



151 Martin Street
Birmingham, Mi 48009
248-530-1800
Parks and Recreation Board Agenda
Department of Public Services
851 South Eton-Conference Room
Tuesday, January 5, 2016
6:30 PM

- I. Call to order**
- II. Welcome Parks and Recreation Board Member-Lilly Stotland**
- III. Approval of the minutes of : Tuesday, December 1, 2015 (*regular meeting*)**
- IV. Agenda Items-Written and submitted by 5pm Monday at the Birmingham Ice Sports Arena, one week prior to the meeting.**
 1. Nomination of 2016 Parks and Recreation Board Chairperson/Vice-Chairperson
 2. 1193 Floyd Street-Easement Agreement
 - 1193 Floyd Street Easement, E-mails Received
- V. Communications/Discussion Items**
 1. Parks and Recreation Roster
 2. Long Range Planning Session, Saturday, January 16, 2016, 151 Martin Street, City Municipal Building, starting at 8:30 A.M.
 3. Proposed 2016-2017 Capital Projects
 4. Golf Courses History of Rounds 2012-2015
- VI. Unfinished Business**
- VII. New Business**
- VIII. Open To The Public for Items Not On the Agenda**
- IX. Next Regular Meeting – Tuesday, February 2, 2016 (DPS)**
- X. Adjournment**

Individuals requiring accommodations, such as interpreter services, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 at least on day in advance of the public meeting.

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 por lo menos el día antes de la reunión pública.
(Title VI of the Civil Rights Act of 1964).

*If you cannot attend the meetings, please contact Connie Folk at the Birmingham Ice Arena (248) 530-1642.
Minutes are available for review at the Birmingham Ice Sports Arena, 2300 East Lincoln, Birmingham, MI 48009*

PARKS & RECREATION BOARD MISSION STATEMENT

We the Parks & Recreation Board of Birmingham will help other organizations and agencies to plan and share family activities in helping to prevent the desires and need to use alcohol, drugs, and tobacco by providing recreational programs for all ages, and to encourage recreational life styles.

PARKS AND RECREATION BOARD MEETING MINUTES
December 1, 2015

Therese Longe, Vice-Chairperson, called the meeting to order at 6:30 p.m. at 851 S. Eton.

MEMBERS PRESENT: Therese Longe, John Meehan, Ryan Ross, Art Stevens and Bill Wiebrecht

MEMBERS ABSENT: Ross Kaplan

STUDENT REPRESENTATIVES PRESENT: Shahanna Sarkisian and Paige White

ADMINISTRATION: Lauren A. Wood, Director of Public Services and Connie Folk, Recreation Coordinator

GUESTS: Adam Green, Tina Norton, Gordon Rinschler, Cindy Rose and Lilly Stotland

It was moved by Bill Wiebrecht, seconded by John Meehan that the minutes of the November 10, 2015 regular meeting be approved.

Yeas – 5 (Therese Longe, John Meehan, Ryan Ross, Art Stevens and Bill Wiebrecht)

Nays – 0

Absent-1 (Ross Kaplan)

AGENDA ITEM #1 – Oak St. –Lakepark Dr. to Lakeside Dr.

Lauren provided to the Parks and Recreation Board a memorandum from Paul O'Meara, City Engineer recommending the installation of two five foot wide buffer bike lanes, Oak Street –Lakepark to Lakeside Dr.

Ryan stated he drives on N. Eton on a daily basis where the City just converted that section to a shared road with bike lanes and there is so much signage that in the evening there is a sign every 5 ft. On the proposed design presented this evening there are a number of recommended signs.

Therese stated that Ross Kaplan wanted it to be known his concern about the new bike lanes that it has been his experience that it has been not possible to use the bike routes safely on Oak in October because residents blow their leaves into the bike lane.

It was moved by Bill Wiebrecht, seconded by John Meehan to recommend to the City Commission that the on-street parking on Oak St. between Lakepark Dr. and Lakeside Dr. be removed to allow the installation of two five foot wide buffer bike lanes. Bill Wiebrecht stated that further discussion should occur on how the City will be handling the leaves and snow removal and the numbers of signs that will be installed along the designated route.

Yeas – 5 (Therese Longe, John Meehan, Ryan Ross, Art Stevens and Bill Wiebrecht)

Nays – 0

Absent-1 (Ross Kaplan)

COMMUNICATION/DISCUSSION ITEM #1- Final City of Birmingham Parks and Recreation Donor Policy

Lauren provided to the Parks and Recreation Board the final City of Birmingham Parks and Recreation Donor Policy and that the City Commission adopted the policy on October 26, 2015.

No action was required by the board.

COMMUNICATION/DISCUSSION ITEM #2- Revised Golf Course Report

Lauren provided the revised golf course report that was previously emailed to the park board members following the November 10, 2015 Parks Board meeting. Jacky modified the golf report based on Bill Wiebrecht's comments.

No action was required by the board.

COMMUNICATION/DISCUSSION ITEM #3- Manor Estates Update

Lauren reported to the Parks and Recreation Board that the developer has decided not to relocate the path at Manor Park. Paul O'Meara is still in discussion with the developer about other utilities that will be located at Manor Park. Lauren stated that she will update the board as additional information comes available.

No action was required by the board.

COMMUNICATION/DISCUSSION ITEM #4- Project Update

Lauren reported to the Parks and Recreation Board that quotes were received for concept plans for Adams Park and Poppleton Park.

Lauren stated the City of Birmingham has hired MC Smith Associates to serve as the consultant for Poppleton Park and that Michael Dul has been hired for the consultant for Adams Park.

Lauren stated she is anticipating on having the consultants at the January 5, 2016 Parks Board meeting.

Lauren stated that she has not contacted Roeper Schools on their financial involvement with Adams Park.

Lauren stated that the Homeowner Association presidents will be notified for the upcoming meetings.

No action was required by the board.

UNFINISHED BUSINESS:

No New Business

NEW BUSINESS:

Cindy handed out informational cards for potential donations for Barnum Park.

OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA:

Therese stated that the next meeting will be held on January 5, 2016 at 6:30 pm at DPS

The meeting adjourned at 7:18 p.m.

Connie J. Folk, Recreation Coordinator

DATE: December 28, 2015

TO: Parks and Recreation Board

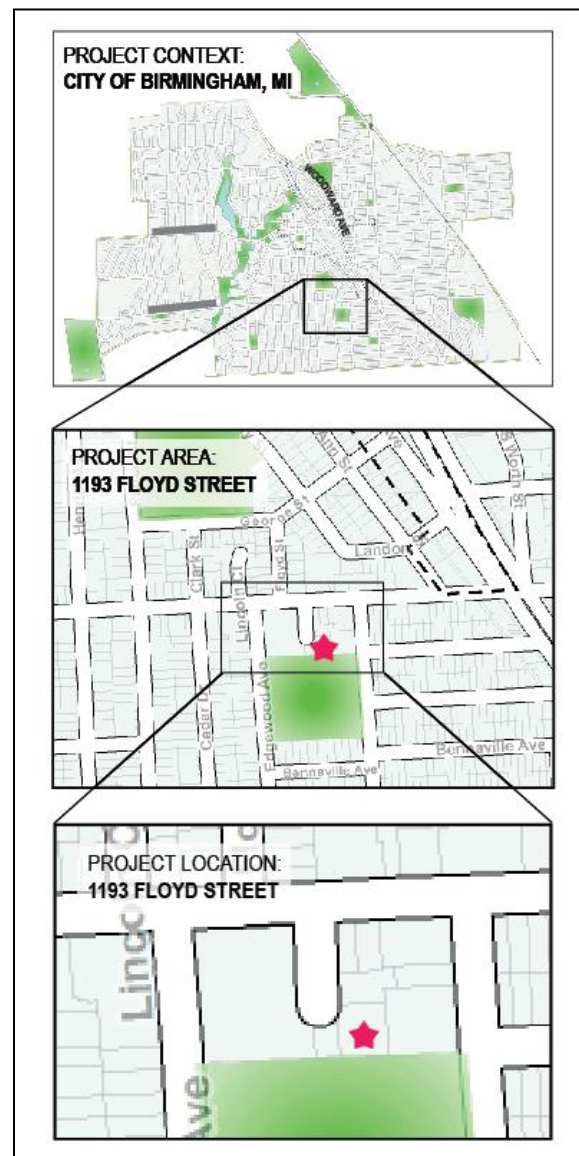
FROM: Jana L. Ecker, Planning Director

SUBJECT: 1193 Floyd Street

The site at 1193 Floyd contains an existing building that is currently vacant (previously a beauty salon) and a parking lot. The 0.23 acre site is located at the end of Floyd, two blocks west of the E. Lincoln and Woodward intersection, immediately adjacent to St. James Park. The applicant is proposing to demolish the existing building and construct a two-story, 12-unit multi-family residential building and parking facility.

On July 8, 2015, the Planning Board approved the Preliminary Site Plan review of the proposed residential building.

