

**REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY – APRIL 27, 2016  
7:30 PM  
CITY COMMISSION ROOM  
151 MARTIN STREET, BIRMINGHAM**

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- A. Roll Call
- B. Review and Approval of the Minutes of the regular meeting of **April 13, 2016**
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Courtesy Review
  - 1. **Chesterfield Fire Station, 1600 W. Maple** – Courtesy Review of proposed construction of new fire station.
- F. Unfinished Business – Special Land Use Permit Review
  - 1. **835 – 909 Haynes, Fred Lavery Porsche/Audi** – Request for a Special Land Use Permit Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes to include 909 Haynes to allow an Audi sales facility for a maximum of one year (**Postponed from March 23, 2016**).
- G. Unfinished Business - Final Site Plan Review
  - 1. **835 – 909 Haynes, Fred Lavery Porsche/Audi** – Request for a Special Land Use Permit Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes to include 909 Haynes to allow an Audi sales facility for a maximum of one year (**Postponed from March 23, 2016**).
- H. Rezoning Applications
  - 1. **404 Park Street, Parcel No. 19-25-451-021 (vacant)** – Request to rezone from R2 (Single Family Residential) to TZ1 (Transition Zone).
  - 2. **191 N. Chester (Former First Church of Christ, Scientist)** - Request to rezone from TZ1 (Transition Zone) to TZ3 (Transition Zone). (**Application Withdrawn**)
- I. Final Site Plan Reviews
  - 1. **191 N. Chester (Former First Church of Christ Scientist)** – Request for Preliminary Site Plan approval to add a second floor addition to the existing building. (**Application Withdrawn**)
- J. Meeting Open to the Public for items not on the Agenda
- K. Miscellaneous Business and Communications:
  - a. Communications
  - b. **Administrative Approval** Correspondence
  - c. Draft Agenda for the next Regular Planning Board Meeting (**May 11, 2016**)
  - d. Other Business

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**Notice: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce st. Entrance only.** Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

*Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).*

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- L. Planning Division Action Items
    - a. Staff Report on Previous Requests
    - b. Additional Items from tonight's meeting
  - M. Adjournment

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AGENDA

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, APRIL 13, 2016**

Item	Page
No motions were made.	

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 13, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 13, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Alternate Board Members Lisa Prasad, Daniel Share; Student Representative Colin Cusimano

**Administration:** Matthew Baka, Senior Planner  
Sean Campbell, Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-58-16**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
OF MARCH 23, 2016**

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Williams to approve the Minutes of March 23, 2016 as presented.**

**Motion carried, 5-0.**

**VOICE VOTE**

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

Nays: None

Abstain: Koseck, Lazar

Absent: None

**04-59-16**

**CHAIRPERSON'S COMMENTS (none)**

**04-60-16**

**APPROVAL OF THE AGENDA (no change)**



## **STUDY SESSION**

### **Glazing**

Mr. Baka recalled that the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the intent of the window standards remains in place. The intent of the glazing requirements has been to activate the streets and public spaces of Birmingham by creating an interactive relationship between the pedestrians and the buildings in commercial areas.

Since the last study session an error was discovered in the Zoning Ordinance that has a significant effect on how the existing language is enforced. However, the Planning Division is of the opinion that this clerical error correction would bring the regulations back in line with the original intent of the window standards. This would eliminate the need for creating definitions for primary and secondary facades as discussed at the last study session. It will reduce the amount of glazing required on non-street facing facades and will reduce the number of variance requests, but will still provide glazing on elevations of buildings that face the street. The question is whether the board wants to add more requirements for non-street facing facades.

Board members decided to strike 4.90 WN-01 (C) (e) that states glazing on the ground floor facade shall not be reduced to less than 50% between 1 and 8 ft. above grade. Discussion considered whether glazing should be required on buildings where a public entrance not on the frontage line is in the back. It was thought there must be a minimum of 30% glazing between 1 and 8 ft. above grade.

Mr. Baka agreed to write out the changes for the board to see one more time before this topic goes to a public hearing.

## **DESIGN REVIEW**

### **Outdoor display and storage**

Mr. Baka provided background. He noted that over the past several years, the Planning Board has been holding study sessions aimed at creating standards to add to the Zoning Ordinance that would regulate outdoor displays and storage. They have talked about coming up with a ratio similar to the way the allowable amount of signage is calculated. The square footage of signage is determined by a ratio of 1/1 from the linear footage across the principal building frontage.

Ms. Whipple-Boyce thought it should be required that outdoor display be so many feet away from the entry door.

Ms. Ecker advised that if the board wants all gas stations to come to the Planning Board for outdoor storage review, the ordinance language should specify that as not all existing gas stations currently operate under a Special Land Use Permit ("SLUP").

Other types of establishments would have to get approval from the Design Review Board. The board then discussed at what point display turns into storage. Ms. Ecker defined outdoor display as the placement of any item or items outside of a building for decorative display and that are accessible to the public for the purpose of sale or exhibit. Locked ice and propane containers are therefore outdoor storage as they are not accessible to the public. Board members thought that storage of propane and ice should not be permitted on the front of a building.

Draft language has been written to allow three (3) sq. ft. of display area for each foot of principal building frontage. It was thought that was too much. Consensus was that displays can change without the business having to come back before a board for further review.

Mr. Baka agreed to bring examples next time so the board could see the difference between 1, 2, and 3 sq. ft. of display space for each foot of linear frontage.

**04-63-16**

## **STUDY SESSION**

### **Transitional Zoning TZ-2**

Ms. Ecker recalled that on March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction from the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ-1, TZ-2 and TZ-3 at the next meeting, and to prepare aerial maps for each of the proposed TZ-2 properties to assist the board in understanding the neighborhood context in each case. Charts, maps and aerial photos were included in this month's materials for review by the board.

Ms. Ecker noted that the only difference between TZ-2 and TZ-3 is that TZ-3 allows a veterinarian office and a 1,000 sq. ft. larger commercial space without needing a Special Land Use Permit ("SLUP").

Mr. Williams recalled there were a number of former Commissioners who felt that all of TZ-2 should have SLUPs for permitted uses. He has no idea what the new City Commission wants to do with TZ-2. Personally, he is opposed to a SLUP for everything. He thought the SLUP should only come into play if the uses go beyond what was originally permitted in the underlying zoning. What is developed in TZ-2 is not a significant expansion, but it is a consolidation. All of the properties coming from the categories where it is not a significant expansion would stay as TZ-2. Create a TZ-4, basically three or four properties along Fourteen Mile Rd., and give them SLUPs. In his view a few properties caused TZ-2 to be derailed by the former City Commission. Now the only unknown is what this City Commission wants. He doesn't think the Planning board was that far off in its original presentation to them.

Chairman Clein wondered if TZ-2 should be a bit more restrictive with fewer permitted uses so there is more of a separation between TZ-2 and TZ-3.

Mr. Boyle thought TZ-2 should be simplified so there is the intent of having a modest amount of mixed uses with some commercial activity, and there are not lots of regulations which is what a SLUP is. Discussion concerned making health club a SLUP use because of the need for parking, and its effect on the neighborhood. Mr. Williams suggested making anything a SLUP that impinges on the neighborhood in terms of its demands. Leave many of the uses the way they are because they are not that controversial.

Ms. Whipple-Boyce felt differently. She wanted to take some of the SLUP uses and put them into permitted uses because she thinks the whole idea is to activate the buildings and get small business owners into the spaces. She feels the board went wrong by taking some of the permitted uses away, and they have become too restrictive with what is being proposed for TZ-2. Mr. Jeffares thought that once you restrict the uses you will end up with empty stores.

Mr. Williams recalled that back in history the board took out some of the most objectionable uses. Their mistake was that they didn't report on that to the City Commission as part of this package. Now when they go forward to the Commission they have to go back and tell the whole story because the Commission needs to understand the original charge years ago and what has happened since. Mr. Boyle added that in the joint session it behooves this board to be very clear about what it wants and not apologize.

Ms. Whipple-Boyce thought there could be a way to clean up the uses so there is a better distinction between TZ-2 and TZ-3. Mr. Boyle said that understanding the long history is important along with presenting it in a logical simplified way to the Commission.

The group's consensus was to remove from TZ-2 drycleaner, grocery store, delicatessen, parking structure; make health club a SLUP; move coffee shop and bakery up from uses requiring a SLUP to permitted uses. All TZ-2 requirements kick in upon a change in use. A 3,000 sq. ft. limitation applies to permitted uses. Larger permitted uses require a SLUP.

It was agreed to look at the revised list of uses and start talking about them at the next study session.

**04-64-16**

## **MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Mr. Harvey Salizar, 564 Purdy, said the City Commission is looking to the Planning Board for direction and this issue goes back and forth and nothing has been accomplished because no one wants to take the responsibility to make a move. Let's get something done. Mr. Williams countered that the Planning Board did approve TZ-1,

TZ-2, and TZ-3 and sent them to the City Commission. Chairman Clein noted that good planning takes time and this is a complicated issue.

**04-65-16**

## **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications (none)

b. Administrative Approval Correspondence

- 1800 W. Maple Rd., Lutheran Church of the Redeemer - Replace the existing wood privacy fence along the east, north, and west side of the property.
- 300 Strathmore Rd., communication facility - AT&T swapped out three existing antennas on their existing communication monopole.
- Phase II of the District Lofts - Ms. Ecker reported they want to add landscaping and trees and vegetation to the walkway between Phase 1 and Phase 2. Everyone was in favor of granting administrative approval.
- 2400 E. Lincoln - The applicant was told that they could not use combustible material above 40 ft. Therefore, they want to replace that with fire retardant treated wood. Board members thought whatever wood is chosen should all have the same finish and color so it looks the same. Some of the other things the applicant is proposing are:
  - to add new vents;
  - change the rhythm of windows, still meeting the glazing requirement;
  - switch to inoperable windows at the bottom;
  - add mechanical screening;
  - place two columns to hold up the canopy, rather than having it totally supported by the building;
  - on the assisted living side, change to more and smaller condenser units so each room has its own controls; and
  - on the opposite side of the memory care they are going with bigger units.

All were in agreement with the proposed changes, with the condition that all of the wood used should have the same finish and color.

**04-66-16**

c. Draft Agenda for the Regular Planning Board Meeting on April 27, 2016

- 404 Park, rezoning to TZ-1;
- 191 Chester, First Church of Christ Scientist, Site Plan Review and rezoning from TZ-1 to TZ-3;

- 835-909 Haynes, Fred Lavery request for SLUP;
- Fire Station, Courtesy Site Plan Review.

Mr. Williams thought with respect to the Fire Station the one important issue that needs to be addressed is this huge, highly congested facility on half of the property that is so close to residential.

d. Other Business

Ms. Ecker reported that five bistro applications were submitted and reviewed by the City Commission at their last meeting. None were selected to move forward.

**04-67-16**

**PLANNING DIVISION ACTION ITEMS**

- a. Staff report on previous requests (none)
- b. Additional items from tonight's meeting (none)

**04-68-16**

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 10 p.m.

Jana Ecker  
Planning Director

AGENDA

# CHESTERFIELD FIRE STATION

1600 WEST MAPLE ROAD  
BIRMINGHAM, MICHIGAN

SITE PLAN APPROVAL

Client:  
CITY OF BIRMINGHAM

Project:  
CHESTERFIELD  
FIRE STATION

Seal:

Date Issued For  
01/20/16 OWNER REVIEW  
01/22/16 SPA REVIEW  
04/22/16 SPA REVIEW

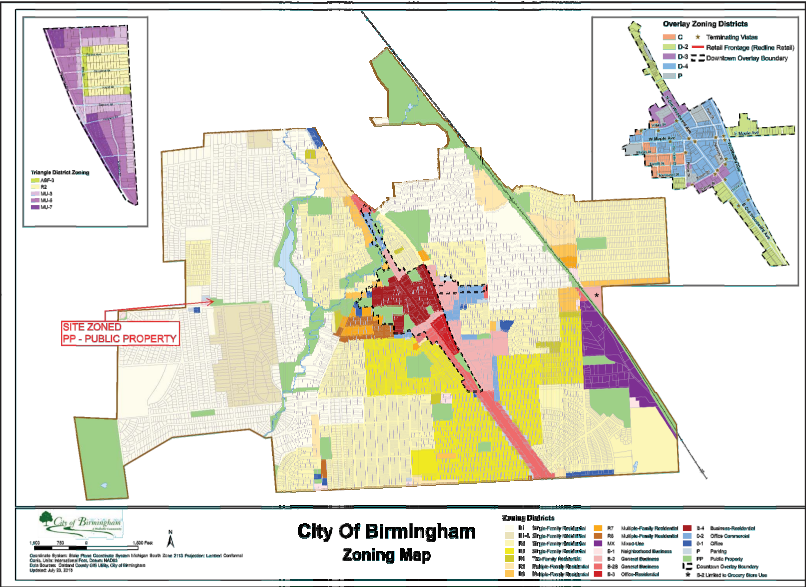
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Checked: CL  
Approved: SP

Sheet Title:  
COVER SHEET

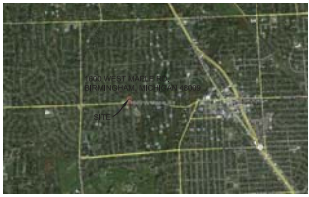
Project Number: 15566

Sheet Number: CS-001

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SHEET INDEX			
NO.	SHEET TITLE	DATE	BY
GENERAL			
CS-001	COVER SHEET	04/22/16	SIDOCK GROUP
CIVIL			
TS-001	TOPOGRAPHIC SURVEY	09/22/15	NOWAK & FRALS
C-000	CIVIL GENERAL NOTES & LEGENDS	04/22/16	SIDOCK GROUP
	CONCEPTUAL PERSPECTIVES (SHEETS 1-4)	04/22/16	SIDOCK GROUP
C-101	DEMOLITION PLAN	04/22/16	SIDOCK GROUP
C-200	PROPOSED SITE PLAN	04/22/16	SIDOCK GROUP
C-300	DETAILS - SITE	04/22/16	SIDOCK GROUP
ARCHITECTURAL			
A-210	FLOOR PLAN	04/22/16	SIDOCK GROUP
A-301	EXTERIOR ELEVATIONS	04/22/16	SIDOCK GROUP
A-302	CONCEPTUAL PERSPECTIVES	04/22/16	SIDOCK GROUP
A-303	AERIAL PERSPECTIVES	04/22/16	SIDOCK GROUP



 SITE LOCATION MAP  
SCALE: NO SCALE

ENGINEER

C. LEACH, P.E.  
43155 MAIN STREET, SUITE 2306  
NOVI, MICHIGAN 48375  
cleach@sidockgroup.com



**Sidock Group, Inc.**  
ENGINEERS • ARCHITECTS • CONSULTANTS • PROJECT MANAGERS

SCALE: 1" = 20'

20 10 0 10 20 30

NFE JOB NO. **I757**

SHEET NO. **TS-001**







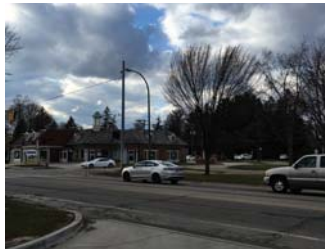


## Birmingham Fire Station Chesterfield Branch

1600 West Maple Road  
Birmingham, Michigan



Existing Site Condition



### Site Data

- Site Address 1600 W Maple Road
- Current Zoning/ Use B- Business
- Adjacent Zoning PP/ P/ B-1

### Building Height

Main Level	16'
Garage	24'
Mezzanine	29' 6"
Parapet (Flag)	31'

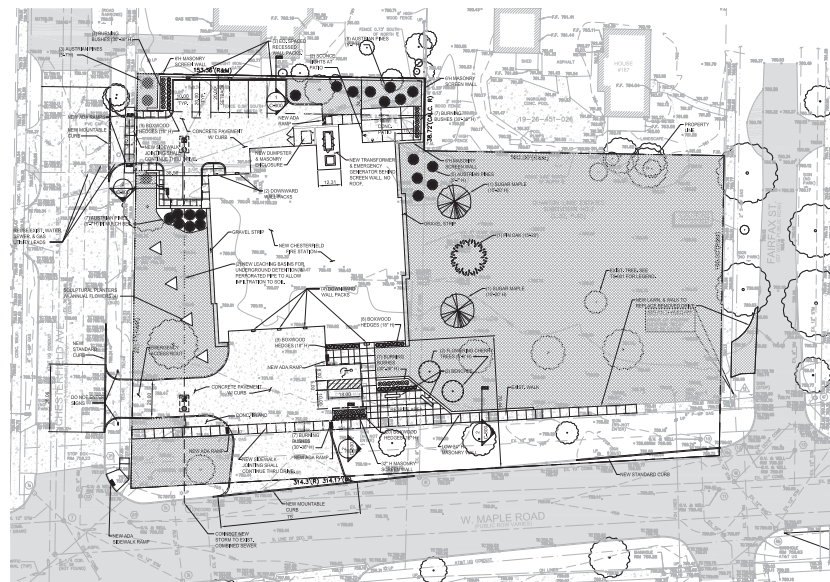
### Building Use Data

Level		Parking
Main Level	9675 SF	12 Spaces
Mezzanine	1220 SF	

### Glazing Data

Elevation Main Level (70% Min) Above 8' (50% Max)

