic Development Boundaries

1 message

Jana Ecker <jecker@bhamgov.org>
To: Susan Delpup <sdelpup@bhamgov.org>

Tue, Oct 24, 2017 at 4:41 PM

----- Forwarded message -----

From: **Brian Donnelly** <donnellybt@sbcglobal.net>
Date: Tue, Oct 24, 2017 at 9:12 AM
Subject: Rail District Economic Development Boundaries
To: "jecker@bhamgov.org" <jecker@bhamgov.org>

Dear Planning Board,

We are writing to lend our support for the expansion of the economic development boundaries to include the mixed use area in The Rail District. This initiative will activate an area of our community that requires substantial investment. This will bring new dynamic businesses, restaurants, and mixed use developments to the neighborhood.

Please vote YES to this expansion on Wednesday 10/25 and send this proposal to The City Commission.

Thank you for your continued service and for your attention to this matter.

Sincerely,

Brian & Beth Donnelly
1724 Yorkshire
Birmingham, MI 48009
248-647-8438

--
Jana L. Ecker

Planning Director
City of Birmingham
248-530-1841



Susan Delpup <sdelpup@bhamgov.org>

Fwd: Rail District Re-zoning

1 message

Jana Ecker <jecker@bhamgov.org>
To: Susan Delpup <sdelpup@bhamgov.org>

Tue, Oct 24, 2017 at 4:42 PM

----- Forwarded message -----
From: **Paul Grout** <paul@ucigroup.net>
Date: Tue, Oct 24, 2017 at 11:27 AM
Subject: Rail District Re-zoning
To: Jecker@bhamgov.org

Dear Planning Board,

As a resident and business owner I'm writing to lend my support for the expansion of the economic development boundaries to include the mixed use area in The Rail District. This initiative will activate an area of our community that requires substantial investment. This will bring new dynamic businesses, restaurants, and mixed use developments to the neighborhood.

Please vote yes to this expansion on Wednesday 10/25 and send this proposal to The City Commission.

Thank you for your continued service and for your attention to this matter.

Sincerely,

Paul Grout
Whittier Building Company, LLC
UC Investments, LLC
801 S. Adams Rd., Ste 214
Birmingham, MI 48009
PLEASE NOTE NEW ADDRESS

248-761-4111-c
1-866-318-2280-f

--
Jana L. Ecker

Planning Director
City of Birmingham
248-530-1841



Susan Delpup <sdelpup@bhamgov.org>

Fwd: Rail District

2 messages

Jana Ecker <jecker@bhamgov.org>
To: Susan Delpup <sdelpup@bhamgov.org>

Tue, Oct 24, 2017 at 4:41 PM

----- Forwarded message -----

From: **Ted Berry** <tedberry@magnicoatings.com>
Date: Tue, Oct 24, 2017 at 11:08 AM
Subject: Rail District
To: "Jecker@bhamgov.org" <Jecker@bhamgov.org>

Please expand the Rail District for mixed use. It is a very interesting community and further expansion would benefit all of us.

Thank you,

Ted Berry

Executive VP

The Magni Group, Inc.

390 Park street #300

Birmingham, MI 48009

--

Jana L. Ecker

*Planning Director
City of Birmingham
248-530-1841*

Jana Ecker <jecker@bhamgov.org>
To: Susan Delpup <sdelpup@bhamgov.org>

Tue, Oct 24, 2017 at 4:42 PM

Thank you!!

----- Forwarded message -----

From: **Leigh McQueen** <mcqueenleigh@gmail.com>
Date: Tue, Oct 24, 2017 at 1:32 PM
Subject: Rail District
To: Jecker@bhamgov.org

Dear Planning Board,

I'm writing to lend my support for the expansion of the economic development boundaries to include the mixed use area in The Rail District. This initiative will activate an area of our community that requires substantial investment. This will bring new dynamic businesses, restaurants, and mixed use developments to the neighborhood.

Please vote yes to this expansion on Wednesday 10/25 and send this proposal to The City Commission.

Thank you for your continued service and for your attention to this matter.

Sincerely,

Name: Leigh McQueen
Address: 1238 Cedar Drive

--
Jana L. Ecker

*Planning Director
City of Birmingham
248-530-1841*



Susan Delpup <sdelpup@bhamgov.org>

Fwd: Yes - To the expansion of development boundaries in the Rail District1 message

Jana Ecker <jecker@bhamgov.org>
To: Susan Delpup <sdelpup@bhamgov.org>

Tue, Oct 24, 2017 at 10:02 PM

Sent from my iPhone

Begin forwarded message:

From: Shawn Ciemniecki <sc5704@aol.com>
Date: October 24, 2017 at 8:51:59 PM EDT
To: Jecker@bhamgov.org
Subject: Yes - To the expansion of development boundaries in the Rail District

Dear Planning Board,

I'm writing to lend my support for the expansion of the economic development boundaries to include the mixed use area in The Rail District. This initiative will activate an area of our community that requires substantial investment. This will bring new dynamic businesses, restaurants, and mixed use developments to the neighborhood.

Please vote yes to this expansion on Wednesday 10/25 and send this proposal to The City Commission.

Thank you for your continued service and for your attention to this matter.

Sincerely,

Shawn S. Ciemniecki
1098 Northlawn Blvd.
Birmingham, Mi 48009

Thanks for your help building our great city!



Susan Delpup <sdelpup@bhamgov.org>

Fwd: Rail district

1 message

Jana Ecker <jecker@bhamgov.org>
To: Susan Delpup <sdelpup@bhamgov.org>

Wed, Oct 25, 2017 at 8:42 AM

Sent from my iPhone

Begin forwarded message:

From: Sandra Czako <slczako@comcast.net>
Date: October 24, 2017 at 10:03:34 PM EDT
To: Jecker@bhamgov.org
Subject: Rail district

Ms. Ecker,
Please vote "yes" on expanding the boundaries for mixed use economic development in the Rail District.
It's best for our community!

Thank You,
Sandra Czako
419 Suffield Ave
Birmingham

Sent from my iPhone



Jana Ecker <jecker@bhamgov.org>

Rail District inclusion for Economic Development

1 message

John Willette <john.willette@armstrong-white.com>

Wed, Oct 25, 2017 at 11:29 AM

To: Jecker@bhamgov.org

Dear Janet & Planning Board,

I'm writing you to express my support for the expansion of the economic development boundaries to include the mixed use area in The Rail District. As a business and property owner in Birmingham, I know first hand that growth requires substantial investment. This expansion would help accelerate growth of the tax base in the area and surrounding communities. Further, this will increase property values by bringing new dynamic businesses, restaurants, and mixed use developments to the neighborhoods.

Please vote yes to this expansion on Wednesday 10/25 and send this proposal to The City Commission.

Thank you for your continued service and for your attention to this matter.

Sincerely,

--

John Willette | CGI Director - Partner**T** +1.248.530.5283 **M** +1.810.333.2813 **F** +1.248.594.9525**E** john.willette@armstrong-white.com

Armstrong White | an **sgsco** company**A** 2125 East Lincoln, Birmingham, MI 48009 **W** armstrong-white.com | sgsco.com



Jana Ecker <jecker@bhamgov.org>

Re: Rail District inclusion for Economic Development

1 message

Dean Armstrong <Dean.Armstrong@armstrong-white.com>
To: "jecker@bhamgov.org" <jecker@bhamgov.org>

Wed, Oct 25, 2017 at 11:35 AM

Dear Janet & Planning Board,

I'm writing you to express my support for the expansion of the economic development boundaries to include the mixed use area in The Rail District. As a business and property owner in Birmingham, I know first hand that growth requires substantial investment. This expansion would help accelerate growth of the tax base in the area and surrounding communities. Further, this will increase property values by bringing new dynamic businesses, restaurants, and mixed use developments to the neighborhoods.

Please vote yes to this expansion on Wednesday 10/25 and send this proposal to The City Commission.

Thank you for your continued service and for your attention to this matter.

Sincerely,

Dean Armstrong-
Armstrong-White

Get [Outlook for iOS](#)

From: John Willette
Sent: Wednesday, October 25, 2017 11:29:50 AM
To: [Jecker@bhamgov.org](mailto:jecker@bhamgov.org)
Subject: Rail District inclusion for Economic Development

Dear Janet & Planning Board,

I'm writing you to express my support for the expansion of the economic development boundaries to include the mixed use area in The Rail District. As a business and property owner in Birmingham, I know first hand that growth requires substantial investment. This expansion would help accelerate growth of the tax base in the area and surrounding communities. Further, this will increase property values by bringing new dynamic businesses, restaurants, and mixed use developments to the neighborhoods.

Please vote yes to this expansion on Wednesday 10/25 and send this proposal to The City Commission.

Thank you for your continued service and for your attention to this matter.

Sincerely,

--

John Willette | CGI Director - Partner
T +1.248.530.5283 **M** +1.810.333.2813 **F** +1.248.594.9525
E john.willette@armstrong-white.com

Armstrong White | an **sgsco** company
A 2125 East Lincoln, Birmingham, MI 48009 **W** armstrong-white.com | sgsco.com



MEMORANDUM

Finance Department

DATE: November 10, 2017

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Finance Director

SUBJECT: June 30, 2017 Audit Presentation

Douglas Bohrer and Timothy St. Andrew from Plante and Moran will be present at the City Commission meeting on November 20, 2017, to give a presentation and answer any questions pertaining to the audit report.

The audit report and letter to the Commission was provided under separate cover. The audit report is available for inspection at the Clerk's Office as well as on the City's website.



MEMORANDUM

Engineering Dept./Planning Dept./Police Dept.

DATE: November 10, 2017

TO: Joseph A. Valentine, City Manager

FROM: Mark Clemence, Chief of Police
Jana Ecker, Planning Director
Paul T. O'Meara, City Engineer

SUBJECT: Oakland Ave. Improvements
Woodward Ave. to Lawndale Ave.
Multi-Modal Transportation Board Recommendations

As discussed previously, Lawndale Ave. from Oakland Ave. to Woodward Ave. was budgeted for concrete patching as needed, during the 2017 construction season. During detailed review of the pavement conditions, it was determined by staff that that majority of the block was in poor condition, and should be replaced. However, rather than just replacing the street as is, it was noted that the road was built in the 1960's for different traffic conditions than what is now present. Further study revealed that this would be an opportunity to reduce the width of the road, while increasing green space. The issue was reviewed by the Multi-Modal Transportation Board (MMTB) at their meeting of May 4, 2017.

At the City Commission meeting of May 22, 2017, staff presented the Multi-Modal Transportation Board recommendation of reconstructing Lawndale Ave. four feet narrower than it was currently. The Commission approved the recommendation, but asked the Multi-Modal Transportation Board to further study the existing crosswalk conditions at the Oakland Ave. intersection, suggesting that the existing crosswalk location should be moved to the east at the existing STOP sign location.

Also during the month of May, staff received confirmation that the MI Dept. of Transportation (MDOT) was prepared to relocate the northbound Woodward Ave. crosswalk location at Oakland Ave., (as recommended in the Multi-Modal Transportation Master Plan) as a part of their 2018 Woodward Ave. project.

A new plan was prepared for review by the MMTB at their meeting of June 1, 2017. At that meeting, the relocated Woodward Ave. crosswalk was laid out, and a new sidewalk was recommended on the south side of the street to connect this new crosswalk to the existing sidewalk system to the east. In addition, the Oakland Ave. designated crosswalk location was moved east to be adjacent to the existing STOP sign for westbound traffic. The MMTB endorsed these changes, and passed a recommendation accordingly.

The improved plan was forwarded to the Commission for review at their meeting of July 10, 2017. Commissioners expressed concern relative to the lack of a STOP sign for northbound

Lawndale Ave., and whether the relocated crosswalk location was wise, given the potential for poor sight distance for vehicles making a quick right turn off of Lawndale Ave.

Staff asked our traffic consultant F&V to conduct a STOP sign warrant analysis for the entire intersection. Traffic counts were taken, and the attached report from F&V was presented to the MMTB at their meeting of September 7, 2017. The F&V STOP sign analysis determined the following:

- The intersection is unique in that the north and south legs (Lawndale Ave.) are both one-way traffic, and both heading toward Oakland Ave. As such, all Lawndale Ave. traffic must turn on to Oakland Ave. Further, Oakland Ave. changes from two-way traffic to the east, to one-way westbound to the west. The current STOP sign placements are also unique, with southbound and westbound traffic being required to stop, while northbound traffic is allowed to free flow.
- Traffic counts for the intersection revealed that STOP signs are not warranted in any direction based strictly on traffic demand.
- The northbound Lawndale Ave. right turn movement is by far the most common vehicular movement at this intersection. It is also the one with the poorest sight distance, particularly if pedestrians are encouraged to cross Oakland Ave. to the far east side at the existing STOP sign location.
- There is no sight distance issue for westbound Oakland Ave. traffic at the existing STOP sign location.
- Safety would be improved for pedestrians crossing Oakland Ave. if:
 - a. The crosswalk was moved westerly as shown on the attached revised drawing, thereby improving visibility, and
 - b. The STOP sign was relocated from its current location (stopping westbound Oakland Ave. traffic) to northbound Lawndale Ave.

While reviewing the area, F&V also noted that the westbound Oakland Ave. section to Woodward Ave. was unnecessarily wide, given current traffic demands. It was suggested that pedestrian and vehicular safety could be improved at the Woodward Ave. intersection if this leg of Oakland Ave. had improved pavement markings, or better yet, was reduced in size to just one westbound right turn lane. Further, F&V worked with staff to consider the best way to enhance the Woodward Ave. crosswalk not only for pedestrians, but for bicycles, especially given that this intersection was a part of the Neighborhood Connector Route.

Three options on how to modify this block were presented to the MMTB for their consideration. At that meeting, the Board passed a motion indicating their preference for Option 3, which suggested the following improvements:

1. Narrowing Oakland Ave. from Woodward Ave. to Lawndale Ave. to allow one right turn lane on to Woodward Ave.
2. Construction of a marked ten-foot wide multi-use path on the south side of Oakland Ave. from Woodward Ave. to Lawndale Ave. (thereby encouraging bicycles to use the marked crosswalk area when crossing Woodward Ave. at this location).
3. Relocation of the STOP sign from westbound Oakland Ave. to northbound Lawndale Ave.

4. Relocation of the designated Oakland Ave. crosswalk to direct pedestrians from the SE corner of the intersection to the NW corner of the intersection, as shown on the attached "Option 3" drawing.

Since the changes suggested on Oakland Ave. were now going to potentially impact a larger number of adjacent residents, a public hearing before the MMTB was scheduled. All residents of Oakland Ave. from Woodward Ave. to Worth St. were notified about the public hearing, which was held at the MMTB meeting of October 19, 2017. As a part of the correspondence to residents on Oakland Ave., they were encouraged to refer to the MMTB webpage, wherein the Option 3 plan was posted showing all of the suggested changes.

Staff received one response prior to the public hearing, that being a telephone call from Ms. Olson of 740 Oakland Ave., indicating her favor for the suggested STOP sign relocation. At the hearing itself, one resident spoke, that being Mr. Hissano, 568 Oakland Ave. While he supported the addition of the STOP sign at Lawndale Ave., he questioned why the STOP sign on Oakland Ave. could not stay in place as well.

Both Police Chief Clemence and Traffic Engineer Mike Labadie explained to the Board that there are many STOP signs in the City that were installed in the past, even though they were not warranted. Unwarranted STOP signs not installed in accordance with standard recommended engineering practices can actually cause more harm than good, such as encouraging speeds further down the street outside of the influence of the STOP sign. In this case, since an analysis was done, and it was determined that the STOP sign is not warranted, it is recommended that it be removed. If later on it is found that traffic conditions have deteriorated without it, the STOP sign can always be replaced back at a later date.

The Board concurred with this reasoning, and passed the following recommendation:

The Multi-Modal Transportation Board recommends the following improvements to Oakland Ave., from Woodward Ave. to Lawndale Ave., in consideration of the upcoming relocation of the northbound Woodward Ave. crosswalk to be completed by the Michigan Dept. of Transportation in 2018:

1. *The relocation of the STOP sign from westbound Oakland Ave. to northbound Lawndale Ave.*
2. *The narrowing of Oakland Ave. from Woodward Ave. to Lawndale Ave.*
3. *The installation of a ten foot wide combination sidewalk and bike path on the south side of Oakland Ave. from Woodward Ave. to Lawndale Ave.*

Further, it is recommended that the STOP sign be relocated as soon as possible, while the other improvements be scheduled for completion in conjunction with the work proposed by MDOT.

While this issue moved through the study and MMTB review process, construction progress continued on the 2017 planned improvements on Lawndale Ave. Pavement improvements on Lawndale Ave. were started, and needed to be completed during the third week of September. At that point, the study had been completed by F&V, and the MMTB had endorsed the suggested changes, although the public hearing for the changes had not yet taken place. Rather than leave the intersection work incomplete, staff elected to install the Oakland

Ave./Lawndale Ave. crosswalk ramps in accordance with the September 7 MMTB recommendations. (The concrete ramps have been installed, although no pavement markings have been installed at this time pending final City Commission review and approval.)

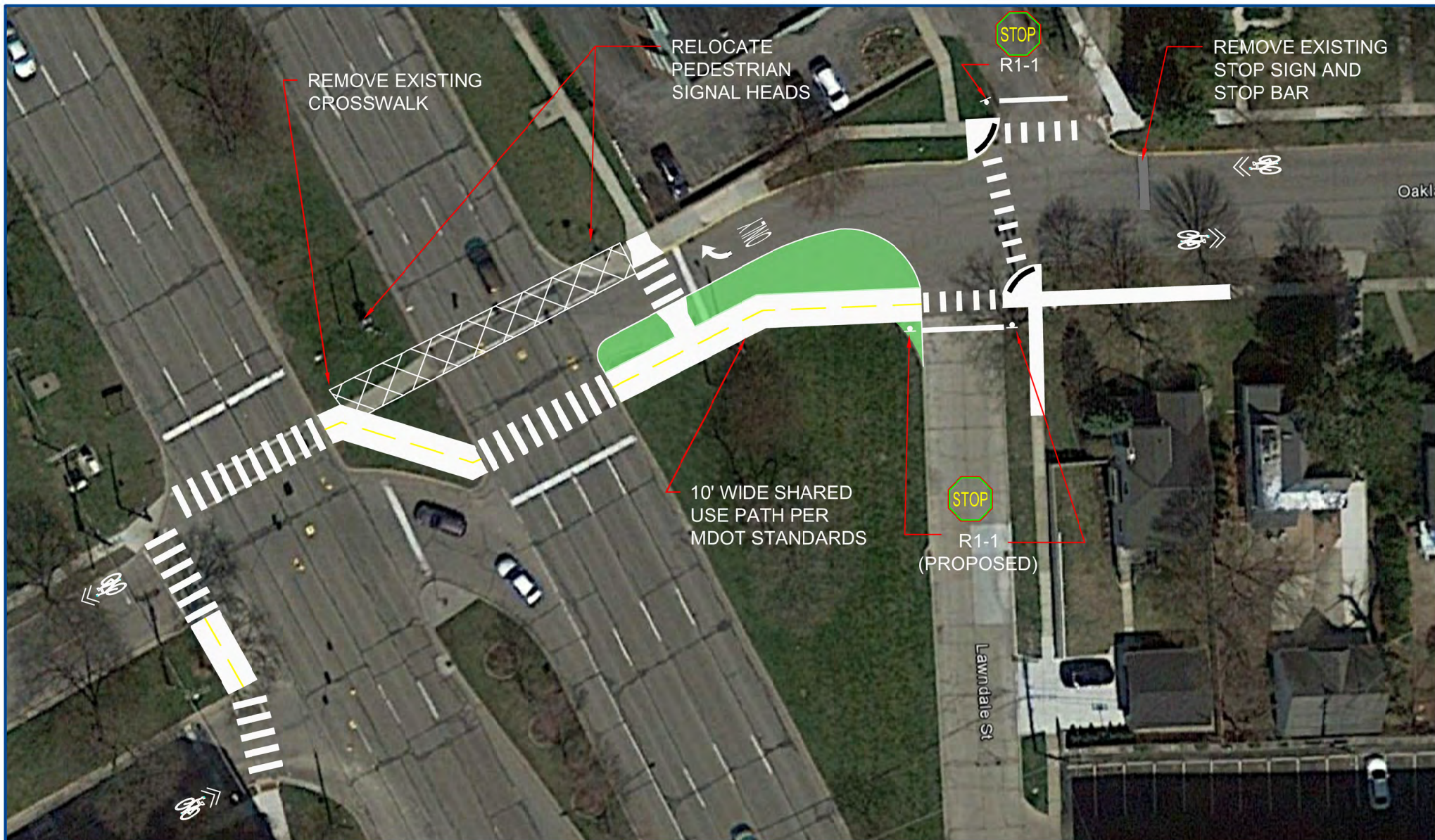
Subsequent to the recommendation by the MMTB, F&V prepared a cost estimate for the cost of this work. The estimated cost is \$42,000, including design and construction for both the narrowing of Oakland Ave., and the installation of the pedestrian/bicycle improvements on this block, to be coordinated with MDOT's planned 2018 construction in this area. The suggested resolution below would direct staff to design and implement these changes prior to the end of the current fiscal year. It is expected that these changes could be implemented as a part of the 2018 Concrete Sidewalk Program. Since these costs were not a part of the original 2017/18 budget, a budget amendment can be included at the time a contract award is approved for the selected contractor of this contract, approximately five months from now.

SUGGESTED RESOLUTION:

To accept the recommendation of the Multi-Modal Transportation Board for improvements to Oakland Ave. between Woodward Ave. and Lawndale Ave., as described below:

1. Narrowing of Oakland Ave. to accommodate one westbound traffic lane.
2. Installation of a ten-foot wide multi-use path on the south side of this block, marked to encourage use by both pedestrians and bicycles, and
3. Relocation of the westbound Oakland Ave. STOP sign to northbound Lawndale Ave.

Further, to direct staff to implement the relocation of the STOP sign (Item #3) as soon as possible, while the remaining improvements are designed to be coordinated with the planned relocation of the Woodward Ave. crosswalk by the Michigan Dept. of Transportation during the 2018 construction season.



PEDESTRIAN & BICYCLE FACILITIES IMPROVEMENTS
LAWNDALE AVE PAVING - OAKLAND BLVD TO WOODWARD AVE
MMTB RECOMMENDED ALTERNATIVE





MEMORANDUM

Engineering Dept.

DATE: April 26, 2017

TO: Multi-Modal Transportation Board

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Lawndale Ave. – Oakland Blvd. to Woodward Ave.
Reconstruction Plan

Last month, we discussed a parking restriction on the block of Lawndale Ave. north of Oakland Blvd. The following discussion pertains to the block south of Oakland Blvd., which operates as a one way street (northbound only), and is currently signed for No Parking.

Lawndale Ave. was an unimproved road until it was paved with concrete in 1967. The pavement is now in poor condition. When funds were budgeted in the current fiscal year, it was envisioned that the road would stay as it is, but bad sections of concrete would be removed and replaced as needed. However, upon close review this past month, it appeared that most of the street should be replaced. After further study, staff concluded that a change may be appropriate.

When paved in 1967, drivers from northbound Woodward Ave. wishing to turn left on to Oakland Blvd. (to enter downtown) had to use Lawndale Ave. to get to Oakland. They would drive north on Lawndale Ave., make a left turn, and then were allowed to drive straight across Woodward Ave. and into downtown. In the 1970's, due to changing traffic patterns, the City worked with MDOT to close the crossover at Oakland Blvd., making it more difficult to use Oakland Blvd. from downtown. Traffic demand on Lawndale Ave. likely was cut by over 50%, as it is now only a benefit to residential traffic headed to the immediate neighborhood.

With the reduced traffic demand, the one-way traffic configuration, and no parking, the 24 ft. width seems more than adequate. Currently, large trucks sit on Lawndale Ave. adjacent to the Holiday Inn Express to unload packages. When this occurs, there needs to be enough width to drive past the truck to enter the neighborhood. With that in mind, a 20 ft. width pavement would be sufficient.