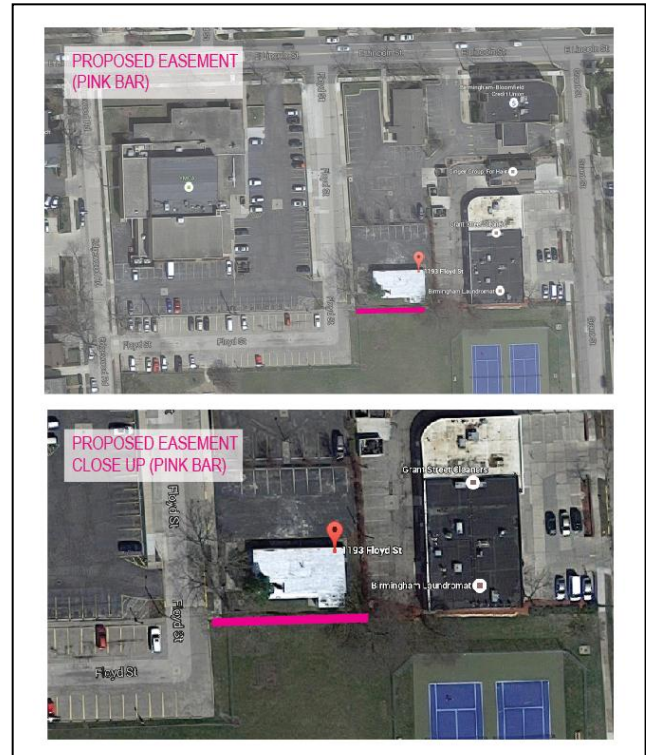
On November 11, 2015, the Planning Board discussed the proposed residential building and considered approval of the Final Site Plan and Design for the project. After much discussion, the board recommended that the applicant appear before the City Commission to discuss the approval of possible easements requested by the developer along the northern portion of St. James Park abutting the subject property. In addition, the Planning Board requested that the applicant meet with the Building Division and resolve Code compliance issues with regards to the number of accessible units required in the building prior to the Planning Board voting on the matter. The Planning Board thus voted to postpone the matter to January 13, 2016, to allow time for these outstanding issues to be resolved.



Accordingly, the applicant has submitted a request for the approval of an easement across City property in St. James Park, along the southern boundary of the property at 1193 Floyd Street. An easement allows the use of property owned by another for specific purposes as outlined in an easement agreement.

The applicant is requesting a temporary construction easement to allow for access by contractors and developers onto 6' of City property along the northern edge of St. James Park abutting the property line of 1193 Floyd Street for construction of the building at 1193 Floyd for a maximum time period of 18 months. The applicant is also requesting a permanent maintenance easement to allow current and future owners of 1193 Floyd Street access onto City property for the purpose of cleaning and maintaining the proposed building and site long term.

Neither the temporary construction easement nor the permanent maintenance easement requested would permit the easement holder to construct any permanent structures on City property. However, the granting of such easements may preclude the City from constructing permanent structures on this 6' strip of St. James Park. The request for a temporary construction easement and a permanent maintenance easement is being sent to the Parks Board for review and comment before advancing to the City Commission for review.



Attached to this memo is

1. Site plan for 1193 Floyd Street with proposed easement called out
2. July 8th Planning Board Minutes
3. November 11th Planning Board minutes
4. Temporary construction easement and permanent maintenance easement agreement

MCINTOSH
PORIS ASSOCIATES 1193 FLOYD STREET / FINAL SITE PLAN REVIEW 10.19.15



**PLANNING BOARD MINUTES
WEDNESDAY, JULY 8, 2015**

PRELIMINARY SITE PLAN REVIEW

1193 Floyd (former salon)

Request for approval of Preliminary Site Plan to allow the construction of a new two-story residential building

Chairman Clein and Mr. Share announced their intention to recuse themselves on this matter and Ms. Lazar took over the chair for the review.

Ms. Ecker provided background. The subject site contains an existing building that is currently vacant (previously the site of a beauty salon) and the associated parking lot. The 0.23 acre site is located on Floyd, two blocks west of the E. Lincoln and Woodward Ave. intersection. The applicant is proposing to demolish the existing building and construct a two-story, 12-unit multi-family residential building and parking facility.

The parcel is located in a district that is currently in the process of being rezoned from O-1, Office to TZ-2, Transition Zone. The rezoning has been recommended for approval by the Planning Board and is pending a determination of approval by the City Commission. The Zoning Map from 2000 showed O-1 zoning for the property when it should have been B-1. The Building Official has ruled that a use variance is not required as the property has been determined to be zoned as O-1 office. The proposal generally complies with the standards of O-1 in regards to bulk, area, and placement. Lighting and landscape standards are the same in O-1 and TZ-2.

Mr. Williams observed there is no grade level entrance to any of the 12 units. Ms. Ecker indicated accessibility is required for some but not all of the units; however the Building Official intends to look further into the Code to see if there is a provision that would allow this.

Design Review

The materials for the proposed residential building are as follows:

- Brick masonry and fiber cement panels for the majority of the building elevations;
- Aluminum and glass windows;
- Decorative metal screen panels for rooftop screening and balcony railing; and
- Wood-like fiber cement panels on balcony walls.

No material samples or manufacturer details have been provided at this time. A full design review will be conducted the time of Final Site Plan Review.

Signage

The applicant is proposing an 18 in. high metal wall sign. No drawings or material samples have been provided at this time. *The applicant will be required to obtain approval from the Design Review Board for all signage as well as a sign permit prior to installation.*

Mr. Chuck DiMaggio from Burton Katzman said he appreciates review of the project under the O-1 Zoning District. He introduced Mr. John Skoke and Ms. Elise Beatrice, project with McIntosh Poris Assoc.

Mr. Skoke described the project and indicated their approach has been to take advantage of the park. They are playing with a minimal palate with natural glazing and orientation to the park. They will address accessibility from the parking lot to the front doors as well as what is required by the Building Code inside. They plan to comply with everything by the time they come back for Final Site Plan approval.

Ms. Whipple-Boyce asked if there was ever a live/work consideration. She observed there is so much going on in the surrounding area and there is not even a walkway out to the park.

Mr. Skoke replied it is possible to walk to the park on the public sidewalk.

In the past the market has not responded well to this building from a commercial point of view. It is so removed from any kind of through street that it doesn't have the kind of visibility that retail people are looking for today. Further, live/work has not been very successful In a lot of instances and that is why they are thinking more in terms of straight apartment units. The units range from about 600 - 800 sq. ft. and should rent for \$12 hundred to \$13 hundred/month.

Mr. Williams stated that Birmingham has a dearth of these types of smaller units at that price point. Therefore, he thinks these would be a positive. Further he likes the fact they will be quiet and residential. Mr. Jeffares thought they would attract the next generation of Birmingham. Mr. Boyle agreed this is what Birmingham needs. However, he wanted to see some materials that are fitting for that price and that area. Also, he was worried that there is no space for storage.

Because of all the concerns that have been voiced, Ms. Whipple-Boyce announced she is not comfortable with moving ahead with the review.

Chairperson Lazar called for comments from the public at 9 p.m.

Mr. Jerry Siponiac, owner of the strip center directly east, said all of the utilities are along the east property line. He thought they should be redone or put under ground. Also, he doesn't see any landscaping between the two buildings. He is not sure how snow removal will be accomplished. He can see some tenants parking in their area in the event the YMCA is busy. There will be a challenge for people trying to get out onto Lincoln from Floyd. Further, in that the applicant plans residential units three-quarters under ground, he pointed out the sewers in that area are not very deep and a number of basements have flooded, especially during heavy rains.

Motion by Mr. Boyle

Seconded by Mr. Williams to move 1193 Floyd forward with the City's suggested conditions:

1. Applicant relocate the building as required to meet building placement standards;

2. Applicant provide dimensioned elevation drawings of all story heights and step backs showing height, setback, and dimensional requirements are met;
3. Add required wooden gates to dumpster enclosure;
4. Submit specification sheets for all mechanical equipment and screening at Final Site Plan review;
5. Applicant submit a detailed landscape plan meeting all landscape and streetscape standards at Final Site Plan review;
6. Applicant update the photometric plan to meet all lighting standards;
7. Compliance with the Engineering, Building and Fire Dept. requirements; and
8. The applicant provide material samples and signage details at Final Site Plan review.

When the board sees the proposal in its final form they should be able to set it in the environment and look at the materials and how they would work, taking into account the gentleman's comments about working with the neighbors.

There was no discussion from the public at 9:12 p.m.

Motion carried, 4-1.

ROLLCALL VOTE

Yeas:	Boyle, Williams, Lazar, Jeffares
Nays:	Whipple-Boyce
Recused:	Clein, Share
Absent:	DeWeese, Koseck

DRAFT PLANNING BOARD MINUTES
NOVEMBER 11, 2015

FINAL SITE PLAN REVIEW

1. 1193 Floyd St., vacant building (former salon)
Application for Final Site Plan Review to allow construction of a new 12 unit residential building

Mr. Share and Chairman Clein recused themselves from this review and Mr. Boyle took over as temporary Chair for this hearing.