North	2.74%	9.52%
South	14.51%	5.53%
East	8.47%	14.06%
West	22.13%	40%



Site



Site Location

Site & Project Data

SIDOCK GROUP  
ARCHITECTS

43155 Main Street, Suite 2306, Novi, MI 48375



Birmingham Fire Station  
Chesterfield Branch

1600 West Maple Road  
Birmingham, Michigan



*West Maple Rd and Chesterfield Ave  
Facing South*



*West Maple Rd between  
Chesterfield Ave and Fairfax St  
Facing West*

SIDOCK GROUP  
ARCHITECTS

43155 Main Street, Suite 2306, Novi, MI 48375

Birmingham Fire Station  
Chesterfield Branch

1600 West Maple Road  
Birmingham, Michigan



*West Maple Rd between  
Chesterfield Ave and Fairfax St  
Facing North*



*West Maple Rd and Chesterfield Ave  
Facing North*

SIDOCK GROUP  
ARCHITECTS

43155 Main Street, Suite 2306, Novi, MI 48375



Birmingham Fire Station  
Chesterfield Branch

1600 West Maple Road  
Birmingham, Michigan



*West Maple Rd and Chesterfield Ave  
Facing East*



*West Maple Rd,  
West of Chesterfield Ave  
Facing North*

SIDOCK GROUP  
ARCHITECTS

43155 Main Street, Suite 2306, Novi, MI 48375



Design Studio  
43155 Main Street, Suite 2306  
New Milford, CT 06857

[www.sldockarchitects.com](http://www.sldockarchitects.com)

Key Plan: No Scale

Project:  
**CHESTERFIELD  
FIRE STATION**

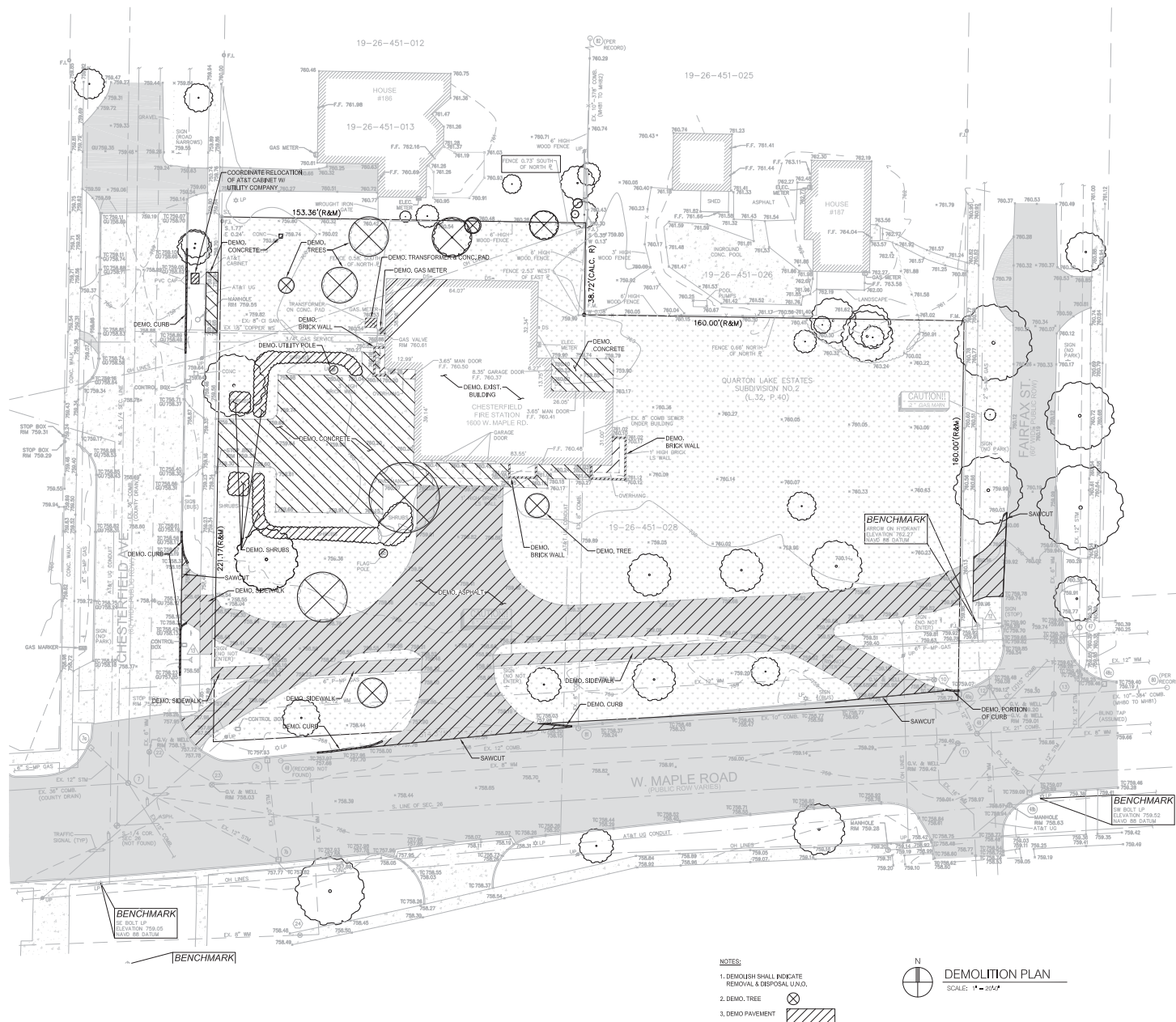
Seal:

Date	Issued For
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW
04/22/16	SPA REVIEW
Drawn:	SJ
Checked:	CL
Approved:	SP

Sheet Title:  
**DEMOLITION PLAN**







Project Number: 15566

Sheet Number: C-101



PROPERTY IS CURRENTLY ZONED PUBLIC PROPERTY (PP). THE EXISTING AND PROPOSED USE IS ESSENTIAL SERVICES (ES), AND AS OUTLINED IN ARTICLE 04, 4.09 ES-01 IS EXEMPT FROM THE ZONING ORDINANCE. THE TABLE BELOW REFLECTS THE STANDARDS OF THE NEIGHBORHOOD BUSINESS (B1) AS A REFERENCE FOR REVIEW.

LANDSCAPING SCHEDULE

SYMBOL	SPECIES	QUANTITY	MATURE SIZE
	BOXWOOD HEDGE	48	18" HIGH
	AUSTRIAN PINE	23	5-7' HIGH
	FLOWERING CHERRY	2	6'-8' HIGH
	SUGAR MAPLE	2	15'-20' HIGH
	PIN OAK	1	15'-20' HIGH
	BURNING BUSH - (SHRUB FORM)	28	30'-38" HIGH



PROPOSED SITE PLAN  
SCALE: 1" = 20'



Design Studio  
43155 Main Street, Suite 2306  
Novi, Michigan 48375

[www.sjdockarchitects.com](http://www.sjdockarchitects.com)

Key Plan: No Scale

Client:  
CITY OF BIRMINGHAM

Project:  
**CHESTERFIELD  
FIRE STATION**

Seal:

Date	Issued For
10/12/15	OWNER REVIEW
10/14/15	OWNER REVIEW
10/27/15	OWNER REVIEW
11/13/15	OWNER REVIEW
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW
03/11/16	OWNER REVIEW
03/23/16	OWNER REVIEW
04/04/16	OWNER REVIEW
04/13/16	OWNER REVIEW
04/22/16	SPA REVIEW

Drawn:	CL
Checked:	CL
Approved:	SP

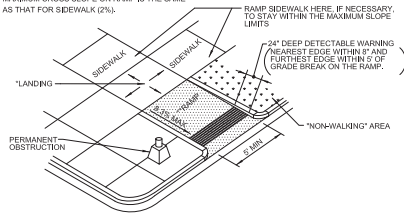
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**PROPOSED SITE  
PLAN**

Project Number: 15566

Sheet Number: C-200

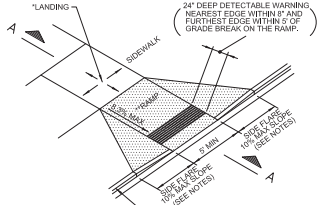


\* MAXIMUM LANDING SLOPE IN ANY DIRECTION IS 2% MINIMUM LANDING DIMENSIONS 5' X 5'.  
 \*\* MAXIMUM CROSS SLOPE ON RAMP IS THE SAME AS THAT FOR SIDEWALK (2%).

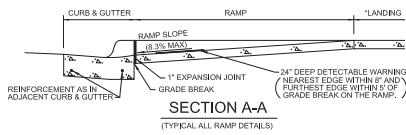


**SIDEWALK RAMP TYPE R**  
 (ROLLED SIDES)

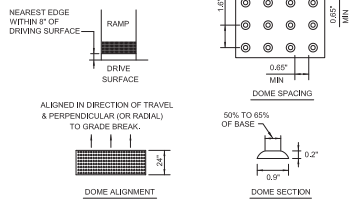
\* MAXIMUM LANDING SLOPE IN ANY DIRECTION IS 2% MINIMUM LANDING DIMENSIONS 5' X 5'.  
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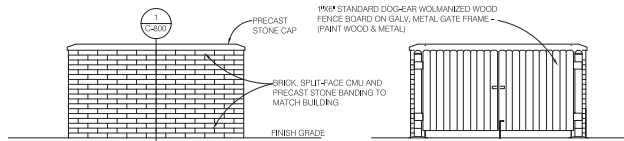
**SIDEWALK RAMP TYPE F**  
 (FLARED SIDES, TWO RAMPS SHOWN)



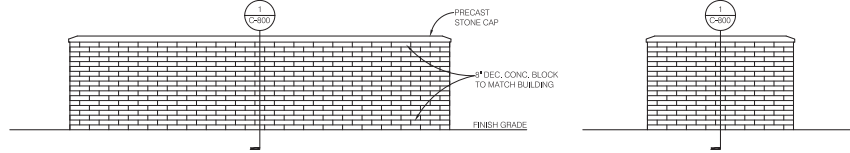
**SECTION A-A**  
 (TYPICAL ALL RAMP DETAILS)



**DETECTABLE WARNING DETAILS**



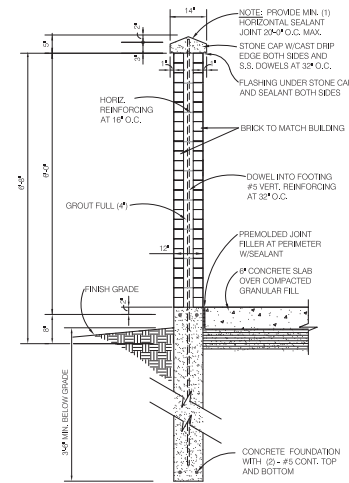
**ELEVATIONS AT DUMPSTER ENCLOSURE**  
 SCALE: 1/4" = 1'-0"



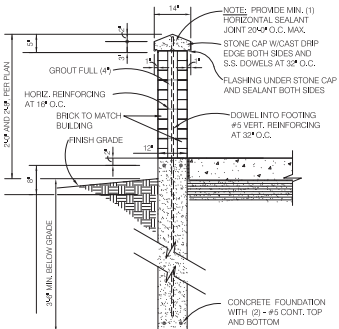
**ELEVATIONS AT GENERATOR SCREEN WALL**  
 SCALE: 1/4" = 1'-0"

## PAINT COLORS

Applications	Description	Vendors
Parking Meter Posts and Handicap Flag Holder, Handrails, Traffic Control Sign Backs, Pedestrian and Fall Streetlights, Bicycle Racks	"John W. Hunter" Green Dupont Chromaline Paint. Various patterns, textures, and reducers are required.	John's Automotive Paint Supply
Streetlights, Sign Posts, Traffic Controllers, Irrigation Cabinets, and Pedestrian Crossing	Sherrin Williams Industrial & Marine Protective Coating, Color 050672	Sherrin Williams of Royal Oak
Benches and Waste Receptacles supplied by Michigan Playground Equipment and Traffic Signal	Sherrin Williams Powder Resin Coating, Product #P258-S051, Park Bench Green	Vendor is Sherrin Williams of Royal Oak
Wooden Objects, including Park Benches and Picnic Tables, and Plastic Housing for Pedestrian Crossing Signals	Cometrols Green Oil Product 31, 135 "Birmingham Green" Paint. Krylon Fusion Hunter Green. This product bonds to plastic without sanding or priming.	Telecolorators Haggenmeyer Hardware



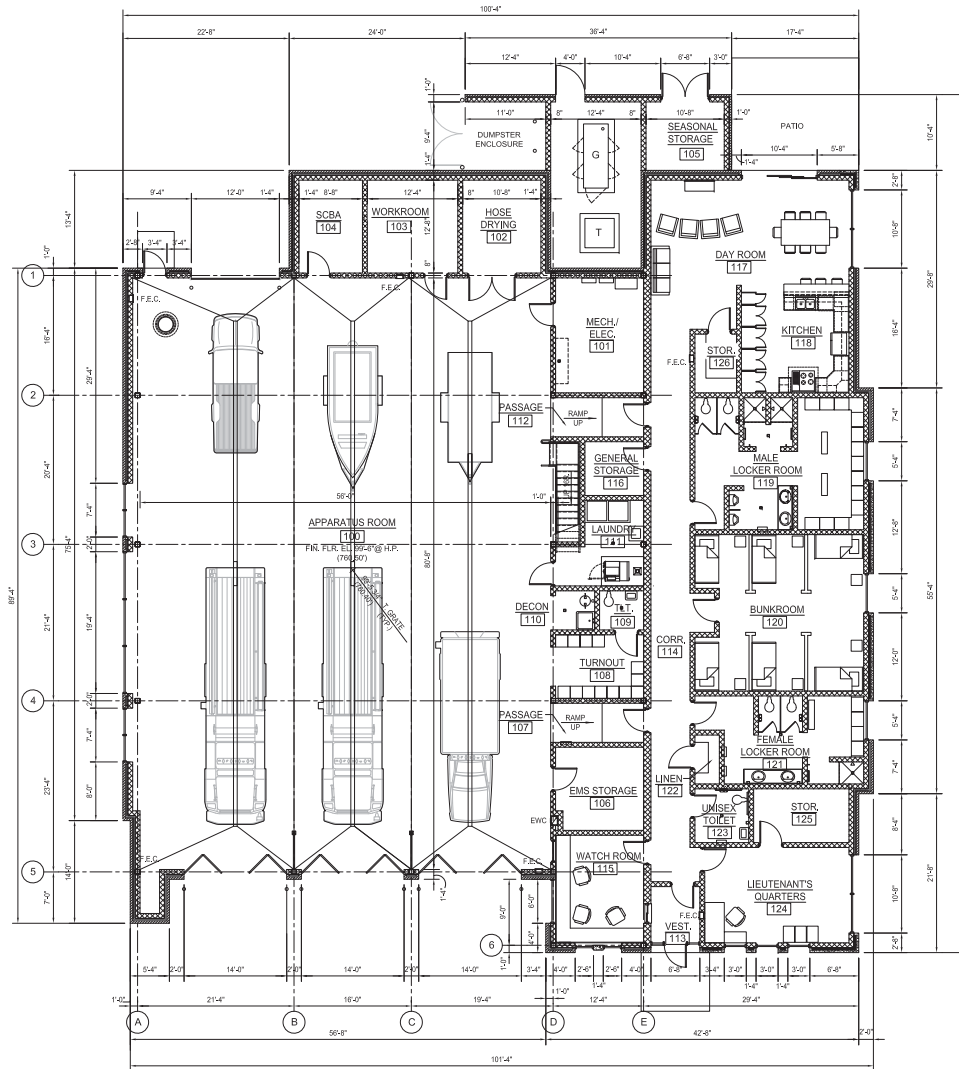
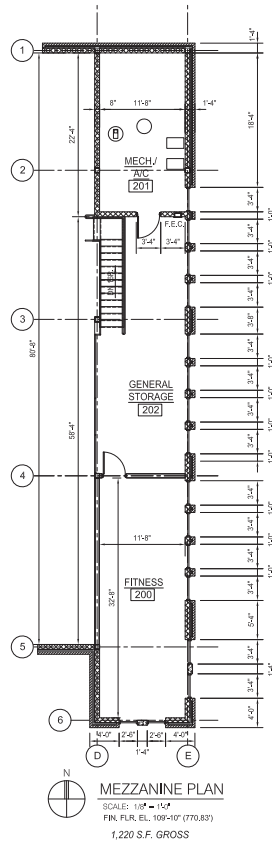
**TYP. SECTION THRU 6'-0" BRICK WALL / DUMPSTER ENCLOSURE**  
 SCALE: 3/4" = 1'-0"