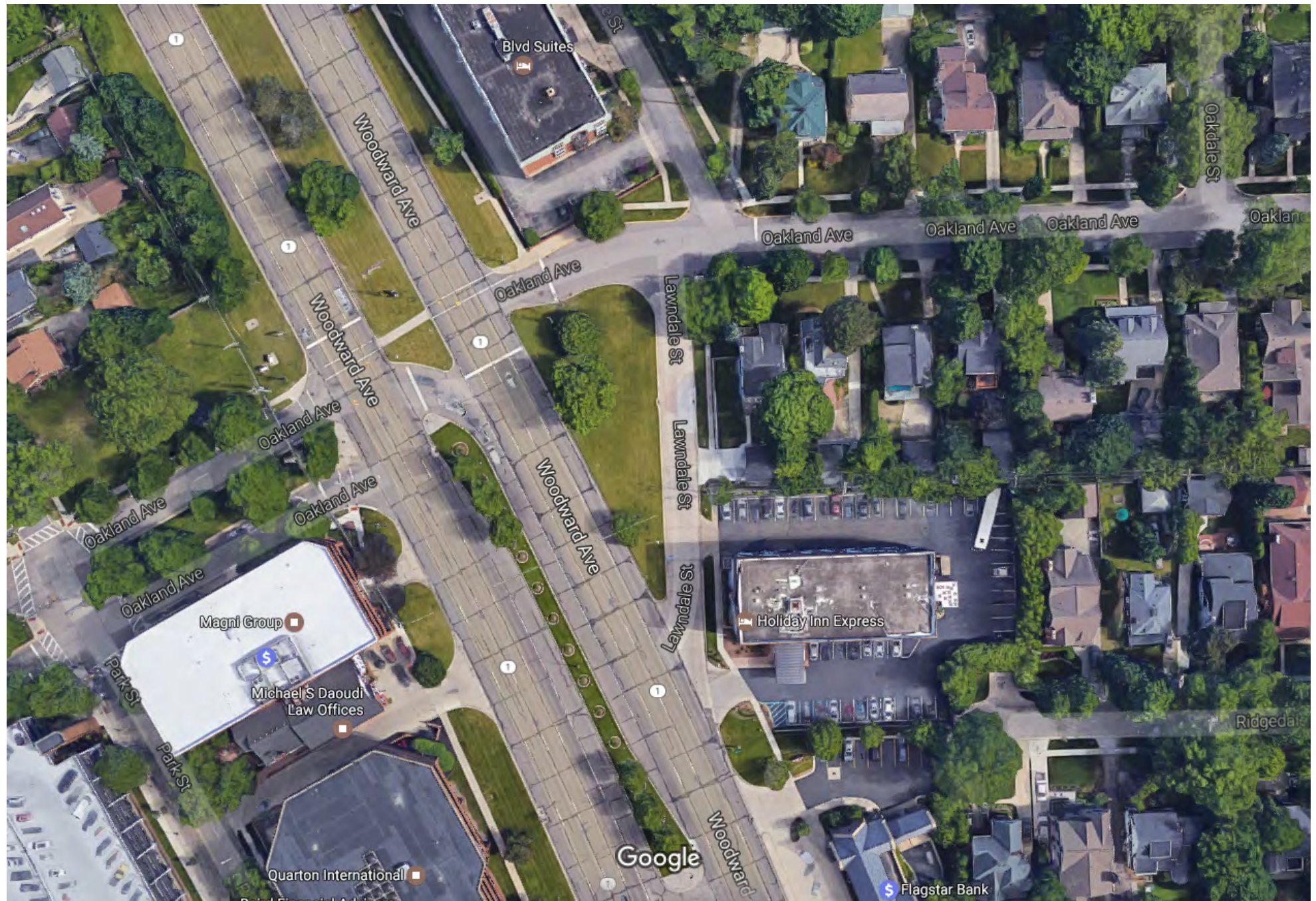
A review of the Multi-Modal Master Plan confirmed that there is no proposal for any use of this street as a part of the Multi-Modal improvements planned for the City. The attached conceptual plan has been prepared for review and input by the Board. The existing handicap ramps at the corner of Oakland Blvd. will be updated to meet current standards as a part of this project. The adjacent open park area to the west will become five feet wider than it is currently, and will be maintained by the City. Otherwise, no multi-modal improvements are planned at this time.

Given that the purpose for this street has changed over the years, and since other modes of traffic such as bikes would have a difficult time accessing this street from Woodward Ave., staff

sees this as a good opportunity to reduce the amount of pavement on this street. A suggested recommendation follows.

SUGGESTED RECOMMENDATION:

The Multi-Modal Transportation Board recommends to the City Commission that Lawndale Ave. from Oakland Blvd. to Woodward Ave. be reconstructed and reduced in width from 24 ft. to 20 ft., in accordance with the conceptual plan as prepared by staff. Improvements to the block will include compliance with ADA requirements at the Oakland Blvd. intersection, and increased green space on the adjacent City owned park parcel directly west of this block.



Imagery ©2017 Google, Map data ©2017 Google 50 ft



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

PROJECT
2017 Local Streets Paving
Program, Contract #1-17(P)

Engineering Department
151 Martin Street
Birmingham, MI 48012

PROJECT LOCATION
Part of the Center Section
26, Town 2 North, Range 10
East, City of Birmingham,
Oakland County, Michigan

SHEET
Paving Plan -
Lawndale Street



REVISIONS

04-19-17	Schematic Design
04-20-17	Addendum 1

DRAWN BY:
C. Danielsen

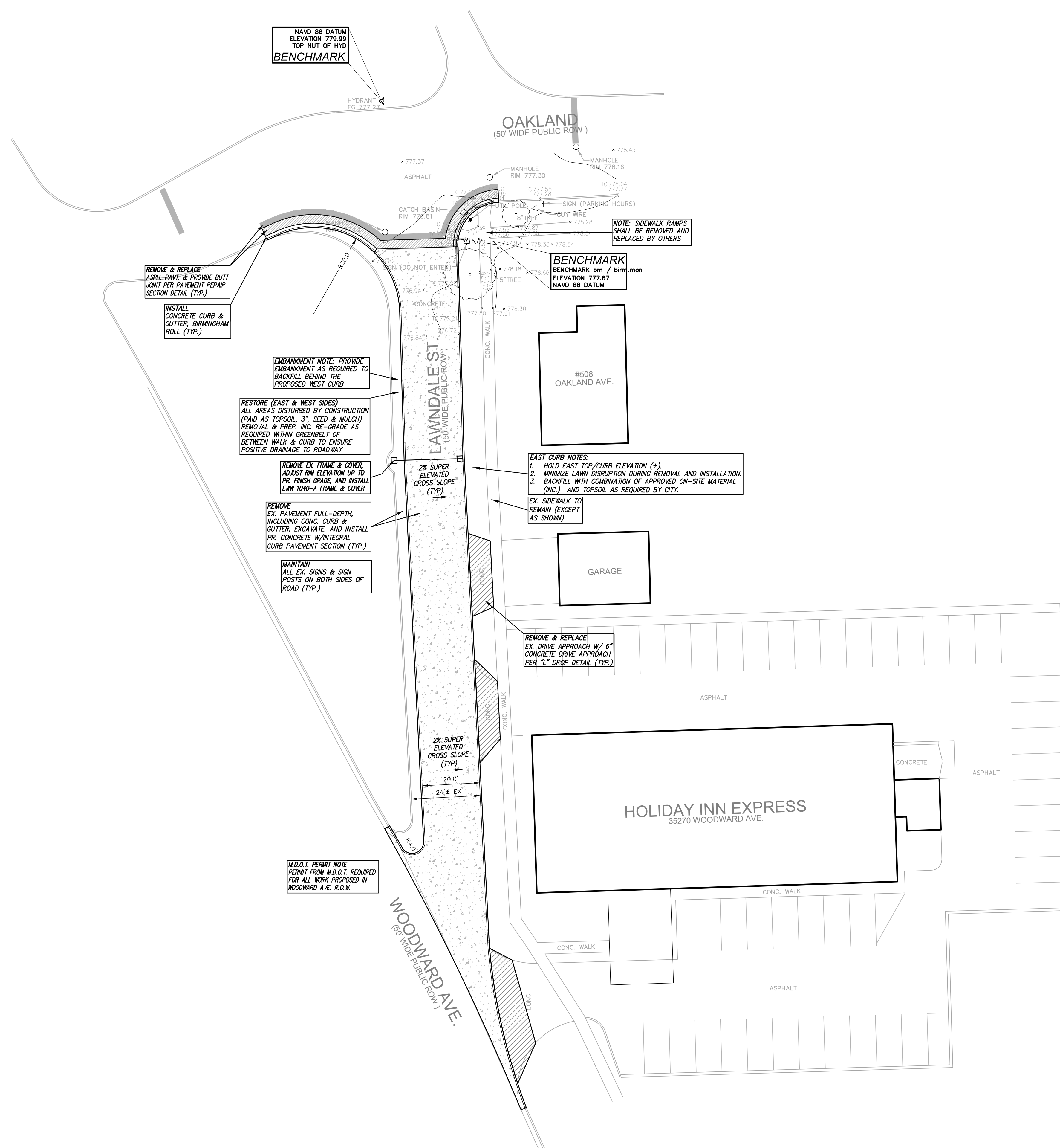
DESIGNED BY:
P. Tulikangas

APPROVED BY:
B. Buchholz

DATE:
02-24-2017

SCALE:
1" = 20'

NFE JOB NO.	SHEET NO.
I164-03	C17



PLAN SHOWN IS FOR BIDDING PURPOSES
ONLY AND NOT FOR CONSTRUCTION

LEGEND

CLEAN-OUT
MANHOLE
G.W.
HYDRANT
ELEC. METER
GAS METER
GAS PIPER
LIGHT POLE
STRAIN POLE
BY WYE
OVERHEAD LINES
EXISTING SAN/COMB SEWER
EXISTING WATER MAIN
EXISTING STORM SEWER
EXISTING BURIED CABLES
EXISTING GAS MAIN
GAS VALVE

QWB
QW
SD
SD END SECTION
TO PHONE METER
GAS WORKER

UTILITY POLE

RECORD CURB STOP LOCATION (APPROX.)

LANDSCAPE BED
EX. SOIL BORING
PUBLIC PHONE WELL
PUMP
SIGN
POST/BOLLARD
PARKING METER
MAIL BOX
ROCK/SLOUNDER
SPRINKLER VALVE BOX
SPRINKLER HEAD
FOUND PROPERTY MARKER
GROUND ELEVATION

EX. PAVEMENT
PR. CURB
PR. REPAIRS
PR. 6" CONC. PAVT./W/ CURB, WALK, OR DRIVE
PR. 4" CONC. RAMP, WALK OR DRIVE AP. 1
PR. 4" CONC. WALK
PR. FULL-DEPTH ASPHL. REPAIR
PR. 3" ASPHL. REPAIR

<==== 0.000.00

**CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
THURSDAY, MAY 4, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, May 4, 2017.

Vice Chairman Andy Lawson convened the meeting at 6 p.m.

1. ROLL CALL

Present: Vice Chairman Andy Lawson; Board Members Lara Edwards, Amy Folberg, Daniel Rontal, Michael Surnow; Alternate Member Katie Schaefer

Absent: Chairperson Vionna Adams; Board Member Johanna Slanga

Administration: Jana Ecker, Planning Director
Scott Grewe, Operations Commander
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

Also Present: Julie Kroll and Mike Labadie from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants

2. INTRODUCTIONS

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MEETING OF APRIL 13, 2017

Motion by Mr. Rontal

Seconded by Mr Surnow to approve the Minutes of April 13, 2017 as presented.

Motion carried, 6-0.

VOICE VOTE

Yeas: Rontal, Surnow, Edwards, Folberg, Lawson, Schaefer

Nays: None

Absent: Adams, Slanga

5. LAWDALE AVE. RECONSTRUCTION

Mr. O'Meara recalled that last month the board discussed a parking restriction on the block of Lawndale Ave. north of Oakland Blvd. This discussion pertains to the block south of Oakland Blvd., which operates as a one-way street (northbound only), and is currently signed for No Parking. Funds were budgeted for spot concrete patching. Upon close review this past month, it appeared that most of the street should be replaced and staff concluded that a change in width may be appropriate.

In the 1970's, the crossover at Oakland Blvd. was closed, making it more difficult to use Oakland Blvd. from downtown and traffic demand on Lawndale Ave. likely was cut by over 50%. Currently it is only a benefit to residential traffic headed to the immediate neighborhood. With the reduced traffic demand, the one-way traffic configuration, and no parking, the 24 ft. width seemsexcessive.

Presently, large trucks sit on Lawndale Ave. adjacent to the Holiday Inn Express to unload packages. When this occurs, there needs to be enough width to drive past the truck to enter the neighborhood. With that in mind, a 20 ft. width pavement would be sufficient.

A review of the Multi-Modal Master Plan confirmed that there is a proposal to add a sidewalk along the south side of Oakland Blvd. between Lawndale and Woodward Ave. and relocate the crosswalk. The existing handicap ramps at the corner of Oakland Blvd. will be updated to meet current standards as a part of this project. In terms of adding landscaping in the median, it was discussed that street trees could be added along Lawndale that would be tall enough to see underneath. A permit from MDOT will be needed to complete a portion of the landscaping.

Given that the purpose for this street has changed over the years, and since other modes of traffic such as bikes would have a difficult time accessing this street from Woodward Ave., staff sees this as a good opportunity to reduce the amount of pavement and to save some money.

Motion by Mr Rontal

Seconded by Ms. Folberg to recommend to the City Commission the approval of the plan for a 20 ft. wide road on Lawndale Ave. between Oakland Ave. and Woodward Ave., and to encourage staff to work with MDOT to improve the Woodward Ave. crosswalk in conjunction with their project, and also explore the possibility of landscaping with trees on the eastern side of the triangular island.

Ms. Folberg thought that Parks and Recreation should be informed of this change.

At 6:15 there were no comments from the public.

Motion carried, 6-0.

VOICE VOTE

Yeas: Rontal, Folberg, Edwards, Lawson, Schaefer, Surnow

Nays: None

Absent: Adams, Slanga

6. S. ETON RD. - MAPLE RD. TO LINCOLN AVE.

Ms. Ecker recalled that at the March and April meetings, the MMTB discussed the recommendations of the Ad Hoc Rail District Committee. A recommendation was also passed on to the City Commission focused on changes to the intersection of S. Eton and Maple Rd.

Maple Rd. to Yosemite Blvd.

The Commission expressed concern relative to certain design elements, and encouraged the board to consider a larger bumpout at the southwest corner of the Maple Rd. intersection.

Other concerns expressed by the Commission included:

- The acute turn for vehicles from eastbound Maple Rd. to S. Eton Rd. is problematic.
- The white stop bars may be ignored, causing problems for both motorists and pedestrians.
- The Board should consider the inclusion of a multi-directional bike lane.

Ms. Julie Kroll indicated as far as the stop bar location F&V looked at a couple of options. The first option was the addition of a splitter island. By proposing the splitter island they were able to move the stop bars closer to the intersection than they currently are. That adds two more spaces for vehicle queuing and also improves sight distance for the intersection.

The other option they looked at was a bumpout. That increased the crosswalk distance and reduced queuing space for vehicles, compared to the splitter island proposal. It was noted that it is not possible to do both the splitter island and the bumpout.



MEMORANDUM

Engineering Dept.

DATE: May 12, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Lawndale Ave. Paving –
Oakland Blvd. to Woodward Ave.

As referenced in the fiscal 2016/17 budget, concrete patching of the above block of Lawndale Ave. was included in the capital improvements list for this year. Since only sections were planned for replacement, no changes to the road itself were initially contemplated. However, when the Engineering Dept. studied the road closer to finalize the bidding documents, it became evident that well over 80% of the concrete pavement was in poor condition. After further study, staff concluded that a change may be appropriate.

When paved in 1967, drivers from northbound Woodward Ave. wishing to turn left on to Oakland Ave. (to enter downtown) had to use Lawndale Ave. to get to Oakland. They would drive north on Lawndale Ave., make a left turn, and then were allowed to drive straight across Woodward Ave. and into downtown. In the 1970's, due to changing traffic patterns, the City worked with MDOT to close the crossover at Oakland Ave., making it more difficult to access downtown from the Poppleton Park neighborhood. Traffic demand on Lawndale Ave. likely was cut by over 50%, as it is now only a benefit to residential traffic headed to the immediate neighborhood.

With the reduced traffic demand, the one-way traffic configuration, and no parking, the 24 ft. width seems more than adequate. Currently, large trucks sit on Lawndale Ave. adjacent to the Holiday Inn Express to unload packages. When this occurs, there needs to be enough width to drive past the truck to enter the neighborhood. With that in mind, a 20 ft. width pavement would be sufficient.

A review of the Multi-Modal Master Plan confirmed that there is no proposal for any use of this street as a part of the Multi-Modal improvements planned for the City. However, as shown on the attached sheet from the Plan, a relocated Woodward Ave. crosswalk has been suggested. (The relocation would improve safety for pedestrians and bicyclists by removing the right turn conflict from westbound Oakland Ave. that exists on the current crosswalk.) Now that the MI Dept. of Transportation (MDOT) is planning a resurfacing project on Woodward Ave. in 2018, staff will pursue that improvement as a part of the 2018 Woodward Ave. project.

The attached conceptual plan was reviewed by the Multi-Modal Transportation Board. The existing handicap ramp at the corner of Oakland Ave. will be updated to meet current standards as a part of this project. The adjacent open green space to the west will become four feet wider than it is currently, and will be maintained by the City. Otherwise, no multi-modal improvements are planned at this time. The Board also endorsed staff working with MDOT to

pursue the Woodward Ave. crosswalk relocation, and suggested that the City's Forestry staff consider the installation of new trees in the enlarged open grass area.

The following motion was passed at the Multi-Modal Transportation Board meeting of May 3, 2017:

To recommend to the City Commission the approval of the plan for a 20 ft. wide road on Lawndale Ave. between Oakland Ave. and Woodward Ave., and to encourage staff to work with MDOT to improve the Woodward Ave. crosswalk in conjunction with their project, and also explore the possibility of landscaping with trees on the eastern side of the triangular island.

Given that the purpose for this street has changed over the years, and since other modes of traffic such as bikes would have a difficult time accessing this street from Woodward Ave., the Board sees this as a good opportunity to reduce the amount of pavement on this street. This relatively small project has been included in the 2017 Local Street Paving Program recently awarded, and is planned for reconstruction during the summer of 2017. A suggested recommendation follows.

SUGGESTED RECOMMENDATION:

To approve the the plan to reconstruct Lawndale Ave. from Oakland Blvd. to Woodward Ave. at a reduced width of 20 ft. Improvements to the block will include compliance with ADA requirements at the Oakland Ave. intersection, and increased green space on the adjacent City owned park parcel directly west of this block. Further, to direct staff to:

1. Pursue relocation of the crosswalk on Woodward Ave. (to be implemented with the MDOT resurfacing project scheduled for 2018), and
2. To direct staff to consider the installation of new trees in this green space area.

Provide for two-way bicycle traffic at intersection with Oakland Avenue

Oakland Avenue is indicated at a bike route connecting downtown to the neighborhoods on the west side of Woodward Avenue. Presently, Oakland is one-way for one block just east of Woodward Avenue and is comprised of two right-only turn lanes. This presents a number of challenges. First, the right turning movements from Oakland Avenue to northbound Woodward Avenue conflict with pedestrians and bicyclists in the crosswalk. Second, east-bound bicyclists crossing Woodward are forced onto a narrow sidewalk and have an awkward entrance back onto Oakland Avenue.

To address this situation, the crosswalk on north-bound Woodward is proposed to be moved to the south side of the intersection. This eliminates the conflict with right turning vehicles from Oakland Avenue onto north-bound Woodward Avenue. Also, a shared-use pathway is proposed on the south side of Oakland Avenue for the one block which the road is one-way to allow bicyclists to by-pass this one block and easily merge back into the two-way traffic east of Lawndale Street.



05-136-17**LAWNDALE AVE. PAVING – OAKLAND BLVD. TO WOODWARD AVE.**

City Engineer O'Meara reported:

- Concrete patching of Lawndale Ave. from Oakland Blvd. to Woodward Ave. was included in the capital improvements list for FY2017.
- Well over 80% of the concrete pavement is in poor condition leading staff to conclude a change may be appropriate.
- With reduced traffic demand resulting from changes in 1967 and in the 1970's, the one-way traffic configuration, and no parking, a 20 ft. width pavement would be sufficient.
- The Multi-Modal Master Plan does not contain a proposal for use of this street as a part of the Multi-Modal improvements planned for the City, but a relocated Woodward Ave. crosswalk has been suggested to improve safety for pedestrians and bicyclists by removing the right turn conflict from westbound Oakland Ave. which currently exists at the crosswalk.
- The Michigan Department of Transportation (MDOT) is planning a resurfacing project on Woodward Ave. in 2018, and staff will pursue an improvement of the crosswalk as part of that project.
- The Multi-Modal Transportation Board (MMTB) reviewed the conceptual plan.
- The existing handicap ramp at the corner of Oakland Ave. will be updated to meet current standards as a part of this project.
- The adjacent green space to the west will become four feet wider and will be maintained by the City.
- The MMTB endorsed staff working with MDOT to pursue the Woodward Ave. crosswalk relocation, and suggested the City's forestry staff consider planting new trees in the enlarged green space.

Discussion ensued regarding the timeline for installing ADA compliant ramps if the road project is not included with MDOT's Woodward Ave. resurfacing project. Commissioner DeWeese was concerned that the City would install curb that would then have to be removed and rebuilt with an ADA ramp.

Mayor Nickita introduced discussion on the possibility of reconfiguring current crosswalk and sidewalk ADA ramps as part of the project.

- Commissioner DeWeese, referencing the sidewalk on the east side, asked if that southeast corner has a handicap ramp.
- City Engineer O'Meara confirmed there is a city sidewalk going to the west with an ADA ramp that is not up to code and needs to be rebuilt.
- Mayor Nickita asked about plans to accommodate pedestrian crossing to the north side. He advocated for development of a plan of action for reconfiguring crosswalks to an appropriate standard that accommodates the crosswalk concerns. He indicated the first issue is where the north end of the new ADA ramp goes, which affects the discussion. He asked if there is enough time to look at better alternatives before the project as proposed moves forward resulting in a ramp being built that is not optimally located.
- Commissioner Bordman suggested two ramps, noting there is a connection from south to north at the end of the sidewalk. The sidewalk on the southeast connects to a sidewalk going east-west on the northwest corner. She cautioned there is an innate conflict between what is thought to be safer and what people actually do. She recommended that the City look at what people do and keep it as safe as possible.

City Manager Valentine, summing up the concerns and comments from the Commission, recommended referring the issue of crosswalk location and construction back to the MMTB for review in relation to the Commission's concerns and request the MMTB to bring recommendations forward to the Commission. He indicated there are issues relative to the north and south crossings which were not considered as part of the conversation of the street paving project.

Commissioner Sherman concurred with City Manager Valentine's proposal that the Commission take action on the resolution suggested by City Engineer O'Meara, and refer the issue of the sidewalk ramps back to the MMTB.

City Engineer O'Meara clarified for Commissioner Hoff the other block of Lawndale is cape sealed, not cement.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros: To approve the plan to reconstruct Lawndale Ave. from Oakland Blvd. to Woodward Ave. at a reduced width of 20 ft. Improvements to the block will include compliance with ADA requirements at the Oakland Ave. intersection, and increased green space on the adjacent City owned park parcel directly west of this block. Further, direct staff to:

1. Pursue relocation of the crosswalk on Woodward Ave. (to be implemented with the MDOT resurfacing project scheduled for 2018), and
2. Consider the installation of new trees in this green space area.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

05-137-17 CHANGES TO 2017-2018 RECOMMENDED BUDGET AND 2017-2018 BUDGET APPROPRIATIONS RESOLUTION

Finance Director Mark Gerber presented the 2017-2018 Budget with the changes discussed at the April 22, 2017 Budget Hearing incorporated.

In response to questions from Commissioner Hoff, City Manager Valentine explained:

- Rental payments from the general fund to the auto equipment fund are being suspended for FY2018 because there is currently a sufficient balance in the auto equipment fund to cover planned vehicle purchases in FY2018.
- The delayed Old Woodward project is being budgeted based on the lowest bid submitted for Option 1A. By delaying certain payments and allowing these reserves to grow, the fund balance in these accounts will maintain a healthy level.
- Recommended amounts budgeted for outside agencies remain at the same level as the current fiscal year.

Commissioner Bordman questioned an allocation in the budget for the Linear Park Plan, which yielded the following:

- City Planner Ecker confirmed a concept plan for a linear park running along the rail road tracks was recommended for the Rail District.
- City Manager Valentine confirmed the City does not own the property to facilitate the plan.



MEMORANDUM

Engineering Dept.

DATE: May 25, 2017

TO: Multi-Modal Transportation Board

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Oakland Ave. – Woodward Ave. to Lawndale Ave.

Last month, the Multi-Modal Transportation Board (MMTB) reviewed and approved plans to reconstruct Lawndale Ave. south of Oakland Ave. The plan was forwarded to the City Commission for their meeting of May 22, 2017, and was subsequently approved.

While reviewing the plan, further questions were raised about the pedestrian environment on this section of Oakland Ave. The existing handicap ramp at the southeast corner of the Oakland Ave. & Lawndale Ave. intersection encourages pedestrians to cross in the middle of the Lawndale Ave. intersection, which is not appropriate. Further, while the Commission endorsed the idea in the Master Plan to relocate the Oakland Ave. pedestrian crossing at Woodward Ave., it appeared that the plan needed some refinement. The Commission asked that these issues be studied further by the MMTB.

After further study, the attached plan was prepared by F&V. It has the following features:

1. The existing crossing at Woodward Ave. is proposed to be removed and relocated to the south side of the Oakland Ave. intersection. New ramps would be installed to allow for crossing Oakland Blvd. at the traffic signal.
2. The existing ramp at the southeast corner of the Lawndale Ave. intersection is now proposed to be removed and relocated further east, to line up just west of the existing stop bar for Oakland Ave. westbound traffic. A corresponding ramp is proposed at the northeast corner of Lawndale Ave. as well.

We are planning on meeting with MI Dept. of Transportation (MDOT) officials sometime in June. If MDOT endorses the crosswalk relocation, this improvement will be planned for construction in 2018, as a part of the Woodward Ave. resurfacing project planned for next year. The sidewalk changes shown on this drawing as part of the Lawndale Ave. intersection can be accomplished this year, as part of the planned Lawndale Ave. reconstruction.

It is important to note that these changes would improve the Neighborhood Connector Route that also goes through this segment of Oakland Ave. Eastbound bicyclists would be encouraged to use the new south side crosswalk and sidewalk until they reach the Lawndale Ave. intersection, at which point they would use the Oakland Ave. pavement again. Westbound bicyclists would stay on Oakland Ave. until reaching the Woodward Ave. stop bar. At that point, they would enter the south side sidewalk, and use the crossover in its new location.

If the MMTB is in agreement with this design, a suggested recommendation is provided below.

SUGGESTED RECOMMENDATION:

To recommend to the City Commission the approval of the multi-modal improvements proposed for Oakland Ave. between Woodward Ave. and Lawndale Ave., as shown on the plan prepared for this purpose, to be implemented in 2017 and 2018, in conjunction with the Lawndale Ave. and Woodward Ave. street improvement projects respectively.

**CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
THURSDAY, JUNE 1, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, June 1, 2017.

Chairperson Vionna Adams convened the meeting at 6:01 p.m.