Ms. Ecker advised the subject site contains an existing building that is currently vacant along with the associated parking lot. The 0.23 acre site is located on Floyd St. two blocks west of the E. Lincoln and Woodward Ave. intersection. The applicant is proposing to demolish the existing building and construct a two-story, 12-unit multi-family residential building and parking facility.

On July 8, 2015, the Planning Board approved the Preliminary Site Plan review with several conditions.

The Final Site Plan Review provides the required and proposed bulk, area, and placement regulations for the proposed project based on O-1 provisions, as the City Commission did not rezone the property to TZ-2 as proposed by the Planning Board.

In order to meet the screening requirement, the height of the mechanical equipment screen wall must be greater than or equal to the height of the proposed mechanical unit. ***The applicant will be required to increase the height of the plantings to fully screen the mechanical units or obtain a variance from the Board of Zoning Appeals ("BZA").*** The applicant has advised that they will increase the height of the plantings to meet the requirements.

The lighting as originally proposed in the photometric plan exceeded the maximum level of 1.5 fc at the north lot line. The applicant is also proposing one Lithonia DSX1 LED cut-off fixture to be mounted 16 ft. from the ground on a pole within the parking lot. The fc illumination levels in the circulation area as originally submitted have a maximum to minimum ratio of variation of 25.5:1. Article 4, Section 4.21 (F) (3) states the maximum to minimum ratio of variation of luminance in the circulation areas must be no greater than 20:1. The applicant advised that they will downsize the size of the bulb in the proposed parking lot fixture. The applicant has submitted a revised photometric plan that meets all requirements.

In accordance with accessibility requirements of Section 1107.6.2 of the Michigan Building Code, a number of the dwelling units will need to comply with accessibility standards. As proposed, none of the units comply as they are all accessed by stairways.

Design Review

Material samples were provided along with digital images of the materials. The materials proposed are as follows:

- Grey, "Capitol Iron Spot" smooth brick and grey, smooth lap fiber cement panels for the majority of the building elevations;
- Aluminum and glass windows;
- Grey, laser cut, decorative metal screen panels for rooftop screening and balcony railing;
- Stained, western red cedar wood doors for the dumpster area; and
- Wood stained cedar lap fiber cement panels on balcony walls.

Motion by Mr. Williams

Seconded by Mr. Jeffares to accept for filing an e-mail from Dana Markus and a second e-mail from Scott Markus.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Recused: Clein, Share

Absent: Lazar

West (Floyd St.) Elevation: The front elevation of the building is proposed to be primarily constructed of grey masonry brick and grey fiber cement siding. There are two upper-floor balconies and nine clear glass windows proposed. The front elevation signage will display the word "Floyd" in grey metal/acrylic letters that are illuminated.

East Elevation: The east elevation is virtually identical to the west elevation, excluding the overhang with signage.

North (parking lot) Elevation: The north elevation is proposed to be constructed primarily of grey fiber cement lap siding and grey masonry brick and has 16 clear glass windows. The other half of the proposed address signage is located at the far right edge of the north elevation and will display the number "1193."

South (park facing) Elevation: The south elevation is proposed to be constructed primarily of grey fiber cement lap siding and grey masonry brick. There are sixteen 8 ft. x 8 ft. windows on the eight upper level units and each of the four garden level studios has two 8 ft. x 3 ft. sliding windows that sit just above the ground.

Signage: An 8 in. high metal wall sign, 6 ft. in length that displays the address is proposed at the northwest corner of the building for a total of 4 sq. ft. of signage. The grey metal/acrylic letters will be illuminated at no more than .08 fc. Address signs are permitted provided they are 8 in. in height or less. Therefore, the proposed sign complies with the Sign Ordinance.

Mr. Williams thought if there have to be modifications to the layout of the building for the purpose of accessibility the design will change. Ms. Ecker said that one of the options is adding elevators to make sure one or more units are accessible.

Mr. Koseck noted if this project was adjacent to private property rather than a City park, a firewall would be needed.

Mr. John Skoke and Ms. Elise Beatrice with McIntosh Poris Associates represented the architect. Mr. Chuck DiMaggio from Burton Katzman was also present to represent the property owners. Mr. Skoke noted there are nine total fixtures in the photometric. There are four condensing units on the side of the building to service the lower level apartments. The upper eight apartments have through-wall units. The sidewalk along the west side of the building will be re-paved. A 6 ft. access easement is currently being negotiated with the City along the park side for maintenance as well as for construction access.

Mr. Chuck DiMaggio explained the 6 ft. easement along the south side of the property will serve a number of purposes. They propose to put the cable lines underground in the park. They also need a temporary construction easement for that side of the building and a permanent maintenance easement for cleaning.

Mr. Skoke said there is no firewall requirement for this project with its current adjacencies even though they are building at the property line. With respect to elevators, this building is not large enough to require elevators. Therefore, they are separating the building into four smaller components with three structurally independent units per component. Each component uses one entry door for its three units. This creates a vertical separation of the building.

Mr. Koseck received clarification that the garden level unit is not considered a story. To not qualify as a story, more than 50% of the floor-to-floor dimension must be below the ground, and more than 50% of the lower floor is below ground.

Mr. Skoke explained the through-wall air conditioning units are located on the side wall of the balconies. These are less expensive and easier to maintain than units placed on the roof. The four units on the ground are not on the roof for that same reason. Ms. Whipple-Boyce responded that she starts to worry when the design of a project is being compromised by the budget.

It was noted the YMCA runs a day camp in that general area of the park.

Ms. Ecker read two letters into the record, one from Dana Markus and one from Scott Markus, suggesting that the proposed development be denied.

The temporary Chair called for comments from members of the public at 9:40 p.m.

Mr. Fidon Taki, 632 Ruffner, explained most of the residents living in this neighborhood are young families with kids. This building is not designed for families and is a negative for their community.

Mr. Tom Alochefski, 631 Ruffner, said the proposed building doesn't seem to fit in with the community environment. In his opinion it is an urban loft type style that contrasts with its surroundings. Additionally, he is concerned that the City may give up public park space.

Mr. Jess Ruud, 457 Catalpa, thought the development doesn't belong in this neighborhood. Low-cost housing such as this will decrease their property values. It is a bad design in a bad location. Most of the neighbors are strongly opposed. Therefore he thought the board should reconsider.

Ms. Meredith Carol, 520 Catalpa, expressed her opposition to the proposal and named others who wrote letters that generally indicated the proposed development doesn't seem to be a good fit for the neighborhood.

Mr. Michael Poris, 527 Graton, spoke as a resident of Birmingham. The majority of the units are 800 rather than 600 sq. ft. More than 50% of household residents in the U.S. are singles. These apartments make Birmingham a homogenous place. In response to Mr. Jeffares, Mr. DiMaggio said the rent structure will run from \$1,500 to \$2,000/month.

Mr. Jeffares noted the dearth of affordable apartments in Birmingham and that this project offers something the City doesn't have.

Mr. DiMaggio stated the property is zoned O-1 Office and that permits residential units. They meet all of the Zoning Ordinance requirements at it relates to that. Burton Katzman will do a good job maintaining the building and they know the City will be proud of it.

Ms. Whipple-Boyce said she had hoped to see a true townhouse, not an attempt to be a townhouse so as not to have to conform to the Disabilities Code. She was especially disturbed by the below-grade garden level and the small size of the units. She feels this site and this area deserves better.

Mr. Koseck noted this project contains a lot of oddities that concern him:

- Someone's window is a foot and a half from his public park.
- The City would be giving away rights to public property and for what purpose.
- The project is out of place in this neighborhood. It should be in the Rail District.
- The lower-level apartments are a basement.

Ms. Ecker was asked to read a list of permitted uses for this zoning. Mr. Jeffares thought some of them were less desirable than this.

Mr. Williams stated the fact of the matter is that the zoning permits this type of development. However, an explanation on the barrier-free aspect has not been resolved. If the board is to proceed on this project he would like the Building Official to attend the next meeting. Additionally, he agrees with the comment about the City's position on the park. The City should decide first if it wants to give up rights that it has in the park. After the City has made this decision he will vote one way or the other on the project. He won't vote on anything assuming the City will agree.

Motion by Temporary Chairman Boyle

Seconded by Mr. Williams to postpone this discussion on Final Site Plan Review to January 13, 2016 and take into account the comments that have been made. He personally is concerned about the issue regarding accessibility. Staff is asked to

take this to the appropriate departments and when the developer comes back make sure the board is aware and clear as to what the circumstances would be regarding accessibility. Therefore, the City has an issue regarding the easement, and the developer has an issue regarding accessibility.

There was no public comment on the motion at 10:15 p.m.

Motion carried, 4-1.

VOICE VOTE

Yeas: Boyle, Williams, Jeffares, Koseck

Nays: Whipple-Boyce

Recused: Clein, Share

Absent: Lazar

TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT MAINTENANCE EASEMENT AGREEMENT

This Temporary Construction Easement and Permanent Maintenance Easement Agreement ("Agreement") is made this ____ day of December, 2015, by and between **THE CITY OF BIRMINGHAM**, a Michigan municipal corporation, whose address is 151 Martin Street, Birmingham, Michigan 48009 ("Grantor"), and **FLOYD STREET, LLC**, a Michigan limited liability company, whose address is 30100 Telegraph Road, Suite 366, Bingham Farms, Michigan 48025 ("Grantee").