**TYP. SECTION THRU 24" AND 32" BRICK WALL**  
 SCALE: 1/4" = 1'-0"



**BENCH SSPL**  
 • BENCH SLATS FOR VENTA COURTESY  
 • ALSO INCLUDES 2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2829-2830-2831-2832-2833-2834-2835-2836-2837-2838-2839-2840-2841-2842-2843-2844-2845-2846-2847-2848-2849-2850-2851-2852-2853-2854-2855-2856-2857-2858-2859-2860-2861-2862-2863-2864-2865-2866-2867-2868-2869-2870-2871-2872-2873-2874-2875-2876-2877-2878-2879-2880-2881-2882-2883-2884-2885-2886-2887-2888-2889-2890-2891-2892-2893-2894-2895-2896-2897-2898-2899-2900-2901-2902-2903-2904-2905-2906-2907-2908-2909-2910-2911-2912-2913-2914-2915-2916-2917-2918-2919-2920-2921-2922-2923-2924-2925-2926-2927-2928-2929-2930-2931-2932-2933-2934-2935-2936-2937-2938-2939-2940-2941-2942-2943-2944-2945-2946-2947-2948-2949-2950-2951-2952-2953-2954-2955-2956-2957-2958-2959-2960-2961-2962-2963-2964-2965-2966-2967-2968-2969-2970-2971-2972-2973-2974-2975-2976-2977-2978-2979-2980-2981-2982-2983-2984-2985-2986-2987-2988-2989-2990-2991-2992-2993-2994-2995-2996-2997-2998-2999-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APPARATUS AREA  
 FIN. FLR. EL. 99'-0" (760.50)



**FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 9,921 S.F. GROSS

LIVING QUARTERS  
 FIN. FLR. EL. 100'-0" (761.00)





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Key Plan: No Scale

Client:  
**CITY OF BIRMINGHAM**

Project:  
**CHESTERFIELD  
FIRE STATION**

Seal:

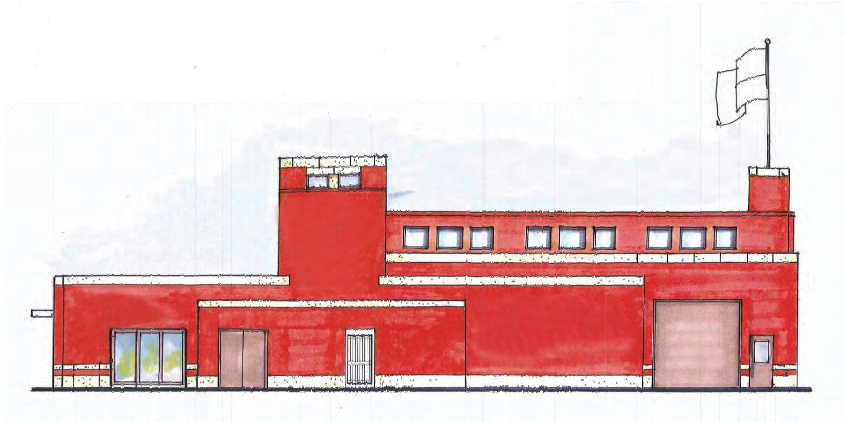
Date	Issued For
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW
03/11/16	OWNER REVIEW
04/22/16	SPA REVIEW

Drawn:	R. MIU
Checked:	S. PETERSON
Approved:	S. PETERSON

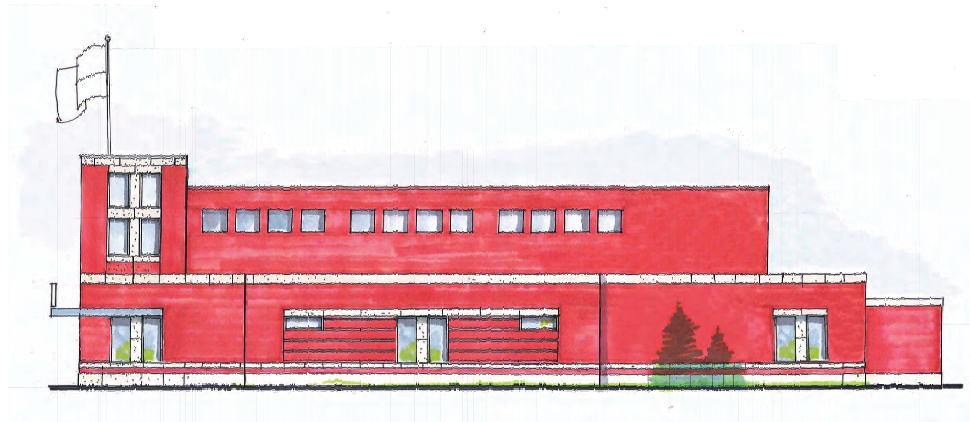
Sheet Title:  
**EXTERIOR  
ELEVATIONS**

Project Number: 15566

Sheet Number: **A-301**



**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



Project:  
**CHESTERFIELD  
FIRE STATION**

Seal:

Date	Issued For
04/22/16	SPA REVIEW

Drawn:	R. MIP
Checked:	S. PETERSON
Approved:	S. PETERSON

Sheet Title:  
**CONCEPTUAL  
PERSPECTIVES**

Project Number: 15566

Sheet Number: **A-302**



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Key Plan: No Scale

Client:  
**CITY OF BIRMINGHAM**

Project:  
**CHESTERFIELD**  
**FIRE STATION**

Seal:

Date	Issued For
04/22/16	SPA REVIEW

Drawn:	R. MIJALJEVIC
Checked:	S. PETERSON
Approved:	S. PETERSON

Sheet Title:  
**AERIAL**  
**PERSPECTIVES**

Project Number: 15566

Sheet Number: **A-303**



## MEMORANDUM

Planning Department

**DATE:** April 21, 2016

**TO:** Planning Board

**FROM:** Matthew Baka, Senior Planner

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

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### Executive Summary

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

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

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

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

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



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

## 1.0 Land Use and Zoning

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

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

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

## 2.0 Screening and Landscaping

- 2.1 Screening –All parking facilities must be screened in accordance with Article 4, section 4.53 of the Zoning Ordinance. A minimum 32" masonry screen wall is required. However, the Planning Board may permit landscaping as an alternative if it is determined that a permanent visual barrier is provided. The applicant is proposing to utilize the existing landscaping along the front property line as screening. [At the March 23, 2016 Planning Board meeting it was determined that the existing landscaping did not provide a permanent visual barrier as required. The applicant is now proposing to plant twenty-four \(24\) 32" high Box](#)

Yews along the front of the parking lot to provide a permanent visual barrier as required. A row of Yews are also proposed to be planted at the northwest corner of the site to screen the parking lot in that area.

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

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

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

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

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

### 3.0 Parking, Loading, Access, and Circulation

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

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

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

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

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

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

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

#### 4.0 Lighting

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

#### 5.0 Departmental Reports

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

#### 6.0 Design Review

##### Facade

No changes to the façade are proposed.

#### 7.0 Signage Review

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



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

## **8.0 Birmingham Triangle District**

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

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

## **9.0 Approval Criteria for Final Site Plan**

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

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

## **10.0 Approval Criteria for Special Land Use Permits**

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

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

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

### 11.0 Suggested Action

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

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

### 12.0 Sample Motion Language

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

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

OR

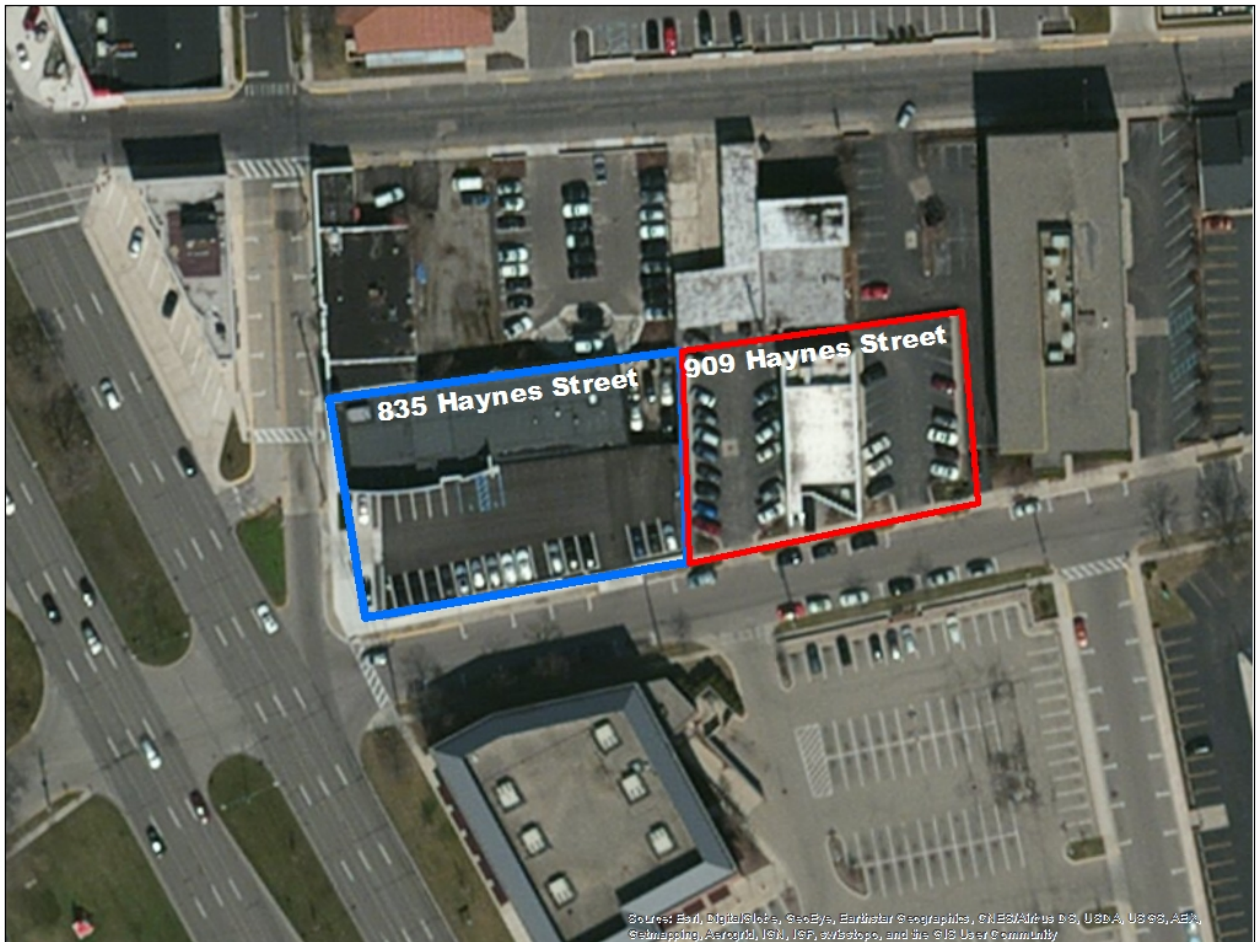
Motion to recommend DENIAL of the Final Site Plan and SLUP amendment to the City Commission for Lavery Porsche at 835 & 909 Haynes for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

OR

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

Aerial Image of 909 Haynes Street, Birmingham, MI 48009



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



LOOKING WEST ON HAYNES ST.



VIEW FROM HAYNES ST.

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







**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 22, 2010  
Commission Chamber, City Hall  
151 Martin Street, Birmingham, Michigan  
09-170-10**

**SPECIAL LAND USE PERMIT (“SLUP”) REVIEW  
835 Haynes St., Porsche Showroom and Sales  
Request approval of a SLUP to allow an automobile sales agency in an existing building**

**FINAL SITE PLAN REVIEW**

### **835 Haynes St., Porsche Showroom and Sales**

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

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

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

The materials board was passed around for viewing.

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

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

The Porsche name letter sign will be internally lit with 15mm red neon lamps.  
The Fred Lavery name letter sign will be halo backlit with 15mm white neon tubes.  
The Porsche ground sign is proposed to be internally backlit with fluorescent tubes.

Mr. Robert Ziegelman, Luckenbach Ziegelman Architects, PLLC, was present with Messrs. Lavery and Lavery; Mr. Pat Taylor from his office; along with Mr. Mark Daringowski, representing Porsche Cars North America. Mr. Ziegelman indicated they are not touching the footprint of the building. Mr. Koseck observed that floor plans would help to understand why the entry points are where they are.

Ms. Lazar arrived at this time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

**Motion by Mr. Williams**

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

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

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

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

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

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

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

**Motion failed, 3-3.**

**VOICE VOTE**

Yeas: Williams, Clein, Boyle

Nays: Koseck, Lazar, Whipple-Boyce

Absent: DeWeese

**Motion by Ms. Whipple-Boyce**

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

- 1) The applicant adds a canopy tree to each of the two landscaped areas;**

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

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

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

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

**Motion carried, 5-1.**

VOICE VOTE

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

Nays: Koseck

Absent: DeWeese

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

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

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

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

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

**03-52-16**

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

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

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

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

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

Auto sales agencies require a SLUP to operate in the B-2 District. The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP Amendment and approval from the City

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

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

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

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

#### *Design Review*

No changes to the facade are proposed.

#### *Signage Review*

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

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

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

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

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

**Motion by Mr. Williams**

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

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

**Motion carried, 6-0.**

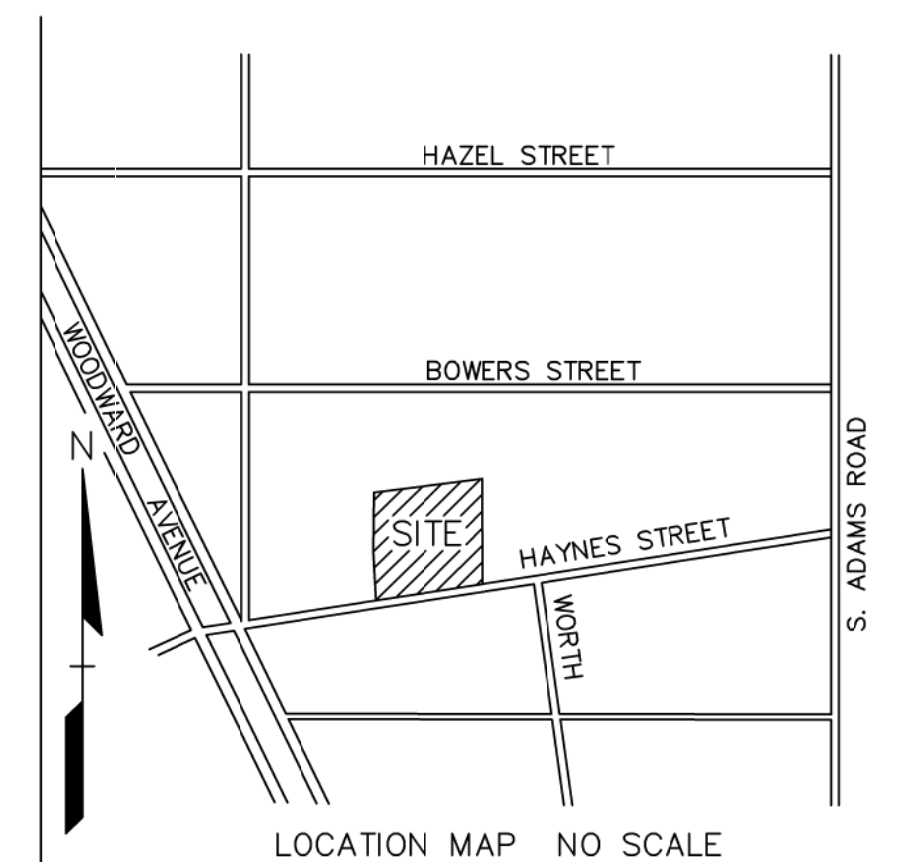
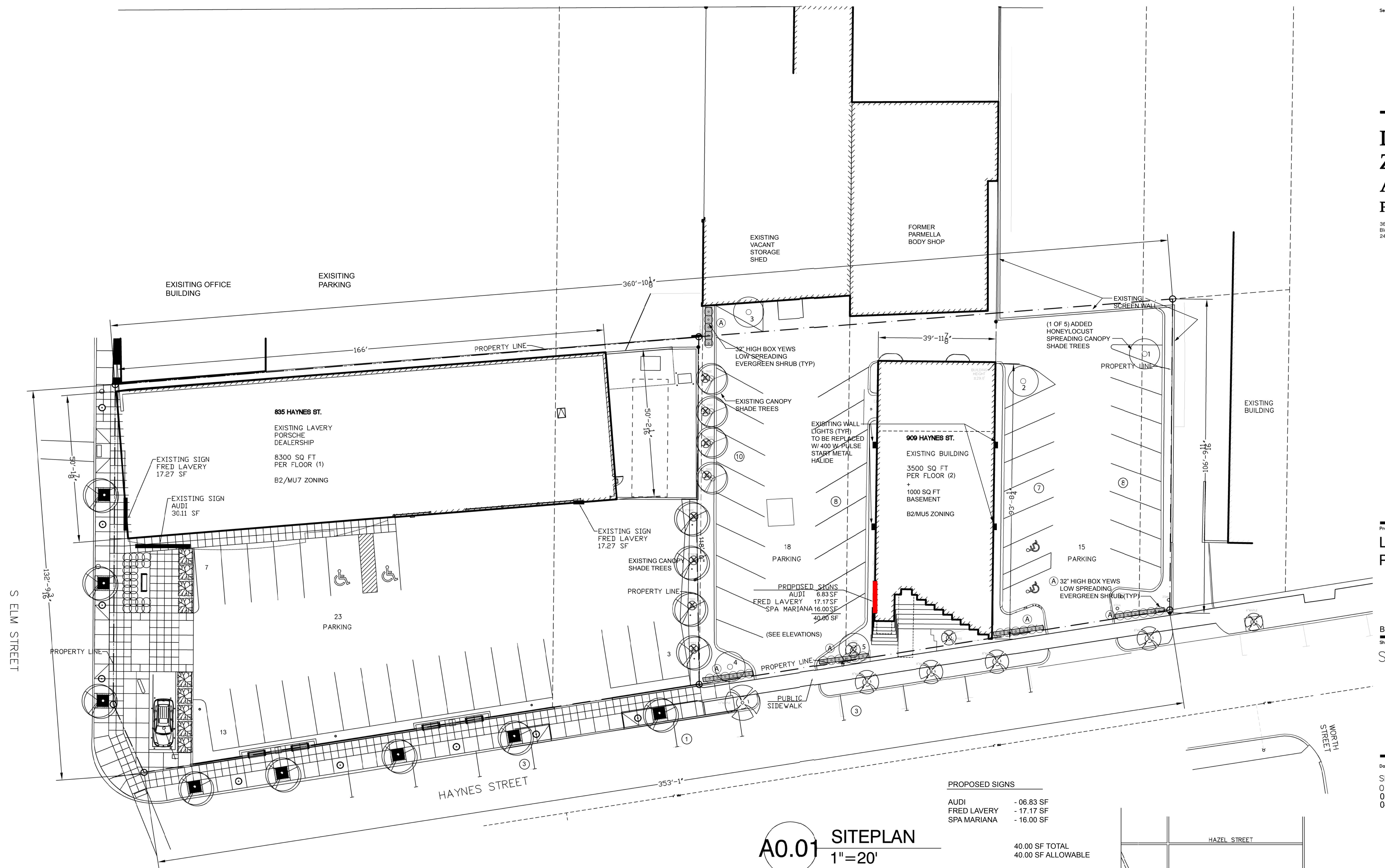
**VOICE VOTE**