1. ROLL CALL

Present: Chairperson Vionna Adams; Board Members Lara Edwards, Amy Folberg, Vice-Chairman Andy Lawson, Daniel Rontal, Johanna Slanga, Michael Surnow

Absent: None

Administration: Mark Clemence, Police Chief
Jana Ecker, Planning Director
Austin Fletcher, Asst. City Engineer
Scott Grewe, Operations Commander
Paul O'Meara, City Engineer
Lauren Chapman, Asst. City Planner

Also Present: Julie Kroll and Mike Labadie from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants
Daniel Isaksen, Alternate Member
Katie Schaefer, Alternate Member

2. INTRODUCTIONS

Daniel Isaksen, new alternate board member.

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MEETING OF MAY 4, 2017

Motion by Mr. Rontal

Seconded by Mr. Surnow to approve the Minutes of May 4, 2017 as presented.

Motion carried, 7-0.

VOICE VOTE

Yeas: Rontal, Surnow, Adams, Edwards, Folberg, Lawson, Slanga

Nays: None

Absent: None

5. S. ETON RD. - MAPLE RD. TO LINCOLN AVE.

The public hearing opened at 6:06 p.m.

Mr. O'Meara recalled that at the May, 2017 meeting, staff presented a new concept for S. Eton Rd. from Yosemite Blvd. to Lincoln Ave., generally proposing a two-way bike lane along the west side of the road, resulting in the removal of parking on this section. The board generally endorsed the plan, but made several suggestions for the block north of Villa Ave. Those changes were incorporated in a revised plan. A public hearing to present these ideas to the community was scheduled for the June 1, 2017 meeting and notices were sent to all owners and tenants within 300 ft. of the S. Eton Rd. corridor.

Mr. O'Meara's presentation covered three sections along S. Eton Rd.:

Maple Rd./S. Eton Rd. Intersection

The proposal was to add a raised island that would allow pedestrians to cross S. Eton Rd. at Maple Rd. with a break in the middle, along with other design features. The main adjustment, based on new information from users, was to change the northwest corner of the island and to move the left turn lane stop bar back where it is today. This allows large vehicles to make the turn from Maple Rd. onto S. Eton Rd.

Mr. Labadie said this scheme makes the intersection more controlled. He thought people would pay more attention and it would be safer for pedestrians.

Yosemite Blvd. to Villa Ave.

In this block there are businesses on both sides of the street. Last month the board came up with several suggestions, including eliminating parking on the southbound side; and narrowing the street so that the sidewalk would be 8 ft. wide on both sides and there would be room for a 4 ft. grass strip with trees on both sides. There would not be space for a bike lane but there would be sharrows. It is important that northbound bikes cross Eton Ave. at Villa Ave., where the sight distance is better.

Villa Ave. to Lincoln Ave.

It is proposed to remove parking on the southbound side and open up the space for a two-way bike corridor with a 1.5 ft. wide buffer area that would be

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supplemented with some form of raised markers. Bumpouts are suggested at Villa Ave., Hazel Ave., Bowers Ave., Cole Ave., and Lincoln Ave. It is cautioned that every time someone stops to make a left turn everyone else is stopping as well. Discussion considered that two bollards may be needed on the north end of the bike lane to force bikers to stop and get off. The south side is a little less busy.

At this time the chairperson opened up discussion from the public.

Mr. Michael Kopmeyer, 1351 Bennaville, thought the bike lane proposal trivializes bicycle travel. Bikes have a right to be on the road and they should be respected by automobile drivers and not be trivialized.

Mr. Terry Adams, Bob Adams Towing, 2499 Cole; and Mr. Brian Bolyard, Bolyard Lumber, 777 S. Eton, recited some issues that could occur with the proposed design on the corner. If the stop line on northbound Eton Rd. can be kept where it is, it would be a great plus for the corner. A stop bar closer to Maple Rd. would cause more of an issue with tractor-trailers. Mr. Adams indicated the majority of truck traffic will head west off of S. Eton Rd. because of the 13 ft. 2 in. bridge to the east. Mr. Bolyard noted 42 to 48 ft. combined length trailers need to turn off of S. Eton Rd. every day. Mr. Adams commented the overall length that he could tow is 78 ft. Mr. Labadie advised that you don't design for the one extreme situation. This plan will accommodate a WB 40, which means a 45 ft. long trailer tractor, and that encompasses most everything that goes through there today.

Ms. Ecker noted this board's job is to balance not just the automobile traffic, but all of the users. The point of looking at this intersection is to make it more friendly for all modes of travel. She hasn't seen any plans come across for the Rail District that would require large vehicles, other than during construction.

Mr. Andrew Haig, 1814 Banbury, thanked the board for proposing an island that would make it easier for pedestrians. However, he suggested removing the island, pulling the stop line back, and moving the crossing and lights further south, away from the intersection. For the bike lanes, raise the height of the road two or three inches overall, and perhaps add bollards.

Ms. Melanie Mansenior with Downriver Refrigeration, 925 S. Eton Rd. was worried about the amount of trucks going in and out of the S. Eton Rd./Maple Rd. intersection because that is the only ingress and egress for truck traffic through the Rail District. She received clarification that 30 to 40% of currently accessible parking on S. Eton Rd. will be eliminated. Ms. Ecker added a detailed parking study was done last year that indicated there is not a parking problem overall in that area. Ms. Mansenior replied that it will impact her particular location if the parking spots across the street are eliminated. Currently there not enough spots

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and people park in their lot. More people will do so if the spaces across the street are removed.

Ms. Ecker noted the board has to balance everyone's interests. They have heard repeatedly in the past from residents that that they want those spaces to go away because of concerns with site distance pulling in and out of their driveways along with being blocked in.

Ms. Cindy Cherum, 1622 S. Eton Rd., a member of the Ad Hoc Rail District Review Committee, wanted this group to remember that in this plan there is an entire side of S. Eton Rd. that has not been looked at. Mr. O'Meara responded that the board decided to focus on the section north of Lincoln Ave. first, and then study the area to the south.

Ms. Sherry Markus, 1382 Ruffner, expressed her confusion about why they would slow down the traffic so much and spend so much money for that pedestrian area. Presently traffic is backed up all the way to Coolidge in the evening. This plan will slow things down even more. Mr. Labadie advised the whole intersection and its access points will change. A recent study has concluded that delays on Maple Rd., even with the additional traffic from Whole Foods, should improve. There will be push buttons for pedestrians that will allow Maple Rd. to get more time.

In response to Ms. Markus, Ms. Ecker explained that over the last several years there have been many complaints about issues in this area. Crossings are not safe, traffic goes too fast, no one stops for pedestrians. Further, people have complained about sight distance, pulling in and out, about where trucks are parking, and where employees are parking. Therefore, the City Commission created the Ad Hoc Study Committee. The splitter island affords a safe haven for pedestrians when they are crossing the street.

Ms. Markus thought the bike lane is silly and goes nowhere. She observed that with parking on Cole St. cars cannot get through. It was discussed that everything in the plan has been designed specifically to slow traffic along S. Eton Rd. Dr. Rontal noted the concept of the bike lane to nowhere is a little disingenuous because Birmingham has had a 20-year plan that creates a bike route for people to commute through the City. The plan is being completed in a phased fashion.

Mr. Larry Bertollini, 1301 Webster, asked if a mockup could be created that includes the splitter island. He hoped that trucks pulling out of side streets would have enough slop so there would not be head-on collisions. He would like to see some diagrams showing other areas where there is a bump-out that would prove turning trucks have space to get in and out of where they are going. Mr. O'Meara responded they won't neglect that. Mr. Bertollini added his main concern is for

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bikes wanting to cross where the transition is made. That is scary, and therefore he is not really sold on the concept. He would not object to eliminating the two-way and going back to a lane on the other side.

Mr. Michael Kopmeyer spoke again to say he fully endorses the idea of moving the crosswalk back a bit. He suggested stop signs at Haynes and Villa to give a pause for pedestrians to establish themselves in the intersection.

Mr. Andrew Haig came forward once more to inform the group that Auto Europe vehicles don't have much ground clearance and can't clear a curb at all.

The chairperson wrapped up the public comments part of the evening at this time.

Mr. O'Meara asked Mr. Labadie to comment on the idea of moving the Maple Rd. crosswalk further south. Mr. Labadie said moving the crosswalk has other ramifications about being able to see the pedestrians and a few other things that are not accepted practice.. Visibility of the signals would be substandard as well. The suggested option addresses everything they are trying to accomplish and still stays within accepted practice.

Ms. Slanga was not convinced that in the future people would not optimize their supply chains and go with fewer deliveries and larger trucks. Therefore she advocated cutting back the island a little more to make it a bit easier for the large trucks to get through. The 50 ft. truck is accommodated by the plan right now but it doesn't accommodate the 62 ft. truck. Mr. Labadie indicated they can work on that when it goes into design. Mr. Bolyard noted they are all for the design, but it has to get better. Driver capabilities must be factored in. Mr. Surnow's thought was to make the island whatever the bare minimum is to accommodate the trucks, but yet provide a margin of safety to the pedestrians.

Discussion considered why this is the only place trucks can come and go from the Rail District. Mr. O'Meara indicated that Lincoln and S. Eton further south are considered residential streets..

The Chairperson took public comments.

Mr. Adams said this design concerns any delivery truck that is bringing commodities to the businesses in the Rail District and is exiting to go east on Maple Rd. They will make the turn, but either the light pole or the walk or don't walk post is going down. The driver cannot protrude out enough to turn and make the trailer axels stay outboard of the curb.

Mr. Lawson announced there is opposition to the proposed design that would cut commerce off to the Rail District. He didn't see how the board could vote for the

splitter island. Dr. Rontal added the board now has dramatically different information. They thought a 50 ft. trailer would be long enough to accommodate, but they are hearing from the businesses in the District that 50 ft. is probably not long enough. More information about the number of trucks coming and going into the district is needed. He thinks the board needs some time to review the new data.

Motion by Mr. Lawson

Seconded by Dr. Rontal to recommend that the City Commission approve and budget for the following Multi-Modal improvements to S. Eton Rd. from Maple Rd. to Yosemite Blvd.:

- a. Further study of installation of a splitter island at Maple Rd.**
- b. Relocation of the west side curb and gutter to accommodate an 8 ft. wide sidewalk along the entire block.**
- c. Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd.**
- d. Installation of sharrows on green painted squares for both directions.**

Mr. Lawson amended his motion but the amendment failed and therefore the board voted on his original motion.

Motion carried, 5-2.

ROLLCALL VOTE

Yeas: Rontal, Adams, Edwards, Folberg, Surnow

Nays: Lawson, Slanga

Absent: None

Mr. O'Meara clarified that everything from Maple Rd. to Lincoln Ave. must be agreed upon as a package before this is returned to the Commission.

The public hearing closed.

6. OAKLAND AVE - WOODWARD AVE. TO LAWNSDALE AVE.

Mr. O'Meara advised that last month, MMTB reviewed and approved plans to reconstruct Lawndale Ave. south of Oakland Ave. The plan was forwarded to the City Commission for their meeting of May 22, 2017, and was subsequently approved.

While reviewing the plan, further questions were raised about the pedestrian environment on this section of Oakland Ave. The existing handicap ramp at the southeast corner of the Oakland Ave. & Lawndale Ave. intersection encourages pedestrians to cross in the middle of the Lawndale Ave. intersection, which is not appropriate. Further, while the Commission endorsed the idea in the Master Plan to relocate the Oakland Ave. pedestrian crossing at Woodward Ave., it appeared that the plan needed some refinement. The Commission asked that these issues be studied further by the MMTB.

F&V prepared a plan that proposes removing the existing crossing at Woodward Ave. and relocating it to the south side of the Oakland Ave. intersection. New ramps would be installed to allow for crossing Oakland Blvd. at the traffic signal. Further, the ramp at the southeast corner of the Lawndale Ave. intersection is proposed to be removed and relocated further east. A corresponding ramp is proposed at the northeast corner of Lawndale as well.

The Chairperson opened up discussion to the public.

Mr. Dan Isaksen, 1386 Yorkshire, said he uses this intersection regularly on his bicycle going to and from Downtown. He thinks that moving the crosswalk is a great idea for bicyclists. He pointed out that the resident on the northeast corner uses the pedestrian ramp as a driveway. Further, the northbound traffic on Lawndale does not have a stop sign, where the other directions do. Additionally he wondered whether an eastbound bike lane on the south side of the one short block might make sense.

Motion by Ms. Slanga

Seconded by Dr. Rontal to recommend to the City Commission the approval of the multi-modal improvements proposed for Oakland Ave. between Woodward Ave. and Lawndale Ave., as shown on the plan prepared for this purpose, to be implemented in 2017 and 2018, in conjunction with the Lawndale Ave. and Woodward Ave. street improvement projects respectively.

Motion carried, 7-0.

VOICE VOTE

Yeas: Slanga, Rontal, Adams, Edwards, Folberg, Lawson, Surnow

Nays: None

Absent: None

7. TEMPORARY ROAD CLOSURES



MEMORANDUM

Engineering Dept.

DATE: July 3, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Oakland Ave. – Woodward Ave. to Lawndale Ave.
Multi-Modal Improvements

At the meeting of May 22, 2017, the City Commission reviewed the proposed plans for the reconstruction of Lawndale Ave., from Oakland Ave. to Woodward Ave. Partially due to Woodward Ave. now being tentatively scheduled for resurfacing in 2018, the discussion expanded to include potential sidewalk improvements on the above segment of Oakland Ave. The following motion was passed:

To approve the plan to reconstruct Lawndale Ave. from Oakland Blvd. to Woodward Ave. at a reduced width of 20 ft. Improvements to the block will include compliance with ADA requirements at the Oakland Ave. intersection, and increased green space on the adjacent City owned parcel directly west of this block. Further, to direct staff to:

- 1. Pursue relocation of the crosswalk on Woodward Ave. (to be implemented with the MDOT resurfacing project scheduled for 2018), and*
- 2. To direct staff to consider the installation of new trees in this green space area.*

As directed, the matter was discussed in additional detail at the Multi-Modal Transportation Board (MMTB) meeting of June 1. To facilitate the discussion, staff prepared a revised, more detailed ultimate sidewalk plan of this block for the Board to review. The new plan includes the following improvements:

- If endorsed by the MI Dept. of Transportation (MDOT), the Woodward Ave. crosswalk for Oakland Ave. would be relocated to the south side of the intersection for northbound traffic only. The relocation would reduce potential traffic conflicts for pedestrians and bicyclists using this intersection.
- A sidewalk would be added to the south side of Oakland Ave. for this short block, providing additional more direct paths for pedestrians. The improvement will also encourage pedestrians crossing Oakland Ave. in this area to cross at the signalized intersection, improving safety.
- The existing ramp at the southeast corner of Lawndale Ave. would be relocated about 25 feet east, in order to line up with a new ramp at the northeast corner of Lawndale Ave., encouraging pedestrians to cross at a STOP bar, rather than in the middle of the intersection.

The MMTB took no issue with these ideas, and passed the following recommendation:

To recommend to the City Commission the approval of the multi-modal improvements proposed for Oakland Ave. between Woodward Ave. and Lawndale Ave., as shown on the plan prepared for this purpose, to be implemented in 2017 and 2018, in conjunction with the Lawndale Ave. and Woodward Ave. street improvement projects respectively.

Just this past week, we have confirmed that MDOT staff also endorses the idea of relocating the northbound Woodward Ave. crosswalk at Oakland Ave., and they have offered to include this work in their 2018 resurfacing project at their cost, provided that the City agrees to install the rest of the sidewalk on the south side of the road at City cost. If the Commission approves the plan as presented, the Engineering Dept. will include the Lawndale Ave. ramp improvements with the work planned later this summer. Further, we will work with MDOT to ensure that the remaining improvements involving Woodward Ave. are completed no later than the end of the 2018 construction season.

A suggested resolution follows:

SUGGESTED RESOLUTION:

To approve the sidewalk improvement plans recommended by the Multi-Modal Transportation Board for Oakland Ave. from Woodward Ave. to Lawndale Ave., to be implemented as a part of upcoming City of Birmingham and MI Dept. of Transportation projects planned in 2017 and 2018.

- F. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the five incumbent members of the Michigan Municipal League Workers' Compensation Fund Board of Trustees for four-year terms, beginning October 1, 2017.
- G. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 750 Forest Ave. Further, directing the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- H. Resolution approving the Contract for Skating Director with Jill Kolaitis effective July 11, 2017 up to and including May 11, 2018. Further, authorizing the Mayor and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.

V. UNFINISHED BUSINESS

07-190-17

OAKLAND AVE. – WOODWARD AVE. TO LAWDALE AVE. MULTI-MODAL IMPROVEMENTS

City Engineer O'Meara reported:

- The City Commission on May 22, 2017 discussed proposed plans for the reconstruction of Lawndale Ave., from Oakland Ave. to Woodward Ave. The discussion expanded to include potential sidewalk improvements on the above segment of Oakland Ave.
- The Multi-Modal Transportation Board (MMTB) at their meeting of June 1, 2017 reviewed and approved the following recommendations:
 - If endorsed by the MI Dept. of Transportation (MDOT), the Woodward Ave. crosswalk for Oakland Ave. would be relocated to the south side of the intersection for northbound traffic only. The relocation would reduce potential traffic conflicts for pedestrians and bicyclists using this intersection.
 - A sidewalk would be added to the south side of Oakland Ave. for this short block, providing additional more direct paths for pedestrians. The improvement will also encourage pedestrians crossing Oakland Ave. in this area to cross at the signalized intersection, improving safety.
 - The existing ramp at the southeast corner of Lawndale Ave. would be relocated about 25 feet east, in order to line up with a new ramp at the northeast corner of Lawndale Ave., encouraging pedestrians to cross at a STOP bar, rather than in the middle of the intersection.
- MDOT staff also endorses the idea of relocating the northbound Woodward Ave. crosswalk at Oakland Ave. and has offered to include this work in their 2018 resurfacing project at their cost, provided that the City agrees to install the rest of the sidewalk on the south side of the road at City cost.
- If the Commission approves the plan as presented, the Engineering Dept. will include the Lawndale Ave. ramp improvements with the work planned later this summer, and will work with MDOT to ensure the remaining improvements involving Woodward Ave. are completed no later than the end of the 2018 construction season.

Commissioners Bordman and Hoff expressed concern that sightlines on the southeast corner of Lawndale and Oakland reduce the visibility of pedestrians. Suggestions were made for a stop sign or a caution sign letting drivers know they are approaching a pedestrian crossing.

Commissioner DeWeese noted the road will be narrower which will slow cars. He and Mayor Nickita suggested hatching the crosswalk.

City Engineer O'Meara noted:

- There is no change planned in the location of traffic signals.
- The Lawndale portion of the project is slated to be completed August 2017.
- Installation of stop signs requires a traffic engineer to determine if the intersection meets applicable standards.
- The subject section of Oakland Ave. is a proposed bike route, and signs will be added to designate it as such.
- The Multi Modal Transportation Board (MMTB) has not explored a stop sign.

The Commission was generally in favor of Commissioner Sherman's suggestion to move forward with City Engineer O'Meara's recommendation as submitted and have the MMTB consider how to draw attention to the crossing of pedestrians, such as with a stop or caution sign and/or hatching the crosswalk.

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

To approve the sidewalk improvement plans recommended by the Multi-Modal Transportation Board for Oakland Ave. from Woodward Ave. to Lawndale Ave., to be implemented as a part of upcoming City of Birmingham and MI Dept. of Transportation projects planned in 2017 and 2018.

John Rusche felt the current pedestrian crosswalk across Woodward Ave. keeps pedestrians further away from traffic than the new recommendation

Benjamin Gill was opposed to a change from the current design of the crosswalks.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VI. NEW BUSINESS

07-191-17 2017 CAPE SEAL – BID AWARD

DPS Manager Filipski reported:

- The City solicited sealed proposals from qualified parties to perform cape seal treatment on approximately 31,000 square yards of roadway as part of its cape seal maintenance program.
- The solicitation sought per-unit prices for single- and double-chip treatment, slurry seal, surface pulverization, street preparation, and manhole adjustments.
- The Department of Public Services recommends awarding the cape seal contract to Highway Maintenance and Construction, Inc. of Romulus, MI, the lowest qualified bidder for each solicited bid item, with the understanding the recommendation is contingent upon the results of the public hearing of necessity and confirmation of the related special assessment roll.
- Highway Maintenance and Construction has been performing the City cape seal work for over twelve years. The last award was for the 2014 Cape Seal Program and pricing was seven (7%) percent lower than the combined bid pricing for 2017.

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

To approve the award with Highway Maintenance and Construction, Inc. for services related to the 2017 Cape Seal Program, contingent upon the results of the related public hearing of necessity and confirmation of the special assessment roll, in amounts no to exceed the per unit



MEMORANDUM

Engineering Dept.

DATE: September 1, 2017

TO: Multi-Modal Transportation Board

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Oakland Ave. & Lawndale Ave.
STOP Sign Study

As you may recall, the City is planning to reconstruct the short block of Lawndale Ave. between Oakland Ave. and Woodward Ave. The Multi-Modal Transportation Board (MMTB) endorsed staff recommendations to rebuild Lawndale Ave. narrower than it is presently, at 20 ft. wide. That recommendation was approved by the City Commission. However, it was noted at that time that the handicap ramp placement at the Oakland Ave. intersection was problematic in that the ramp at the southeast corner directed pedestrians out into the middle of the intersection, with no connection on the north side of Oakland Ave.

Staff studied the issue further, and made recommendations at the July 10, 2017 City Commission meeting. While the Commission endorsed the changes to the ramps, it was now noted that relocating the Oakland Ave. crosswalk to the east may introduce a safety hazard, since northbound Lawndale Ave. traffic does not currently have to stop at the intersection. Staff then requested F&V to conduct a full scale STOP sign study for the intersection.

Traffic counts were taken. Based on the new information, new recommendations relative to the STOP sign placement have been provided by F&V, as described on the attached report.

Also, since this issue was last reviewed by the Board, we have confirmed that MDOT will relocate the northbound Woodward Ave. crosswalk at Oakland Ave., as shown. Since this crossing is also a part of the now being implemented Neighborhood Connector Route, a widened shared use sidewalk is being proposed from Woodward Ave. to Lawndale Ave., as shown on these drawings. The Connector Route plan will be discussed in more detail at the meeting.

In consideration of the findings within, the recommendation below is provided for the Board:

SUGGESTED RECOMMENDATION:

To recommend the relocation of the STOP sign for the Oakland Ave. & Lawndale Ave. intersection from its current westbound Oakland Ave. location, to northbound Lawndale Ave. Further, to recommend pedestrian and bike facility improvements to Oakland Ave. between Woodward Ave. and Lawndale Ave., as described in Option ____.

MEMO

VIA EMAIL

To: Mr. Paul O'Meara, City Engineer, City of Birmingham
Ms. Jana Ecker, Planning Director, City of Birmingham

From: Michael J. Labadie, P.E.
Julie M. Kroll, P.E., PTOE
Steven J. Russo, P.E.
Fleis & VandenBrink

Date: September 1, 2017

Re: Oakland Avenue & Lawndale Street
City of Birmingham, Michigan
Multi-Way Stop Warrant Analysis

INTRODUCTION

This memorandum presents the methodologies, analyses, and results of the Multi-Way Stop Warrant Analysis at the intersection of Oakland Avenue & Lawndale Street in the City of Birmingham, Michigan. Oakland Avenue is an east / west roadway that runs between Worth Street and Old Woodward Avenue. Oakland Avenue between Woodward Avenue and Lawndale Street operates as a one-way in the westbound travel direction. Lawndale Street is north /south roadway that operates with a one-way northbound approach and a one-way southbound approach at its intersection with Oakland Avenue. The Oakland Avenue & Lawndale Street intersection is currently stop-controlled on the southbound and westbound approaches and is free-flow on the northbound approach.

The City of Birmingham has requested a Multi-Way Stop Warrant Analysis to determine if stop control is warranted and recommended on the northbound Lawndale Street approach at the Oakland Avenue intersection. This memo summarizes the results and recommendations of the Multi-Way Stop Warrant Analysis conducted using the methodologies published in the *Michigan Manual on Uniform Traffic Control Devices* (MMUTCD).

DATA COLLECTION

The existing weekday directional approach volumes were provided by the City of Birmingham. The data was collected at the Oakland Avenue & Lawndale Street intersection by Traffic Data Collection, Inc. (TDC) between Tuesday, July 25, 2017 and Thursday, July 27, 2017. The traffic volume data are attached.

MULTI-WAY STOP WARRANT ANALYSIS

The applicable multi-way stop warrants, published in the MMUTCD, were evaluated per *Section 2B.07: Multi-Way Stop Applications*. This analysis evaluated the existing hourly approach traffic volumes and the crash history at this intersection. The existing approach volumes summarized in Table 1 are the highest eight hours for an average day. The major street approach volumes did not meet the volume warrant threshold of 300 vehicles per hour during any hour, nor did the average minor street approach volume meet the volume warrant threshold of 200 vehicles per hour during any hour. Therefore, the volume criterion is not met.

A crash review was also completed for the Oakland Avenue & Lawndale Street intersection. Historical crash data for the most recent available four years (January 2014 – August 2017) were obtained from the Traffic Improvement Association (TIA) Traffic Crash Analysis Tool. The results of the crash analysis indicate that zero crashes occurred at the intersection in the past four years.

27725 Stansbury Boulevard, Suite 150
Farmington Hills, MI 48334
P: 248.536.0080
F: 248.536.0079
www.fveng.com

Table 1: Major and Minor Approach Volume for Highest Eight Hours

Rank	Time	Lawndale Street NB/SB (Major) Approach Volumes (vph)	Oakland Avenue WB (Minor) Approach Volumes (vph)
1	11:00 AM	82	24
2	12:00 PM	71	29
3	1:00 PM	87	24
4	2:00 PM	75	38
5	3:00 PM	93	58
6	4:00 PM	102	40
7	5:00 PM	137	40
8	6:00 PM	98	26
Average		93	35
<i>Warrant Threshold</i>		<i>300</i>	<i>200</i>
Meets Volume Warrants		No	No

PEDESTRIAN FACILITY IMPROVEMENTS

The City is also evaluating pedestrian facility improvements at the intersections of Oakland Avenue with Woodward Avenue (M-1) and Lawndale Street.