RECITALS

- A. Grantor is the owner of fee simple title to certain real estate located in the City of Birmingham, Oakland County, Michigan, commonly known as Birmingham St. James Park, and more particularly described in **Exhibit A** attached hereto ("Grantor Parcel"); and
- B. Grantee is the owner of fee simple title to certain real estate located immediately to the north of and adjacent to the Grantor Parcel, commonly known as 1193 Floyd Street, and as more particularly described on **Exhibit B** ("Grantee Parcel"); and
- C. In connection with the development of the Grantee Parcel, Grantee intends to construct and install multi-family residential housing and related improvements and facilities on the Grantee Parcel. Accordingly, Grantee is willing to perform the necessary construction, installation, grading, maintenance, repair and restoration, at Grantee's cost and expense, but requires both a permanent maintenance and a temporary construction easement from Grantor onto, across and over portions of the Grantor Parcel, in the area substantially as depicted and described on the attached **Exhibit C** (the "Easement Area") which Grantor is willing to grant.

NOW, THEREFORE, Grantor hereby declares as follows:

- 1. Recitals. The Recitals set forth above are incorporated herein by reference.
- 2. Temporary Construction Easement. Grantor hereby grants Grantee, its successors and assigns, a private, temporary, non-exclusive construction easement (the "Temporary Construction Easement") to allow Grantee, its agents and contractors, to enter the Easement Area on the Grantor Parcel depicted and described on the attached **Exhibit C**

for the purpose of construction and installation ("Construction Activities") of a multi-family residential apartment building and related improvements and facilities (collectively, the "Apartment Improvements") on the Grantee Parcel. Grantee shall have the right to access, stage its work upon, secure the Easement area by erecting a temporary six (6') foot fence, and otherwise use that portion of the Grantor Parcel containing the Easement Area as is reasonably required in order to carry out the Construction Activities. In addition to the Construction Activities, at Grantee's sole expense, prior to the expiration of the Temporary Construction Easement period described below (or at the earliest subsequent opportunity, weather allowing) to reasonably restore any of the Easement Area disturbed by Grantee's work to its original condition, including (a) re-grading and/or repaving, where necessary, (b) removal of any temporary fencing, and (c) replacing any plant or tree vegetation disturbed, damaged or removed as a result of the construction and installation of the Apartment Improvements and related facilities (collectively, the "Restoration Activities").

3. Temporary Construction Easement Expiration. The Temporary Construction Easement granted herein shall automatically expire upon the earlier of (a) completion by Grantee of the foregoing Construction Activities and Restoration Activities, or (b) eighteen (18) months from the date of this Agreement, without any further requirement of notice or recordation of any termination agreement.
4. Permanent Maintenance Easement. Grantor grants to Grantee, its successors and assigns, a permanent, non-exclusive maintenance easement (the "Permanent Maintenance Easement") to allow Grantee, its successors, assigns and agents, entry onto the Easement Area located on the Grantor Parcel for the purpose of ongoing maintenance, repair, restoration and replacement activities to be conducted on the Apartment Improvements (collectively, the "Maintenance Activities"). The Maintenance Activities shall include, but not be limited to, window cleaning, landscape maintenance, and maintenance, repair and restoration of the exterior of the multi-family residential apartment building located on the Grantee Parcel. Grantee shall bear all costs related to Grantee's Maintenance Activities.
5. Lien-Free. Grantee will carry out the Maintenance Activities, Construction Activities and the Restoration Activities in accordance with good grading and construction industry practices and standards, and shall promptly pay all contractors working on the Easement Area so that all or any portion of the Easement Area shall, at all times, remain lien-free as a result of the activities of Grantee, its successors, assigns, agents or contractors. Grantee shall perform the Maintenance Activities, the Construction Activities and the Restoration Activities in such a manner as to minimize interference to Grantor and the Grantor Parcel.
6. Indemnity/Hold Harmless.
 - A. Grantee hereby agrees to indemnify, defend, protect and hold Grantor harmless from and against claims, costs, expenses and liability (including reasonable attorney's fees and the costs of suit incurred in connection with such claims) including any action or

proceedings brought thereon, directly arising from or as a direct result of the injury to or death of any person, or damage to the property of any person, as a result of the exercise by Grantee of the rights granted herein in, on or about the Easement Area. The foregoing shall not include, however, any cost, expense, claim or liability arising out of or in any way related to contaminated soil asbestos or other environmental hazards uncovered by the exercise of the rights granted herein and not introduced onto the Grantor Parcel by Grantee or its agents, affiliates, consultants, contractors, employees or representatives.

B. Grantor hereby agrees to indemnify, defend, protect and hold Grantee harmless from and against claims, costs, expenses and liability (including reasonable attorney's fees and cost of suit incurred in connection with such claims) including any action or proceedings brought thereon, directly arising from or as a direct result of the injury to or death of any person, or damage to the property of any person, as a result of any willful or negligent acts or omissions of Grantor or Grantor's employees, contractors, agents or representatives in, on or about the Easement Area.

7. Insurance. Commencing on the date that Grantee begins performance of any of the Construction Activities, and until the completion thereof, Grantee shall, at its sole expense, maintain or cause to be maintained or cause its contractors to maintain general public liability insurance against claim for personal injury or death and property damage occasioned by accidents or events occurring upon, in or about the Easement Area relating to the Construction Activities. The foregoing insurance shall afford protection with a combined single limit of not less than Two Million and 00/100 (\$2,000,000.00) Dollars per occurrence.
8. Governing Law/Illegality. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan. In the case any one or more of the terms or conditions set forth herein shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining obligations shall not in any way be affected or impaired.
9. Binding Nature. All benefits, burdens, rights and obligations noted herein shall run with the land in perpetuity, and inure to the benefit of and be binding on present and future owners of the Grantor Parcel and the Grantee Parcel, and their respective successors, assigns and mortgagees.
10. Recording. This Agreement shall be recorded with the Oakland County Register of Deeds. This Easement Agreement may not be amended except by a writing signed by Grantor, Grantee or their respective successors and assigns, and recorded with the Oakland County Register of Deeds.
11. Integration. This Easement Agreement is fully integrated because it contains the entire Agreement of the parties with respect to its subject matter.

[Signatures and notaries on following pages]

Signed:

THE CITY OF BIRMINGHAM, a Michigan municipal corporation

By: _____

Printed Name:

Its:

"Grantor"

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing was acknowledged before me this ____ day of December, 2015, by _____, the _____ of The City of Birmingham, a Michigan municipal corporation, on behalf of the corporation.

Printed Name:

Notary Public, _____ County, MI

My Commission Expires _____

Acting in _____ County

[Signatures and notaries continue on following page]

FLOYD STREET, LLC, a Michigan limited liability company

By: Burton-Katzman Manager, LLC, a Michigan limited liability company, Its Manager

By: _____

Printed Name:

Its: Member

"Grantee"

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing was acknowledged before me this ____ day of December, 2015, by _____, the Member of Burton-Katzman Manager, LLC, a Michigan limited liability company, Manager of Floyd Street, LLC, a Michigan limited liability company, on behalf of said company.

Printed Name:
Notary Public, _____ County, MI
My Commission Expires _____
Acting in _____ County

INSTRUMENT DRAFTED BY AND
WHEN RECORDED RETURN TO:

Laura C. Ragold, Esq.
BARRIS, SOTT, DENN & DRIKER, P.L.L.C.
211 West Fort Street, 15th Floor
Detroit, MI 48226-3281
(313) 965-9725

EXHIBIT A

Grantor Parcel

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

Lots 19 to 30, inclusive, also Lots 52 to 63, inclusive, also Lots 72 to 83, inclusive, also Lots 92 to 103, inclusive, also al of vacated Floyd Street adjacent to Lots 52 to 63, inclusive, including 4/6/93 correction, Birmingham-Woodward Subdivision, as recorded in Liber 40, Page 23 of Plats, Oakland County Records

Parcel ID No. 19-36-403-016

Commonly known as Birmingham St. James Park

EXHIBIT B

Grantee Parcel

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

The South 25 feet of Lot 69 and all of Lot 70 and 71, Birmingham-Woodward Subdivision, as recorded in Liber 40, Page 23 of Plats, Oakland County Records.

Parcel ID No. 19-36-403-011

Commonly known as 1193 Floyd Street



Connie Folk <cfolk@bhamgov.org>

Fwd: Pierce St. James Association - Floyd Street Deveopment

1 message

Lauren Wood <lwood@bhamgov.org>

Mon, Dec 21, 2015 at 9:54 AM

To: "Folk, Connie" <cfolk@bhamgov.org>, "Laird, Carrie" <Claird@bhamgov.org>

Please copy for inclusion in the 1-5-16 PB packet.