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

Nays: None

Absent: Clein, Koseck, Lazar





PROPOSED SIGNS	
AUDI	- 06.83 SF
FRED LAVERY	- 17.17 SF
SPA MARIANA	- 16.00 SF
	40.00 SF TOTAL
	40.00 SF ALLOWABLE

**TOTAL SITE AREA**

45,000 TOTAL SQ FT

**REQUIRED PARKING**

EXISTING LAVERY  
PORSCHÉ - 25 SPACES REQUIRED  
3500 SF / 300 SF - 12 SPACES PROVIDED

909 HAYNES  
3500 SF / 300 SF - 12 SPACES REQUIRED  
AUDI SALES OFF - 18 SPACES PROVIDED

3500 SF / 300 SF - 12 SPACES REQUIRED  
SPA MARIANA - 18 SPACES PROVIDED

TOTAL REQ'D - 49 SPACES  
TOTAL PROVIDED - 63 SPACES

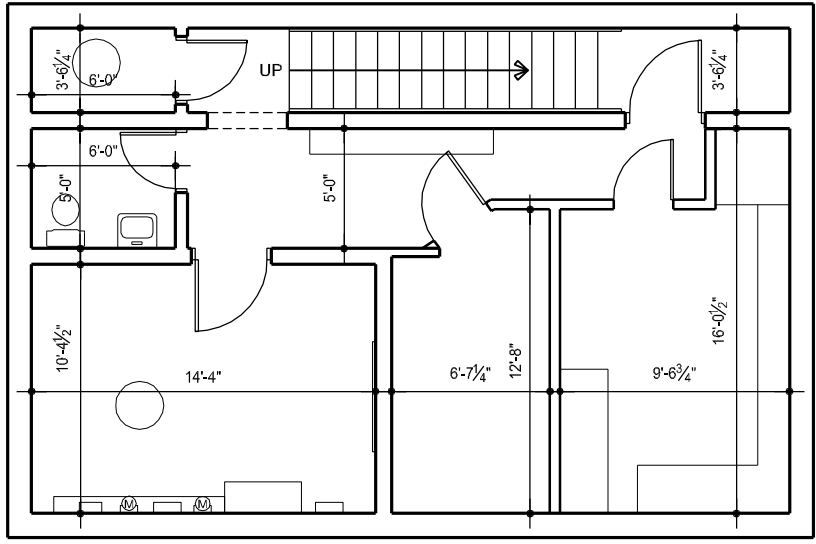






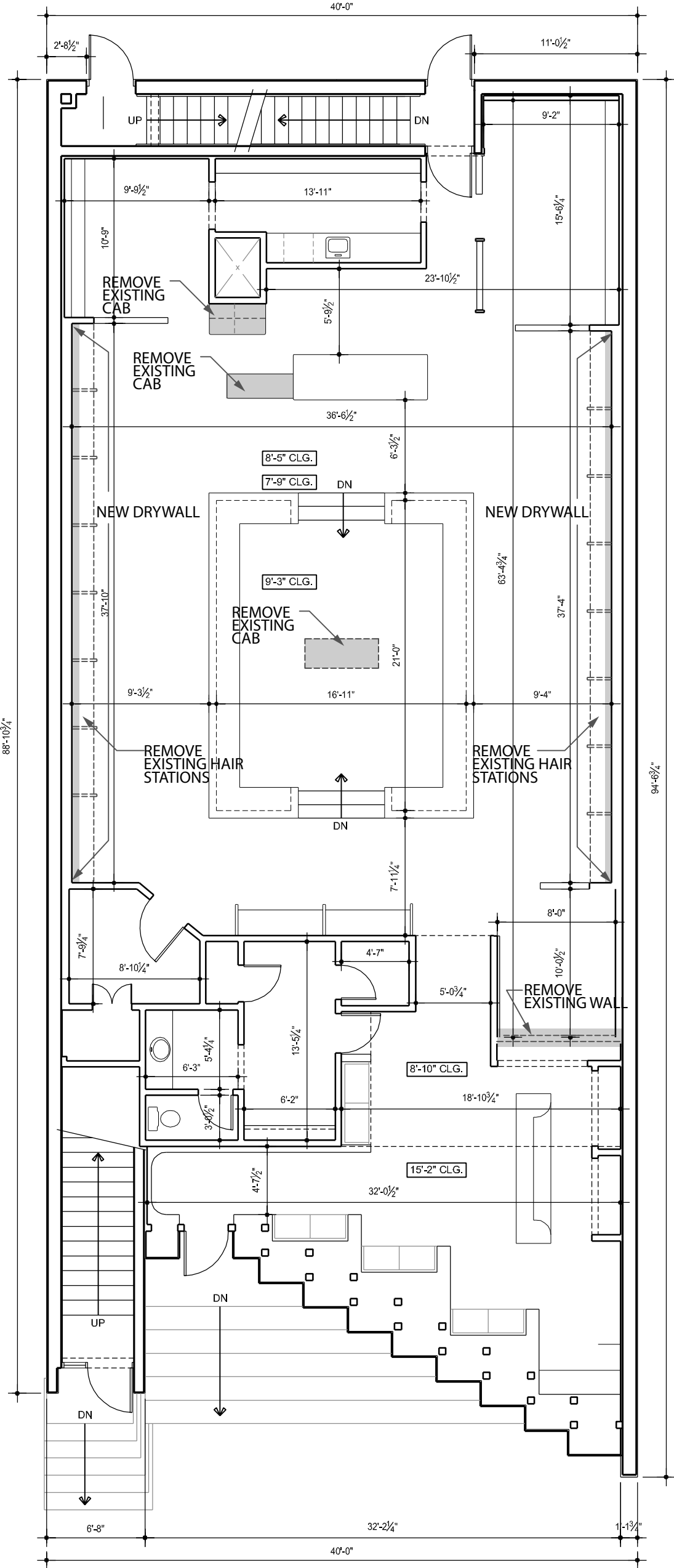






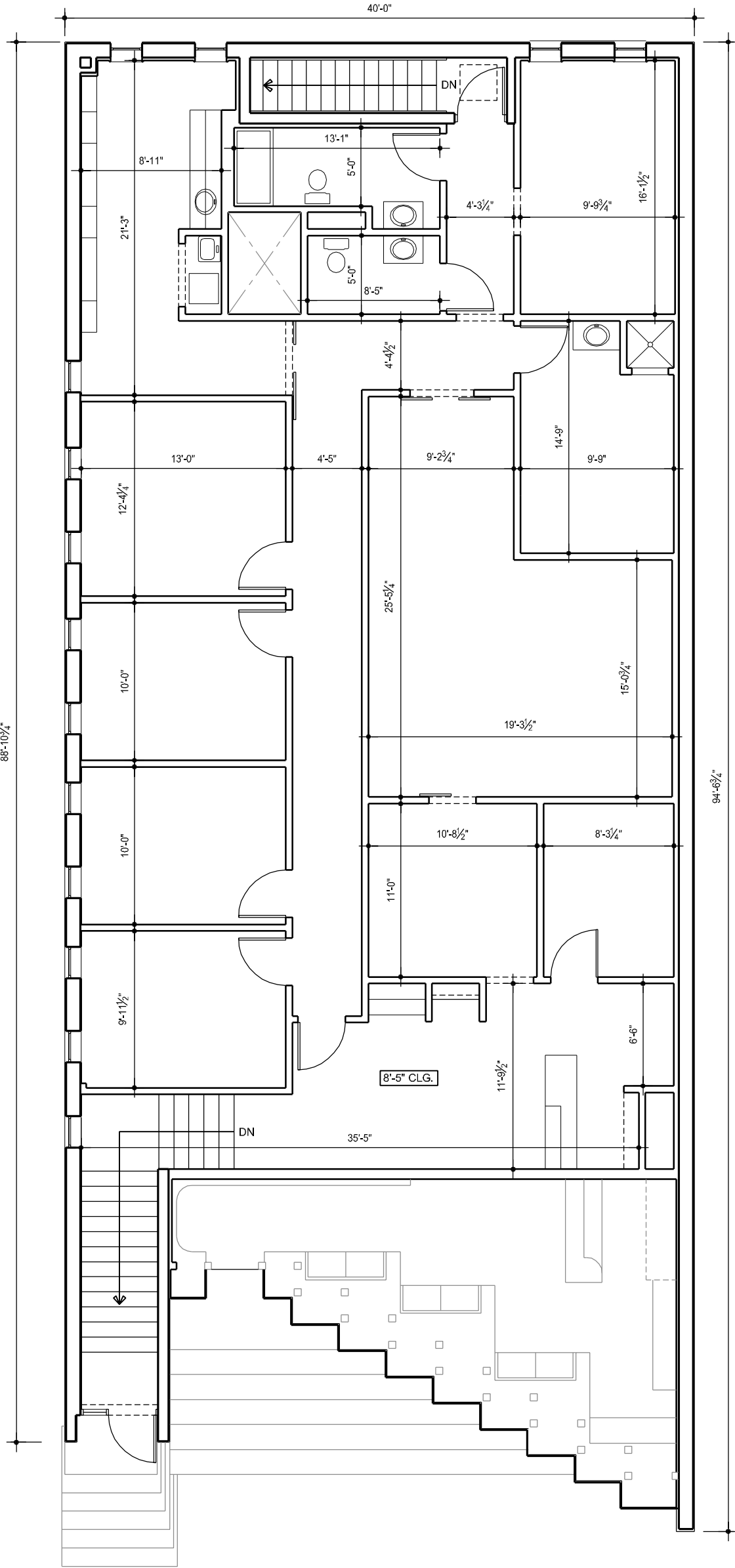
909-911 Haynes St - Basement Floor Plan

Date: 2-25-14 Scale: 1/8" = 1'-0"



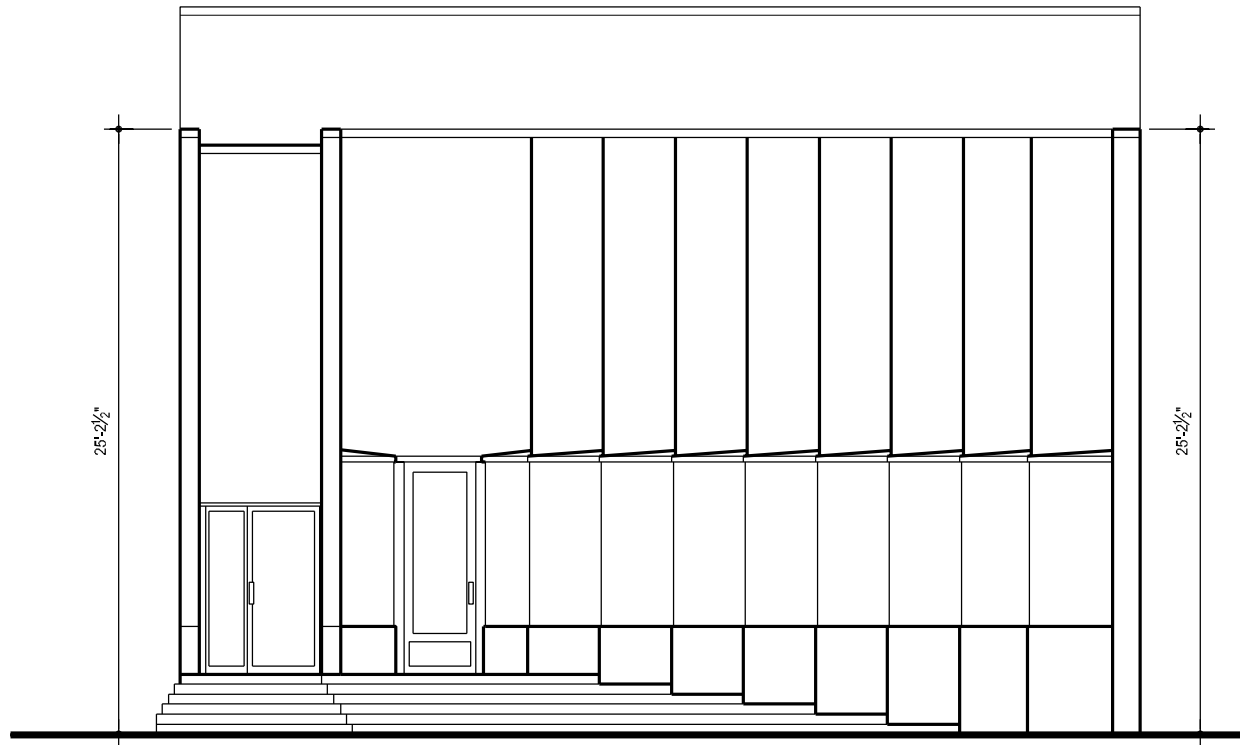
Demolition - First Floor Plan

Date: 2-25-14 Scale: 1/8" = 1'-0"



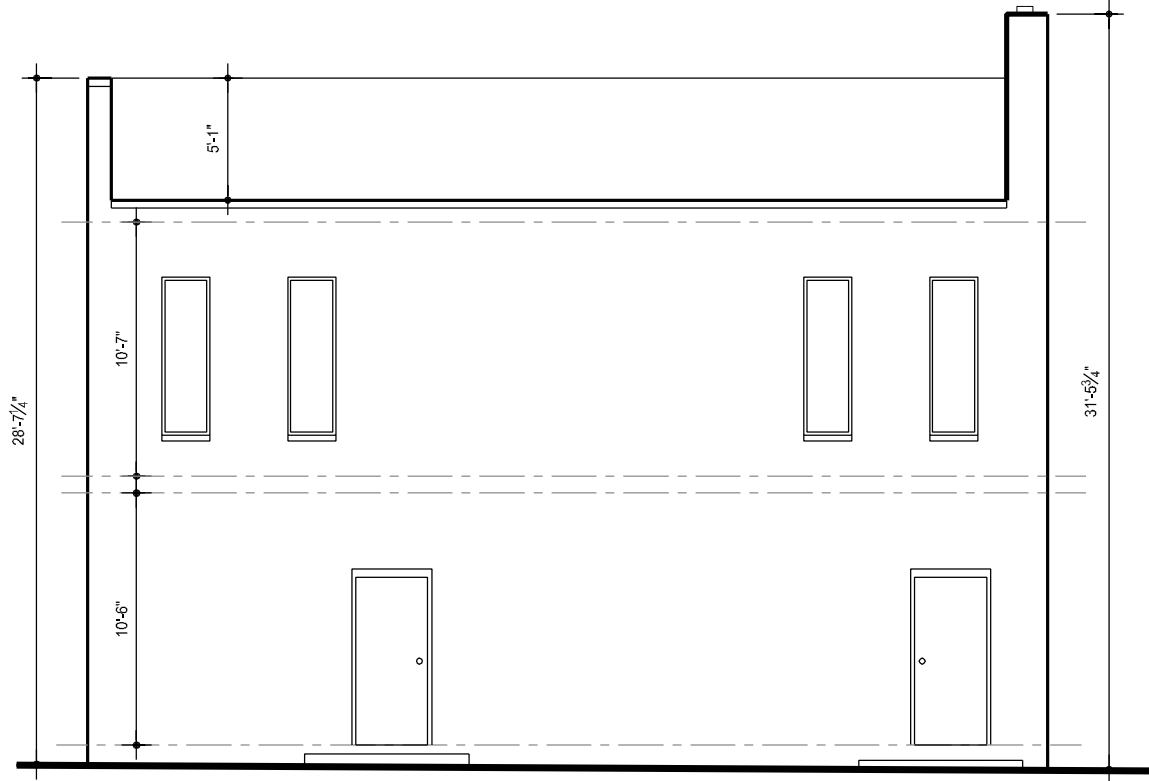
909-911 Haynes St - Second Floor Plan Existing