Woodward Avenue (M-1) and Oakland Avenue

At the intersection of northbound M-1 and Oakland Avenue, the existing crosswalk along northbound M-1 creates a conflict between pedestrians and bicyclists with right turning vehicles from Oakland Avenue. Mitigation measures are recommended at this location to provide a safer crossing for pedestrians.

- Relocate the existing crosswalk across SB Woodward Ave. to the south side of the Oakland Ave. intersection.
- Provide a new crosswalk and ADA ramps across Oakland Avenue and connect to the proposed shared use pathway located along the south side of Oakland Avenue between SB Woodward Ave. and Lawndale Street.

A review of existing traffic volumes at the intersection of Oakland Avenue & Lawndale Street indicates that the westbound Oakland Avenue approach at its intersection with M-1 has a daily traffic volume of approximately 500 vehicles per day. As such the existing dual right turn lane configuration may be modified to provide only one right turn lane. This will provide a shorter crossing distance for pedestrians crossing Oakland Avenue, making it more pedestrian friendly. Attached to this memorandum are the following three options regarding the potential lane configuration for the westbound approach for consideration:

1. Leave the existing dual right-turn lane configuration as is.
2. Modify the existing dual right-turn lane configuration to provide a single right-turn lane by using pavement marking cross-hatching.
3. Modify the existing dual right-turn lane configuration to provide a single right-turn lane by extending the curb out.

Oakland Avenue and Lawndale Street

As part of the Multi-way Stop warrant study, additional information was obtained and further evaluated at this intersection. In accordance with MMUTCD recommended guidelines, stop signs at an intersection are typically installed on the roadway carrying the lowest traffic volume. The intersection of Oakland Avenue & Lawndale Street is currently in compliance with these guidelines with the lower volume southbound and westbound approaches stop controlled and the northbound approach operating as a free flow movement. However, the following are two circumstances that a stop sign may be considered on the higher volume approach as outlined in Section 2B.04 of the MMUTCD:

- A. Controlling the direction that conflicts the most with established pedestrian crossing activity or school walking routes;

- B. Controlled the direction that has the best sight distance from a controlled position to observe conflicting traffic.*

Through this analysis, it was determined that changes in the operations could be implemented to improve the safety for pedestrians and bicycles at this location. This can be accomplished through the following recommendations:

- Provide Stop control for northbound Lawndale Street at Oakland Ave. The turning movements at this intersection will have conflicts with pedestrians and providing a stop at this approach will effectively control the existing free flow movement without causing undue delay to traffic. Additionally, there is more sight distance available for the northbound approach as compared to the westbound approach.
- Remove the existing stop bar and stop sign located on the westbound approach of Oakland Ave. at Lawndale Street.
- Provide a crosswalk and ramp across Oakland Ave., at the east side of the Lawndale Street intersection. (Note: The previously proposed location for the crosswalk was along the east side of the north leg-adjacent to the Stop controlled approach on Oakland Ave. However, this location is offset approximately 40 feet east of the northbound approach which would place the crosswalk outside the field of vision for the free-flow northbound right turning vehicles, creating a safety hazard for pedestrians.)
- Provide crosswalks and ADA ramps crossing Lawndale Street on both the north and south sides of the intersection at Oakland Ave.

Conclusions

The conclusions of this Multi-Way Stop Warrant Analysis are as follows:

1. The multi-way stop warrant does not meet the volume or crash experience criteria.
2. With the proposed pedestrian facility improvements, the existing stop bar and stop sign located on the westbound approach of the intersection should be removed and a new stop bar and stop signs should be installed along the northbound approach.
3. The existing dual right-turn lane configuration along the westbound approach of M-1 & Oakland Avenue may be modified to provide a single right-turn lane.

Any questions related to this memorandum, study, or results should be addressed to Fleis & VandenBrink.

Attached: Traffic Volume Data
Pedestrian Facilities Improvements – Options 1-3

Traffic Data Collection (TDC)

Page 1

Project: Birmingham Traffic Study
Count Type: 72 Hr. ATR Approach Volume Count
Weather: Pt. Sunny, 80's Degs.
Count By: M.Matich Pav't : Asphalt 2 Lanes

tdccounts.com

Phone (586) 786-5407

Traffic Study Performed For:
Birmingham Police Department



ATR_1 Lawndale_Oakland_SB
Lawndale Street
(175' North of Oakland St.)
Station ID: Southbound
Site Code: ATR 1 SB
Date Start: Monday, July 24, 2017

Start Time	Mon Monday, Jul	Tue	Wed	Thu	Fri	Average Day	Sat	Sun	Week Average
12:00 AM	*	0	0	0	4	1	*	*	1
01:00	*	0	1	1	2	1	*	*	1
02:00	*	0	0	0	0	0	*	*	0
03:00	*	0	0	0	0	0	*	*	0
04:00	*	0	1	0	0	0	*	*	0
05:00	*	1	1	1	0	1	*	*	1
06:00	*	0	0	1	0	0	*	*	0
07:00	*	6	2	1	4	3	*	*	3
08:00	*	7	1	1	0	2	*	*	2
09:00	*	4	1	3	3	3	*	*	3
10:00	*	1	6	1	*	3	*	*	3
11:00	*	9	6	2	*	6	*	*	6
12:00 PM	*	6	4	2	*	4	*	*	4
01:00	*	5	6	1	*	4	*	*	4
02:00	*	6	5	3	*	5	*	*	5
03:00	*	5	5	4	*	5	*	*	5
04:00	0	5	2	1	*	2	*	*	2
05:00	7	4	5	6	*	6	*	*	6
06:00	3	2	4	3	*	3	*	*	3
07:00	3	3	4	5	*	4	*	*	4
08:00	2	1	0	5	*	2	*	*	2
09:00	2	1	0	0	*	1	*	*	1
10:00	1	2	0	2	*	1	*	*	1
11:00	1	0	1	2	*	1	*	*	1
Total	19	68	55	45	13	58	0	0	58

% Avg. WkDay	32.8%	117.2%	94.8%	77.6%	22.4%	100.0%			
% Avg. Week	32.8%	117.2%	94.8%	77.6%	22.4%	100.0%	0.0%	0.0%	
AM Peak Vol.	-	11:00 9	10:00 6	09:00 3	00:00 4	-	11:00 6	-	-
PM Peak Vol.	17:00 7	12:00 6	13:00 6	17:00 6	-	-	17:00 6	-	-
Total	19	68	55	45	13	58	0	0	58

ADT

ADT 56

AADT 56

Traffic Data Collection (TDC)

Page 1

Project: Birmingham Traffic Study
Count Type: 72 Hr. ATR Approach Volume Count
Weather: Pt. Sunny, 80's Degs.
Count By: M.Matich Pav't : Concrete 2 Lanes

tdccounts.com

Phone (586) 786-5407

Traffic Study Performed For:
Birmingham Police Department



ATR_2 Lawndale_Oakland_NB
Lawndale Street
(100' South of Oakland St.)
Station ID: Northbound
Site Code: ATR 2 NB
Date Start: Monday, July 24, 2017

Start Time	Mon Monday, Jul	Tue	Wed	Thu	Fri	Average Day	Sat	Sun	Week Average
12:00 AM	*	7	8	8	11	8	*	*	8
01:00	*	2	2	2	2	2	*	*	2
02:00	*	0	1	1	1	1	*	*	1
03:00	*	1	2	0	1	1	*	*	1
04:00	*	0	0	2	1	1	*	*	1
05:00	*	4	2	2	2	2	*	*	2
06:00	*	7	8	9	7	8	*	*	8
07:00	*	39	33	40	31	36	*	*	36
08:00	*	85	71	66	51	68	*	*	68
09:00	*	59	75	52	69	64	*	*	64
10:00	*	95	53	56	*	68	*	*	68
11:00	*	97	73	58	*	76	*	*	76
12:00 PM	*	79	44	77	*	67	*	*	67
01:00	*	89	81	80	*	83	*	*	83
02:00	*	62	71	77	*	70	*	*	70
03:00	*	85	92	88	*	88	*	*	88
04:00	84	103	103	110	*	100	*	*	100
05:00	118	136	122	149	*	131	*	*	131
06:00	77	109	96	98	*	95	*	*	95
07:00	51	52	47	70	*	55	*	*	55
08:00	46	51	48	52	*	49	*	*	49
09:00	42	51	36	39	*	42	*	*	42
10:00	26	21	22	25	*	24	*	*	24
11:00	7	6	11	8	*	8	*	*	8
Total	451	1240	1101	1169	176	1147	0	0	1147

% Avg. WkDay	39.3%	108.1%	96.0%	101.9%	15.3%	100.0%			
% Avg. Week	39.3%	108.1%	96.0%	101.9%	15.3%	100.0%	0.0%	0.0%	
AM Peak	-	11:00	09:00	08:00	09:00	-	11:00	-	11:00
Vol.	-	97	75	66	69	-	76	-	76
PM Peak	17:00	17:00	17:00	17:00	-	-	17:00	-	17:00
Vol.	118	136	122	149	-	-	131	-	131
Total	451	1240	1101	1169	176		1147	0	0
ADT	ADT 1,142		AADT 1,142						

Traffic Data Collection (TDC)

tdccounts.com

Phone (586) 786-5407

Traffic Study Performed For:
Birmingham Police Department

Page 1



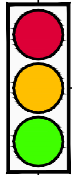
Project: Birmingham Traffic Study
Count Type: 72 Hr. ATR Volume Count
Weather: Pt. Sunny, 80's Degs.
Count By: M.Match Pav't : Asphalt 2 Lanes

ATR_3 Lawndale_Oakland_WB
Oakland Street
(100' East of Lawndale St.)
Station ID: 2-Way Volume Count
Site Code: ATR 3
Date Start: Monday, July 24, 2017

Start Time	Monday, July 24, 2017		Tuesday, July 25, 2017		Wednesday, July 26, 2017		Thursday, July 27, 2017		Friday, July 28, 2017		Weekday Average		Saturday, July 29, 2017		Sunday, July 30, 2017	
	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB
12:00 AM	*	*	5	0	6	1	5	1	10	3	6	1	*	*	*	*
01:00	*	*	1	0	3	0	0	0	2	1	2	0	*	*	*	*
02:00	*	*	0	0	1	0	1	1	1	2	1	1	*	*	*	*
03:00	*	*	1	0	1	0	0	0	1	0	1	0	*	*	*	*
04:00	*	*	0	0	0	1	2	0	1	0	1	0	*	*	*	*
05:00	*	*	4	1	2	0	1	0	5	0	3	0	*	*	*	*
06:00	*	*	7	4	11	5	9	4	6	3	8	4	*	*	*	*
07:00	*	*	38	16	28	9	24	8	29	10	30	11	*	*	*	*
08:00	*	*	75	21	65	24	60	14	55	24	64	21	*	*	*	*
09:00	*	*	57	26	64	38	53	24	66	11	60	25	*	*	*	*
10:00	*	*	93	33	48	16	54	15	23	7	54	18	*	*	*	*
11:00	*	*	96	33	68	20	55	20	*	*	73	24	*	*	*	*
12:00 PM	*	*	79	38	44	28	79	21	*	*	67	29	*	*	*	*
01:00	*	*	82	16	78	31	74	24	*	*	78	24	*	*	*	*
02:00	*	*	26	66	68	17	77	30	*	*	57	38	*	*	*	*
03:00	*	*	34	96	92	39	86	40	*	*	71	58	*	*	*	*
04:00	81	33	106	34	102	53	110	41	*	*	100	40	*	*	*	*
05:00	119	36	141	43	122	50	153	30	*	*	134	40	*	*	*	*
06:00	71	23	106	25	94	36	95	22	*	*	92	26	*	*	*	*
07:00	49	17	52	13	47	15	70	24	*	*	54	17	*	*	*	*
08:00	46	9	52	15	46	10	53	28	*	*	49	16	*	*	*	*
09:00	43	6	51	9	33	17	36	5	*	*	41	9	*	*	*	*
10:00	26	7	17	10	21	6	23	6	*	*	22	7	*	*	*	*
11:00	7	6	6	3	11	5	6	4	*	*	8	4	*	*	*	*
Total Day	442	137	1129	502	1055	421	1126	362	199	61	1076	413	0	0	0	0
AM Peak	-	-	11:00	10:00	11:00	09:00	08:00	09:00	09:00	08:00	11:00	09:00	-	-	-	-
Vol.	-	-	96	33	68	38	60	24	66	24	73	25	-	-	-	-
PM Peak	17:00	17:00	17:00	15:00	17:00	16:00	17:00	16:00	-	-	17:00	15:00	-	-	-	-
Vol.	119	36	141	96	122	53	153	41	-	-	134	58	-	-	-	-

Comb. Total	579	1631	1476	1488	260	1489	0	0
ADT	ADT 1,494	AADT 1,494						

NB WOODWARD AVENUE



542
[28/43]

NB LAWDALE STREET

1147
[68/131]

OAKLAND AVENUE

58
[3/6]

SB LAWDALE STREET

413
[21/40]

1076
[64/134]

DAILY TRAFFIC VOLUME - 000
AM/PM PEAK HOUR VOLUME - [000/000]

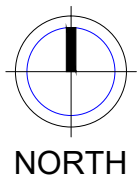
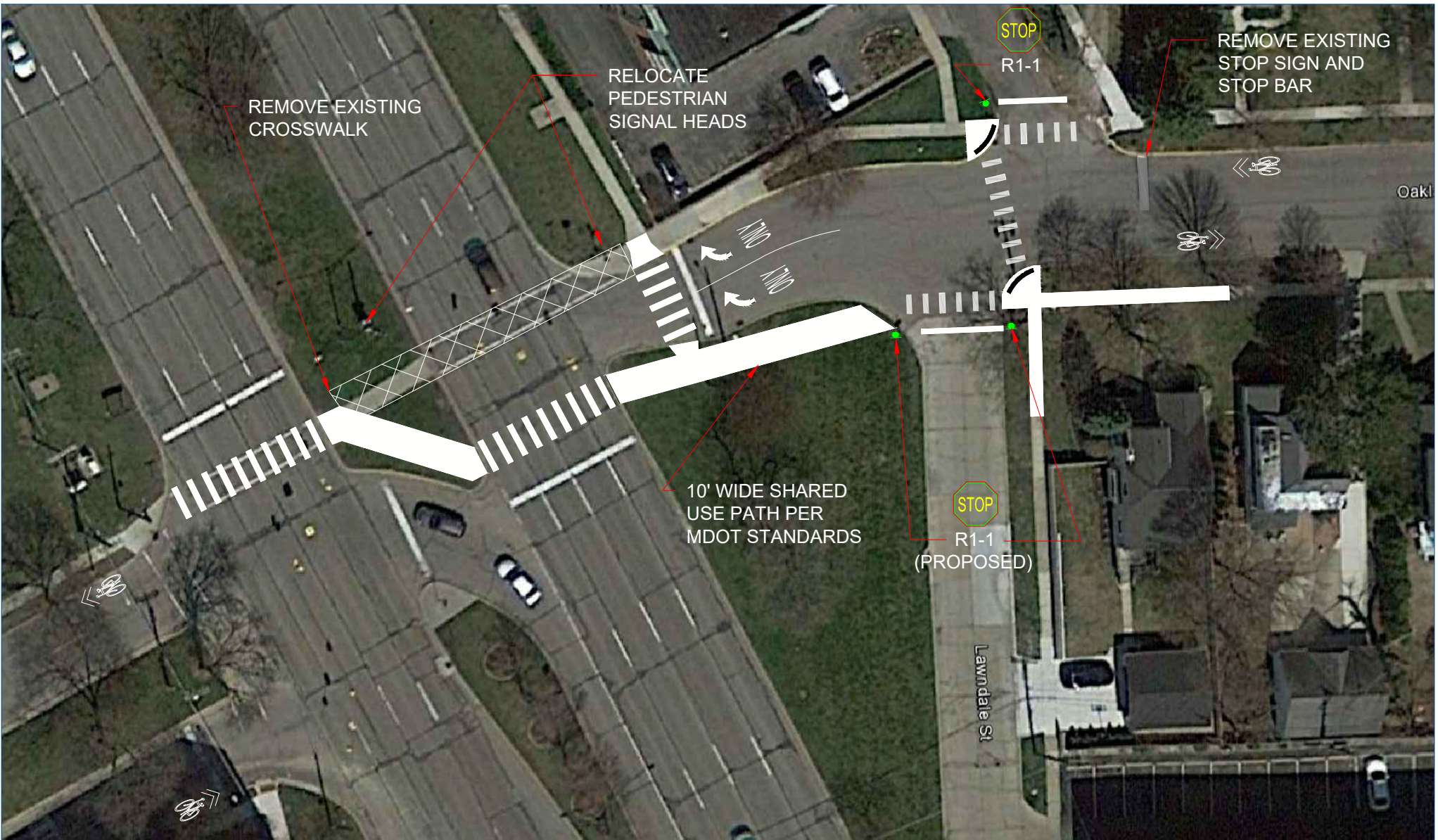


EXISTING TRAFFIC VOLUMES

OAKLAND AVENUE / WOODWARD AVENUE / LAWDALE STREET

BIRMINGHAM, MI



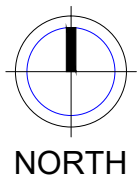
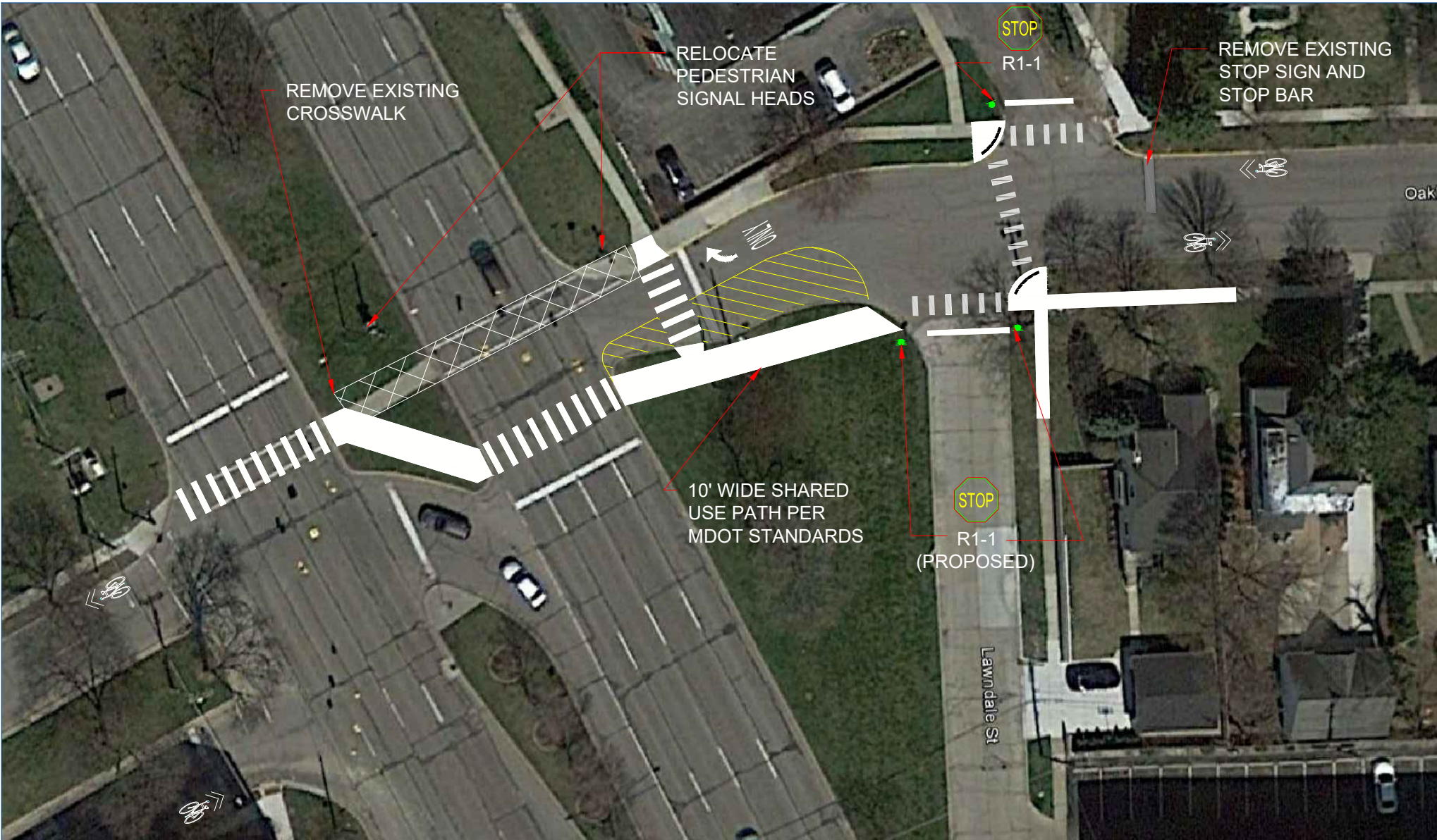


PEDESTRIAN & BICYCLE FACILITIES IMPROVEMENTS - OPTION 1

LAWNDALE AVE PAVING - OAKLAND BLVD TO WOODWARD AVE

BIRMINGHAM, MI



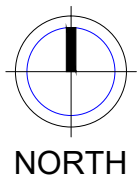
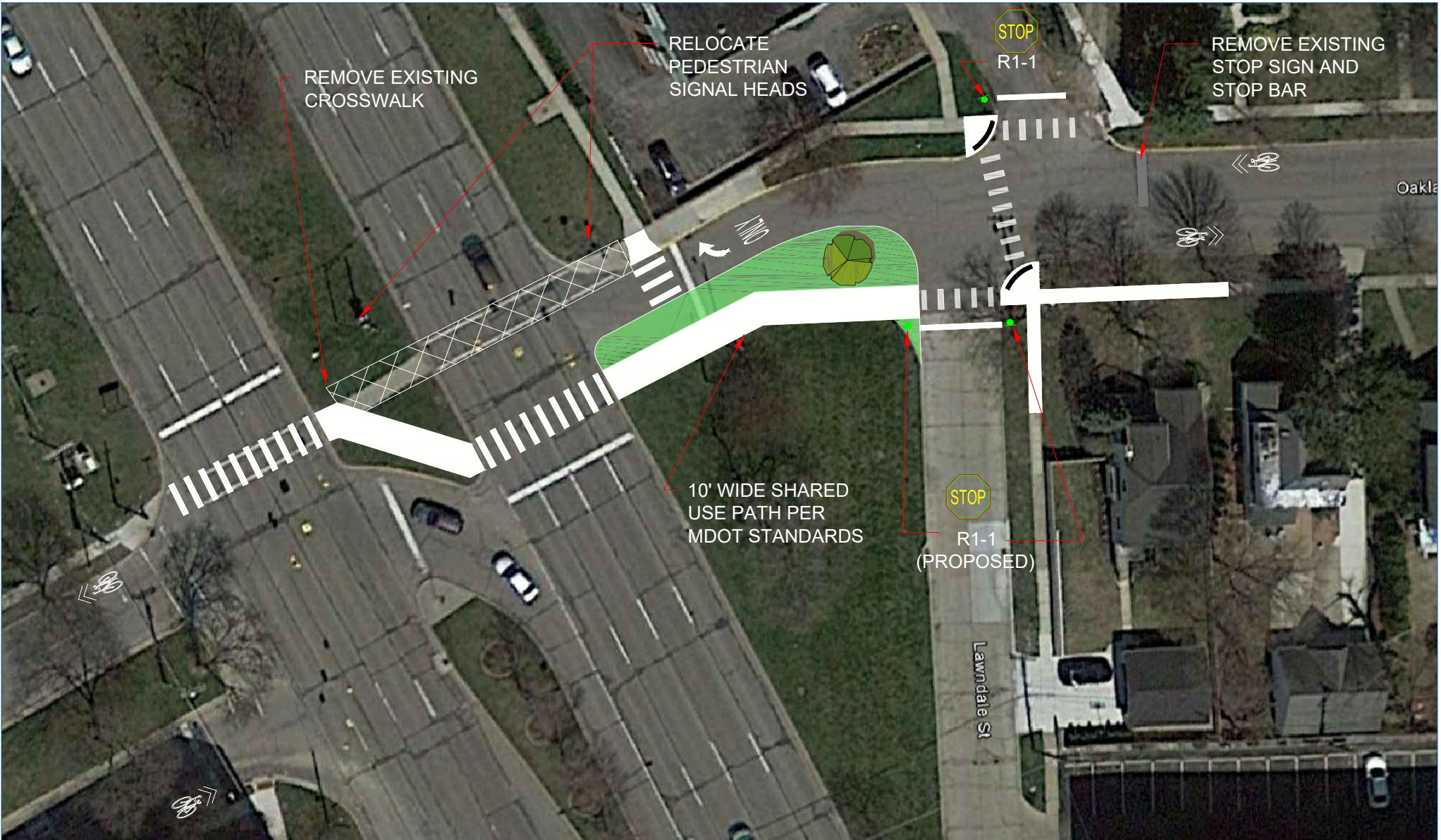


PEDESTRIAN & BICYCLE FACILITIES IMPROVEMENTS - OPTION 2

LAWNDALE AVE PAVING - OAKLAND BLVD TO WOODWARD AVE

BIRMINGHAM, MI





PEDESTRIAN & BICYCLE FACILITIES IMPROVEMENTS - OPTION 3

LAWNDALE AVE PAVING - OAKLAND BLVD TO WOODWARD AVE

BIRMINGHAM, MI



**CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
THURSDAY, SEPTEMBER 7, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, September 7, 2017.