----- Forwarded message -----

From: **Joe Valentine** <jvalentine@bhamgov.org>

Date: Wed, Dec 16, 2015 at 5:40 PM

Subject: Fwd: Pierce St. James Association - Floyd Street Deveopment

To: "Andrew M. Harris" <aharris@bhamgov.org>, Carroll DeWeese <cdeweese@bhamgov.org>, Mark Nickita <mnickita@bhamgov.org>, Pat Bordman <pbordman@bhamgov.org>, Pierre Boutros <pboutros@bhamgov.org>, Racky Hoff <rackyhoff@hotmail.com>, Stuart Sherman <ssherman@bhamgov.org>, Tim Currier <tcurrier@bhlaw.us.com>

Cc: Jana Ecker <Jecker@bhamgov.org>, Bruce Johnson <Bjohnson@bhamgov.org>, Lauren Wood <Lwood@bhamgov.org>, Paul O'Meara <Pomeara@bhamgov.org>

FYI - as you may be contacted in regard to this (if you haven't already). As noted, they are designing the building in accordance with the zoning regulations and some issues are still in discussion with the planning/building departments in order to resolve them.

----- Forwarded message -----

From: **Carroll DeWeese** <carrolldeweese@comcast.net>

Date: Wed, Dec 16, 2015 at 4:09 PM

Subject: RE: Pierce St. James Association - Floyd Street Deveopment

To: Janelle boyce <jlwboyce@hotmail.com>

Cc: Joe Valentine <jvalentine@bhamgov.org>

Thank you Janelle.

I do not understand how a development can build one foot away from the park and their own property line. Years ago Pam and I wanted to add an additional floor on to the back of our house on its current footprint and we were not allowed since the code said that we had to be further away from our neighbor and the property line. We built it, but we had to bring the second floor in several feet to meet the requirement. I can understand a situation where a person owns adjacent properties and wants to build a unit or units that are adjacent (e.g. townhouses), but I do not understand not having an offset when the adjacencies are not the same. Independent of the park issue, why does the code allow this?

I currently perceive that unless the city and developer both have a common interest in an easement, then it should not be granted. It works both ways. At the open city land by Market Square, some of the trees were planted too close to the south edge of the city property, which necessitated removal for Market Square to expand its building. This could have been avoided if the trees were originally planted further into the

property. Adjacencies and actions by both parties are important.

The modern urban design does not bother me. This area is separated by the park, the Y, and commercial buildings from the houses and apartments in the area. I am disturbed, however, that ADA standards are not considered applicable, especially for allegedly senior residents. I know that ADA standards do not legally apply to housing in the private sector not used as a public accommodation, but the Fair Housing Act requires that new multifamily housing with four or more units be designed and built to allow for access with persons with disabilities. I think that it is in the best interest of Birmingham to do a review of its building codes to insure that they meet the spirit as well as the letter of the Fair Housing Act and the ADA standards.

Within the last couple of weeks, this project is another instance of residents and neighborhood associations not being informed sufficiently since no residents were living within 300 feet of the project. The other instance is the assistant living and memory care project the end of East Lincoln. Birmingham needs to find a way to more proactively inform the public of proposed developments. The state law requirement of 300 feet is too limited, especially in this case where city property (a park) is immediately next to the development.

Keep up your good work on the Planning Board. You are a strong voice is reflecting interests of homeowners and young families. Your efforts are important and I certainly appreciate them.

Carroll DeWeese

From: Janelle boyce [mailto:jlwboyce@hotmail.com]

Sent: Wednesday, December 16, 2015 8:14 AM

To: Mark For Birmingham; Stuart Sherman; Rackline Hoff; pattybordman@gmail.com; carrolldeweese@comcast.net; aharris@smsm.com; pierre@millspharmacy.com

Subject: Fwd: Pierce St. James Association - Floyd Street Deveopment

Hi All.

Just wanted to share a communication from our neighborhood association. My understanding is that it went out to the Howarth Association as well.

Janelle

Sent from my iPhone

"Design is not just what it looks like and feels like. Design is how it works." - Steve Jobs

Begin forwarded message:

From: Staci Chambers <staci.d.chambers@gmail.com>

Date: December 16, 2015 at 6:23:29 AM EST

To: zoypatouhas@yahoo.com, yasmine isshak <YISSHAK@gmail.com>, yakmalian@comcast.net, wsara35@yahoo.com, williamsrobertc@wowway.com, Mike Wiegand <wiegandconstruction@gmail.com>, Whitfieldc@sbcglobal.net, truscott@bc.edu, Tracey Flynn <traceyflynn0405@yahoo.com>, tnpduff2@comcast.net, Tarig Kozouz <tkozouz@alixpartners.com>, TISZA2@AOL.com, Tina Thompson <tina_lynn_thompson@yahoo.com>, Timothy Castaneda <TimZumba1@aol.com>, tarigkozouz@yahoo.com, Suzi Maida <suzihome@gmail.com>, Susan Vincenti <susanvincenti@gmail.com>, stuff4jeff@me.com, Peter Stickney <stickneyp@gmail.com>, stacy goodman <stacygoodman@mac.com>, Staci Chambers <Staci.d.chambers@gmail.com>, "staceypeiser@yahoo.com" <staceypeiser@yahoo.com>, Sally Johnson <SJ05bps@birmingham.k12.mi.us>, sieberte@macomb.edu, Stephen Danowski <sdanowski@gmail.com>, scott sitner <scottsitner@gmail.com>, Sara Madigan <sbmadigan@gmail.com>, Sarah Friend <sarahafriend@gmail.com>, sara.truscott@gmail.com, sandrale3@gmail.com, Sandra.KassaRogers@aecom.com, "Stephen L. Anderson" <SAnderson2@bcbsm.com>, Robin Riutta <rriutta@hotmail.com>, RDPOTASH@aol.com, rar1112@aol.com, pohlodmi@yahoo.com, pellep@comcast.net, Nicole Jenkins <nicolejenkins18@gmail.com>, mhwlt@aol.com, "mfcarrel@comcast.net" <mfcarrel@comcast.net>, Lynne Woodison <lynne2312@gmail.com>, leslie.adamo@gmail.com, Leigh McQueen <ldmcqueen@sbcglobal.net>, laura worry <lauraworry@gmail.com>, Lacey Jacobson <laceyjacobson@gmail.com>, Kristina Abrams <kristina.abrams@gmail.com>, Kathi McWilliams <KMAC248@yahoo.com>, kgarity@hotmail.com, Kenny Bell <kennybell2001@hotmail.com>, karen.toor@gmail.com, karen.toor@gm.com, JWT <jwtaub@sbcglobal.net>, JWARD@cbweirmanuel.com, Jungho Kwon <junghokwon@gmail.com>, Jocelyn Tink <JocTink@comcast.net>, Joanne Enwright <joanneenwright@gmail.com>, Joyce Ferfecki <jm.ferfecki@gmail.com>, Janelle Boyce <JLWBoyce@hotmail.com>, Joann Honigman <jhonigman@msn.com>, Joyce Ferfecki <jferfecki@comcast.net>, jenny.j.downey.civ@mail.mil, Jeffkinane@gmail.com, "jad24@chrysler.com" <Jad24@chrysler.com>, "Jacquelyn Bell (Jonah's Mom)" <jacqbee@aol.com>, Inna Kraemer <inna.kraemer@gmail.com>, Ingrid Tighe <ingridtighe@yahoo.com>, imjennyd123@yahoo.com, Hannah Rhodes <hmrhodescpa@gmail.com>, Hijung Kang <hijung.kang@gmail.com>, Heidi Wineman <HIDPHOTO@aol.com>, "Gotthelf, Beth" <gotthelf@butzel.com>, godwinm1@mac.com, Frank Yono <FJYono@gmail.com>, Melissa Fenner <fennerm@sbcglobal.net>, louisa egido <espanolegido@gmail.com>, Ellen Biggs <ellenseoul@hotmail.com>, elizabethm1004@yahoo.com, elirauth@hotmail.com, ebys@me.com, eatpk5@gmail.com, david rubin <drubin@cambridgeinvestors.com>, DPMTeach@aol.com, doylemer@hotmail.com, dnee2005@gmail.com, Dana Marcus <dlakritz@lakritzlaw.com>, richard edgar <DIKMYR1269@gmail.com>, "cocoscupcakecouture@me.com" <cocoscupcakecouture@me.com>, Courtney Seabolt <clseabolt@hotmail.com>, Pam Martis <claimbrain@yahoo.com>, cjotanovic@birmingham.k12.mi.us, chrispik1@comcast.net, Chirodray@aol.com, Christine Ryckman <cawryckman@hotmail.com>, "Catherine Nieman (Davis' Mom)" <catchris98@yahoo.com>, Caldwell.piper@gmail.com, bhamjudy@gmail.com, beth.kiefer@sbcglobal.net, bernackattack@gmail.com, Jason Bauman <bauman.jason3@gmail.com>, Ann Tappan <anngordy@yahoo.com>, amypohlod@hotmail.com, Alysse Mengason <Alyssemengason@gmail.com>, Ali Premo <alipremo@gmail.com>, Anastasia Kozouz <akozouz@yahoo.com>

Subject: Pierce St. James Association - Floyd Street Deveopment

Neighbors -

Many of you have now been made aware of a proposed development at 1193 Floyd Street, which is adjacent to St. James Park, by the YMCA. The proposed development consists of the demolition of an existing vacant hair salon and the construction of a new 3 story structure (they are able to call this a 2 story structure since more than 50% of the bottom level is below grade). The new structure will contain 12 studio apartments, 600-800 s.f. each, that will be marketed as more affordable housing in Birmingham.