Date: 2-25-14 Scale: 1/8" = 1'-0"



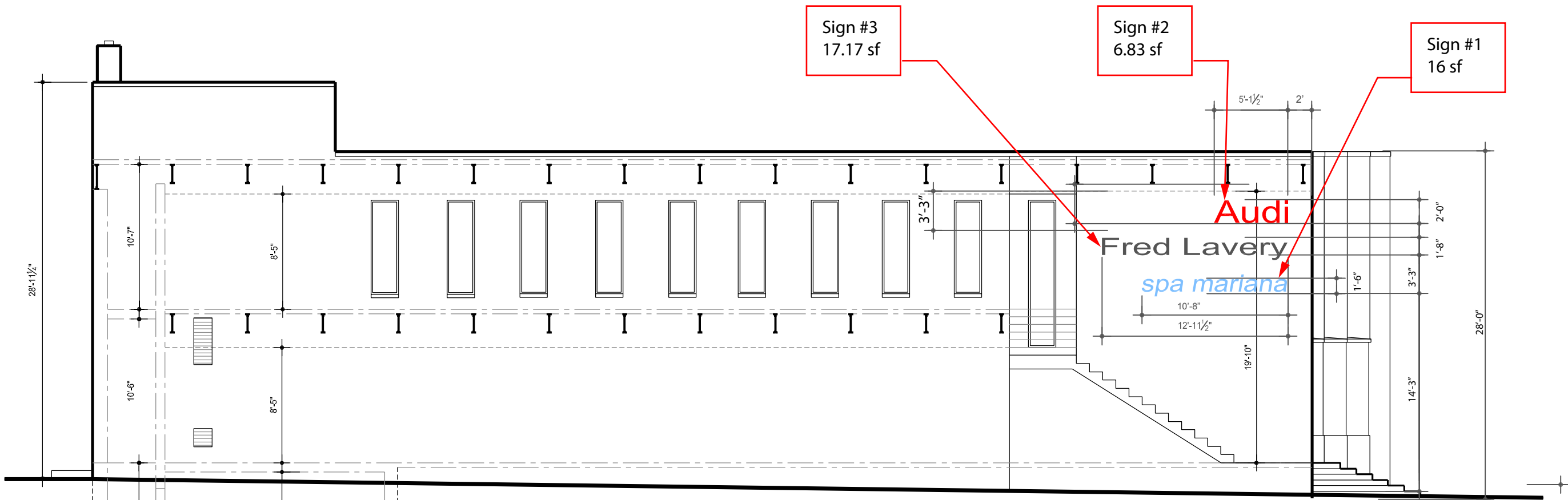
909-911 Haynes St - Front Elevation

Date: 2-25-14 Scale: 1/8" = 1'-0"



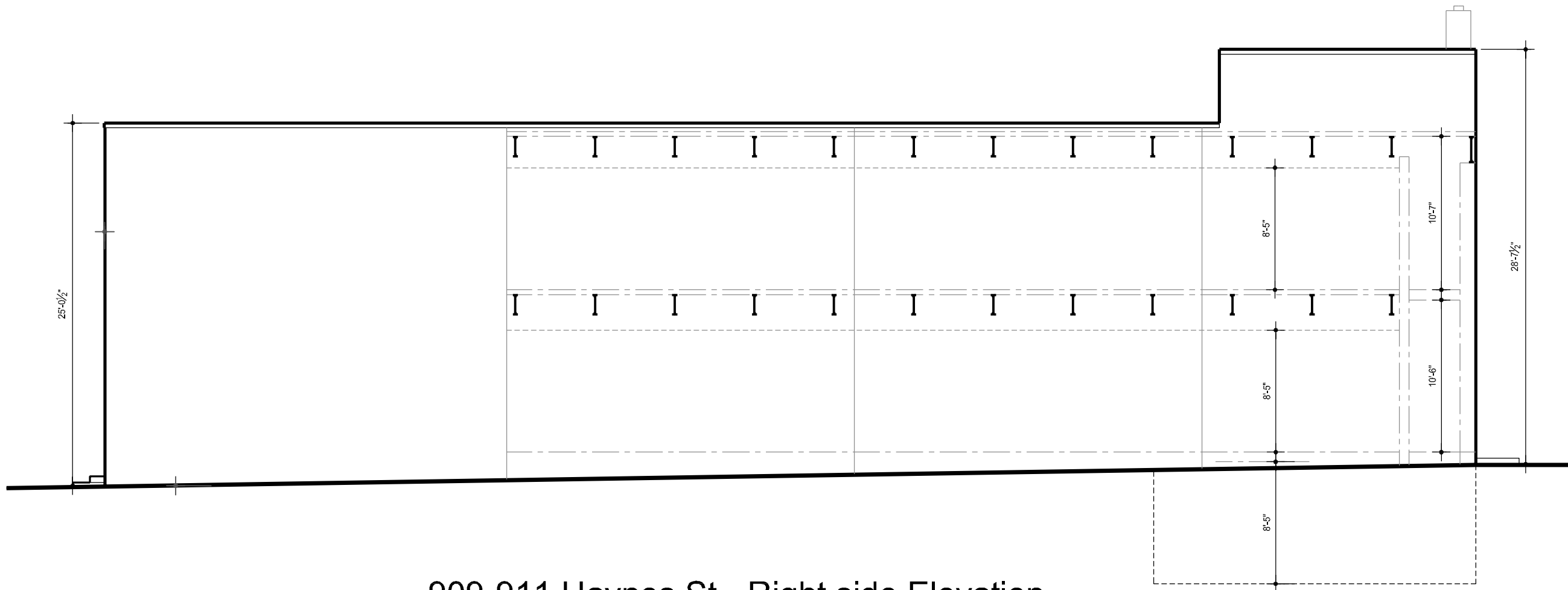
909-911 Haynes St - Rear Elevation

Date: 2-25-14 Scale: 1/8" = 1'-0"



909-911 Haynes St - Left side Elevation

Date: 2-25-14 Scale: 1/8" = 1'-0"



909-911 Haynes St - Right side Elevation

Date: 2-25-14 Scale: 1/8" = 1'-0"

**Luckenbach  
Ziegelman  
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**Project  
LAVERY  
PORSCHE**

BIRMINGHAM, MI.

Sheet Title

**Date Issued  
SLUP SUBMISSION  
02.01.16  
04.13.16**

Project Number

Sheet Number

A0.02



VIEW FROM HAYNES ST.



VIEW FROM BOWERS ST.



VIEW FROM HAYNES ST.



LOOKING WEST ON HAYNES ST.



LOOKING EAST FROM PORSCHE BUILDING TO BARDHA BUILDING

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3080 Woodward Suite 100  
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PORSCHE**

BIRMINGHAM, AL

Date Issued  
**SLUP SUBMISSION**  
02.01.16  
04.13.16

Project Number  
**1007**

Sheet Number  
**A0.03**





HAYNES STREET



LOOKING NORTH ON HAYNES STREET



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



Product Overview

- Die-Cast Housing With Hinged Door Frame For Easy Re-Lamping
- Reflected Bronze Finish
- Tempered Glass Lens
- UL Listed 081 Location
- 2 Year Warranty & Made in USA

Specifications

Manufacturer	Howard Lighting
Model Number	LFL-400-PS-4T-A
Voltage	Quick Tap (120, 208, 240, 277V) Volts
Lamp Capacity	400 Watt Pulse Start Metal Halide (included)
Lamp Hours	75,000
Lumens	40,000
Housing	Reflected Bronze Die-Cast Housing With Hinged Door Frame For Easy Re-Lamping
Lens	Tempered Glass
Locations	UL Listed 081 Locations
Mounting Type	U-Bracket
Ballast Type	PS-CDS
AKS	AKS-04E
Depth	6.89"
Width	10.3"
Height	46.3"
Weight	33.0 lbs
Warranty	2 Year

Luckenbach  
Ziegelman  
Architects  
PLLC

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Birmingham, AL 35244-4024  
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Project  
LAVERY  
PORSCHE

BIRMINGHAM, AL

Sub Number  
SLUP SUBMISSION  
02.01.16  
04.13.16

Project Number  
1007

Sheet Number  
A0.04



## MEMORANDUM

Planning Division

**DATE:** April 19, 2016

**TO:** Planning Board

**FROM:** Jana L. Ecker, Planning Director

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

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In accordance with the requirements of the Zoning Ordinance the property owner of Parcel #1925451021, being lots 66 and 67 of Oak Grove addition, commonly known as 404 Park, is requesting that the Planning Board hold a public hearing to consider the rezoning of said property from R-2 (Single-Family Residential) to TZ-1 (Transitional Zone). Only a person who has a fee interest in a piece of property, or a contractual interest which may become a fee interest in a piece of property, may seek an amendment in the zoning classification of that property under this section.

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

### **History of Planning Board Review**

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

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

- (1) Access to the site for residents should be located on Oakland Avenue, not Park Street;
- (2) The height of the building should be reduced, and the applicant should consider designing the building with the tallest portions for the loft spaces facing Oakland, not the rental home to the north;



- (3) The applicant should consider reducing the density of the proposed building; and
- (4) The applicant should meet with the neighbors to address their concerns.

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

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

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

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

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

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

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

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

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

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

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

Finally, on September 21, 2015, the City Commission approved the creation of both the TZ-1 and TZ-3 Transitional Zoning districts, and approved the rezoning of several properties into these new zoning classification. With regards to 404 Park, the City Commission discussed

rezoning the site to TZ-1 as recommended by the Planning Board, but a motion to do so failed as several commissioners felt that adjacent properties along both Oakland and Park Street should also have been included for consideration of rezoning to TZ-1.

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

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

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

**Each application for an amendment to change the zoning classification of a particular property shall include statements addressing the following:**

- 1. An explanation of why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership.**

#### ***Response***

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

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

#### ***Response***

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

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

#### ***Response***

- It will protect the single family neighborhood to the north by providing a clear buffer between traditional single family uses and commercial uses.*

- *It will allow for the development of a modern and attractive residential structure.*
- *The contemplated plans for the Subject Property are at a height, density, and aesthetic that coordinates with the surrounding properties.*
- *The intended use developed in a modern way is a great improvement over its current vacant condition.*

**Applications for amendments that are intended to change the zoning classification of a particular property shall be accompanied by a plot plan. Information required on plot plans shall be as follows:**

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

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

**The Planning Board shall hold at least one public hearing on each application for amendment at such time and place as shall be established by the Planning Board. The Planning Board shall make findings based on the evidence presented to it with respect to the following matters:**

- a. The objectives of the City's current master plan and the City's 2016 Plan.
- b. Existing uses of property within the general area of the property in question.
- c. Zoning classification of property within the general area of the property in question.
- d. The suitability of the property in question to the uses permitted under the existing zoning classification.
- e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.

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



Commission denies the application, no application shall be reheard for at least one year, unless there have been substantial changes in the facts, evidence, and/or conditions demonstrated by the applicant. The determination of whether there have been such changes shall be made by the Planning Board at the time the application is submitted for processing.

### **Departmental Reports**

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

### **Planning Division Analysis and Recommendations**

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

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

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

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

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

The Downtown Birmingham 2016 Master Plan must:

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

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

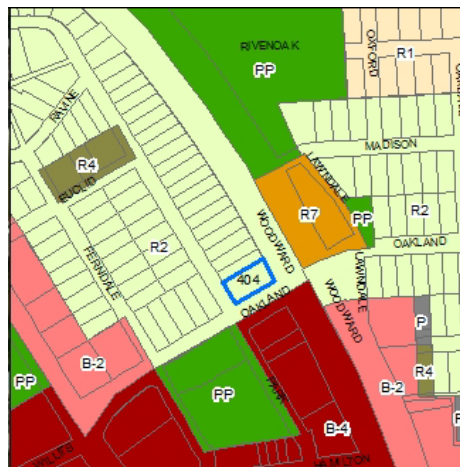
The TZ-1 Transition Zone was established to provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single family residential areas. The subject property has direct access to a major traffic road and is located between major streets and the residential neighborhood to the north.

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

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

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

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



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

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

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

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

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

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

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

**Recommendations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

# 404 Park Street Aerial and Surrounding Zoning



404 404 Park

0 150 300 Feet



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

**Planning Board Minutes  
September 19, 2012**

**REZONING REQUEST**

**404 Park St. Parcel ID#1925451021**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**Motion by Ms. Whipple-Boyce**

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

**Motion carried, 5-0.**

**VOICE VOTE**

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

Nays: None

Absent: DeWeese, Lazar

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

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

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

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

**Planning Board Minutes  
November 14, 2012**

**OLD BUSINESS**

**404 Park St.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Motion by Mr. Williams**

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

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

**Motion carried, 6-0.**

**VOICE VOTE**

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

Recused: Lazar

Nays: None

Absent: None

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

*From the applicant –*

(g) A draft of the terms of the contract volunteered by the applicant as reviewed by  
Mr. Currier;

(h) A rendering of the proposal with elevations showing how it would fit on the site  
with the adjacency to the neighbors to the south, to the north, and to the west;

(i) A meeting with residents so they know what is being proposed.

*From staff –*

(j) A letter of opinion from the city attorney outlining the nature of contract zoning and what precedent it creates for similarly situated properties within the neighborhood;

(k) A review of residential zoning in other zone districts and what they would generally allow;

(l) A history of rezoning to R-7 and R-8 on Brown St.

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

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



**Planning Board Minutes**  
**January 9, 2013**

**01-04-13**

**REZONING APPLICATION**

**404 Park St.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Motion by Mr. DeWeese**

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

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

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

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

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

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

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

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

**Motion failed, 2-4.**

ROLLCALL VOTE

Yeas: DeWeese, Williams

Nays: Boyle, Clein, Koseck, Whipple-Boyce

Recused: Lazar

Absent: None

**Motion by Ms. Whipple-Boyce**

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

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

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

**Motion carried, 4-2.**

**ROLLCALL VOTE**

Yeas: Boyle, Clein, Koseck, Whipple-Boyce

Nays: DeWeese, Williams

Recused: Lazar

Absent: None

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

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



**City Commission Minutes  
January 28, 2013**

**01-32-13                      SET PUBLIC HEARING  
   404 PARK**

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

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

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

**MOTION:**      Motion by Rinschler, seconded by Nickita:

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

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

**City Commission Minutes**  
**February 25, 2013**

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

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

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

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

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

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

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

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

The following individual spoke in opposition:

Benjamin Gill, 520 Park

Frida Gill, 520 Park

Gordon Nelson, 576 Park

February 25, 2013

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

David Bloom agreed transition areas need additional review.

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

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

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

**MOTION:** Motion by Hoff, seconded by McDaniel:

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

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

VOTE: Yeas, 7  
Nays, None  
Absent, None

The Commission received communications opposed to the proposed conditional rezoning.