Chairperson Vionna Adams convened the meeting at 6:05 p.m.

1. ROLL CALL

Present: Chairperson Vionna Adams; Board Members Lara Edwards, Amy Folberg, Daniel Rontal, Vice-Chairperson Johanna Slanga; Alternate Members Daniel Isaksen, Katie Schafer

Absent: Board Members Andy Lawson, Michael Surnow

Administration: Lauren Chapman, Asst. Planner
Jana Ecker, Planning Director
Austin Fletcher, Asst. City
Scott Grewe, Police Commander
Paul O'Meara, City Engineer

Also Present: Julie Kroll and Mike Labadie from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants

2. INTRODUCTIONS (none)

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MEETING OF AUGUST 3, 2017

Ms. Schafer corrected the spelling of her name.

Motion by Ms. Edwards

Seconded by Ms. Schafer to approve the Minutes of August 3, 2017 as corrected.

Motion carried, 7-0.

VOICE VOTE

Yeas: Edwards, Schafer, Adams, Folberg, Isaksen, Rontal, Slanga

Nays: None

Absent: Lawson, Surnow

5. S. ETON RD. CORRIDOR
Yosemite Blvd. to 14 Mile Rd.

Mr. O'Meara recalled the MMTB has been studying various multi-modal improvements to S. Eton Rd. and recommendations were sent to the City Commission for review. At the August 14, 2017 meeting the Commission did not approve the recommendation regarding the island at the Maple Rd./ S. Eton Rd. intersection. It was noted that changes will be coming in the near future when the Whole Foods Market opens just east of the intersection. In the meantime, the MMTB can study the rest of the corridor, S. Eton Rd. from Lincoln Ave. to 14 Mile Rd.

Ms. Kroll gave an overview of the approach by F&V. They looked at the options from 14 Mile Rd. to Lincoln Ave. and how they might match up with the options that have already been looked at from Lincoln Ave. to Yosemite. They used the National Assoc. of City Transportation Officials ("NACTO") Urban Bikeway Design Guide as a reference. There was only 14 ft. on each side of the road to work with. So the two options they came up with were:

- Leave the parking as it is and add sharrows which is consistent with the Multi-Modal Master Plan recommendation for that section of S. Eton Rd.;
- Provide directional bike lanes and eliminate any on-street parking.

Ms. Edwards did not believe the cross section diagram provided was correct. There is no parking on the east side of S. Eton Rd. from 14 Mile Rd. possibly through Lincoln Ave. Also, nothing is painted and there are huge easements. Residents are parking partly or entirely on the easement. She was not confident with the suggested options. Ms. Ecker verified the 28 ft. road width was correct.

Discussion turned to adding a bike lane and Ms. Kroll stated that a bi-directional bike lane requires 4 ft. + 4 ft. + a 2 ft. buffer. That leaves 18 ft., or two 9 ft. lanes, which would not be feasible with a 28 ft. road width.

Ms. Schafer noted there is a lot of concern with the speed of traffic in this area of town and people are looking for it to slow. She did not think sharrows would do anything to change the way people behave on that street. Dr. Rontal thought the bike lane as it has been set up along S. Eton Rd. is too complex.

Ms. Ecker observed there will be a lot of traffic but it can be slowed down. Parking on both sides narrows the road and slows traffic. Adding in bump-outs at

several of the intersections changes where the curb line is and it protects the parking along the side of the road. Ms. Schafer hoped to envision what would make someone driving on that street feel like they were in someone's neighborhood, rather than driving down a long stretch. Ms. Edwards noted the wide easements aren't helping that feeling. She thought there could be a totally protected bike lane in the easement next to the sidewalk on both sides.

Mr. Isaksen said the vast expanse of asphalt in the intersections has always bothered him. Ms. Schafer thought new crosswalk markings would make people feel they are in a pedestrian friendly area and that they should slow down. Ms. Slanga wanted to ensure the bump-outs will accommodate larger turning vehicles.

Ms. Ecker observed everyone seemed to be in agreement with doing the bump-outs and adding some crosswalks.

Ms. Folberg said that for any kind of coherent bike strategy all along S. Eton Rd. there should be a no parking standard throughout. Input would be needed from the residents as to their wishes in terms of parking.

Ms. Slanga thought a decision should be made whether to ask for a wider street. She wondered if cars would get side-swiped more often if they are crammed into a parking space, or if people would dodge in and out. She felt the board should re-think this because they don't feel comfortable with it. Mr. Isakson said S. Eton is not a typical residential street in Birmingham - it handles a lot of through traffic. Dr. Rontal thought the board may want to ask the City Commission to treat the street like Lincoln and make it a little bit wider.

Ms. Edwards indicated it would be important to have traffic counts along this section of S. Eton Rd. Mr. Labadie noted that S. Eton north and south of Lincoln don't have to be the same.

Ms. Folberg recalled that residents said the bi-directional bike lane that was discussed on S. Eton Rd. north of Lincoln is a road to nowhere. Now when she looks at plans for the section south of Lincoln, the bike lanes are not connected and what the residents said is justified. The two pieces don't fit together. That is why she is not happy with the options presented.

Ms. Ecker summarized the discussion:

- Maybe the street is not wide enough;
- It will cost more money to expand the street a little;
- Staff should think outside the box and come up with a new set of options with a new set of parameters based on today's comments;
- Look at how to connect the bike lanes to Royal Oak and how much space is needed for that;

- Get the traffic counts;
- The board is not ready yet to ask for input from the residents.

Dr. Rontal said when calculating the amount of space needed, a bi-directional bike lane requires 10 ft.; two lanes of traffic require 10 ft. each; parking on one side would be 8 ft. more, for a total of 38 ft. That means adding 5 ft. to each side of the road.

Mr. Labadie voiced the concern that 38 ft. is quite wide. He noted they have traffic counts already. What they don't have is the residents' thoughts. Ms. Ecker noted that staff can look at some options to minimize the road width.

Ms. Slanga asked for some generic drawings of what the options would be.

Chairperson Adams suggested that MMTB members submit their ideas to Mr. O'Meara in order to help F&V come up with options that the board favors.

6. OAKLAND AVE. AND LAWNDAL E AVE. STOP Sign Study

Mr. O'Meara recalled the City is planning to reconstruct the short block of Lawndale Ave. between Oakland Ave. and Woodward Ave. The MMTB endorsed staff recommendations to rebuild Lawndale Ave. narrower than it is presently, at 20 ft. wide. That recommendation was approved by the City Commission. However, it was noted at that time that the handicap ramp placement at the Oakland Ave. intersection was problematic in that the ramp at the southeast corner directed pedestrians out into the middle of the intersection, with no connection on the north side of Oakland Ave. Staff studied the issue further, and made recommendations at the July 10, 2017 City Commission meeting. While the Commission endorsed the changes to the ramps, it was now noted that relocating the Oakland Ave. crosswalk to the east may introduce a safety hazard, since northbound Lawndale Ave. traffic does not currently have to stop at the intersection. Staff then requested F&V to conduct a full scale STOP sign study for the intersection. Traffic counts were taken. Based on the new information, new recommendations relative to the STOP sign placement have been provided by F&V. Also, since this issue was last reviewed by the MMTB, it has been confirmed that MDOT will relocate the northbound Woodward Ave. crosswalk at Oakland Ave. Since this crossing is also a part of the now being implemented Neighborhood Connector Route, a widened shared use sidewalk is being proposed from Woodward Ave. to Lawndale Ave.

Ms. Kroll advised that F&V conducted a STOP sign warrant analysis and the intersection did not meet the volume thresholds for a STOP sign. So then they took a look at what can be done to make it safer. Guidance from the Michigan

Manual Uniform Traffic Control Devices ("MMUTCD") indicated that putting STOP signs on the minor streets at this location would be recommended due to the site distance constraints and pedestrian activity.

Mr. O'Meara summarized that northbound traffic would get a STOP sign that has not existed in the past, but the STOP sign for westbound Oakland Ave. traffic would be removed. Ms. Kroll added the traffic volume westbound is relatively low. The highest volume was northbound on Lawndale right onto east bound Oakland Ave. Providing the STOP sign will require those vehicles to stop, look to the right, and look for pedestrians crossing before turning. They feel this is a much safer option for pedestrian and bike traffic through this area.

With that in mind they looked at a couple of additional options to help promote the multi-modal aspects. Because the volumes were so low, it doesn't warrant a dual right turn lane configuration along the westbound approach of M-1 and Oakland Ave., nor do they recommend a dual right turn lane from a stop control as it is not very safe. This provides an opportunity to narrow down and create a shorter crossing distance. The first option is revised per what the City Commission has already seen. The second two are additional options that are being presented for consideration based on data regarding the traffic volumes. Option 2 was to narrow the street with striping, and Option 3 was to do it with landscaping.

Dr. Rontal noted they are taking away a STOP sign at Lawndale and the people in that Oakland neighborhood will get a freer pass out of their neighborhood to Woodward Ave., but it is being narrowed to one lane out instead of two. Mr. O'Meara explained that Oakland is wide because it used to be the way to get into Downtown.

Mr. Isaksen said that biking through there he would go west down Oakland Ave. and stay to the left. When cars turn right he would go straight across and merge into the crosswalk. He would not use the sidewalk going west. When he is going east he would probably use the sidewalk.

Ms. Edwards said bikers heading east might benefit from signage that says "Walk bike to sidewalk to cross Woodward." Mr. Isaksen observed his experience is that the current crosswalk that conflicts with the right turn onto Woodward Ave. is less convenient and less safe than this would be.

Ms. Ecker thought the change in the stop signs is a no brainer. Ms. Ecker did not agree with striping off a lane because no one will ever follow that. Shrinking the width of the road and adding green space will be a big plus.

Motion by Dr. Rontal

Seconded by Ms. Folberg to recommend the relocation of the STOP sign for the Oakland Ave. & Lawndale Ave. intersection from its current westbound Oakland Ave. location, to northbound Lawndale Ave. Further, to go with Option 3 in terms of narrowing westbound Oakland Ave. with green space, including the bit of sidewalk and including the signage or notification for shared use sidewalk.

Motion carried, 6-1.

VOICE VOTE

Yeas: Rontal, Folberg, Adams, Edwards, Isaksen, Schafer

Nays: Slanga

Absent: Lawson, Surnow

7. CROSSWALK MATERIALS STUDY

Ms. Chapman recalled the City Commission has directed the MMTB to recommend the type of material to be used for new crosswalks.

She discussed the various pavement marking materials:

- Paint is grouped into waterborne and alkyd paint. Waterborne paint is better for the environment and it is typically used.
- Thermoplastics fall into the categories of alkyd based, hydrocarbon based, and pre-formed thermoplastics. Hydrocarbon based thermoplastics are not recommended for crosswalks. Alkyd based are used for crosswalks. Pre-formed thermoplastics are tapes. They have been found to have very particular application procedures and to not to hold up well.
- Thermosets come in three types: epoxy, polyester, and polyurea. Epoxy thermosets are used most for continuous applications including centerlines, lane lines and edge lines. Polyurea has been used in multiple areas.

Of the three materials, paint is the cheapest, followed by thermoplastics and then epoxy and polyurea. It was found that other cities use thermoplastics and paints the most. Thermoplastics and polyurea have longer service life than paints, which is good for higher volume roads because they don't need to be closed as often to repair the crosswalks. Paints generally need to be re-applied each year. So, that is what is currently used on most Birmingham roads. Polyurea applications have not held up quite as well as thermoplastics. Also it is more expensive.

So the recommendation is to continue using paint on low volume and local roads, and to go with alkyd based thermoplastics on major roads and around schools if



MEMORANDUM

Engineering, Planning, & Police Depts.

DATE: October 13, 2017

TO: Multi-Modal Transportation Board

FROM: Jana Ecker, Planning Director
Scott Grewe, Police Commander
Paul T. O'Meara, City Engineer

SUBJECT: Oakland Ave. & Lawndale Ave. Intersection
STOP Sign Relocation Proposal

As you know, the Multi-Modal Transportation Board (MMTB) has been studying the section of Oakland Ave. from Woodward Ave. to Lawndale Ave. due to recent improvements made, as well as improvements planned next year, for the area. As a part of these efforts, F&V was asked to conduct a STOP sign study for the intersection with Lawndale Ave. As noted on the attached report, F&V has recommended that the existing STOP sign for westbound Oakland Ave. be relocated to northbound Lawndale Ave. While northbound Lawndale Ave. is the busiest leg of the intersection, sight distance is lacking for those turning right at this location. Sight distance for westbound Lawndale Ave. vehicles, contrarily, is good, and the need to stop in that direction is diminished, given the low traffic counts in general.

At the meeting of September 7, 2017, the MMTB passed a resolution supporting both the STOP sign relocation, as well as street and sidewalk improvements as depicted in the plan labeled "Option 3," attached. (Other improvements in the area include the relocation of the northbound Woodward Ave. crosswalk (planned by MDOT in the summer of 2018), the installation of a combination sidewalk/bike path on the south side of Oakland Ave., and the narrowing of Oakland Ave. for this block. (The latter two improvements would be completed by the City following the MDOT work.)

Before this recommendation moved further, it is appropriate that the adjacent property owners be notified, and given an opportunity to comment. To that end, a public hearing invitation was mailed to all property owners located on Oakland Ave. from Woodward Ave. to Worth St. (map attached). After hearing input from the adjacent residents, should the Board wish to proceed, a final recommendation to the City Commission has been provided below:

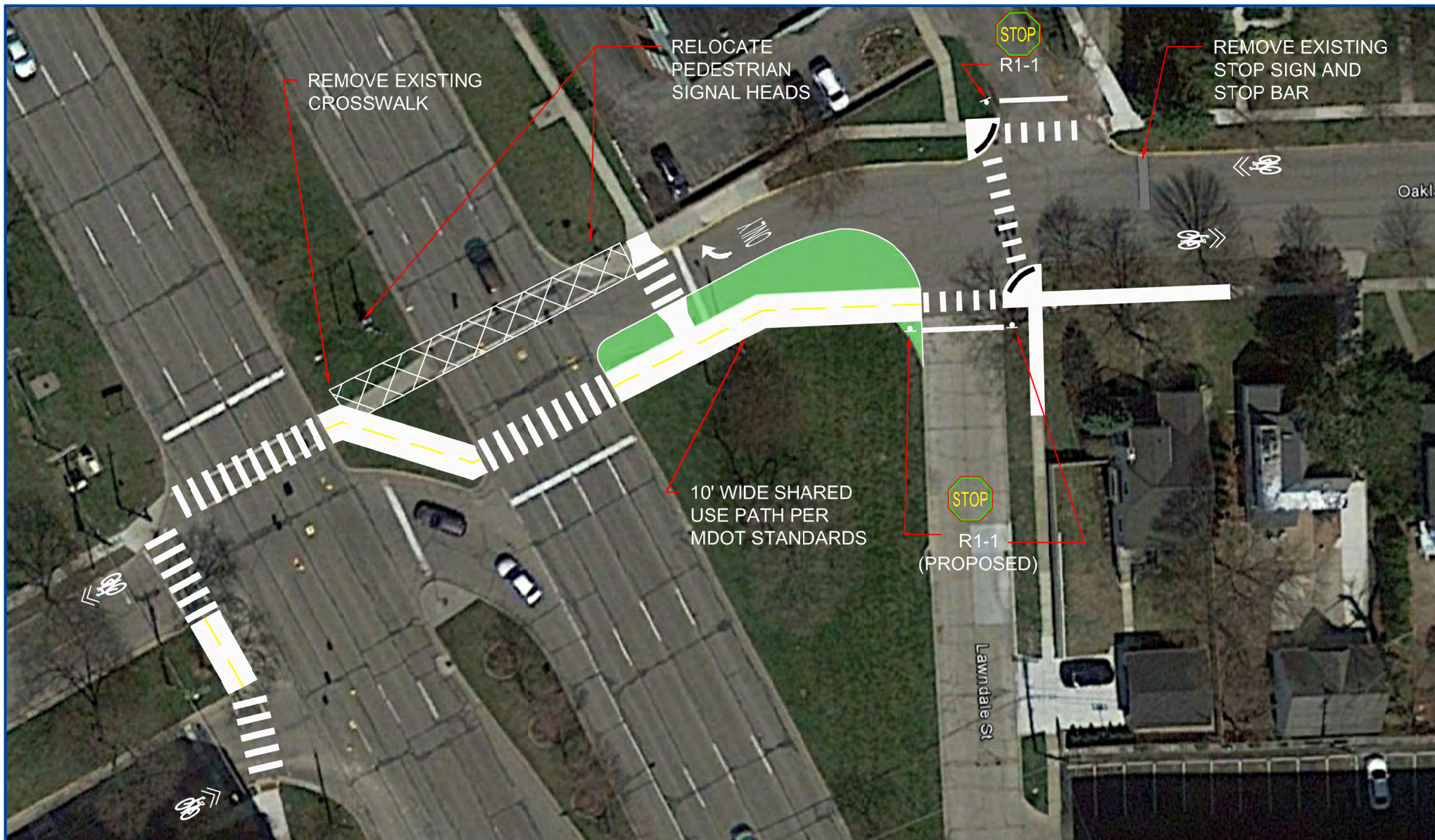
SUGGESTED RECOMMENDATION:

The Multi-Modal Transportation Board recommends the following improvements to Oakland Ave., from Woodward Ave. to Lawndale Ave., in consideration of the upcoming relocation of the northbound Woodward Ave. crosswalk to be completed by the Michigan Dept. of Transportation in 2018:

1. The relocation of the STOP sign from westbound Oakland Ave. to northbound Lawndale Ave.

2. The narrowing of Oakland Ave. from Woodward Ave. to Lawndale Ave.
3. The installation of a ten foot wide combination sidewalk and bike path on the south side of Oakland Ave. from Woodward Ave. to Lawndale Ave.

Further, it is recommended that the STOP sign be relocated as soon as possible, while the other improvements be scheduled for completion in conjunction with the work proposed by MDOT.



PEDESTRIAN & BICYCLE FACILITIES IMPROVEMENTS
LAWNDALE AVE PAVING - OAKLAND BLVD TO WOODWARD AVE
MMTB RECOMMENDED ALTERNATIVE



CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
PUBLIC HEARING **RESCHEDULED**
THURSDAY, OCTOBER 19, 2017 AT 6 PM
ROOM 205, MUNICIPAL BUILDING

Due to a conflict with a holiday, the Multi-Modal Transportation Board meeting of October 5 has been postponed to Thursday October 19. At that meeting, the board will be considering recommending the relocation of a STOP sign on westbound Oakland Ave. at Lawndale Ave. The STOP sign would be moved to northbound Lawndale Ave. Please see the Multi-Modal Transportation Board page at www.bhamgov.org for more information.

CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
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Oakland Ave.



**CITY OF BIRMINGHAM
MULTI-MODAL TRANSPORTATION BOARD
THURSDAY, OCTOBER 19, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, October 19, 2017.

Chairperson Vionna Adams convened the meeting at 6:05 p.m.

1. ROLL CALL

Present: Chairperson Vionna Adams; Board Members Amy Folberg, Andy Lawson, Daniel Rontal, Michael Surnow; Alternate Members Daniel Isaksen, Katie Schafer

Absent: Board Members Lara Edwards, Vice-Chairperson Johanna Slanga

Administration: Mike Albrecht, Police Dept.
Lauren Chapman, Asst. Planner
Mark Clemence, Police Chief
Jana Ecker, Planning Director
Austin Fletcher, Asst. City Engineer
Paul O'Meara, City Engineer

Also Present: Julie Kroll and Mike Labadie from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants
Brad Strader, MKSK Design, Planning & Urban Design Consultant

2. INTRODUCTIONS (none)

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, Multi-Modal Transportation Board ("MMTB") MEETING OF SEPTEMBER 7, 2017

Dr. Rontal made the following revision:

Page 6 - Vote should reflect that Vicechairperson Slanga was a nay.

Motion by Dr. Rontal

Seconded by Mr. Isaksen to accept the MMTB Minutes of September 7, 2017 with the one change.

Motion carried, 7-0.

VOICE VOTE

Yeas: Rontal, Isaksen, Adams, Folberg, Lawson, Surnow, Schafer

Nays: None

Absent: Edwards, Slanga

**5. PUBLIC HEARING
Oakland Ave. and Lawndale Ave. Stop Sign Study**

The public hearing opened at 6:09 p.m.

Mr. O'Meara recalled the MMTB has been studying the section of Oakland Ave. from Woodward Ave. to Lawndale Ave. due to recent improvements made, as well as improvements planned next year for the area. As a part of these efforts, F&V was asked to conduct a STOP sign study for the intersection with Lawndale Ave. F&V has recommended that the existing STOP sign for westbound Oakland Ave. be relocated to northbound Lawndale Ave. While northbound Lawndale Ave. is the busiest leg of the intersection, sight distance is lacking for those turning right at this location. Sight distance for westbound Oakland Ave. vehicles, contrarily, is good, and the need to stop in that direction is diminished, given the low traffic counts in general.

At the meeting of September 7, 2017, the MMTB passed a resolution supporting both the STOP sign relocation, as well as street and sidewalk improvements as depicted in the plan labeled "Option 3." (Other improvements in the area include the relocation of the northbound Woodward Ave. crosswalk (planned by MDOT in the summer of 2018); the installation of a combination sidewalk/bike path on the south side of Oakland Ave.; and the narrowing of Oakland Ave. for this block.) The latter two improvements would be completed by the City following the MDOT work.

Before this recommendation is moved further, it is appropriate that the adjacent property owners be notified, and given an opportunity to comment. To that end, a public hearing invitation was mailed to all property owners located on Oakland Ave. from Woodward Ave. to Worth St. Mr. O'Meara indicated that he along with other staff members have received only one phone call on this matter and it was in favor of the change.

The Chairperson invited members of the public to speak about the proposed change.

Mr. J.R. Hissano, 568 Oakland, said he likes the idea of the STOP sign. The only issue is that traffic heading westbound currently has a STOP sign and it would be relocated. He suggested that the stop sign be retained and a secondary sign added. If traffic moving westbound doesn't stop there could be potential for an ugly accident.

Ms. Ecker indicated the proposal is the same intent as the Multi-Modal Plan envisioned.

Mr. Labadie, in response to Mr. Hissano's suggestion, said their proposal is what engineering studies say is warranted in the Michigan Manual of Uniform Traffic Control Devices. The traffic counts for the different streets indicate a two-way stop as opposed to a four-way stop. He added that STOP signs don't necessarily control speed; most of the time they make it worse because people try to catch up for the time they lost when they stopped. The proposal improves the site distance. The downside of having two STOP signs is more delays for people and higher speeds.

There was discussion about putting in a hash line for the turn, but it was considered to be somewhat confusing because of all the other proposed pavement markings.

Ms. Folberg did not see a need to remove the existing STOP sign, as it is not creating a problem and it is solving a certain situation by preventing accidents. She suggested to leave that sign and add another one. Mr. Lawson agreed..

Mr. Isaksen observed that STOP signs are an annoyance for bikers and this would remove a stop sign from the neighborhood connector route.

Chief Clemence noted the City has made a concerted effort in the last seven years to follow the Michigan Manual of Uniform Traffic Control Devices. When an engineering study says a stop sign should come out, it is purely a scientific way of doing what is best and what is safest for everyone. The standards of the warrant for STOP signs are the sight distance, accidents, or speeds, all of which don't call for a STOP sign in this case. Again, we are trying to make things uniform and scientifically based. If a problem should arise, we can always go through the process of putting the sign back up. Also, Chief Clemence agreed that studies have proven that adding a STOP sign increases traffic speed if the STOP sign is not warranted. In response to Dr. Rontal, the Chief agreed they can do a crash study in a year after they have relocated the stop sign rather than adding an extra sign.

Motion by Ms. Folberg

Seconded by Mr. Lawson that the MMTB recommends the following improvements to Oakland Ave., from Woodward Ave. to Lawndale Ave., in consideration of the upcoming relocation of the northbound Woodward Ave. crosswalk to be completed by the Michigan Dept. of Transportation in 2018:

- 1. The relocation of the STOP sign from westbound Oakland Ave. to northbound Lawndale Ave.**
- 2. The narrowing of Oakland Ave. from Woodward Ave. to Lawndale Ave.**
- 3. The installation of a 10 ft. wide combination sidewalk and bike path on the south side of Oakland Ave. from Woodward Ave. to Lawndale Ave.**

Further, it is recommended that the STOP sign be relocated as soon as possible, while the other improvements are being scheduled for completion in conjunction with the work proposed by MDOT.

Motion carried, 7-0.

VOICE VOTE

Yeas: Folberg, Lawson, Adams, Isaksen, Rontal, Schafer, Surnow

Nays: None

Absent: Edwards, Slanga

The public hearing closed at 6:32 p.m.

6. **S. ETON RD. CORRIDOR**
Multi-Modal Options
Yosemite Blvd. to 14 Mile Rd.

S. Eton – Maple Rd. to Lincoln

Mr. O'Meara recalled the MMTB has reviewed this on several occasions and solicited public comment before making various recommendations for the S. Eton Rd. corridor from Maple Rd. to Lincoln.

At the July 20, 2017 meeting the MMTB voted to recommend a plan that included the addition of a pedestrian island at Maple Rd., widened sidewalks on S. Eton at Maple Rd., sharrows on S. Eton Rd. from Maple Rd. south to Villa, the installation of bidirectional bike lanes from Villa to Lincoln Ave., curb bump outs at several intersections, ADA ramps at all crossings, and road narrowing from Yosemite to Villa to accommodate wider sidewalks and a landscape area between the curb and sidewalks to add street trees.

At the August 14, 2017 City Commission meeting, the Commission reviewed the recommended plan for S. Eton from Maple Rd. to Lincoln Ave. The Commission focused on the recommendations at the Maple Rd. intersection in particular, given the impending completion of the Whole Foods Market just east of this intersection. It was noted that changes to the traffic signal timing and traffic patterns (with the Whole Foods store opening) will be coming to the intersection in the near future. Therefore, it was decided to allow these changes to occur, and then study the area further before finalizing a decision. No action was taken to approve the proposed plan for the S. Eton corridor from Maple Rd. to Lincoln.