The project had its Preliminary Site Plan Approval in July by Birmingham's Planning Board, and November 11 was the Final Site Plan Review. The Planning Board decided at that time to delay voting. It is our understanding that a multi-family structure is permitted on this site based on the current zoning, so unfortunately there is not much we can debate on that particular issue. We unfortunately cannot change that or any of the other Birmingham building codes related to multi-family dwelling.

The relevant section from the November 11 Planning Board meeting agenda is attached, which begins on page 63 of the full meeting agenda.

There are several elements of this project many neighbors question, which include:

1. The development is seeking to build one foot away from St. James park. The builders are asking for an easement which involves the need to use park property to maintain their building. There have been negotiations on this between the builder and the City, but it is believed that there may still be ongoing discussions. Many neighbors do not see what the City and residents stand to gain by giving up our rights to this park property. In addition, this sets a precedent for future developments to permit construction inches from public space.
2. The style of this building is a modern, urban design, more in line with the Rail District, not among single-family homes. The goal of the project is to provide a more affordable rental option in Birmingham.
3. The developers decision to market these small units as affordable studio and one bedroom apartments do not fit with the surrounding families and the adjacent YMCA which has many youth activities, including a summer day camp in St. James Park. While hearing that the builder is marketing the immediate "park view" as an asset, many neighbors are concerned about this building being directly adjacent to the park in view of where their children play.
4. The developer is intending to follow construction standards laid out for brownstone type buildings rather than an apartment building. They would therefore NOT need to comply with the ADA (American Disabilities Act) code. This is seen to save money on an elevator and/or max out the number of units they can provide. This also contradicts their justification that one of their target clients include senior residents without kids, when often times it is those residents that need assistance from the ADA standards. The Building Official in Birmingham, Bruce Johnson, is currently reviewing this issue.
5. When this project went for preliminary review in July, everyone within 300' of the project (which is state law) was notified of the proposed project. This did not include any residents that we are aware of, as all were beyond this cut-off. Therefore, no homeowners raised issues or concerns during the early stages. Given the impact on our neighborhood and park, although state law was complied, many feel that a greater radius should have been reached to be more transparent with the hundreds of impacted residents.

**** What can you do? ****

1) It has been communicated to us that it is very important to **start emailing letters** if you have an opinion that you would like to share. It is most beneficial for these to be obviously personal/individual (not form or copied letters). These are the people to include in your email letter:

Jana Ecker, Planning Director

jecker@bhamgov.org

Bruce Johnson, Building Official

bjohnson@bhamgov.org

Joe Valentine, City Manager

jvalentine@bhamgov.org

In your letter, please state: "*I request that you please forward my email to the Planning Board, City Commissioners, Board of Zoning Appeals and Parks and Recreation Board.*" They will then be obligated to do so.

* It will be most beneficial to not be overly emotional in communication. It has been told to us that the more neighbors stick to the facts and have a tone of "working together", the better their voices are heard. It is important to note that something will most likely be built on this site at some point in the future. Opposing any construction and leaving a vacant property will not be seen as the best choice by the city. It may be of interest to suggest to the city to encourage housing units that would fit better with the neighborhood - such as a 3-4 town home structure?

2) Do you have a **personal connection** with a city commissioner? Time to bend their ear!

3) When this issue comes to a board (it will be coming to the *Parks and Recreation Board* on January 5th, 2016 at Department of Public Services, 851 S. Eton; it will most likely be coming to the *City Commission*, but we have learned that it will NOT be on the upcoming 12/14 agenda; and it is due to come back to the *Planning Board* on 1/13/16 in City Commission Room at 151 Martin Street), it is **very helpful and influential to have neighbors present at the meetings**. Please keep this in mind and pencil your calendars. Information on dates and agendas can be tracked on the city website.

**PLEASE FORWARD THIS TO ANY SURROUNDING NEIGHBORS -
THANK YOU!**

--

Staci Chambers
(602)518-8819 cell
staci.d.chambers@gmail.com

—
Joseph A. Valentine
City Manager

City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1809 Office Direct
(248) 530-1109 Fax
jvalentine@bhamgov.org

Get the latest news from the City of Birmingham delivered to your inbox.
Visit www.bhamgov.org/aroundtown to sign up.

—

Lauren Wood
Director of Public Services

City of Birmingham
Department of Public Services
851 S. Eton
Birmingham, MI 48009
office: [248.530.1702](tel:248.530.1702)
fax: [248.530.1742](tel:248.530.1742)
cell: [248.515.3795](tel:248.515.3795)



Connie Folk <cfolk@bhamgov.org>

Fwd: Proposed plans for 1193 Floyd

1 message

Lauren Wood <lwood@bhamgov.org>

Mon, Dec 21, 2015 at 9:54 AM

To: "Laird, Carrie" <Claird@bhamgov.org>, "Folk, Connie" <Cfolk@bhamgov.org>

For the 1-5-16 agenda packet.

----- Forwarded message -----

From: **Joe Valentine** <jvalentine@bhamgov.org>

Date: Mon, Dec 21, 2015 at 8:13 AM

Subject: Re: Proposed plans for 1193 Floyd

To: Fadi Antaki <fantaki@hotmail.com>

Cc: Jana Ecker <jecker@bhamgov.org>, Bruce Johnson <bjohnson@bhamgov.org>, Lauren Wood <Lwood@bhamgov.org>

Mr. And Mrs. Antaki,

Thank you for sharing your thoughts and concerns regarding the proposed development for Floyd Street. Your comments will be shared per your request.

Thanks again for taking the time to share these concerns.

Regards,
Joe Valentine

On Sat, Dec 19, 2015 at 10:34 PM, Fadi Antaki <fantaki@hotmail.com> wrote:

Dear Ms. Ecker, Mr. Johnson, and Mr. Valentine,

We are writing you about the proposed development at 1193 Floyd street. We live very close to this location, but unfortunately a few feet beyond the 300' cut-off for the mandatory notice. We heard about this project 2 months ago and were very disappointed by the proposed plans. We have expressed some of our views at the Planning Board meeting early November and this email is to summarize these views:

- The proposed project is for a modern building divided into studios and small apartments, which does not fit at all the style and spirit of the neighborhood, where most dwellings are traditional single-family homes. From a style perspective, it might be better suited for the rail district. In addition it puts property values at risk in the entire neighborhood.
- The planned apartments are small and clearly not family friendly, while the neighborhood surrounding St James park, the YMCA and Pierce Elementary school mainly includes families with young children.
- The developer is planning to divide the building into 3 "units" with 4 apartments each, to go around ADA rules about accessibility. We find this unusual, especially given the developer's claims that the apartments are well suited for seniors!
- The plan requires an agreement from the city to give up rights on the park, to create a permanent easement adjacent to the building. Not only there is no benefit for the city from such agreement, but it also sets a precedent that the city is willing to give up rights on its properties to private developers. St-James park is the center of our neighborhood, where our family and many others spend a lot of time, in addition to many YMCA activities that

our kids attend. We are against any plans to chip away at our neighborhood park.

We hope this message helps convey our views in regards to the proposed development on Floyd street. Could you please forward it to the Planning Board, the City Commissioners, the Board of Zoning Appeals and the Parks and Recreation Board?

Thank you,

Joumana & Fadi Antaki
632 Ruffner Ave

Joseph A. Valentine
City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1809 Office Direct
(248) 530-1109 Fax
jvalentine@bhamgov.org

Get the latest news from the City of Birmingham delivered to your inbox.
Visit www.bhamgov.org/aroundtown to sign up.

Lauren Wood
Director of Public Services

City of Birmingham
Department of Public Services
851 S. Eton
Birmingham, MI 48009
office: [248.530.1702](tel:248.530.1702)
fax: [248.530.1742](tel:248.530.1742)
cell: [248.515.3795](tel:248.515.3795)



Connie Folk <cfolk@bhamgov.org>

Fwd: 1193 Floyd Street

1 message

Lauren Wood <lwood@bhamgov.org>

Mon, Dec 21, 2015 at 9:57 AM

To: "Laird, Carrie" <Claird@bhamgov.org>, "Folk, Connie" <Cfolk@bhamgov.org>

For the 1-5-16 agenda packet.