Planning Board Minutes  
June 24, 2015

**PUBLIC HEARINGS**

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

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

**TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;**  
**TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;**  
**TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;**  
**TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;**  
**TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;**  
**TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;**  
**TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;**  
**TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;**  
**TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;**  
**TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;**  
**TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;**  
**TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;**  
**TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS,**

**SS – 10**, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;  
 TO ADD **ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1**, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;  
 TO ADD **ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3**, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

**AND**

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

Ordinance	Section Name	Section Number	Applicable Zone to be Added
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Accessory Structures Standards (AS)	
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<b>4.2</b>	TZ1, TZ2, TZ3
<b>4.3</b>	TZ1
<b>4.4</b>	TZ1, TZ2, TZ3

Essential Services Standards (ES)	
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<b>4.09</b>	TZ1, TZ2, TZ3
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Fence Standards (FN)	
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<b>4.10</b>	TZ1, TZ2, TZ3
<b>4.11</b>	TZ1

Floodplain Standards (FP)	
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<b>4.13</b>	TZ1, TZ2, TZ3
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Height Standards (HT)	
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<b>4.16</b>	TZ1, TZ2, TZ3
<b>4.18</b>	TZ1, TZ2, TZ3

Landscaping Standards (LA)	
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<b>4.20</b>	TZ1, TZ2, TZ3
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Lighting Standards (LT)	
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<b>4.21</b>	
<b>4.22</b>	

TZ1, TZ2, TZ3	
TZ1, TZ2, TZ3	



Loading Standards (LD)

**4.24**

TZ1, TZ2, TZ3

Open Space Standards

(OS)

**4.30**

TZ1, TZ2, TZ3

Outdoor Dining Standards

(OD)

**4.44**

TZ2, TZ3

Parking Standards (PK)

**4.45**

**4.46**

**4.47**

TZ1, TZ2, TZ3

TZ1, TZ2, TZ3

TZ1, TZ2, TZ3

Screening Standards (SC)

**4.53**

TZ1, TZ2, TZ3

Setback Standards (SB)

**4.58**

TZ1, TZ2, TZ3

Structure Standards (SS)

**4.69**

TZ1, TZ2, TZ3

Temporary Use Standards

(TU)

**4.77**

TZ1, TZ2, TZ3

Utility Standards (UT)

**4.81**

TZ2, TZ3

Vision Clearance Standards

(VC)

**4.82**

TZ1, TZ2, TZ3

Window Standards (WN)

**4.83**

TZ2, TZ3

**AND**

TO AMEND **ARTICLE 9, DEFINITIONS, SECTION 9.02** TO ADD  
DEFINITIONS FOR BOUTIQUE, PARKING, SOCIAL CLUB,

**TOBACCONIST, INDOOR RECREATION FACILITY AND SPECIALTY FOOD STORE.**

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

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

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

**191 N. Chester Rd. Birmingham, MI.**

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

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

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

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

**1221 Bowers & 1225 Bowers Birmingham, MI.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**2483 W. Maple Rd. Birmingham MI.**

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

**151 N. Eton, Birmingham MI.**

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

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

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

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

Mr. Baka recalled last time he covered the basics of each zone and started to get into each individual parcel. At the board's request, his presentation tonight will focus much more on individual properties and how each individual location would be affected by the proposed

amendments as far as use and density. He briefly described the TZ-1, residential zone, and the TZ-2 and TZ-3 zones that are mixed-use. Any currently existing use or building would be grandfathered in as long as it doesn't close for six months or the building is destroyed more than 75%. When a new use is established within an existing building the new zoning regulations would go into effect. The new zoning will apply to any expansion of an existing use or a building that requires site plan approval from the Planning Board. Where a new building is proposed the new proposed ordinance would apply.

#### *TZ-1 Properties*

##### ➤ **E. Frank - R-3/B-1/B-2B to TZ-1**

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

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

0 units on B-1 parcel

No limit on B-2B parcel

# of units permitted under TZ-1 zoning - 5

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

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

##### ➤ **Park and Oakland - R-2 to TZ-1**

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

# of residential units currently permitted - 1

# of residential units permitted under TZ-1 zoning - 2

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

# of residential units currently permitted - 2

# of residential units permitted under TZ-1 zoning - 4

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

# of residential units currently permitted - 1

# of residential units permitted under TZ-1 zoning - 2

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

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

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

# of residential units currently permitted - 2

# of residential units permitted under TZ-1 zoning - 5

##### ➤ **Bowers/Post Office - 0-1/P to TZ-1**

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

# of residential units currently permitted - no limit

# of residential units permitted under TZ-1 zoning - 41

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

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

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

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

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

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

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

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

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

Mr. Larry Bertolini, 1275 Webster, had concerns about traffic on Bowers if the Post Office moves out. Forty-one units seems dense for that small area. He received



clarification that if the Post Office wants to make modifications to their building there are no restrictions because they are the Federal Government.

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

Mr. Michael Shook, owner of 247 and 267 Oakland, said it seems to him the only reason they are talking about rezoning is because of the vacant lot between Park and Ferndale. When the issue came up about rezoning the empty lot, the initial reaction of the board was they did not want to do spot zoning. So it looks like they got around spot zoning by rezoning the neighborhood. There isn't a transitional zone; there is no reason to rezone them. The neighbors oppose it and therefore, he asked that they be removed from that consideration.

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

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

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

#### *TZ-2 Properties*

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

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

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

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

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

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

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

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

#### *TZ-3 Properties*

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

➤ **Quarton and Woodward - O-1 to TZ-3**

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

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

- He did not think there is any dispute over the TZ-3 classifications on both properties.
- For TZ-2 it is pretty clear they tried to go to more neighborhood type uses. Where there may be questions a SLUP is attached. The only properties that

raise a concern for him are the two residences on Purdy. The intent for including them is because the parcel to the west (P) could be developed to four stories.

- From his perspective in most instances TZ-1 is an improvement from what currently exists. The only area where there is a significant increase in density from what exists presently is at Park and Oakland. He is inclined not to include that parcel.
- The only properties he would leave out of the recommendation are the parcels along Oakland.

Ms. Whipple-Boyce agreed with a lot of what Mr. Williams said.

- TZ-3 seems not to be controversial; however, she would add veterinary clinic to uses with a SLUP.
- At Fourteen Mile and Pierce it may be a mistake to include the parking lot directly behind it. Given the conditions that surround it, it would be more appropriate as an R-2 classification and leave the others as TZ-2.
- A lot of problems might be solved if Frank St. was zoned TZ-2.
- She is not sure that the entire area at Oakland and Park should be removed from the consideration of TZ-1. Brownstones would be a real benefit to the community directly behind it.

Mr. Koseck said he is in support of what he has heard. He doesn't mind pulling properties out of the bundle because there are no advocates. Mr. Williams thought this ordinance language should permit development but not prohibit what is there now. The existing uses in some cases are there and are acceptable to the neighborhood and the owners. It seems to him to be a mistake that if an existing use disappears for 181 days it can't come back. He is troubled by the language being mandatory, it should be voluntary.

Chairman Clein agrees with the TZ-1, TZ-2, and TZ-3 concepts in general.

- He agrees that TZ-3 is a simple thing.
- He has no issue with the Parking designation at Fourteen Mile and Pierce being removed.
- He thinks the R-3 designation at Purdy should be removed. It is an example of good intention to square off a block.
- At Oakland and Park, remove the parcels between Park and Ferndale. Keep 404 on the corner in. Remove the two properties to the north that he thinks were added to square off a block.
- As to the parcel at Frank and Ann, he supports TZ-2. If that is done, the whole question of mandatory and voluntary might go away. He thinks mandatory makes more sense.

Mr. Jeffares said condos for empty nesters are very scarce. At Woodward and Oakland Woodward is loud and busy and not palatable for someone building a single-family house; it is suitable for a four unit condo.

Ms. Lazar agreed with Ms. Whipple-Boyce. TZ-1 zoning for Frank and Ann is a little more passive than it needs to be.

Mr. DeWeese thought everyone agrees they have the right form in these places. There has been some question that the uses are not appropriate. But looking at the uses, in most instances either stronger controls are recommended, or the uses have been cut back. Also there is the possibility of developing residential in every location. He agrees with the Chairman that the property on Purdy should remain residential and not be rezoned to TZ-2.

Ms. Whipple-Boyce felt the language needs to be mandatory and not optional and she wouldn't support it if it was optional. In her opinion If the overlay is allowed to be optional the board would not be doing its job, which is to find a way to protect the residents that are adjacent to all of these properties.

Mr. Williams advocated looking at all the parcels again to make sure the same mistake hasn't been made of putting them in the wrong classification. The chairman felt comfortable going forward with the modifications that have been discussed, knowing there will be a public hearing at the City Commission.

**Motion by Ms. Whipple-Boyce**

**Seconded by Ms. Lazar to adopt the package as written with the exceptions of:**

- **404 Park in only; the two parcels north and the parcels between Ferndale and Park are out.**
- **The three properties on Frank that are triple-zoned, switch from TZ-1 to TZ-2 which would allow some of the commercial uses to continue.**
- **Take out the parking lot zoned P on Pierce near Fourteen Mile and Pierce that was previously proposed to be TZ-2.**
- **Add veterinary clinic as a permitted use with a SLUP in TZ-3.**

The chairman called for discussion from the public on the motion at 10:12 p.m.

Mr. Brad Host said should this be put through on 404 Park he is the real victim because he lives next door and it will lower his property values. He doesn't want to live next door to a four unit condo project.

Mr. Salvatore Bitonti said he wants to be able to rent his property if the bakery moves out. Chairman Clein explained the TZ-2 recommendation would allow him to build single-family and a small amount of multi-family and also keep the limited commercial uses that are there now.

Mr. Larry Bertolini still had concerns about the post office site on Bowers and the amount of units that could be permitted there.

Mr. Harvey Salizon asked for clarification about the parcel at Purdy and Brown. If the residences are eliminated, the land is too valuable to develop a two-story structure on that limited parcel. The owner will probably construct a four-story building at the south side of the parking lot. Chairman Clein clarified that tonight's motion would not allow the four-story building to be built.

Mr. Michael Shook thought if four units are allowed at the Woodward and Oakland corner parcel there is no way a developer will put up anything as nice on that corner as along Brown.

Mr. David Bloom did not understand the reasoning for leaving the Pierce parking section off. He thought the reason for rezoning that whole area was so no one could put a four-story parking deck there. Ms. Whipple-Boyce explained she omitted the parking area on Pierce because she believes R-2 zoning is more appropriate than TZ-2. The board can come back to that at a later date.

Mr. Frank Gill, 520 Park, commented on the property at 404 Park. If the property wasn't selling it was probably priced too high. If it is unique as far as its location at Woodward and Oakland then the price should reflect that. Some developer could build a single-family house or a duplex and still come out with a profit. He hopes the board will understand that the market, if it is allowed to, will take care of it and develop a building that is appropriate for that corner.

Ms. Patti Shane spoke about Purdy again, The biggest nightmare to her would be if someone would put up multiple dwelling units on the property at the corner of Brown and Purdy. They have a density issue and it would impact their neighborhood.

Mr. Chuck Dimaggio with Burton Katzman spoke to represent the owners of 404 Park. He urged the board to recommend to the City Commission that they keep 404 Park in the Transitional Overlay. He assured that when they come back for site plan approval the board will be very pleased with the four unit building they will propose, and it will become a real asset for the City as one enters off of Park.

Ms. Ann Stolcamp said the people here from Little San Francisco are all homeowners that are representing themselves and what they care about. The developer sent a representative.

Mr. DeWeese commented he will not be supporting the motion. He supports the concept but thinks the Park area should be removed; Purdy at the minimum should be 588; and he agrees that Frank should not be optional but still have flexibility somehow.

**Motion carried, 4-3.**

ROLLCALL VOTE

Yeas: Whipple-Boyce, Lazar, Clein, Jeffares

Nays: DeWeese, Koseck, Williams  
Absent: Boyle

Chairman Clein thanked the public for their comments which are definitely taken to heart. This is not the last hearing on the rezoning, as it will go to the City Commission and there will be more opportunities to provide further input. He closed this public hearing at 10:26 p.m.

APPROVED



**City Commission Minutes  
September 21, 2015**

**09-204-15 CONTINUED PUBLIC HEARING TO CONSIDER ZONING ORDINANCE  
AMENDMENTS TRANSITIONAL ZONING**

Mayor Sherman reopened the Public Hearing to consider amendments to Chapter 126, Zoning, of the Code of the City of Birmingham at 7:44 PM.

Planner Baka explained the recent revision to TZ1 requested by the City Commission prohibits garage doors on the front elevation. Commissioner Rinschler pointed out the previous discussion to eliminate all non-residential uses from TZ1. City Manager Valentine noted that any modifications to TZ1 could be addressed tonight.

Mr. Baka explained that TZ1 allows for attached single-family or multi-family two-story residential and provides transition from low density commercial to single family homes. He noted the maximum height is thirty-five feet with a two-story minimum and three-story maximum.

Commissioner McDaniel questioned why other properties on Oakland Street were removed from the original proposal. Mr. Baka explained that it was based on the objections from the homeowners as the current residents did not want their properties rezoned. Commissioner Rinschler pointed out that the rezoning is not about what is there currently, but what could be there in the future.

Mayor Pro Tem Hoff commented that the setback in TZ1 is required to have a front patio or porch which is very limiting with the five foot setback. She questioned why one-story is not allowed. Planner Ecker explained that two-stories will allow for more square footage and it is intended to be a buffer from the downtown to residential.

Commissioner Rinschler suggested that post office, social security office, school, nursing center, and church be removed from the list of uses so it is only residential use. He noted that the City is trying to create a buffer so there are no businesses abutting residential. He suggested a future Commission review the residential standards. Commissioners Dilgard and McDaniel agreed.

Ms. Ecker commented on the front setback requirement. She noted that the development standards include a waiver which would allow the Planning Board to move the setback further if a larger patio or terrace is desired.

Commissioner Nickita commented on the additional uses in TZ1. He noted that this is a zoning designation which is essentially residentially focused allowing for multi-family. He stated that those uses which stand out to be residential are independent senior living and independent hospice which are aligned with multi-family residential uses. The Commission discussed the intensity of each use including assisted living.

Mayor Sherman summarized the discussion from the Public Hearing at the previous meeting. He explained that the three ordinances were presented to the Commission – TZ1 which is strictly residential; TZ2 which is residential, but allows for some commercial; and TZ3 which does allow for residential, but is more commercial in nature. At the hearing, people were comfortable with the language in TZ2 and TZ3. There were concerns and questions with TZ1 and the Commission requested staff make revisions to TZ1. The Commission then discussed the parcels that were proposed to be rezoned into the TZ2 and TZ3 categories. Discussion was not held regarding the TZ1 parcels at that time.

Commissioner Nickita suggested that in considering the commercial permitted uses and the Special Land Use Permit (SLUP) uses that several uses would be better served with a SLUP such as convenience store, drug store, and hardware store. Commissioners Rinschler and Hoff agreed.

Commissioner Rinschler noted the trouble with defining uses. He questioned why not let all the uses require SLUP's. Commissioner McDaniel suggested developing standards to evaluate SLUP's. Commissioner Nickita noted that it is not a one size fits all.

Mayor Sherman summarized the discussion that TZ1 would be restricted to solely residential; in TZ2 residential would be allowed, but any commercial uses would require a SLUP; in TZ3 would remain as drafted.

Bill Finnicum, 404 Bates, stated that having zero to five foot setbacks is impractical. He suggested that the biggest danger is losing the character and rhythm of the streets.

Michael Murphy, 1950 Bradford, stated that the suggestion to require a SLUP is an acceptable compromise.

In response to a question from Commissioner Moore regarding parking, Ms. Ecker explained that commercial entities must provide for their own parking on-site if they are not in the parking assessment district. On-street parking can only be counted if the property is located in the triangle district.

Reed Benet, 271 Euclid, stated that changing the zoning from single family residential to protect single family residential is illogical.

Ms. Ecker confirmed for David Crisp, 1965 Bradford, that the parcels on 14 Mile would not be able to count the on-street parking unless they came through a separate application process and tried to get approval of the City Commission.

A resident at 1895 Bradford stated that the more uses which are subject to a SLUP would decrease the predictability of the neighborhood in the future and the value of the zoning effort.

Benjamin Gill, 520 Park, stated that the height of the buildings should be controlled by the neighborhood.

Irving Tobocman, 439 Greenwood, questioned the restriction on the depth of a porch relative to the setback on the street.

David Kolar, commercial real estate broker, expressed concern with the unintended consequences of making everything a SLUP. He noted that a SLUP is a high barrier of entry for small businesses. He suggested defining the appropriate uses in the TZ1, TZ2, and TZ3 districts.

Erik Morganroth, 631 Ann, expressed support of the idea of limitations and commented that the SLUP is most appropriate.

Mr. Baka discussed the parcels proposed in TZ1. He noted the proposal increases the number of units currently permitted at 404 Park from two to four, increase the number of units currently permitted on the parcel at Willits and Chester from two units to a maximum of five, and set the number of units currently permitted on the post office parcel from no limit to one unit for every 3,000 square feet. He discussed the lot area and setbacks.

Mr. Baka confirmed for Mayor Pro Tem Hoff that if the post office moved, a single family residential would be permitted.

Commissioner Rinschler expressed concern that only one lot was included in the 404 Park area. He suggested either extend it to the other parcels on Oakland Street or direct the Planning Board to reopen the hearing to redo the process including all three parcels.

Commissioner Moore stated that there is still a strong potential of economic viability to having those remain single family residential. The purpose of the ordinance is not to invade or lessen a neighborhood, but to enhance the neighborhood by protecting it and ensuring it will be contextual and there are building standards. Commissioner McDaniel agreed.

Commissioner Dilgard stated that the Planning Board was correct with the proposed zoning on 404 Park.

Mayor Sherman pointed out that Commission Nickita recused himself from 404 Park as he was involved with a project with someone who has an interest in 404 Park.

Mayor Sherman agreed with Commissioner Rinschler and noted that the zoning that is suggested does not make a lot of sense.

The following individuals spoke regarding 404 Park:

- Debra Frankovich expressed concern with sectioning out one double lot as it appears to support one property owners best interest.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that to single out one parcel is not appropriate.
- Benjamin Gill, 525 Park, expressed opposition to the rezoning of this parcel.
- Bill Finnicum, 404 Bates, commented that the rezoning will only benefit the property owner and will harm the adjacent property owner.