Mr. O'Meara handed out one e-mail from a resident who lives on the northern section indicating that he would like the board to stay true to the recommendations they made in the past.

S. Eton - Lincoln to 14 Mile Rd.

Mr. O'Meara noted that at the September 7, 2017 MMTB meeting, staff introduced options for the S. Eton Corridor from Lincoln Ave. south to 14 Mile Rd., and incorporated some options south of Lincoln into a full plan for the entire mile-long corridor from Maple Rd. to 14 Mile Rd. to see how each section related to the others. MMTB members indicated a desire for additional options to consider. Thus, the board requested staff to come up with additional options for S. Eton from Lincoln to 14 Mile Rd. that were not limited to keeping the street width at 28 ft. as it currently exists. Board members felt



MEMORANDUM

Planning Division

DATE: November 16, 2017

TO: Joseph A. Valentine, City Manager

FROM: Sean Campbell, Assistant City Planner

APPROVED BY: Jana Ecker, Planning Director

SUBJECT: Acceptance and Placement of Donated Sculpture *Sound Heart* by Jay Lefkowitz on Private Property

On October 4, 2015, the City received an application from Christina Heidrich to donate a piece of artwork to the City for public installation. The piece is a corten steel sculpture entitled "Sound Heart" sculpted by Jay Lefkowitz in 1989. At the time of the submission, the applicant was preparing to move from her Birmingham residence and would no longer have a place for the sculpture. On December 16, 2015, the Public Arts Board (PAB) reviewed and subsequently approved the application for continuation pending a location which they would determine at a later meeting. Following this meeting, the sculpture was de-installed from the applicant's property and transported to Department of Public Services' (DPS) storage facility at 325 S. Eton.

Per the request of the donors, the Board explored potential sites for the sculpture that would be within close proximity of the All Seasons building on E. Maple. The PAB examined the immediate area for potential sites but found the two-block stretch of E. Maple to be devoid of any usable public land. Upon further research, the Planning Department recalled that Kroger's approved 2014 Final Site Plan includes the designation of its semicircle pedestrian plaza at the northeast corner of E. Maple and Woodward for a public sculpture to be provided by the City. The sheets demonstrating the proposed location of a sculpture in the pedestrian plaza have been attached for your review.

The PAB agreed that the corner of Woodward and E. Maple would be a good location as it would fulfill the donors' wishes to have the piece installed near the All Seasons apartment building. After approving the location on April 20, 2016, the Board requested City staff to contact Kroger about their proposal to install the piece in their plaza. Information about the piece and its proposed location were forwarded to the E. Maple Kroger's project manager. Eventually, Kroger signed an Access Agreement with the City in October 2017. The signed Access Agreement has been attached for your review. Per the signed agreement, Kroger will assume the responsibility and expenses associated with constructing a foundation in the plaza and installing the sculpture. If approved by City Commission, the sculpture would then become City property and therefore would be added to the City's General Commercial Liability insurance policy.

At this time, the artist's application and supplemental materials have been routed to all relevant City Departments for review. Provided below is a summary of their comments, concerns, and/or questions.

Building Dept.	<p>Applicable Building Codes:</p> <ul style="list-style-type: none"> • 2015 Michigan Building Code. Applies to all buildings other than those regulated by the <i>Michigan Residential Code</i> <p>Review Comments:</p> <ol style="list-style-type: none"> 1. There are no specifications as to the weight of the sculpture. A structural engineer would be required to specify a footing size and attachment requirements to offset gravity and wind loads.
Engineering Dept.	<p>On November 1, 2017:</p> <p>No concerns if sidewalk and plaza area remains as is and does not include granite pavers as cf] []bU`mproposed.</p>
Fire Dept.	<i>No concerns.</i>
Planning Dept.	<i>No concerns.</i>
Police Dept.	<i>No concerns.</i>
Dept. of Public Services	My only comment is that DPS will not be responsible for installing this piece. It will be nice to have it placed somewhere so that it is moved out of our yard. We can coordinate with the installer for pickup.

Please also find attached the application, signed Donation and Access Agreement, photos of the sculpture, and minutes from all meetings where this matter was discussed.

SUGGESTED RESOLUTION:

To approve the recommendations of the Public Arts Board to accept the donation of the sculpture, *Sound Heart*, by Jay Lefkowitz, and to approve the proposed location at the northeast corner of Woodward Ave and E. Maple Rd within Kroger's pedestrian plaza;

AND

To approve the Donation and Access Agreement with Christina Heidrich and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City;

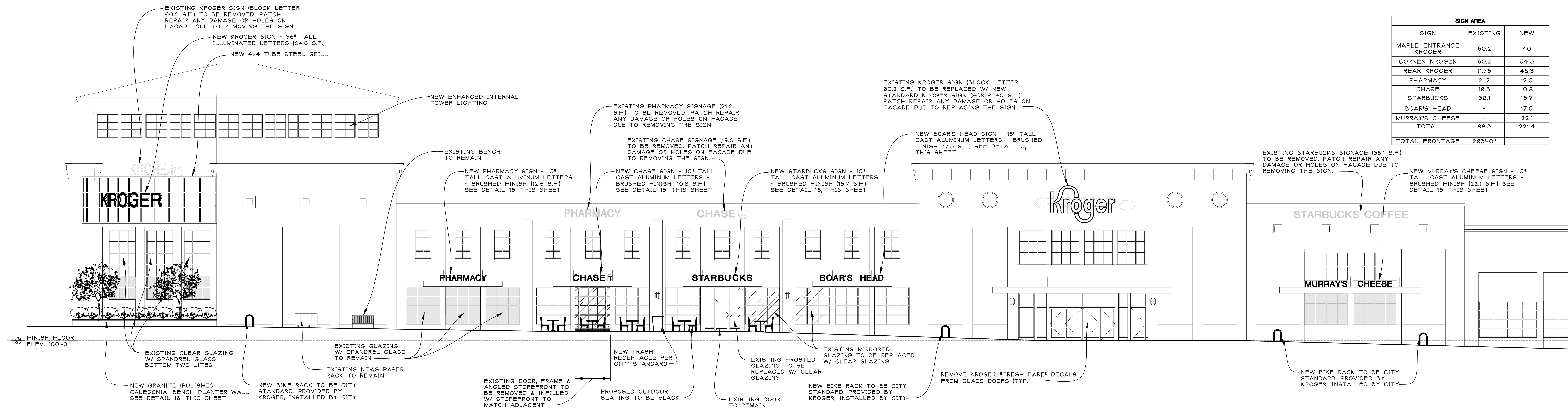
AND

To approve the Access Agreement with The Kroger Company, and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

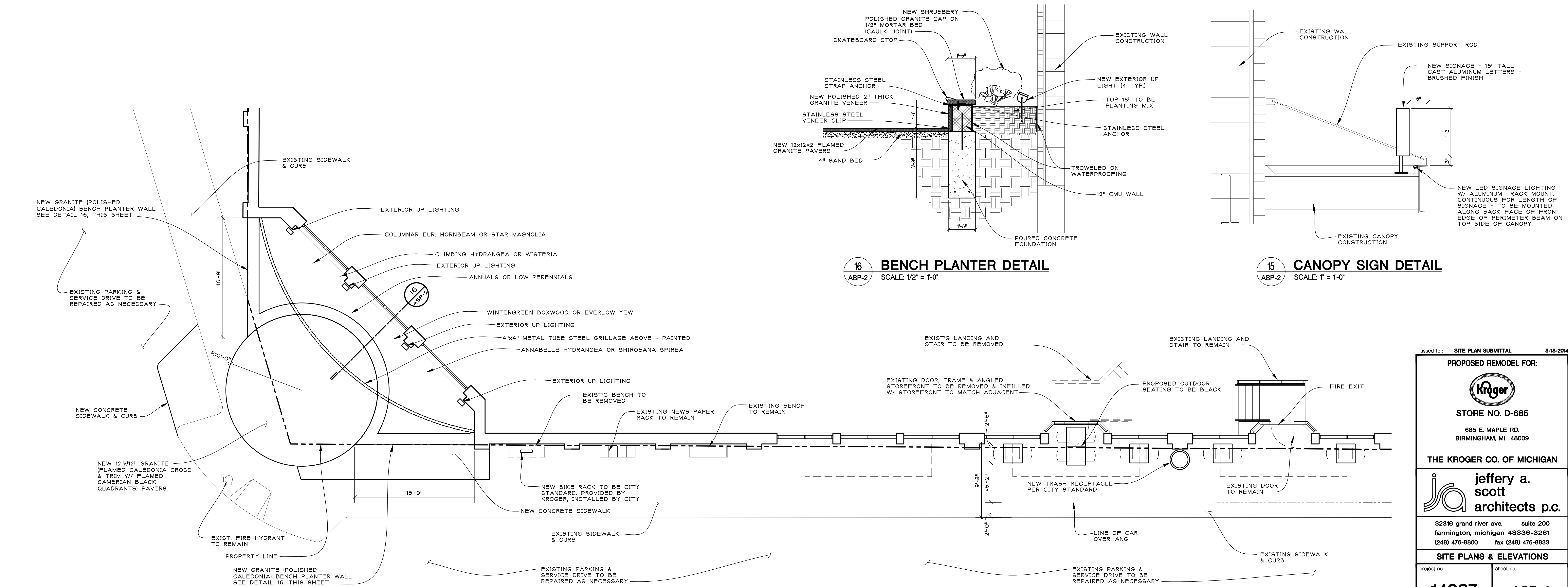
OR

To decline the donation of the sculpture, *Sound Heart*, by Jay Lefkowitz.

SIGN AREA		
SIGN	EXISTING	NEW
MAPLE ENTRANCE KROGER	60.2	4.0
CORNER KROGER	60.2	54.5
REAR KROGER	11.75	48.3
PHARMACY	21.2	12.5
CHASE	19.5	10.8
STARBUCKS	38.1	15.7
BOAR'S HEAD	-	17.5
MURRAY'S CHEESE	-	22.1
TOTAL	98.3	221.4
TOTAL FRONTAGE	293'-0"	



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



14 ENLARGED SITE PLAN
SCALE: 1" = 10'-0"

16 BENCH PLANTER DETAIL
SCALE: 1/2" = 1'-0"

15 CANOPY SIGN DETAIL
SCALE: 1" = 1'-0"

Issued for: **SITE PLAN SUBMITTAL** 3-18-2014

PROPOSED REMODEL FOR:

Kroger

STORE NO. D-685

685 E. MAPLE RD.
BIRMINGHAM, MI 48009

THE KROGER CO. OF MICHIGAN

jeffery a. scott architects p.c.

32316 grand river ave. suite 200
farmington, michigan 48336-3261
(248) 476-8800 fax (248) 476-8833

SITE PLANS & ELEVATIONS

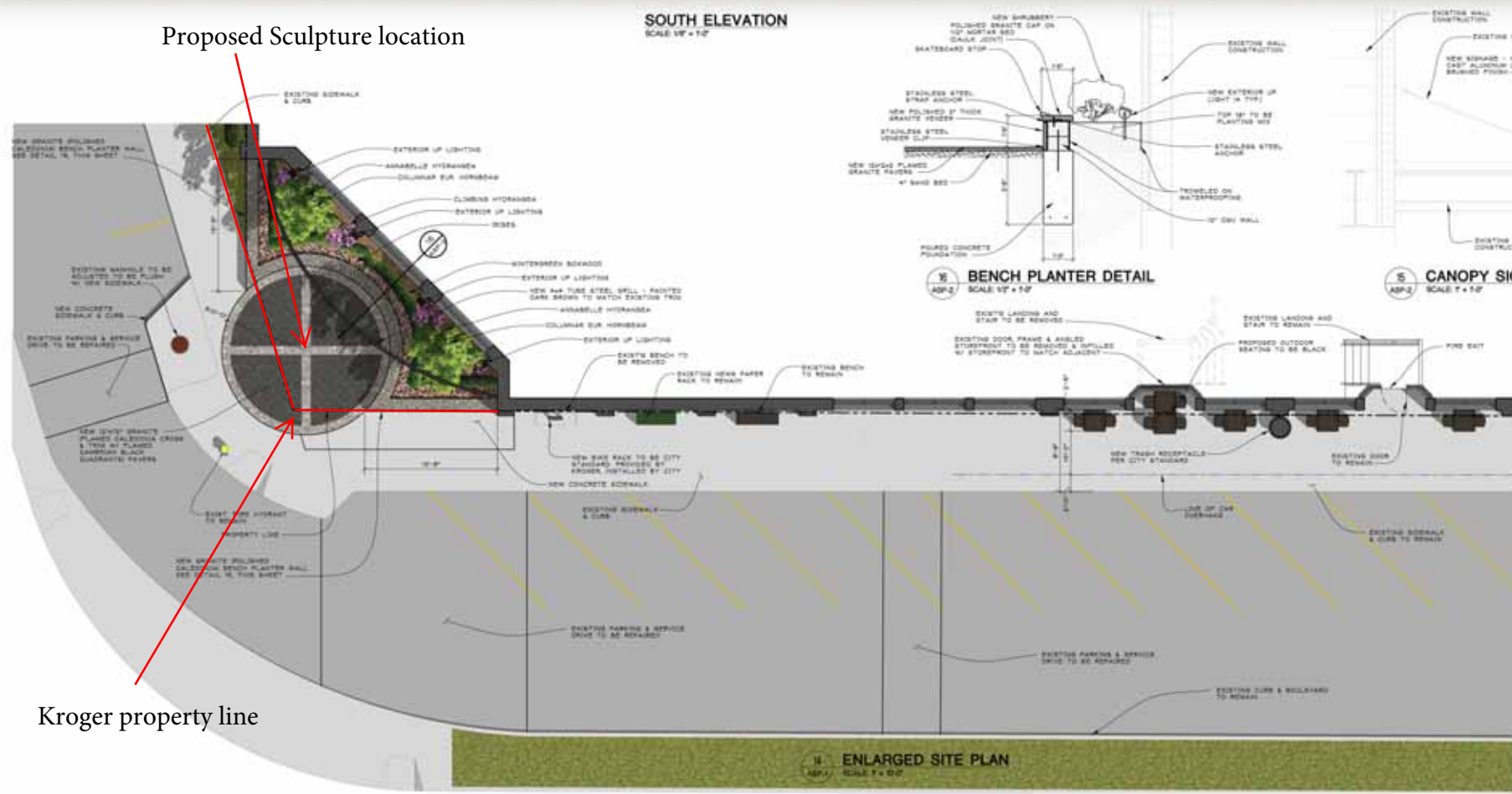
project no. **14007** sheet no. **ASP-2**

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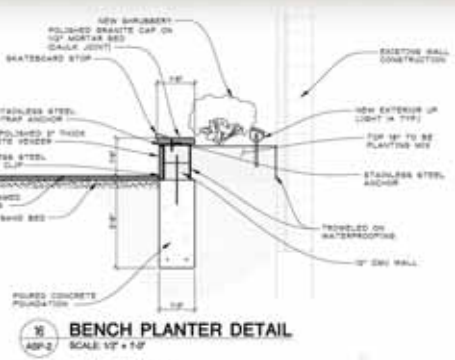


Proposed Sculpture location

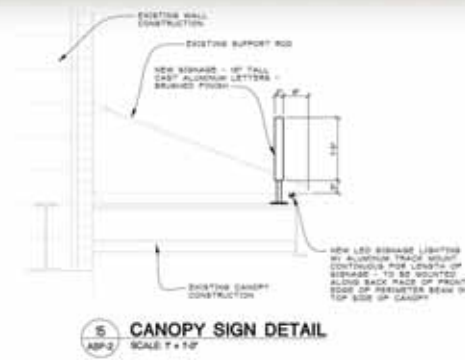
SOUTH ELEVATION
SCALE 1/8" = 1'-0"



Kroger property line



BENCH PLANTER DETAIL
SCALE 1/2" = 1'-0"




CANOPY SIGN DETAIL
SCALE 1/4" = 1'-0"

SITE PLAN APPROVAL 0-00-000 0-00-000 0-00-000 0-00-000	
PROPOSED REMOVAL FOR 	
STORE NO. D-665 880 E. WISCONSIN RD. BIRMINGHAM, AL 35206	
THE KROGER CO. OF MICHIGAN	
3339 GRAND OAK AVE. SUITE 200 BIRMINGHAM, MICHIGAN 48406-0001 (248) 478-8800 FAX (248) 478-8802	
SITE PLANS & ELEVATIONS	
14007	ASP-2



PROPOSED PEDESTRIAN PLAZA

WITH FUTURE COMMUNITY ARTWORK
PROVIDED BY THE CITY OF BIRMINGHAM

 jeffery a. scott
architects p.c.
farmington, mi

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 9, 2014
City Commission Room
151 Martin Street, Birmingham, Michigan**

04-48-14

REVISED FINAL SITE PLAN REVIEW

685 E. Maple Rd.

Kroger

Lobby addition at rear, changes to E. Maple Rd. facade and streetscape (continued from February 26, 2014 and March 12, 2014)

Ms. Ecker advised at this time, Kroger is seeking to remodel the store. An extensive interior remodel is proposed, and as a result the applicant is seeking several site plan and exterior changes to facilitate the interior changes proposed. The applicant is proposing to reconfigure the rear lobby and add a new rear entrance for a new recycling area. This new entry will also include a sidewalk extension adjacent to the truck loading docks.

In accordance with the recommendations of the Planning Board on February 26, 2014, the applicant has made several changes which she then described. They are now proposing to keep the recycling area inside the building near its current location, and to expand the existing lobby/vestibule area by 466 sq. ft. to enhance the prominence of the rear entrance.

New signage is proposed on the existing canopy to further enhance the entry, along with outdoor display wrapping the corner of the entrance along the wall that leads to the receiving docks. A new canopy is also proposed above the windows on this wall to add architectural detail as requested by the Planning Board. On the front of the building (south elevation), the applicant is proposing to eliminate one entrance door near the existing pharmacy, and to provide outdoor seating for the Starbucks coffee shop located within the Kroger store. Improvements are also proposed at the southwest corner of the site at the intersection of Maple Rd. and Woodward Ave. to create a pedestrian plaza area. The Engineering Dept. has requested concrete with a broom finish or exposed aggregate concrete. They don't want pavers or granite in the right-of way.

The applicant has now submitted full signage details that allow the Planning Board to review and approve the proposed signage changes to eliminate a duplicate review by the Design Review Board. Based on the 293 ft. width of the building facing E. Maple Rd., the applicant is permitted to have up to 293 sq. ft. of signage. As the applicant is proposing 207.4 sq. ft. of signage, this proposal meets this maximum signage requirement. Per the Planning Board's request, the Starbucks signage will be moved

over the entry to Starbucks. In addition, buildings with more than 100 linear feet of building frontage may not exceed 100 sq. ft. of signage on walls other than the principal frontage. The applicant is proposing 96.2 sq. ft. of signage between the rear and Woodward Ave. elevations. Thus, the proposed signage meets the Ordinance requirements.

Mr. Jeff Scott with Scott Architects was present with Mr. Steve Lazar from Kroger. Mr. Scott described how they brought in grillage at the front to make it a little more dynamic. They went with a more urban plaza and provided a venue for future public art. In the back they left the bottle return where it is and extended the outdoor sales area to provide a more interesting approach. Also, they brought the signage down to the awning level.

Mr. Koseck thought the applicant has made drastic improvements since last time that will enhance the overall architecture. He suggested they soften the angular walls on the plaza. Also, eliminate two parking spaces at the rear entrance to make them into a pedestrian as opposed to a vehicular zone. Take the stained concrete and connect it back to the transformer wall because there needs to be better definition of a protected zone for pedestrians. Mr. Scott thought they could install bollards to create a better landing for people as they come in and out of the store.

Ms. Whipple-Boyce wondered if the group could see further into the parking lot to find out about what kind of a grade they are dealing with. She asked if the petitioner could include a drawing when they seek administrative approval for a new plan. Also she asked whether they could do the same front plaza but use the preferred concrete with the broom finish and aggregate rather than pavers. That would satisfy the concerns of the Engineering Dept. Mr. Scott indicated they plan to put the pavers down on a sand bed.

Ms. Lazar received confirmation from Mr. Scott that they plan to install irrigation system for the landscape; they will address issues in the parking lot and then re-stripe; and they will create more winter interest with the plaza landscaping.

Chairman Boyle asked for comments from the public at 8:05 p.m.

Mr. Harvey Zaleson, 564 Purdy, commented on the safety of the plaza.

Motion by Mr. DeWeese

Seconded by Mr. Williams to approve the Revised Final Site Plan for 685 E. Maple Rd., Kroger, with the following conditions:

(1) Applicant repair adjacent parking area and service drive located in the right-ofway

near the corner of Woodward Ave. and Maple Rd. as directed by the Engineering Division and any changes in the southwest plaza are subject to administrative approval;

4

- (2) Applicant resolve the required exit issue with the Building and Fire Departments subject to administrative approval;**
- (3) Planning Board approves the waiver of non-cut-off fixtures for the illumination of the tower feature at the corner of Woodward Ave. and E. Maple Rd.;**
- (4) Applicant obtain an Outdoor Dining License from the City;**
- (5) Applicant extend the curb at the north entrance and provide necessary drawings subject to administrative approval. The intent is to increase the pedestrian zone; and**
- (6) Applicant add a Knox Box.**

There were no comments from the public at 8:10 p.m.

Motion carried, 6-0.

ROLLCALL VOTE

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

Nays: None

Absent: Clein

Chairman Boyle remarked that the Planning Board saw an opportunity to meet with the applicant and discuss how they could improve the exterior of their building which includes public safety and some urban amenities. He thanked the board for their deliberations and particularly the applicant for listening to suggestions.

From: Jay Lefkowitz jaylefkowitz143@gmail.com
Subject: Re: Steel Sculpture
Date: September 15, 2015 at 12:47 PM
To: Christina Heidrich cdhlondon@gmail.com

I would say that \$9500.00 would be a fair estimate.

Sent from my iPhone

On Sep 15, 2015, at 10:50 AM, Christina Heidrich <cdhlondon@gmail.com> wrote:

Dear Jay, Can you give me a current value for the sculpture " Sound Heart"? We bought it in 1989 for \$8,000.00.Thank you, Christina Heidrich



APPLICATION
TO THE PUBLIC ARTS BOARD
FOR ARTWORK TO BE DISPLAYED ON PUBLIC
PROPERTY

Say Leffkowitz
ARTIST (first and last) or PROJECT NAME "Sound Heart"

1989 Corten Steel
DATE of ARTWORK MEDIUM/TECHNIQUE

DESCRIPTION OF ARTWORK

Steel Sculpture titled "Sound Heart"

98" 32" 21"
DIMENSIONS height x width x length/depth

OBJECT TYPE(S)/MATERIAL (i.e. sculpture, mural, tile, fountain)

Sculpture

INSCRIPTION/FOUNDRY MARKS (if a multiple, please include edition number)

PROPOSED ☒ DONATION ☐ LOAN: DURATION OF LOAN (mos./yr.)

PRESENT LOCATION OF ARTWORK (where is the work of art?)

725 Willits St. Birmingham, MI 48009

CONDITION

Excellent none

MAINTENANCE REQUIRED (long term care/annual)

None

VALUE ☐ APPRAISED ☒ OWNER'S STATED VALUE

\$9,500.00

STATE OWNER OR AGENT FOR OWNER'S RELATIONSHIP TO ARTIST

Christina Heidrich

NARRATIVE/RATIONALE FOR GIFT/LOAN/TEMPORARY INSTALLATION

We are moving and I'm sorry to say that we will not have a place for this beautiful sculpture. We'll be moving to an apartment in "All Seasons Birmingham."

OWNER/AGENT FOR OWNER

Christina Heideich

DAYTIME PHONE

248-792-7745

EVENING PHONE

EMAIL

cdhendon@gmail.com

SIGNATURE

Christina Heideich

DATE

October 4, 2015

Submit application together with SLIDES OR DIGITAL IMAGES of artwork and a VITEA or RESUMÉ of the artist to:

City of Birmingham
Attn: City Clerk – c/o Public Arts Board
151 Martin St.
P.O. Box 3001
Birmingham, MI 48012

For Office use only

Date Received _____

REVIEW/APPROVAL (date)

Presented for Arts Board discussion _____

Board Action ☐ approved for continuation ☐ approved ☐ not approved/decline

Recommendation(s)/Action Taken _____

Routing and dates approved:

Y N

☐ ☐ Planning Board _____
☐ ☐ Engineering _____
☐ ☐ Public Safety (Police/Fire) _____
☐ ☐ Parks and Recreation _____
☐ ☐ Presented to City Commission _____

Site Location: _____

Y N

☐ ☐ Parking _____
☐ ☐ Building _____
☐ ☐ Other _____
☐ ☐ Other _____
☐ ☐ Final approval _____

Public Arts Board

Minutes – December 16, 2015

D. New Business

1) Jay Lefkowitz Sculpture – Mr. and Mrs. Heidrich, long-time residents of Birmingham, have offered to donate a 1989 corten steel sculpture by Jay Lefkowitz entitled *Sound Heart* to the city. The Board will refer to the potential art installation map created by PAB and make a recommendation to the city commission for its location.

Motion to proceed by Sally Parsons, seconded by Barbara Heller

Yeas: 4 Nays: 0

To expedite the process, Heller had been requested to contact the artist about the proposed donation and reinstallation of his work. The donors will be asked to submit a continuation form and have the artist work with DPS to remove the sculpture.

Christina

Heidrich
111 Elm Street, Apt. 441
Birmingham, MI 48009

DONATION AND ACCESS AGREEMENT

This DONATION AND ACCESS AGREEMENT (the "Agreement") entered into as of the Effective Date by and between **Christina Heidrich**, whose address is ~~725 Willits~~, Birmingham, Michigan 48009 (the "Grantor") and **THE CITY OF BIRMINGHAM**, a Michigan municipal corporation, whose address is 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012 (the "City").