----- Forwarded message -----

From: **Tom Rifai** <tomrifai@gmail.com>

Date: Mon, Dec 21, 2015 at 8:49 AM

Subject: Re: 1193 Floyd Street

To: Joe Valentine <jvalentine@bhamgov.org>

Cc: Bruce Johnson Building official Birmingham <Bjohnson@bhamgov.org>, Jana Ecker City Planning Manager Birmingham <Jecker@bhamgov.org>, Dr Fadi & Joumana Antaki 632 Ruffner TRAFFIC <fantaki@hotmail.com>, Tom & Erica Maliszewski 631 Ruffner TRAFFIC <tomerica@sbcglobal.net>, Atty Steve Enwright 700 Ruffner <steve@legallab.us>, Alexander n Charlene & Blake Struthers 651 Ruffner <charlene8c@gmail.com>, Donna Roussey <donna@roussey@yahoo.com>, Tania Yatooma <Tania@yatooma.com>, Lauren Wood <Lwood@bhamgov.org>

Good morning and thank you kindly for your useful reply Joe – it is appreciated by me and I'm sure the others in receipt of your response

Highest regards until soon

Tom

Tom Rifai MD FACP**Harvard Medical School**Lifestyle Medicine Course Director: *'Nutrition & The Metabolic Syndrome'*CMEonline.Med.Harvard.Edu/Info/Nutrition**Wayne State University School of Medicine**

Clinical Asst. Professor of Medicine

St Joseph Mercy Oakland

Medical Director: Metabolic and Weight Management

Pritikin Longevity Center

Science Advisory Board Member

The information contained in this communication is confidential, intended only for use by the individual(s) to whom directed. If you are not intended recipient, note that any viewing, copying, disclosure or distribution of this information is prohibited. Please notify the sender of any unintended receipt and delete the original message without making any copies.

On Dec 21, 2015, at 8:35 AM, Joe Valentine <jvalentine@bhamgov.org> wrote:

Tom,

Thank you for sharing your thoughts and concerns regarding the proposed development for Floyd Street. Your comments are appreciated and will be shared per your request.

Some of the issues you raised are subject to a staff review which was a condition of the last Planning Board presentation of their site plan. The Planning Board has requested the developer resolve several issues with their plan prior to returning for Final Site Plan approval. I understand

these discussions are ongoing.

The next discussion of this project will be for a review of a proposed construction and maintenance easement at the Parks and Recreation Board meeting on January 5th at 6:30pm and the Department of Public Services facility at 851 S. Eton. Should all the issues raised by the Planning Board be satisfactorily resolved, then this project would return the Planning Board sometime in February.

To receive an email notification of when the Planning Board agendas are posted, please feel free to sign up for the Email Notify feature at the top of the following webpage by simply clicking on the Email Notify icon at the top of the page and entering your email address. http://cms4.revize.com/revize/birmingham/government/boards/planning_agendas.php

Thanks again for taking the time to share these concerns.

Best Regards,
Joe Valentine

On Sun, Dec 20, 2015 at 3:45 AM, Tom Rifai <tomrifai@gmail.com> wrote:
Greetings Joe, Bruce and Jana

My wife Angela and I am reaching out to you regarding the proposed development at 1193 Floyd Street, which is adjacent to St. James Park, by the Bham YMCA. The proposed development consists of the demolition of a vacant hair salon. The construction of a new 3 story structure (called a 2 story structure since more than 50% of the bottom level is below grade) is troubling to me, wife who have a new 7 month old baby girl and planned to live in a family based area. Yet new structure, which I would walk by regularly on my way to the YMCA, will contain 12 studio apartments only 600-800 s.f. each, that will be marketed as 'affordable' housing in Birmingham. That a multi-family structure is permitted on this site based on the current zoning is not a problem, but are 600 s.f. studios for families? We certainly would like to see the vacated salon be replaced as well. While we are not opposed at all to replacing the vacant hair salon with a nice, appropriately planned and designed apartment or other appropriately zoned project, we are not comfortable with this specific project. We have given it long thought and it would even have to consider moving from this otherwise wonderful area if it goes through.

These elements of this project we also question:

1. The development is seeking to build one foot away from St. James park. We do not see what the City and residents stand to gain by giving up our rights to this park property. In addition, this sets a precedent for future developments to permit construction inches from public space.
2. The style of this building is a modern, urban design, more in line with the Rail District, not among nor so very near single-family homes.
3. Apparently the developers decision is to market these small units as affordable studio and one bedroom apartments. But this does not fit with the surrounding families and the adjacent YMCA which has many youth activities, including a summer day camp in St. James Park. Knowing that the builder is marketing the immediate "park view" as an asset, can't you imagine that we, and many neighbors are concerned about this building being directly adjacent to the park in view of where their children play?
4. The developer is intending to follow construction

standards laid out for brownstone type buildings rather than an apartment building. They would apparently therefore not need to comply with the ADA (American Disabilities Act) code? Is this true? It seems a move to save money on an elevator and/or max out the number of units they can provide? Doesn't that also contradict their justification that one of their apparent target clients includes senior residents without kids? It is those residents that need frequently or eventually need assistance from the ADA standards.

5. When this project went for preliminary review in July, everyone within 300' of the project (which is state law) was to be notified of the proposed project. This did not include any residents that we are aware of. It seems the spirit of the law was skirted, don't you at least sympathize with that? This left no (or few, if any) homeowners able to raise these issues or concerns during the early stages. Given the impact on our neighborhood and park, although state law was complied, we feel that a greater radius should have been reached to be more transparent with the hundreds of impacted residents.

Again, my wife Angela and I have loved living in Birmingham. And we planned a great future for our daughter Liliana, and future children. We are sincerely concerned as our close friends and neighbors whom I have copied on this email.

Please forward my email to the Planning Board, City Commissioners, Board of Zoning Appeals and Parks and Recreation Board. We would like to be sure that they all are aware of our concerns. Please also provide us all the dates and times that relevant and to tease of Birmingham government will be discussing this project prior to its initiation.

With highest regards and appreciation for all your hard work in keeping Birmingham one of the best places to live in the world

Tom
683 Ruffner

Tom Rifai MD FACP
Harvard Medical School

Lifestyle Medicine Course Director: '*Nutrition & The Metabolic Syndrome*'

CMEonline.Med.Harvard.Edu/Info/Nutrition

Wayne State University School of Medicine

Clinical Asst. Professor of Medicine

St Joseph Mercy Oakland

Medical Director: Metabolic and Weight Management

Pritikin Longevity Center

Science Advisory Board Member

The information contained in this communication is confidential, intended only for use by the individual(s) to whom directed. If you are not intended recipient, note that any viewing, copying, disclosure or distribution of this information is prohibited. Please notify the sender of any unintended receipt and delete the original message without making any copies.

--

Joseph A. Valentine

City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1809 Office Direct
(248) 530-1109 Fax
jvalentine@bhamgov.org

Get the latest news from the City of Birmingham delivered to your inbox.
Visit www.bhamgov.org/aroundtown to sign up.

—

Lauren Wood

Director of Public Services

City of Birmingham
Department of Public Services
851 S. Eton
Birmingham, MI 48009
office: [248.530.1702](tel:248.530.1702)
fax: [248.530.1742](tel:248.530.1742)
cell: [248.515.3795](tel:248.515.3795)



Connie Folk <cfolk@bhamgov.org>

Fwd: Floyd Street Development proposal

1 message

Lauren Wood <lwood@bhamgov.org>

Wed, Dec 23, 2015 at 10:06 AM

To: "Folk, Connie" <cfolk@bhamgov.org>, "Laird, Carrie" <Claird@bhamgov.org>

Include in agenda packet please 1-5-16

Forwarded message -----

From: **Joe Valentine** <jvalentine@bhamgov.org>

Date: Wed, Dec 23, 2015 at 8:51 AM

Subject: Fwd: Floyd Street Development proposal

To: Lauren Wood <Lwood@bhamgov.org>

fyi - please share as requested.

----- Forwarded message -----

From: **Mark Roberts** <markroberts_413@yahoo.com>

Date: Mon, Dec 21, 2015 at 11:48 AM

Subject: Floyd Street Development proposal

To: "jecker@bhamgov.org" <jecker@bhamgov.org>, "bjohnson@bhamgov.org" <bjohnson@bhamgov.org>, "jvalentine@bhamgov.org" <jvalentine@bhamgov.org>

Cc: Carrie Roberts <carriebroberts@yahoo.com>

Ms Ecker, Mr Johnson, and Mr Valentine

This email is in regards to the proposal I have been made aware of related to the proposed Floyd St apartment development.

I live with my family in the neighborhood and am a frequent visitor to the neighboring park with my young children and my family utilizes the local YMCA as well for various activities. Upon receiving information regarding this proposal I have several concerns. This is a family oriented neighborhood and this development is right next to a large park - I am concerned that small studio/single bedroom apartments does not fit into it. I also do not like that the proposed building would be just 1 foot from the park property line as, for basic maintenance as an example, there will be workers in the park taking that space away from children and/or potentially making the park area less useful/safe in general near the building structure.

In addition, my understanding is that the building plans are quite modern (and does not fit in with the neighborhood look in general) plus I question if the builders are planning to cut corners as this layout looks like it is simply looking to maximize number of units while minimizing things like elevators and handicap accessibility. While I certainly understand the builders desire to maximize their business return, I want to communicate that I expect any development to follow the family oriented principals that makes the neighborhood a great place to live currently.