- Chuck DiMaggio, with Burton Katzman Development, explained the history of the property and noted that the Planning Board has spent thirty months studying 404 Park and the other transitional properties.
- Brad Host, 416 Park, stated that the residents are not interested in being rezoned.
- Kathryn Gaines, 343 Ferndale, agreed that Oakland is the buffer. She questioned what four units on that corner bring to the neighborhood that two could not.
- Bev McCotter, 287 Oakland, stated that she does not want the development of this lot into four units.
- Jim Mirro, 737 Arlington, stated that Oakland is the buffer and stated that the parcel should not be rezoned as proposed.
- Ann Stallkamp, 333 Ferndale, stated that she is against the TZ1 rezoning on Park and stated that 404 Park should be taken off the list.
- David Bloom questioned the number of units which would be allowed on the Bowers property.
- Reed Benet, 271 Euclid, commented that it is illogical that this has gone on for three years.
- Chuck DiMaggio, with Burton Katzman Development, noted that they want to do something that benefits the community and provide the proper transition and lead in to the downtown and is compatibility with the neighborhood.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that this is not a transition zone and there are ways to put more than one unit on the parcel.

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

**MOTION:** Motion by Rinschler, seconded by Dilgard:

To adopt the ordinances amending Chapter 126, Zoning, of the Code of the City of Birmingham as suggested with the following modifications: **to modify TZ1 with the changes presented plus the elimination of all non-residential uses**; to modify TZ2 that all commercial uses require a SLUP, and TZ3 would remain as proposed: **(TZ2 RESCINDED)**

- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

Commissioner Moore commented that an important part of this package is the building standards for the transitional areas where commercial abuts residential. Requiring SLUP's in the TZ2 district will be more cumbersome for the small proprietor. There may be some unintended consequences.

VOTE: Yeas, 7

Nays, None

Absent, None

**MOTION:** Motion by Rinschler, seconded

.....

**MOTION:** Motion by Dilgard, seconded by Moore:

To approve the rezoning of Parcel # 1925451021, Known as **404 Park Street**, Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

Commissioner Rinschler stated that if a buffer zone is being created, it should include properties further down Oakland. He stated that he considers rental properties as commercial development.

Mayor Pro Tem Hoff stated that she will not support the motion. She noted that the plans look good, however she has heard from residents who are very unhappy about this.

Mayor Sherman noted that he will not support the motion. If a buffer zone is going to be created, it should be the entire side of the street. He noted that Oakland is an entranceway into the City. Eventually, there may be that transition, but now is not the time.

VOTE: Yeas, 3 (Dilgard, McDaniel, Moore)  
Nays, 3 (Hoff, Rinschler, Sherman)  
Absent, None  
Recusal, 1 (Nickita)



	Min. Area (sq/unit)	Lot	Min. Open Space (%)	Max. Coverage (%)	Lot	Min. Front Setback (ft.)	Min. Rear Setback (ft.)	Min. Combined Front Rear Setback	Min. Setback (ft.)	Side	Min. Floor Area (sq/unit)	Max. Building Height (ft.)	Max Floor Area (%)
<b>R1A</b>	20,000		40	30		Average within 200' or 25	30	55	5' (9' or 10% of lot width for 1 side)		1,500	30 (to midpoint for sloped roofs)*	-
<b>R1</b>	9,000		40	30		Average within 200' or 25	30	55	5' (9' or 10% of lot width for 1 side)		1,500	30 (to midpoint for sloped roofs)*	-
<b>R2</b>	6,000		40	30		Average within 200' or 25	30	55	5' (9' or 10% of lot width for 1 side)		1,000 (1 story) 1,200 (> 1 story)	30 (to midpoint for sloped roofs)*	-
<b>R3</b>	4,500		40	30		Average within 200' or 25	30	55	5' (9' or 10% of lot width for 1 side)		1,000 (1 story) 1,200 (> 1 story)	30 (to midpoint for sloped roofs)*	-
<b>R4</b>	3,000		-	-		25	30	-	5' (9' or 25% of lot width for 1 side)		800	35' & 2.5 stories	40
<b>R5</b>	1,500 (1 bed), 2,000 (2 bed), 2,500 (3 bed)	(1 - - - -)	-	-		25	30	-	5' (9' or 25% of lot width for 1 side)		600 (1 bed), 800 (2 bed), 1,000 (3 bed)	30 & 2 stories	40
<b>R6</b>	1,375 (1 bed), 1,750 (2 bed), 2,250 (3 bed)	(1 - - - -)	-	-		25	30	-	5' (9' or 25% of lot width for 1 side)		600 (1 bed), 800 (2 bed), 1,000 (3 bed)	40 & 3 stories	-

bed)							bed)						
<b>R7</b>	1,280	-	-	Average within 200' or 25	30	-	½ building height per side yard	500 (1 bed), 700 (2 bed), 900 (3 bed)	50	&	4	-	stories
<b>R8</b>	3,000	-	-	Average within 200' or 25	20	-	7 (interior lots) 10 (corner lots) 14' or 25% of lot width between residential buildings on adjacent lots	900	30	&	2.5	-	stories

APPROVED

**Zoning Summary Sheet**  
**404 Park St.**  
**R-2 / TZ-1 Development Standards**

**Existing Site:** 404 Park Street

**Zoning:** R-2, Single-Family Residential, proposed for rezoning to TZ-1 Transitional

**Land Use:** Vacant lot

**Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West
<b>Existing Land Use</b>	Residential	Commercial/ Office	Multi-Family Residential	Single Family Residential
<b>Existing Zoning District</b>	R2 Single - Family Residential	B4 – Business Residential	R7 – Multi- Family Residential	R2 Single- Family Residential

**Land Area:** existing: 0.29 acres (12,480 sq. ft).  
proposed: same as above

**Land Use:** existing: Vacant  
proposed: Attached single-family residential

**Minimum Lot Area:** R-2: 6,000 sq. ft. per unit  
TZ-1: 3,000 sq. ft. per unit

**Minimum Floor Area:** R-2: 1,000 sq. ft. (one story), 1,200 sq.ft. (>one story)  
TZ-1: N/A

**Floor Area Ratio:** R-2: N/A  
TZ-1: N/A

**Open Space** R-2: 40% Minimum  
TZ-1: N/A

**Front Setback:** R-2: Average of homes within 200 ft.  
TZ-1: 0-5 ft.

**Side Setbacks:** R-2: 39 ft. (25% of 155 ft.)  
TZ-1: 0 ft. from interior side lot line  
10 ft. from side street on corner lot

<b>Rear Setback:</b>	R-2:	30 ft.
	TZ-1:	10 ft. 20 ft. abutting single-family zoning district
<b>Max. Bldg. Height &amp;</b>	R-2:	30 ft. to the midpoint for sloped roofs, 24 feet to the eaves for flat roofs
<b>Number of Stories:</b>	TZ-1:	3 stories, 35 ft. maximum 2 stories minimum
<b>Parking:</b>	R-2:	2 or less room unit = 1.5 spaces per unit 3 or more room unit = 2 spaces per unit
	TZ-1:	2 spaces per unit, cumulative total of all frontages occupied by parking shall be no more 60 ft.
<b>Loading Area:</b>	R-2:	N/A
	TZ-1:	N/A
<b>Screening:</b>	R-2:	32-inch masonry screen wall where abutting a street or alley to be located on front setback line, PB may altered location
	TZ-1:	Where off street parking is visible from a street, it shall be screened by a 3 foot tall screenwall located between the parking lot and sidewalk. Where a parking lot is adjacent to a single family residential district, a 6 foot tall brick screenwall shall be provided between the parking lot and residential use. Screenwall must meet all requirements of section 4.54 of the Zoning Ordinance.
<b>Roof-top Mech Units:</b>	R-2:	Screen walls to fully obscure all mechanical units constructed with building materials compatible with building
	TZ-1:	Screen walls to fully obscure all mechanical units constructed with building materials compatible with building

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March 11, 2016

***Hand-Delivered***

Planning Board  
City Commission  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48009

***Re: Application to Include 404 Park St., Birmingham, MI ("Subject Property" or "Property") in the TZ1 Zoning District ("Application") – 404 Park, LLC ("Applicant")***

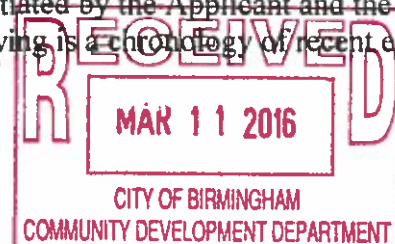
Dear Members of the Planning Board and City Commission:

This letter supplements the Application filed by the Applicant on February 4, 2016. In filing the Application, the Applicant requests the rezoning of the Subject Property from R-2 Single-Family to TZ1. The rezoning requested in the Application is intended to allow the long-time vacant Subject Property to be redeveloped into an attractive, 4 unit residential structure, consistent with the 2016 Master Plan.

**The Subject Property and Chronology of Rezoning History**

The Subject Property is located on the north side of Oakland Avenue between Woodward Avenue and Park Street, just to the north of "Downtown Birmingham" as identified in the 2016 Plan. The Property has approximately 80 feet of frontage on Woodward Avenue, 80 feet of frontage on Park Street and 155 feet of frontage on Oakland Avenue. It contains approximately 12,560 square feet. The Property has been vacant since 1989, when the then-owner razed a deteriorating single family structure. See survey, attached hereto and incorporated by reference as Exhibit 1, and aerial photographs, attached hereto and incorporated by reference as Exhibits 2A and 2B.

Applicant seeks to rezone the Subject Property to permit its development as a four (4) unit residence pursuant to the TZ1 zoning classification. Two recent attempts have failed to rezone the Subject Property to permit either a multiple-family dwelling or such uses as permitted under the new TZ1 zone. One such rezoning attempt was initiated by the Applicant and the other attempt to rezone was initiated by the City itself. The following is a chronology of recent events





regarding the Subject Property:

- August 30, 2012, Burton-Katzman Manager LLC, an affiliate and on behalf of Applicant, makes application to the City for a “Conditional Rezoning” of the Property from R-2 Single Family Residential to B2C General Business for the sole and express purpose of entering into a conditional zoning agreement with the City to permit construction of a 14 unit apartment building. In its September 13, 2012 memorandum to the Planning Board, the City’s Planning Department concludes that the rezoning “would not adversely affect the surrounding property”, that “development of this parcel as a single family home has proven improbable” and that the proposed conditional rezoning “would provide a suitable transition from the commercial zone to the south while protecting the neighborhood to the north.”
- January 9, 2013, the Planning Board, after an extensive 5 month study of the Conditional Zoning Request, recommended to the City Commission that it approve a Conditional Rezoning of the Property to permit a 6 unit residence.
- February 25, 2013, the City Commission denied the Conditional Rezoning, but in its motion to deny, the City Commission requested that the Planning Board “...consider in the short term...” which zoning would be proper for this Property, and, “... in the long term, the overall plan on conditional rezoning.”
- February 27, 2013, the Planning Board began the planning and zoning task assigned to it by the City Commission. As part of its work, the Planning Board retained a planning consultant company, LSL Planning, Inc. to prepare the Oakland/Park Subarea Study (the “Study”).
- May 8, 2013, LSL Planning, Inc. presented its study, attached as Exhibit 3, to the Planning Board. In part and specifically as to the Subject Property, the Study, at Pg. 11, provides:

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

The Study further provides, at Pg. 13:

“We were asked to explore zoning options for the 404 Park area in more detail, to provide more specific guidance to the City for the site at Oakland and Park. The dimensional characteristics, parcel configurations, proximity to downtown and location along higher volume streets will influence the potential development. **Our recommended approach would be to allow modest density, attached residential types (4-unit buildings) at a density higher than what is allowed in the R-2 district, to be offset to some degree with higher quality screening and overall development quality.**” (Emphasis added)

- May 8, 2013 to April 23, 2014, the Planning Board continued to work on the task assigned by the City Commission.
- April 23, 2014, the Planning Board recommended to the City Commission that it establish and apply various Transitional Overlay Zones to numerous properties through the City. The Planning Board concurred with the recommendation of LSL Planning, Inc. and recommended a Transitional Overlay Zone that would, among other things, permit development of a 4 unit residence on the Property.
- June 9, 2014, the City Commission received the Planning Board Transitional Zoning Overlay recommendations, but postponed action, referring the matter back to the Planning Board due to concerns regarding legal noticing of public hearings and changes to be recommended by the City Administration.
- October 8, 2014 to June 24, 2015, the Planning Board held additional public hearings and deliberations on transitional zoning. During these deliberations the Planning Board determined that transitional zoning districts should not be in the form of optional overlays, but rather in the form of new zoning districts. The Planning Board also determined that 7 additional properties in the Oakland/Park area should be included in its transitional zoning recommendations to the City Commission. These consist of 2 properties north of the Subject Property and 5 properties immediately west of the Subject Property along Oakland Avenue.
- June 24, 2015, the Planning Board adopted transitional zoning recommendations for approximately 80 properties, including the Subject Property. As to the Subject Property, the Planning Board again recommended that it be rezoned to permit a 4 unit residence; i.e. TZ1 Attached Single Family. However several of the 7 property owners that had their properties included in the transitional zoning recommendations for the Oakland/Park area during the October 8 to June 24 study period, requested to have their properties removed. The Planning Board obliged, leaving 404 Park as the sole property in the Oakland/Park

area recommended for transitional zoning; i.e. TZ1 Attached Single Family.

- July 13, 2015, the City Commission received the Planning Board recommendations and set a public hearing for August 24, 2015.
- August 24, 2015, during the public hearing several property owners in the area of the Subject Property objected to the rezoning, and alleged a rezoning to TZ1 was “spot zoning” on the basis that the Property was the sole property in the Oakland/Park area recommended to be rezoned to TZ1. To correct this misuse of the term “spot zoning”, the Birmingham City Attorney opined that the rezoning of 404 Park **does not** constitute “spot zoning,” citing the Planning Board’s 3-year long comprehensive planning process which preceded its recommendation. The City Commission adjourned the public hearing on September 21, 2015.
- September 21, 2015, the City Commission voted on rezoning the Property. A motion is made to approve the rezoning of 404 Park from R-2 Single Family to TZ1, which failed on a 3-3-1 vote. The result of the vote is a denial of the Planning Board’s recommendation to rezone the Subject Property. In reviewing the meeting minutes and video it should be noted that while the Mayor and Commissioner Hoff were opposed to the rezoning, they each spoke well of the proposed 4 unit residence.

#### **Section 1.04 – Compliance with the Goals, Objectives and Strategies of the Master Plans**

Section 1.04 of the Birmingham Zoning Ordinance (“Zoning Ordinance”) provides that the purpose of the Zoning Ordinance is to “...guide the growth and development of the City in accordance with the goals, objectives and strategies stated within the Birmingham Master Plan (“Birmingham Plan”), and Downtown Birmingham 2016 Plan (“2016 Plan”).” A review of the Birmingham Plan (1980) and the 2016 Plan (1996) reveals that the request in the Application to rezone the Subject Property to TZ1 meets the spirit and intent of the Zoning Ordinance as well as “The Downtown Birmingham Vision Statement” (“Vision Statement”) of the 2016 Plan (See p. 181 of the 2016 Plan). A copy of the Vision Statement is attached hereto and incorporated by reference as Exhibit 4. This rezoning will provide for residential uses and encourage an updated pedestrian friendly development to coordinate a transitional buffer zone between the higher density office and commercial uses to the south and the mature single family uses to the north, as provided for in the 2016 Plan Vision Statement

Although the 2016 Plan does not specifically include the Subject Property, the proposed rezoning of the Property is consistent with the Vision Statement from that Plan. It is also consistent with recently enacted planning objectives of the City regarding transitional areas as set forth in the “District Intent” for the TZ1 Transitional zone (See, Section 2.41) of the Zoning Ordinance.

One of the applicable bullet points of the Vision Statement is to “[e]nsure good land use transitions and structural form and mass to the traditional residential neighborhoods surrounding downtown.” The new TZ1 Transitional Zone was created, in part, to accommodate this concept as expressed in the Vision Statement. A TZ1 zoning for the Property is clearly appropriate as it fulfills the planning principal of buffering and providing orderly “good land use” transitions and structural form and mass between the higher density office, commercial and public (a parking structure) uses, on the one hand, and the “...traditional residential neighborhoods...” on the other.

A second part of the Vision Statement is to “[c]reate and reinforce identifiable districts within the downtown to provide a sense of place and a variety of experiences.” Although the Property sits just north of Downtown Birmingham, the rezoning of the Property and its transitional location respects and protects the identifiable residential neighborhood to the north. Said another way, it acts as a protection for that residential neighborhood as it creates a natural transitional buffer that shields those residents from higher density uses to the south.

Further, the Vision Statement encourages “...a diverse mix of uses...especially residential.” The 2016 Plan deals mainly with the Property to the south (across Oakland). However, this rezoning will accomplish a goal of the 2016 Plan by allowing, as a permitted use, a structure that is obviously intended for use in a transitional area.