WHEREAS, the Grantor owns a certain sculpture situated in the City of Birmingham, Oakland County, Michigan; and,

WHEREAS, Grantor wishes to donate this sculpture to the City; and,

WHEREAS, the City is willing to accept the donation of the sculpture; and,

WHEREAS, the City has requested that it be allowed to have access to the Property at 725 Willits, Birmingham, Michigan in order to remove the sculpture; and,

WHEREAS, the Grantor is desirous of allowing the City to access the Property to remove said structure.

NOW THEREFORE, in consideration of the mutual promises herein contained the parties agree as follows:

1. Donation. The Grantor does hereby donate said sculpture to the City as its sole and separate property. The Grantor does hereby represent to the City that they are the owners of said sculpture free from any claims of ownership by any third party. The City does hereby accept the donation of the sculpture.

2. Grant of License for Limited Access. The Grantor granted to the City and its Authorized Personnel (as defined below), a license (the "License") to enter upon the Property for the purposes expressly described herein and subject to all the terms, conditions and limitations set forth in this Agreement.

3. Purpose of License. The License granted was solely for the purpose of permitting the City and its Authorized Personnel to remove said sculpture

11. Severability. If any provision of this Agreement shall be finally adjudged illegal, invalid or unenforceable, such illegality, invalidity or unenforceability shall not affect the legality, validity or enforceability of the remaining provisions of this Agreement.

12. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties, their successors and the assigns.

13. Counterparts. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original.

14. Effective Date. The Effective Date of this Agreement shall be the date the last party executes this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

GRANTORS

THE CITY OF BIRMINGHAM

By: Christina Heidrich, By: _____
Christina Heidrich

Its: Mayor

Date: March 23, 2016 Date: _____

Cherilynn Mynsberge, City Clerk

APPROVED:

Joseph A. Valentine
Joseph A. Valentine, City Manager
(Approved as to substance)

Sean Campbell
Sean Campbell, Assistant City Planner
(Approved as to substance)

Timothy Currier
Timothy Currier, City Attorney
(Approved as to form)

Mark Gerber
Mark Gerber, Director of Finance
(Approved as to financial obligation)

Public Arts Board

Minutes – April 20, 2016

C) Unfinished Business “Sound Heart” Sculpture by Jay Lefkowitz

The board discussed potential sites for the Jay Lefkowitz sculpture. Barbara Heller noted that there are not any public spaces near the All Seasons building and had suggested the northwest corner of Brown and Pierce as a possible location. Sean Campbell informed the board that the Kroger in Birmingham was approved a site plan in 2014 for a plaza at the northeast corner of E. Maple Road and Woodward Avenue and that it proposed dedicating the plaza for a public sculpture from the City.

The board agreed that the corner of Woodward and E. Maple would be a good location as it would fulfill the donors' wishes to have the piece installed near the All Seasons apartment building. Barbara Heller requested that Sean Campbell contact Kroger about the proposal to install the piece in their plaza and gather any additional information as necessary.

Motion by Maggie Mettler, to formally accept the Jay Lefkowitz sculpture entitled “Sound Heart” and to recommend the site at the northeast corner of Woodward and E. Maple, provided that Kroger will agree to partner with the City.

Seconded by Linda Wells

Yeas: 4 Nays: 0



Sean Campbell <scampbell@bhamgov.org>

Sculpture maintenance

7 messages

Sean Campbell <scampbell@bhamgov.org>
To: jaylefkowitz143@gmail.com

Mon, Sep 12, 2016 at 10:17 AM

Hi Jay,

We are currently drawing up a contract to have your piece, Sound Heart, installed at the Woodward and E. Maple corner plaza at Kroger. Would you be willing to perform maintenance on your sculpture at this location as needed/necessary?

Best,

--

Sean Campbell
Assistant Planner
City of Birmingham
(248) 530-1855

Jay Lefkowitz <jaylefkowitz143@gmail.com>
To: Sean Campbell <scampbell@bhamgov.org>

Mon, Sep 12, 2016 at 11:09 AM

It would be my pleasure. What do you have in mind?

Jay

[Quoted text hidden]

Sean Campbell <scampbell@bhamgov.org>
To: Jay Lefkowitz <jaylefkowitz143@gmail.com>

Mon, Sep 12, 2016 at 11:25 AM

At this time, the piece does not require any maintenance. But should anything come up, the City would like to be able to contact you for assistance. Additionally, we'd like for you to have the opportunity to perform maintenance as you see fit if anything catches your attention in passing.

[Quoted text hidden]

Jay Lefkowitz <jaylefkowitz143@gmail.com>
To: Sean Campbell <scampbell@bhamgov.org>

Mon, Sep 12, 2016 at 11:41 AM

Sean, t
That sounds fine. Keep me posted.
Jay

Sent from my iPhone

[Quoted text hidden]

Jay Lefkowitz <jaylefkowitz143@gmail.com>
To: Sean Campbell <scampbell@bhamgov.org>

Wed, Nov 8, 2017 at 4:00 PM

Sean
Wow it's been over a year now and I'm wondering what the status of the sculpture is for the Kroger corner.
Has there been any decisions made?
Please let me know. I'd appreciate it.
Yt
Jay Lefkowitz

Sent from my iPhone

[Quoted text hidden]

Sean Campbell <scampbell@bhamgov.org>
To: Jay Lefkowitz <jaylefkowitz143@gmail.com>

Wed, Nov 8, 2017 at 4:10 PM

Hi Jay,

Quite the coincidence that you should ask. After endlessly nudging Kroger to enter an Access and Maintenance Agreement with the City, they finally signed the contract last week. Now that this is done, the next and final step is to get it on the City Commission agenda so we can approve the donation for insurance purposes. I routed the application to all the relevant departments today to review it and I expect to get their comments back next week. We were kind of spinning the wheels for a while but things are beginning to move now.

I will provide updates as they become available.

Thank you for your patience,

[Quoted text hidden]

Jay Lefkowitz <jaylefkowitz143@gmail.com>
To: Sean Campbell <scampbell@bhamgov.org>

Fri, Nov 10, 2017 at 1:27 PM

Sean,
Thanks for the update, that's great news.
Keep me updated and let me know if there's anything I can do to help with this.
Jay Lefkowitz
[Quoted text hidden]

ACCESS AGREEMENT

This ACCESS AGREEMENT (the "Agreement") entered into as of the Effective Date by and between **THE CITY OF BIRMINGHAM**, a Michigan municipal corporation, whose address is 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012 (the "City"), and **THE KROGER COMPANY**, whose address is 685 Maple Rd., Birmingham, MI 48009 ("Kroger").

WHEREAS, Kroger is desirous of installing a sculpture at the pedestrian plaza located at 685 Maple Road, Birmingham, Michigan and,

WHEREAS, Kroger is desirous of allowing the City to access the Property to perform routine maintenance.

NOW THEREFORE, in consideration of the mutual promises herein contained the parties agree as follows:

1. Grant of License for Limited Access. Kroger hereby grants to the City and its Authorized Personnel (as defined below), a license (the "License") to enter upon the Property for the purposes expressly described herein and subject to all the terms, conditions and limitations set forth in this Agreement.

2. Transportation and Installation. Kroger shall be responsible for the transportation and installation of the sculpture from the City's Department of Public Services to the site. Kroger shall be responsible for installation of the sculpture in accordance with Exhibit A.

3. Purpose of License. The License herein granted is solely for the purpose of permitting the City and its Authorized Personnel to maintain said sculpture on the premises, as shown on Exhibit A.

4. Authorized Personnel. Access to the Property shall be limited to the City's employees, agents, contractors, representatives, engineers, inspectors, surveyors, and environmental consultants (the "Authorized Personnel").

5. Prior Approval for Access and Compliance with Laws. Prior to any entry onto the Property, the City shall contact Adam Crane at (248) 310-0888 to notify Kroger of the purpose of such entry and the anticipated period of entry. The City shall receive prior approval from Kroger before it may enter the Property under the License. The City shall ensure that all reasonable measures are taken to minimize disruption to the Property. The City shall promptly remove from the Property all debris generated in the course of removing the sculpture.

6. Maintenance. The City, together with Jay Lefkowitz, the artist of the sculpture, shall be responsible for the maintenance of the sculpture.

7. City's Responsibility. The City shall be responsible for any claims arising out of

or in connection with the City's access to and use of the Property and from any act or negligence of the City or the City's Authorized Personnel.

8. Insurance. The City agrees that it shall maintain Property Damage Insurance, Workers' Compensation, and General Liability Insurance with coverage in an amount not less than \$3,000,000 at all times during the term of this Agreement. The City shall require all Authorized Personnel to also comply with this insurance requirement. All policies must be endorsed to provide Kroger with notification at least thirty (30) days prior to the expiration, termination or material change of such insurance coverage. These coverages and limits are to be considered minimum requirements under this Agreement and shall in no way limit the liability or obligations of the City under this Agreement.

9. Governing Law. This Agreement shall be governed by the laws of the State of Michigan. The parties acknowledge that this Agreement pertains to property located in the State of Michigan, and the parties submit to the jurisdiction of the courts of Oakland County, Michigan.

10. Entire Agreement. This Agreement constitutes the entire agreement between the parties. No change, addition or modification to this Agreement shall be effective unless signed in writing by both parties.

11. Waiver. Any waiver by either party of any provision or condition of this Agreement shall not be construed or deemed to be a waiver of any other provision or condition of this Agreement, nor a waiver of a subsequent breach of the same provision or condition, unless such waiver is expressed in a writing signed by the party to be bound.

12. Severability. If any provision of this Agreement shall be finally adjudged illegal, invalid or unenforceable, such illegality, invalidity or unenforceability shall not affect the legality, validity or enforceability of the remaining provisions of this Agreement.

13. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties, their successors and the assigns.

14. Counterparts. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original.

15. Effective Date. The Effective Date of this Agreement shall be the date the last party executes this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

THE CITY OF BIRMINGHAM

By: _____

Its: Mayor

Date: _____

THE KROGER COMPANY

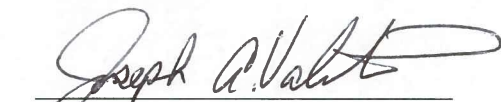
By: 

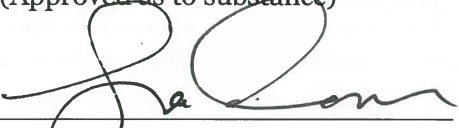
Its: Project Manager


Date: 10/16/17

Cherilynn Mynsberge, City Clerk

APPROVED:


Joseph A. Valentine, City Manager
(Approved as to substance)


Sean Campbell, Assistant City Planner
(Approved as to substance)


Timothy Currier, City Attorney
(Approved as to form)

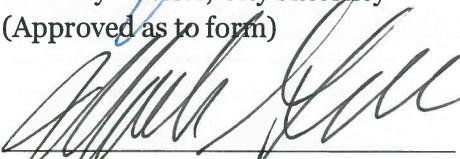

Mark Gerber, Director of Finance
(Approved as to financial obligation)

EXHIBIT A

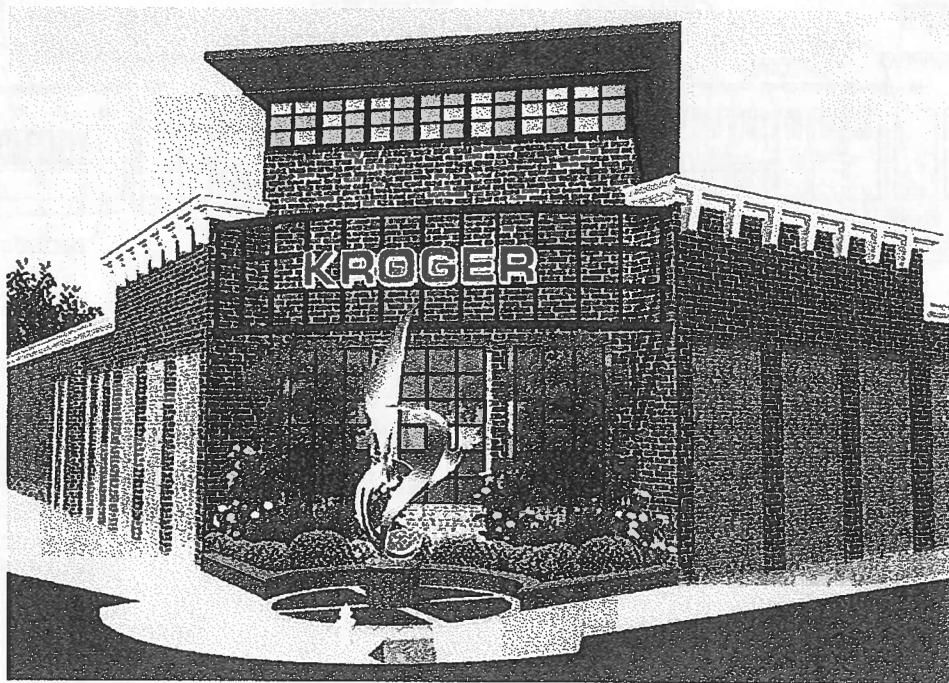
THE BOARD OF DIRECTORS
OF THE COMPANY
DO HEREBY CERTIFY THAT THE
FOLLOWING IS A TRUE AND CORRECT
COPY OF THE

RESOLUTIONS OF THE BOARD OF DIRECTORS

ADOPTED

THIS 1st DAY OF JANUARY
1980, THE BOARD OF DIRECTORS
OF THE COMPANY, HAS ADOPTED
THE FOLLOWING RESOLUTIONS:

RESOLVED, THAT THE BOARD OF DIRECTORS
DOES HEREBY AUTHORIZE THE
MANAGING DIRECTOR TO SIGN
ANY AND ALL NECESSARY
INSTRUMENTS AND DOCUMENTS
IN CONNECTION WITH THE
FORGOING.

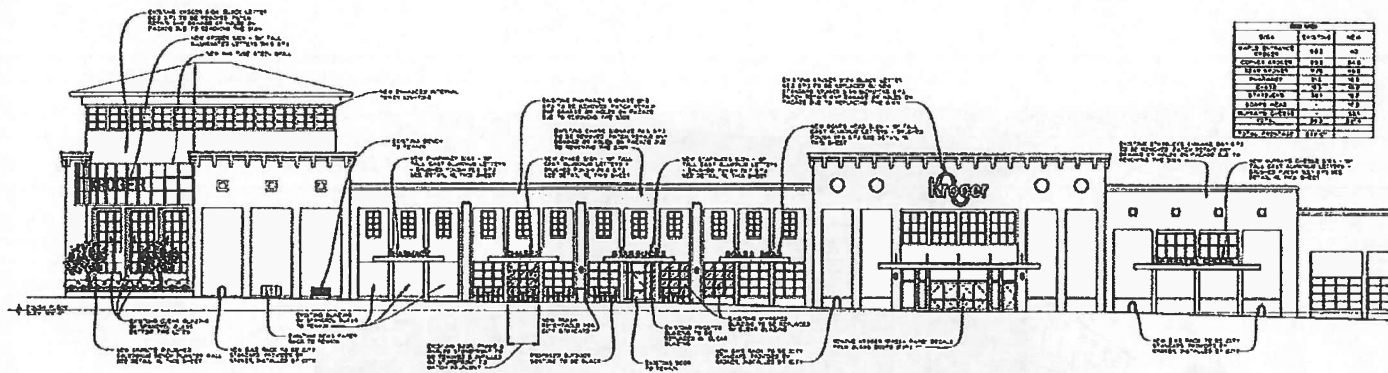


Kroger
D-685

PROPOSED PEDESTRIAN PLAZA

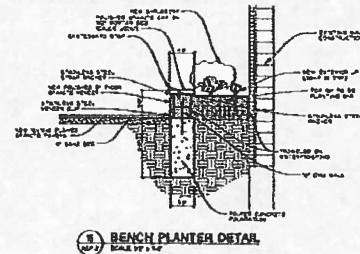
WITH FUTURE COMMUNITY ARTWORK
PROVIDED BY THE CITY OF BIRMINGHAM

ja Jeffery A. Scott
architects p.c.
Farmington, MI

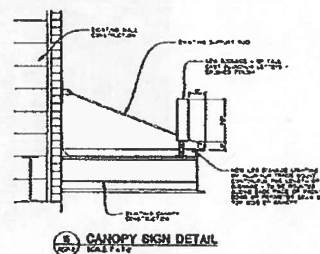


NO.	DESCRIPTION	QTY.	UNIT
1	BRICKWORK	100	SQ. YD.
2	ROOFING	100	SQ. YD.
3	PAINTING	100	SQ. YD.
4	LIGHTING	100	SQ. YD.
5	BRICKWORK	100	SQ. YD.
6	ROOFING	100	SQ. YD.
7	PAINTING	100	SQ. YD.
8	LIGHTING	100	SQ. YD.
9	BRICKWORK	100	SQ. YD.
10	ROOFING	100	SQ. YD.

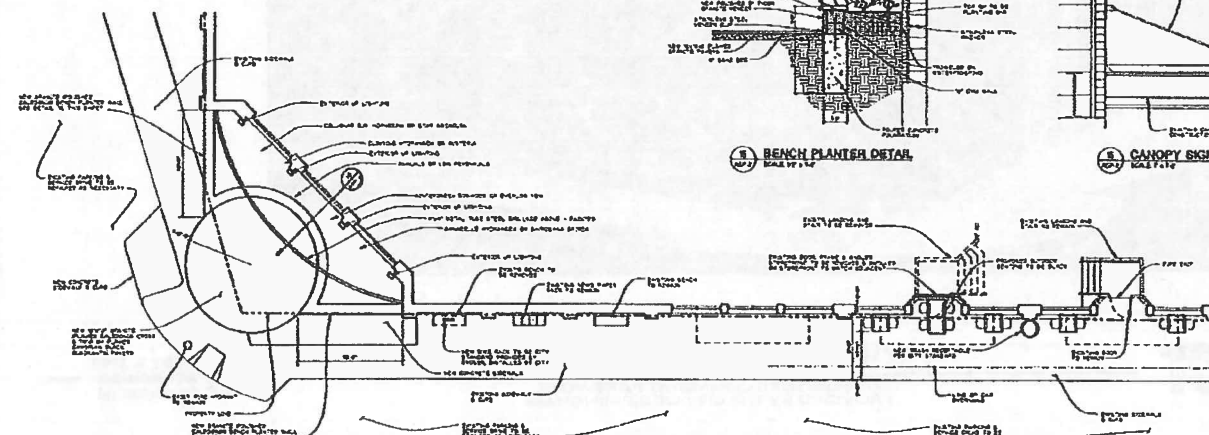
SOUTH ELEVATION
SCALE 1/4" = 1'-0"




BENCH PLANTER DETAIL
SCALE 1/4" = 1'-0"



CANOPY SIGN DETAIL
SCALE 1/4" = 1'-0"



ENLARGED SITE PLAN
SCALE 1/4" = 1'-0"

PROPOSED REMODEL FOR

 STORE NO. 8-444
 ONE E. 10TH ST.
 DENVER, CO. 80202
 THE PROPOSED CO. OF ARCHITECTS
 Jeffrey A. Scott
 architects, p.c.
 14007 ASP-2





DATE: November 10, 2017

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Finance Director

SUBJECT: Audit Findings and Recommendations

During the course of Plante & Moran's audit of the City, they noted areas for improvement in the City's financial internal controls and operations. These areas of concern were noted in a letter addressed to the Mayor and members of the City Commission dated November 7, 2017. Below are Plante & Moran's comments along with my action plan on addressing these comments.

Section I – Internal Control Related Matters Identified in an Audit

During our testing of cash, it was noted that bank reconciliations were not performed in a timely manner throughout the year. We believe the bank reconciliations should be prepared and reviewed on a timely basis in order to prevent, or detect and correct, material misstatement of cash balances, incorrect cash activities, and to reconcile the general ledger cash balances to the bank statement activity.

As a result of staff turnover in the previous fiscal year and hiring and training staff in the current fiscal year, we were unable to bring these bank reconciliations up-to-date during the fiscal year. We are currently addressing this issue by dedicating more staff time. The goal is to have our bank reconciliations up-to-date by the end of November.

Section III – Other Recommendations

We noted that the City does not have a formal online banking policy in place. We recommend that the City develop an online banking policy that is approved by the City Commission and reviewed periodically to ensure the policy and individuals involved are appropriate.

I will research this topic and bring an online banking policy to the City Commission for their approval in the near future.

We noted that activity logs of user login attempts are not received or reviewed by the City. We recommend that the City obtain and review these login attempt reports for all accounts with online access to identify any suspect or unusual login attempts.

I will research how to obtain this information from our current online banks and review them for unusual login attempts.

Section IV – Legislative and Informational Items

Administrative Charges – The services provided by employees that are traditionally charged to the General Fund (Treasury, Finance, HR, etc.) oftentimes significantly benefit other funds. As a result, it is fairly common practice to charge administrative fees to the other funds. Administrative fees can take many forms such as interfund allocations, chargebacks, payment in lieu of taxes to other funds (such as a golf course), etc. While the practice of charging for administrative services provided to water and sewer funds, streets (see item above), TIF districts and such may certainly be justified, there seems to be a heightened focus lately on the methodology and amount of charges. Given the fact that many cost allocation methodologies were implemented many years ago, it would be prudent to revisit your current methodology and the related inputs to ensure that any administrative charges are fully substantiated.

The finance department will review our current cost allocations and methodologies during our budget preparation process for fiscal year 2018-2019 budget.



MEMORANDUM

Engineering Dept.

DATE: November 10, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Woodward Ave. Resurfacing Project
Agreement with Michigan Dept. of Transportation

As has been noted previously, the Michigan Dept. of Transportation (MDOT) has scheduled two maintenance projects for the section of Woodward Ave. within Birmingham (Quarton Rd. to 14 Mile Rd.). The first contract, which involved removal and replacement of deteriorated concrete joints, is now substantially complete. The second contract, scheduled for 2018, will include asphalt resurfacing of the entire segment, as well as handicap ramp and crosswalk upgrades throughout.

As required by current federal policy, the 2018 project will include the removal and replacement of all handicap ramps bringing them to current Americans with Disabilities Act (ADA) requirements. The project represents an opportunity to greatly improve pedestrian crosswalks throughout the Birmingham segment of the corridor. Staff has met with MDOT staff to discuss the City's current crosswalk design standards, and requested the following upgrades be included in this project:

1. Construct all crosswalks crossing Woodward Ave. such that the marked walking surface shall be 12 feet wide when crossing Woodward Ave., and 8 feet wide when crossing a local street adjacent to the corridor.
2. Pavement markings shall be installed using the "continental" style rectangular bars, 24 inches wide, and spaced 24 inches apart.

MDOT staff reviewed our requests internally, and returned with the following comments:

1. Constructing crosswalk surfaces at 12 feet wide is larger than they have ever done in the past. They did not feel this was appropriate. MDOT engineering staff particularly noted that many conflicts would result on this job, given the number of sign posts, traffic signal posts, drainage structures, etc. As a compromise, they offered to install the crosswalk markings on Woodward Ave. at 10 feet wide, with new 8 foot wide handicap ramps. (It is standard MDOT policy to install all ramps at two feet narrower than the adjacent pavement markings.) Crosswalks for minor streets along the corridor would be installed with 8 foot wide pavement markings, and six foot wide handicap ramps.
2. Crosswalk pavement markings would be installed with the "continental" style rectangular bars, with a 12" wide bar spaced 24" apart.

The offer to widen the markings and the ramps as proposed over and above what they had planned, represents a small 2 foot reduction in width from the City's new standard.

The suggestion that MDOT would not install the 24 inch wide bars represented a significant departure from the direction the City is going on its crosswalk installations. City staff asked that they reconsider this item. Initially, they agreed to the wider bars, but then determined that it would not be consistent with what is being done on other state-wide projects unless the City wishes to accept future maintenance responsibilities.

Specifically, if the City agrees to this provision, MDOT will install the wider 24 inch rectangular bar pavement markings at all crosswalks within the project, which includes work at the following intersections:

Oak St.
Oakland Blvd.
Maple Rd.
Brown St./Forest Ave.
Bowers St.
Lincoln Ave.
North of Chapin Ave.
14 Mile Rd.

The upgrade would be completed at no charge to the City. However, the City would agree to be responsible for future maintenance of the crosswalk pavement markings every four years. It is estimated that this would result in an expense of approximately \$70,000 (in 2017 dollars) for the City of Birmingham, every four years into the future. If the City should decide not to agree to this term, MDOT would install and maintain 12 inch wide rectangular bars at no cost to the City.

To clarify the difference, attached are photographs of two crosswalk areas installed in Birmingham. The first depicts the 12 inch wide bars spaced at 24 inches apart, while the second depicts the 24 inch wide bars also spaced at 24 inches apart.

MDOT is currently drafting an agreement that will provide documentation that the City is committed to maintaining the new wider markings into the future. Once the agreement is in final form, it will be forwarded to the City Commission for their consideration.







MEMORANDUM

Engineering Dept.

DATE: November 14, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Rail District Street Light Standard
Presentation of New Options at 2125 E. Lincoln Ave.

Several years ago, the City Commission selected a Rail District street light pole and fixture combination that was to be used whenever a commercial site was being redeveloped in the Rail District. Similar to the Central Business District and Triangle Districts, the street lights are owned and operated by DTE Energy Co. DTE Energy purchases and installs the lights, and the cost is reimbursed by the adjacent property owner.

The first property to be redeveloped after this policy was initiated was the Armstrong White office building at 2125 E. Lincoln Ave., in 2012. At that time, 175 watt metal halide lamps were installed, in accordance with what was available through DTE Energy at the time. Due to supplier issues that developed, substitutions were made on subsequent developments, not always resulting in the same light levels that were considered desirable.