I certainly understand the need to further development in the city and believe the city does a great job. That said, I do believe using the area for single family homes or, alternatively, making this development into a 3-4 town-home structure would fit the needs of the neighborhood much better. Respectfully, I ask that this be strongly considered.

I kindly request that you please forward my email to the Planning Board, City Commissioners, Board of Zoning Appeals and Parks and Recreation Board. I appreciate your taking the time to read this message.

Thanks for your consideration and I wish you & your families a wonderful holiday season.

Best Regards,
Mark Roberts
888 Bird Ave
Birmingham, MI 48009
[248 594-3236](tel:2485943236)
markroberts_413@yahoo.com

—

Joseph A. Valentine
City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009
[\(248\) 530-1809](tel:2485301809) Office Direct
[\(248\) 530-1109](tel:2485301109) Fax
jvalentine@bhamgov.org

Get the latest news from the City of Birmingham delivered to your inbox.
Visit www.bhamgov.org/aroundtown to sign up.

—

Lauren Wood
Director of Public Services

City of Birmingham
Department of Public Services
851 S. Eton
Birmingham, MI 48009
office: [248.530.1702](tel:2485301702)
fax: [248.530.1742](tel:2485301742)
cell: [248.515.3795](tel:2485153795)



Connie Folk <cfolk@bhamgov.org>

Fwd: Floyd Street Apartment proposal

1 message

Lauren Wood <lwood@bhamgov.org>

Tue, Dec 29, 2015 at 1:42 PM

To: "Folk, Connie" <Cfolk@bhamgov.org>, "Laird, Carrie" <Claird@bhamgov.org>

Please place this email on the next agenda for the Parks Board, as you are doing with all of the others

Thanks!

----- Forwarded message -----

From: **Joe Valentine** <jvalentine@bhamgov.org>

Date: Tue, Dec 29, 2015 at 1:04 PM

Subject: Re: Floyd Street Apartment proposal

To: Meredith Carrel <mfcarrrel@comcast.net>

Cc: "jecker@bhamgov.org" <jecker@bhamgov.org>, "bjohnson@bhamgov.org" <bjohnson@bhamgov.org>, Lauren Wood <Lwood@bhamgov.org>

Meredith,

Thank you for sharing your thoughts and concerns regarding the proposed development for Floyd Street. Your comments will be shared per your request.

Thanks again for taking the time to share these concerns.

Regards,
Joe Valentine

On Sat, Dec 26, 2015 at 1:43 PM, Meredith Carrel <mfcarrrel@comcast.net> wrote:

Ms. Ecker, Mr. Valentine and Mr. Johnson:

I request that you please forward this email to the Planning Board, City Commissioners, Board of Zoning Appeals and Parks and Recreation Board.

I am writing you to express my concern for the proposed apartments on Floyd Street. I have lived in the Pierce St. James neighborhood since 2005. I do not feel that these small units directly on the city park is the best move for the city of Birmingham. Like many residents in our neighborhood, I have three children whom play in St. James park, and these tiny rental dwellings that market the "view" of the park leave me with an uneasy feeling.

Specifically, I do not think it is wise for the city to give up any sort of right to an area of city property (here being the park to maintain the apartments). This is not the right precedent to make for Birmingham.

I am also skeptical of the builder's use of the American Disabilities Act interpretation. The builder ensures that their ability to define itself as a three brownstone structure in order to avoid complying with the ADA is a common procedure. However, this is not right in my eyes, and not something that the city of Birmingham should support. This is indeed a 12 unit apartment building, and they should follow the ADA rules as one.

I understand that this property is zoned for an apartment building. I also understand that something will eventually be built on this site. However, I am hopeful that the city can find a project that would fit better with the neighborhood. (Such as a few higher quality town homes respecting of the park property which would attract fellow families and comply with the ADA.)

On a separate note, I would like the city of birmingham to consider widening the radius in which it notifies of

possible projects. The state rule of 300 feet was of course followed. However, this did not allow for any residents to be notified to my knowledge.

I appreciate you listening to my views on this project and I welcome you to reach out to me if there is a need. I look forward to following this project.

Happy New Year!

Meredith Carrel
Birmingham Resident

Sent from my iPhone

Joseph A. Valentine

City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1809 Office Direct
(248) 530-1109 Fax
jvalentine@bhamgov.org

Get the latest news from the City of Birmingham delivered to your inbox.
Visit www.bhamgov.org/aroundtown to sign up.

Lauren Wood

Director of Public Services

City of Birmingham
Department of Public Services
851 S. Eton
Birmingham, MI 48009
office: [248.530.1702](tel:248.530.1702)
fax: [248.530.1742](tel:248.530.1742)
cell: [248.515.3795](tel:248.515.3795)

PARKS AND RECREATION BOARD

Article II, Section 78

Seven members, Three-year Terms, Appointed by the City Commission

Members must be electors of the City of Birmingham

Meetings held the first Tuesday of each month at 6:30 PM.

Last Name	First Name	Home Business Fax E-Mail	Appointed	Term Expires
Kaplan 635 Oak	Ross	(248) 645-6526 <i>rkaplan@neumannsmith.com</i>	10/22/2007	3/13/2017
Longe 1253 Yosemite	Therese	(248) 258-6744 (313) 745-0138 <i>tmquattro@gmail.com</i>	3/29/2004 Vice Chairperson	3/13/2016
Meehan 656 Chester	John	(248) 644-5923 <i>john.meehan@att.net</i>	3/18/2002	3/13/2017
Ross 1872 Derby	Ryan	(248) 705-6465 <i>ryan.countryside@gmail.com</i>	5/21/2012	3/13/2018
Sarkisian 931 Ridgedale Ave	Shahanna	(248) 854-0204 <i>shahannaemma625@gmail.com</i>	2/9/2015 Student Representative	12/31/2015

Last Name Home Address	First Name	Home Business Fax E-Mail	Appointed	Term Expires
Stevens 1243 Ruffner	Raymond	(248) 514-3740 <i>rastevens2@yahoo.com</i>	4/15/1996	3/13/2018
Stotland 698 Hanna	Lilly	(248) 433-3148 <i>lstotland@vescooil.com</i>	12/7/2015	3/13/2016
White 964 N. Adams	Paige	(248) 840-7684 <i>paigewhite16@yahoo.com</i>	2/9/2015 Student Representative	12/31/2015
Wiebrecht 1714 Torry	William	(248) 703-6503 <i>billwiebrecht@wowway.com</i>	10/14/1991	3/13/2018



MEMORANDUM

Department of Public Services

DATE: December 28, 2015

TO: Parks and Recreation Board Members

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Capital Projects for 2016-2017 - Proposed

As part of the budget process, the Department of Public Services submits proposed budget requests for the upcoming fiscal years to the City Manager. These are recommended expenditures and may not become part of the final budget. The Capital Improvement Project items for budget years 2016-2017 and 2017-2018 are listed below. These are items over and above regular department operational expenditures.

2016-2017

\$20,000 Park Field Improvements (Pembroke)
\$25,000 Drinking Fountains - Parks
\$25,000 Recycling Containers - Parks
\$50,000 Adams Park Improvements
\$55,000 Benches/Trash receptacles/bike racks for Downtown Streetscape

2017-2018

\$250,000 Rouge River Trail Improvements
\$200,000 Poppleton Park Improvements
\$35,000 Benches/Trash Receptacles Downtown Streetscapes
\$20,000 Field Improvements – Barnum
\$30,000 New Backstops (St. James and Poppleton)

History of Rounds - Calendar Years 2012 - 2015

MONTH	2012			2013			2014			2015		
	Lincoln	Springdale	Total	Lincoln	Springdale	Total	Lincoln	Springdale	Total	Lincoln	Springdale	Total
January	0	0	0	0	0	0	0	0	0	0	0	0
February	0	0	0	0	0	0	0	0	0	0	0	0
March	405	1,572	1,977	0	292	292	0	0	0	0	0	0
April	2,420	2,591	5,011	1,573	2,260	3,833	3,705	652	4,357	3,087	1,713	4,800
May	4,433	4,129	8,562	4,314	3,797	8,111	4,393	3,493	7,886	4,892	4,294	9,186
June	5,206	4,522	9,728	5,774	4,406	10,180	5,330	4,216	9,546	5,556	4,268	9,824
July	4,707	4,651	9,358	5,098	4,286	9,384	5,139	4,636	9,775	5,718	4,557	10,275
August	4,128	4,449	8,577	5,195	4,695	9,890	4,376	4,084	8,460	4,408	4,403	8,811
September	3,145	3,071	6,216	3,019	3,154	6,173	3,074	2,746	5,820	3,411	3,059	6,470
October	796	2,495	3,291	2,795	1,779	4,574	915	2,493	3,408	2,666	908	3,574
November	0	1,104	1,104	576	0	576	33	675	708	1,489	0	1,489
December	0	412	412	53	0	53	0	124	124	514	0	514
TOTALS	25,240	28,996	54,236	28,397	24,669	53,066	26,965	23,119	50,084	31,741	23,202	54,943