Now that LED lighting is available, staff has asked DTE Energy to provide sample installations at 2125 E. Lincoln Ave. to allow the City Commission the opportunity to see the quality of lighting that could be provided with a new LED fixture. The Commission has visited the site on two previous occasions to view samples, neither of which was considered acceptable. At this time, two new samples have been provided. The following describes the current display that has been set up for the City Commission:

1. Starting at the west end (closest to S. Eton Rd.), a **49 watt LED with clear glass lens** has been installed. The 49 watt is lower than anything the Commission has seen to date, and is a lower wattage than any street lights currently operating in the City.
2. Heading east, the second light has been intentionally turned off so that the sample model at the end is not being impacted by other lights.
3. In the middle, two original 175 watt metal halide lights are currently operating.
4. Further east, the fifth light has been intentionally turned off so that the sample model at the east end is not being impacted by other lights.
5. At the east end (furthest from S. Eton Rd.), a **69 watt LED with frosted glass lens** has been installed. The 69 watt model is the same fixture as was seen in the last demonstration, except that now the clear glass lens has been frosted white. DTE Energy staff is thinking that glare issues from the previous sample is what caused the rejection, and that the frosted glass lens will help cut the glare significantly.

Should one of the two samples meet the approval of the Commission, a suggested resolution follows:

SUGGESTED RESOLUTION:

To adopt the Halophane GlasWerks Flat LED2 Hallbrook fixture, at _____watts, 4000K, with a _____lens as the specified light for the Rail District, and to request DTE Energy replace all previously installed lights in the Rail District from 2013 to present with this fixture, and to utilize this fixture for all future street light installations in the Rail District.

Previously Approved Hadco Fixture for
Rail District

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PRODUCT APPROVALS

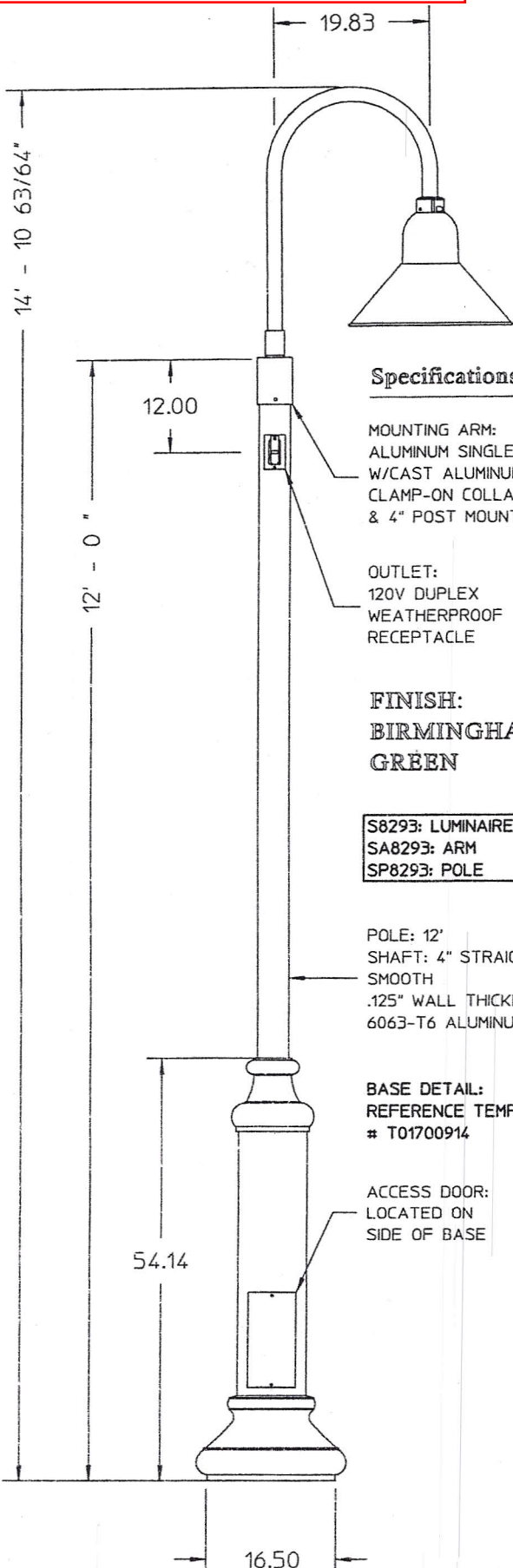
SALES

ENG.

CUST.

NOTICE:

THIS DRAWING IS FOR REFERENCE ONLY. CHECK FOR LATEST REVISION PRIOR TO ORDERING



Specifications

MOUNTING ARM:
ALUMINUM SINGLE
W/CAST ALUMINUM
CLAMP-ON COLLAR
& 4" POST MOUNT

OUTLET:
120V DUPLEX
WEATHERPROOF
RECEPTACLE

FINISH:
BIRMINGHAM
GREEN

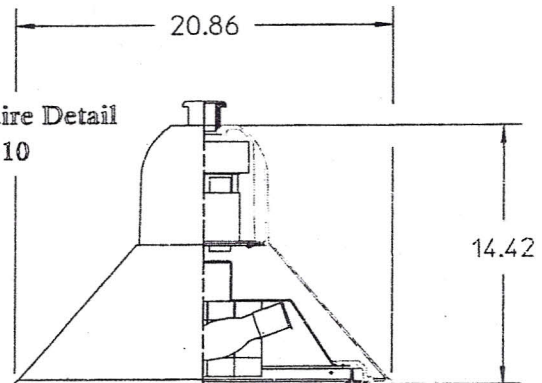
S8293: LUMINAIRE
SA8293: ARM
SP8293: POLE

POLE: 12'
SHAFT: 4" STRAIGHT
SMOOTH
.125" WALL THICKNESS
6063-T6 ALUMINUM ALLOY


BASE DETAIL:
REFERENCE TEMPLATE
T01700914

ACCESS DOOR:
LOCATED ON
SIDE OF BASE

Luminaire Detail
Scale 1:10



CUSTOM FINISH:
BIRMINGHAM GREEN

Options	LENS: (SPECIFY)	WATTAGE: (SPECIFY)
	(T) DROP POLY. _____ (GF) GLASS, FLAT <input checked="" type="checkbox"/>	70W HPS, MEDIUM _____ 100W HPS, MEDIUM <input checked="" type="checkbox"/> 150W HPS, MEDIUM _____ 70W MH, MEDIUM _____ 100W MH, MEDIUM _____ 175W MH, MEDIUM _____
FINISH: (SPECIFY)	OPTICS: (SPECIFY)	VOLTAGES: (SPECIFY)
(A) BLACK _____ (B) WHITE _____ (H) BRONZE _____ (J) GREEN _____	(3) TYPE III <input checked="" type="checkbox"/> (5) TYPE V _____ (O) SYM. _____ *	(E) 120V <input checked="" type="checkbox"/> (F) 208V _____ (G) 240V _____ (H) 277V _____ (K) 347V _____
PHOTO CONTROL:	MOUNTING: (SPECIFY)	
(N) NO <input checked="" type="checkbox"/>	(A) SIDE ARM _____ (T) TOP ARM <input checked="" type="checkbox"/> (W) WALL MOUNT _____ *	

REVISIONS:

HADCO
GENLYTE THOMAS

100 Craftway P.O. Box 128
Littlestown, Pennsylvania 17340-0128
Phone 717-359-7131
Fax 717-359-9515
www.hadco-lighting.com

JOB NAME:

Crosswinds Birmingham

SCALE:

1:20

DATE:

05/14/02

DRAWN BY:

TAG

DRAWING NUMBER:

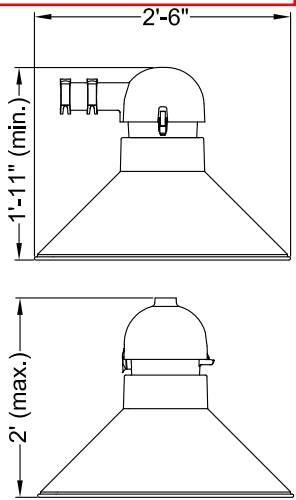
S8293

REP:

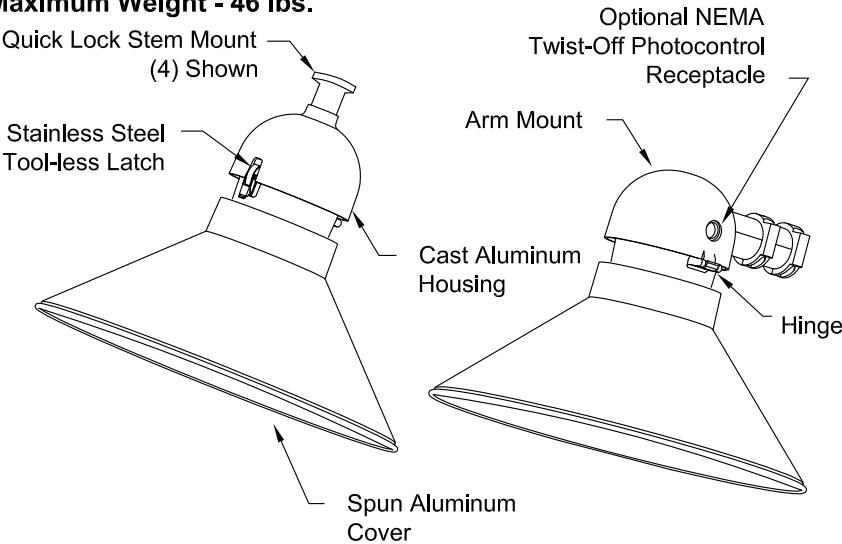
Laidlaw & Morgan

QUOTE #:

DIST:



Maximum Effective Projected Area - 1.2 ft²
Maximum Weight - 46 lbs.



GlasWerks® Flat LED 2
Hallbrook® Ext

DESIGNER
OUTDOOR



THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE SPECIFICATION FOR THE MATERIAL TO BE FURNISHED BY HOLOPHANE ON THE ORDER NOTED ABOVE. A UNIT OF SIMILAR DESIGN MAY BE SUPPLIED, BUT ONLY AFTER APPROVAL BY THE CUSTOMER IN WRITING. ON POLE ORDERS AN ANCHOR BOLT TEMPLATE PRINT WILL BE PROVIDED. THIS PRINT IS THE PROPERTY OF HOLOPHANE AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND UPON EXPRESS CONDITION THAT IT WILL NOT BE USED DIRECTLY OR INDIRECTLY IN ANY WAY DETRIMENTAL TO OUR INTERESTS, AND ONLY IN CONNECTION WITH MATERIAL FURNISHED BY HOLOPHANE.

EXAMPLE: GELF2 P30 40K AS 4 B L3

GELF2

COVER TYPE
GELF2 =
HALLBROOK
EXTENDED

COLOR TEMP.
AM = TRUE
AMBER¹
30K = 3000K
40K = 4000K
50K = 5000K

VOLTAGE
AS = AUTO-SENSING
120-277V
AH = AUTO-SENSING
347-480V

MOUNTING STYLE
1 = ARM
2 = PENDANT 1.5 NPT
3 = PENDANT 1.25 NPT
4 = QUICK LOCK STEM
MOUNT²

COLOR
A = AS SPECIFIED
B = BLACK
D = DARK BLUE
G = GRAY
H = GRAPHITE
N = GREEN
P = PRIME PAINT
W = WHITE
Z = BRONZE
TDC = TIGER DRYLAC
COLOR **6012**
CMC = CUSTOM MATCH
COLOR

LED PERFORMANCE PACKAGE (SEE PRODUCT
COMPATIBILITY TABLE FOR OPTIONS)
P10 = TRUE AMBER LED PACKAGE¹
P20 = STD CCT LED PACKAGE
P30 = STD CCT LED PACKAGE
P40 = STD CCT LED PACKAGE
P50 = STD CCT LED PACKAGE
P60 = STD CCT LED PACKAGE

ORDERING INFORMATION:

OPTIONS

CONTROL OPTIONS

AO³ = FIELD ADJUSTABLE OUTPUT
B⁴ = BI-LEVEL 0-10V DIMMING CONTROL
D⁵ = ROAM HARDWARE
FPDxx⁶ = FACTORY PROGRAMMED DRIVER (xx = % OF LUMENS OR WATTS)
H⁷ = NEMA TWISTLOCK PHOTOCONTROL RECEPTACLE ONLY
PCLL⁸ = DTL LONG LIFE TWISTLOCK PHOTOCONTROL FOR SOLID-STATE
LIGHTING, 120-277V
PCS⁸ = DTL TWISTLOCK PHOTOCONTROL, 120-277 VOLT
PND⁹ = 0-10V PART-NIGHT DIMMING, INCLUDES BLC2 & 120-277V BUTTON PHOTOCONTROL
PSC¹⁰ = SHORTING CAP
P34¹¹ = DTL TWISTLOCK PHOTOCONTROL 347V
P48¹¹ = DTL TWISTLOCK PHOTOCONTROL 480 VOLT
P5¹² = DIMMING PHOTOCONTROL RECEPTACLE - 5 PIN
P7¹³ = DIMMING PHOTOCONTROL RECEPTACLE - 7 PIN

PREWIRE LEAD OPTIONS

L03 = 3 FEET OF PREWIRED LEADS
L10 = 10 FEET OF PREWIRED LEADS
L20 = 20 FEET OF PREWIRED LEADS
L25 = 25 FEET OF PREWIRED LEADS
L30 = 30 FEET OF PREWIRED LEADS

ACCESSORIES

DECORATIVE BAND OPTIONS

SPDPLUGIN = REPLACEMENT SURGE PROTECTOR 120-277V
SPDPLUGIN-48 = REPLACEMENT SURGE PROTECTOR 347-480V
SPDPLUGIN-MOV12 = REPLACEMENT SURGE PROTECTOR, MOV 120-277V
SPDPLUGIN-MOV48 = REPLACEMENT SURGE PROTECTOR, MOV 347/480V

OPTICS
L2 = TYPE 2 DISTRIBUTION
L3 = TYPE 3 DISTRIBUTION
L4 = TYPE 4 DISTRIBUTION
L5 = TYPE 5 DISTRIBUTION

NOTES ARE LOCATED ON PAGE 3

ORDER #:
TYPE:
DRAWN: RAF
DATE: 10-07-2016
DWG #: LUM_GELF2

NOTES

1. True Amber is only available in the "P10" LED Performance Package. Not available with "FPDXX".
2. Must use with BHDF13, WLDF13 or GWDF13 fitter.
3. Factory sets device for 100% output. Not available with option "B", "D", "PND", "P5" or "P7". Refer to instructions on website for details.
4. "AS" only and must be used with option "H". Not available with the following options: "AO", "AH", "D", "PCLL", "PND", "PSC", "P5" or "P7".
5. "AS" only and must be used with option "H". Not available with the following options: "AO", "AH", "B", "PCLL", "PCS", "PND", "PSC", "P34", "P48", "P5" or "P7". Not CSA listed for US or Canada.
6. Not available with "P10" LED Performance Package or "AM" Color Temperature Options.
7. 3-pin NEMA receptacle, photocell not included. Not available with the "P5" or "P7" options.
8. "AS" option only. Must be used with one of the following option: "H", "P5" or "P7". "PSC" option not required.
9. Factory set device for 100% output. Not available with the following options: "B", "D", "P5", or "P7".
10. Must be used with option "H", "P5", or "P7". Not available with options "PCLL", "PCS", "P34" or "P48".
11. "AH" option only. Must be used with one of the following option: "H", "P5" or "P7". "PSC" option not required.
12. 5-pin NEMA receptacle, photocell not included. Not available with the "AO", "B", "D", "H", or "P7" options.
13. 7-pin NEMA receptacle, photocell not included. Not available with the "AO", "B", "D", "H", or "P5" options.

GlasWerks® Flat LED 2
Hallbrook® Ext

DESIGNER
OUTDOOR

HOLOPHANE®
An Acuity Brands Company
LEADER IN LIGHTING SOLUTIONS

THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE SPECIFICATION FOR THE MATERIAL TO BE FURNISHED BY HOLOPHANE ON THE ORDER NOTED ABOVE. A UNIT OF SIMILAR DESIGN MAY BE SUPPLIED, BUT ONLY AFTER APPROVAL BY THE CUSTOMER IN WRITING. ON POLE ORDERS AN ANCHOR BOLT TEMPLATE PRINT WILL BE SUPPLIED. THIS PRINT IS THE PROPERTY OF HOLOPHANE AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND UPON EXPRESS CONDITION THAT IT WILL NOT BE USED DIRECTLY OR INDIRECTLY IN ANY WAY DETRIMENTAL TO OUR INTERESTS, AND ONLY IN CONNECTION WITH MATERIAL FURNISHED BY HOLOPHANE.

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Average Lumen Ambient Temperature (LAT) Multipliers					
°C	°F	LED Packages	Lumen Multiplier	LED Packages	Lumen Multiplier
0	32	P20, P30	1.04	P40, P50, P60	1.06
5	41		1.03		1.05
10	50		1.03		1.03
15	59		1.02		1.02
20	68		1.01		1.01
25	77		1.00		1.00
30	86		0.99		0.99
35	95		0.98		0.98
40	104		0.97		0.97

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the platforms noted in a 25°C ambient, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Lumen Maintenance							
Hours	0	25,000	36,000	50,000	60,000	75,000	100,000
Factor	P20, P30	0.97	0.97	0.96	0.96	0.95	0.94
	P40, P50, P60	0.98	0.97	0.96	0.95	0.94	0.92

The italicized data is extrapolated beyond the TM-21 standard.

$$E = (LM) \times (CU) \times (LAT) \times (LLD)$$

LM and CU are obtained from published photometry.

ORDER #:

TYPE:

DRAWN: RAF

DATE: 10-07-2016

DWG #: LUM_GELF2

Specifications

GENERAL DESCRIPTION

The Euro styled luminaire consists of a LED flat glass optical assembly shielded by a decorative formed reflector and a top mounted cast aluminum electrical assembly with a circumferential 1.50 inch reveal.

OPTICAL ASSEMBLY

The optical assembly consists of a thermal resistant flat glass panel mechanically held in a formed aluminum door frame. The door frame is attached to the spun cover with studs and lock nuts. Light from the LED module is distributed by precisely molded optical lens to maximize utilization, uniformity and luminaire spacing. Two LED boards are available for symmetrical or asymmetric distribution.

MOUNTING STYLE (LEVELING FITTER OPTIONS)

The Quick Lock Stem Mounting style is compatible with the following leveling fitters:

- Boston Harbor Decorative Arm Fitter (BHDF13)
- GlasWerks Decorative Arm Fitter (GWDF13)
- West Liberty Decorative Arm Fitter (WLDF13)

ELECTRICAL ASSEMBLY

The cast aluminum electrical housing has a smooth domed contour. A (3) station terminal block is provided that accepts #14 through #2 size wire and has a quick disconnect receptacle. The electrical housing is hinged with a tool-less latch to provide easy access to the gear assembly. The unitized electrical assembly, containing the electronic driver and other electrical components, plugs into the quick disconnect receptacle. The pendant mount version has a welded stem (Quick Lock Stem Mounting), which aides in installation speed. The arm mount version is provided with two U-bolts with washers and nuts and two leveling set screws that lock the housing to a 2 inch nominal (2-3/8" O.D.) horizontal arm and allow a +/- 5 degree adjustment from horizontal to the cover.

ELECTRICAL DRIVER

LED programmable dimmable driver.

FINISH

The luminaire is finished with polyester powder paint to insure maximum durability.

LISTING

The luminaire is CSA listed as suitable for wet locations up to 40° C ambient temperature. IP55 rated electrical chamber, IP66 rated LED optic chamber.

WARRANTY

Limited warranty located at

www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Specification subject to change without notice.

GlasWerks® Flat LED 2
Hallbrook® Ext

DESIGNER
OUTDOOR



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ORDER #:

TYPE:

DRAWN: RAF

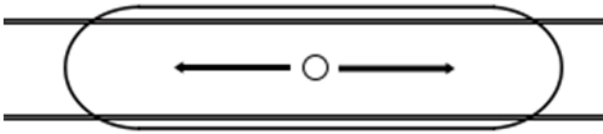
DATE: 10-07-2016

DWG #: LUM_GELF2



LED Lighting Distribution Types Quick Reference Guide

Type I



The Type I distribution is great for lighting walkways, paths and sidewalks. This type of lighting is meant to be placed near the center of the pathway. This provides adequate lighting for smaller pathways.

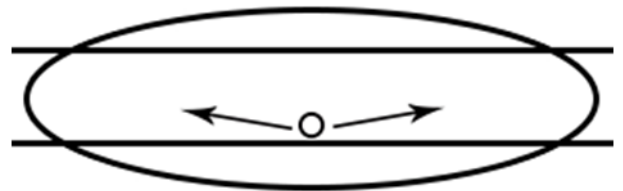
Type I is a two-way lateral distribution having a preferred lateral width of 15 degrees in the cone of maximum candlepower.

The two principal light concentrations are in opposite directions along a roadway. This type is generally applicable to a luminaire location near the center of a roadway where the mounting height is approximately equal to the roadway width.

Type II

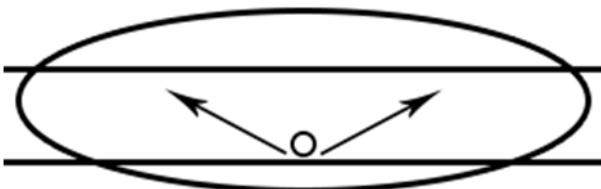
The Type II distribution is used for wide walkways, on ramps and entrance roadways, as well as other long, narrow lighting. This type is meant for lighting larger areas and usually is located near the roadside. You'll find this type of lighting mostly on smaller side streets or jogging paths.

Type II light distributions have a preferred lateral width of 25 degrees. They are generally applicable to luminaires located at or near the side of relatively narrow roadways, where the width of the roadway does not exceed 1.75 times the designed mounting height.



Type III

The Type III distribution is meant for roadway lighting, general parking areas and other areas where a larger area of lighting is required. Type III lighting needs to be placed to the side of the area, allowing the light to project outward and fill the area. This produces a filling light flow.



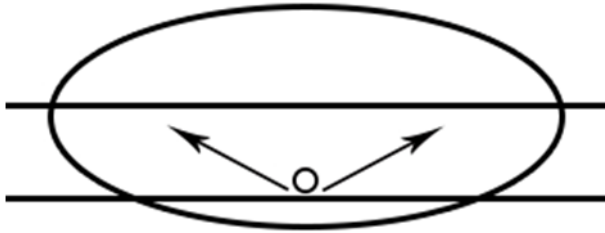
Type III light distributions have a preferred lateral width of 40 degrees. This distribution is intended for luminaires mounted at or near the side of medium width roadways or areas, where the width of the roadway or area does not exceed 2.75 times the mounting height.



EYE LIGHTING INTERNATIONAL

Type IV

The Type IV distribution produces a semicircular light meant for mounting on the sides of buildings and walls.

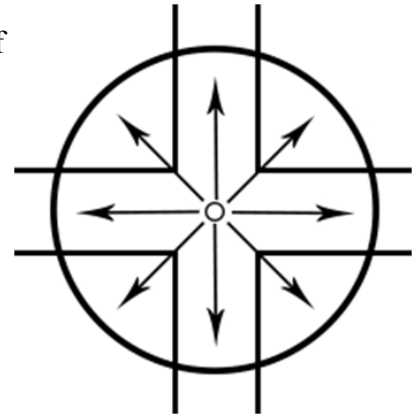


It's best for illuminating the perimeter of parking areas and businesses. The intensity of the Type IV lighting has the same intensity at angles from 90 degrees to 270 degrees.

Type IV light distributions have a preferred lateral width of 60 degrees. This distribution is intended for side-of-road mounting and is generally used on wide roadways where the roadway width does not exceed 3.7 times the mounting height.

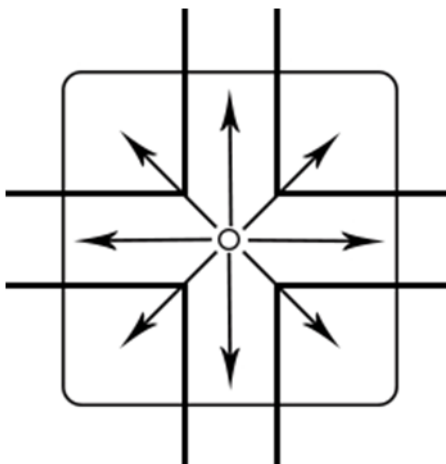
Type V

Type V produces a circular distribution that has the same intensity at all angles. This distribution has a circular symmetry of candlepower that is essentially the same at all lateral angles. It is intended for luminaire mounting at or near center of roadways, center islands of parkway, and intersections. It is also meant for large, commercial parking lot lighting as well as areas where sufficient, evenly distributed light is necessary



Type VS (square)

Type VS produces a square distribution that has the same intensity at all angles. This distribution has a square symmetry of candlepower that is essentially the same at all lateral angles. It is intended for luminaire mounting at or near center of roadways, center islands of parkway, and intersections. It is also meant for large, commercial parking lot lighting as well as areas where sufficient, evenly distributed light is necessary. Type VS is used where the light pattern needs a more defined edge.





November 7, 2017

Ms. Cherilynn Brown, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001

Dear Ms. Brown:

As part of Comcast's commitment to keep you informed about important developments that affect our customers in your community. I am writing to notify a change to the channel lineup. Customers are being notified of this changes via bill message.

On or around December 12, 2017, ESPN Classic on channels 725 and 1211 will no longer be available.

Additionally, pursuant to P.A. 480 of 2006, Section 9 (4), Comcast Cable's local operating entity hereby reports that Comcast does not deny access to services to any group of potential residential subscribers because of the race or income of the residents in the local area. A similar report will be filed with the Michigan Public Service Commission.

As always, feel free to contact me directly at 734-254-1557 with any questions you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle W. Mazurek".

Kyle W. Mazurek
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

INFORMATION ONLY