Simply stated, the proposed rezoning complies with the spirit and intent of the Vision Statement regardless of the fact that the 2016 Plan does not specifically study the Property. The principals of the 2016 Plan, together with the District Intent of the TZ1 Zoning District (discussed below) give clear and convincing guidance for the planning vision of Birmingham. The rezoning of this Property to TZ1 accomplishes the City’s carefully created Master Plan for land use.

### **The TZ1 Zoning District**

Transitional zoning districts were the result of the planning consultant’s (LSL Planning, Inc.) Study of the Oakland/Park subarea. As the project proceeded from a general discussion of the use and zoning of the properties in that area to a TZ1 zoning district, the Planning Board created a statement of the District Intent. Section 2.41 of the Zoning Ordinance contains the stated intent of the TZ1 Zoning District (the “District Intent”). The pertinent provisions of Section 2.41 provide as follows:

- (a) Provide for a **reasonable and orderly transition from, and buffer between** commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.

- (b) **Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts** by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
- (c) **Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.**
- (d) **Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.**
- (e) **Regulate building and site design to ensure compatibility** with adjacent residential neighborhoods.
- (f) **Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.**  
(Emphasis added)

The rezoning of the Subject Property to TZ1 from R-2 fulfills each of the six part statement of the “District Intent” adopted by the City. This statement of District Intent provides a solid foundation and plan for zoning and rezoning property in those areas designated as transition zones. The rezoning of this Property will: (a) provide a reasonable and orderly transition, and a buffer between commercial use to the south and the mature single family residential to the north; (b) provide a fully integrated, mixed-use, pedestrian environment between residential and commercial districts; (c) provide for future growth of transitional uses and thereby serve to “...protect and preserve...” the single family use to the north; (d) “...achieve an appropriate scale along streetscapes...”; (e) “...regulate building and site design to ensure compatibility ...” with residential neighborhoods to the north; and (f) create a “...distinction between less intense residential areas and more intense commercial areas...”.

In summary the rezoning of the Property is in compliance with all principals of the relevant portions of the City’s Master Plans and Zoning Ordinance statements of intent for land use. Further a specific planning study and three years of hard work on the part of the Planning Board and the City Commission have clearly identified this Property as one that should be rezoned to TZ1, as was originally recommended. This Application is an opportunity to amend the Zoning Ordinance so that this Property is allowed to enjoy the uses that the Master Plan and District Intent statement clearly anticipated was a fair, just and reasonable zoning that would benefit of the health, safety and welfare of this community..

**Rezoning Amendment – Sec. 7.02B.2.b.i.–iii.**

The Zoning Ordinance, at Sec. 7.02, requires that as part of an application for rezoning,



the petitioner address certain issues to be considered by the Planning Board and the City Commission, in addition to the unambiguous guidance set forth in the City Master Plans. Please consider the following comments with respect to these issues.

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

The Applicant has been unable to develop the Subject Property in accordance with the Master Plan and the 2016 Plan, depriving the Applicant of the enjoyment of a right commonly associated with property ownership. The rezoning of the Subject Property from R-2 to TZ1 would result in the preservation and enjoyment of such rights of property ownership. These rights of usage include, among others, the right to develop the Subject Property in a manner consistent with the 2016 Plan. The Planning Department has advised the Planning Board that development of the Subject Property as a single family home “has proven improbable.” During the first attempt to rezone the Property with conditions the Planning Department also advised that the then-proposed conditional zoning “would provide a suitable transition from the commercial zone to the south while protecting the neighborhood to the north.”

The other properties in the area of the Subject Property are not similarly situated. None of them are bounded by three major streets. None of them are located on a shallow lot (from north to south). None of them have a side facing Woodward with no screening. In fact, the development Applicant intends to build, once the Subject Property is rezoned TZ1, is not only in total accord with the District Intent but also with the 2016 Plan. The rezoning to TZ1 zoning allows the Applicant the preservation and enjoyment of the rights and usage commonly associated with property ownership.

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

After reviewing the 2016 Plan, the Zoning Ordinance and the minutes of the Planning Board during the three years of transitional zoning deliberations, it is clear that the existing zoning should be updated so that a residential use can be built that complies with the TZ1 District Intent and the 2016 Plan. The TZ1 zoning allows the contemplated use. The development of the Subject Property would be pursuant to an ordinance that was enacted to establish, encourage and foster buffers between commercial and residential areas. A vacant lot cannot effectively buffer or protect the residential neighborhood to the north. Redevelopment of the Subject Property as a single family residence does not accomplish any of the important goals of the TZ1 Zoning District or the goals of other land use plans which are the basis for the Zoning Ordinance.



Redevelopment as a single family residence does not: provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas; develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts; plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas; regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods; regulate building and site design to ensure compatibility with adjacent residential neighborhoods; or encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas. The current zoning of the Property is not in compliance with the City's master plan and is no longer appropriate. A rezoning to TZ1 would remedy this problem.

It is fair and reasonable that the Subject Property should be able to enjoy the same benefits that other properties in the surrounding areas enjoy. The simple R-2 zoning is no longer appropriate because of the incredibly sophisticated development that has occurred to all properties in the area of the Subject Property. The use of the Subject Property for a single family residence is not only inconsistent with the Zoning Ordinance and 2016 Plan, but it limits the use of the Subject Property so that its value to the community and to the Applicant is unfairly diminished.

Inclusion of the Subject Property in the TZ1 Zoning District will enhance the form based zoning that has reinvigorated Birmingham. The R-2 zone is simply no longer appropriate in this area as a part of this dynamic mixed use, pedestrian friendly, urban setting.

**Sec. 7.02B.2.b.iii. – An Explanation of Why the Proposed Zoning will not be Detrimental to the Surrounding Properties**

Rezoning the Subject Property to TZ1 will not be detrimental to the surrounding properties, in fact, it will protect the single family neighborhood to the north by providing a clear buffer between traditional single family uses and commercial uses. Therefore this rezoning will be a positive development for all the citizens of Birmingham. The rezoning of the Subject Property will allow for the development of a modern and attractive residential structure which will be enjoyed by all of the residents of Birmingham. The contemplated plans for the Subject Property, which comply with the TZ1 requirements, are at a height, density and aesthetic that coordinates with the surrounding properties. Certainly the intended use developed in a modern way is a great improvement over its current vacant condition.

**Conclusion**

All of these facts taken together with the coordination of streetscape and use of future development lead to the conclusion that the rezoning of the Subject Property from R-2 to TZ1 will be a clear benefit to the health, safety and welfare of all the citizens of Birmingham.

Applicant respectfully requests that this Petition for rezoning the Subject Property from R-2 to TZ1 be approved.

Respectfully submitted,

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

By:    
Richard D. Rattner  
Attorney for Applicant

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**EXHIBIT 1**

**SURVEY**

**DISTAFF INVESTORS, LLC**  
2010 TULLOCH ROAD, SUITE 200  
BIRMINGHAM, AL 35203  
**TOPOGRAPHIC SURVEY**  
**OAKLAND - PARK - WOODWARD**  
PART OF THE NE 1/4 OF SECTION 21, T.14N. R.10E.

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

PEA

811

**5 FULL WORKING DAYS  
BEFORE YOU DIG CALL**

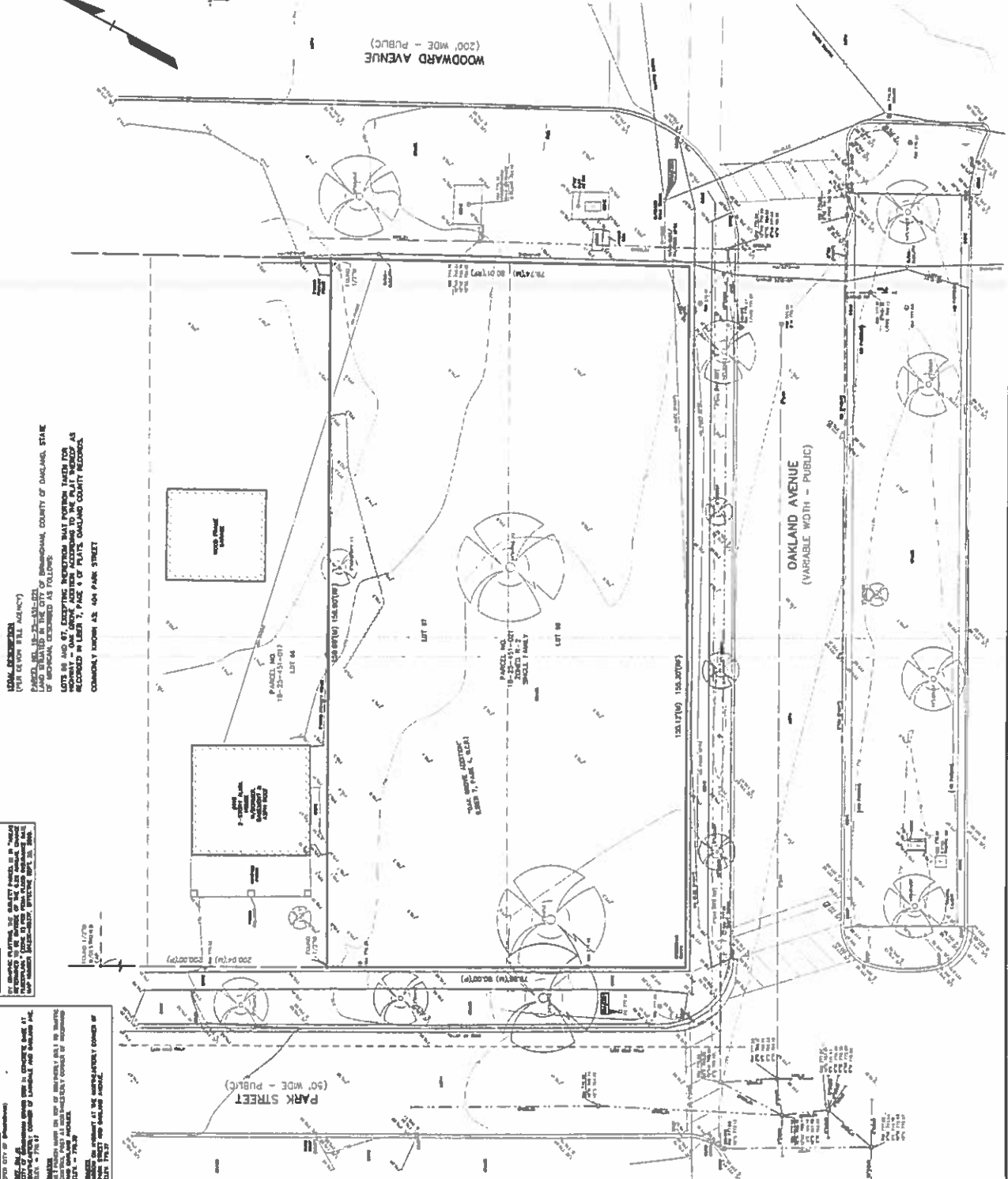
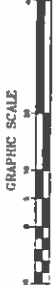
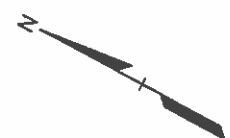
**Call for more**  
 For more information on the new 1990 Dodge pickup, call 1-800-4ADODGE. Or visit us at Dodge Trucks, Inc., 1000 Dodge Drive, Detroit, MI 48202. We'll show you the new Dodge pickup and all the new features and options. And we'll show you how to get the most out of your Dodge pickup. Because at Dodge Trucks, Inc., we know our pickup trucks. And we know you'll love them too.



## REVISIONS


**LOCAL ACQUISITION**  
(FOR KENSON REAL AGENCY)  
PARCEL NO. 18-2-331-022  
LANDS SITUATED IN THE CITY OF BEAUMONT, COUNTY OF DALLAS, STATE  
OF TEXAS, DESCRIBED AS FOLLOWS:  
LOT 10 AND 97, EXCEPT MONUMENT THAT PORTION TAKEN FOR  
THE PLANT INDEEDY ACCORDING TO THE PLAT INDEEDY AS  
RECORDED IN LIBER 7, PAGE 4 OF PLATS, DALLAS COUNTY RECORDS,  
COMMONLY KNOWN AS 404 PARK STREET

**DISCOUNT AGENT**

[illegible]

**EXHIBIT 2A**

**AERIAL PHOTOGRAPH**



Exhibit 2A



Property



**EXHIBIT 2B**

**AERIAL PHOTOGRAPH**



Woodward Ave

Park St

Property

Oakland Ave

Wendale Ave

© 2012 Google

43° 22' 58.33" N 83° 12' 49.02" W elev 775 ft

Imagery Date: 5/9/2010 1959



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**EXHIBIT 3**

**LSL PLANNING, INC. STUDY**

# Oakland/Park Subarea Study

## Purpose

The Oakland/Park area in Birmingham, like much of the city, has some unique features. Tucked behind wooded views along Woodward and the shops and offices along Old Woodward and Oakland is a tightly knit historic neighborhood. Most passersby do not even realize there is a quality historic neighborhood. Woods along Woodward Avenue provide an effective screen along the neighborhood's east edge. Other edges between the mostly single-family neighborhood and non-residential uses are generally fairly well buffered, through landscaping, walls and setbacks. There are, however, some lots adjacent to the neighborhood "edges" that are not as well buffered or have distinct site conditions that make them candidates for a possible land use change. Those parcels are the focus of this study.

One such lot, at the northeast corner of Park and Oakland Streets, was recently the topic of a rezoning request. The applicant proposed a conditional rezoning to B2C to allow a reduced front yard setback for a set of six attached residential units. In response to extensive neighborhood comments voicing opposition to the rezoning, and feeling any zoning action on an individual parcel would be premature, the City Commission recommended that the area first needed an overall planning study.

## Scope and Methodology

LSL Planning, Inc. was retained by the City of Birmingham to create a subarea analysis for the study area illustrated below. The subarea is bounded by Oakland to the south, N. Old Woodward to the west, Woodward Avenue to the east and the neighborhood south of Oak Street. This study evaluates the types of land uses, views, transition areas, traffic, access, pedestrian conditions, building heights and setbacks, and zoning.

Our technical analysis also considered the ideas and concerns of the neighborhood expressed at public meetings. While there were a variety of comments, all of which were thoughtfully considered, the key topics emphasized are listed below:

1. Protecting the integrity of the neighborhood and property values;
2. Strong preferences for single-family development on the vacant lot at Oakland/Park and a belief that it is a reasonable use;



Study area



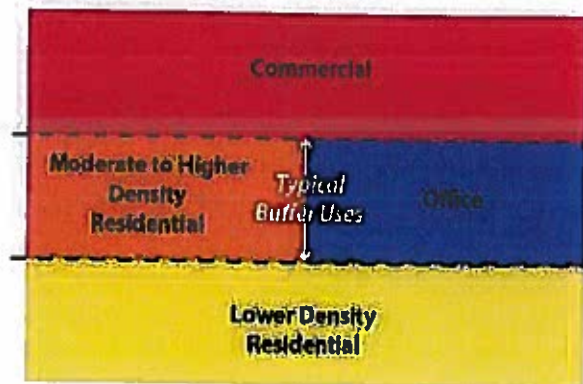
3. Desire by some to retain the Brookside Terrace condominiums;
4. Ideas or support for traffic calming and pedestrian crossing improvements; and
5. Concern about rental housing especially if there are more than four units (which the City Assessor stated is classified as "commercial").

We also considered information from the City Assessor on factors that influence property values. Typically, assessed values are based on standard factors such as comparable sales in the vicinity. When a single family home is adjacent to another use, there can be a 5 to 15% drop in the assessed value. The extent of the impact depends on factors such as, condition of the structure, traffic, and adjacent uses (type, condition, buffering, views). Different types of adjacent land uses can be made more compatible through site design and buffering aimed at reducing or avoiding negative impacts on assessed values.

## Edges and Transitions

In land use planning, an important consideration is to manage land use arrangements to minimize conflicts. Land use conflicts may occur when incompatible uses are adjacent. The result can be short- and long-term consequences or nuisances that can influence the desirability and value of one or more properties. In a downtown or mixed use district, the buyers are aware that the array of uses is part of the appeal. But in single-family neighborhoods near the downtown or mixed use district, there is an expectation of solidarity among uses in the neighborhood.

*Typical Land Use Transition Pattern*



There are a number of factors that influence the extent of the conflict and its impacts. A key factor is the intensity of the use. Certain more intense uses are generally directed to be separated from other uses. This is one reason why in planning and zoning communities have a series of land use classes or zoning districts that specify the permitted uses.

Due to the impacts of non-single-family uses (views, noise, traffic, parking, late-night hours, etc.) single-family neighborhoods are often separated from retail, entertainment, and service businesses by uses transitioning the intensity between the districts – higher density housing or offices are typical applications of these transitional buffer uses (see diagram at right). In more urban/mature cities like Birmingham, residential uses often abut commercial uses with little room for transitional uses. In such cases, the uses can be more compatible by incorporating design features such as setbacks, landscaping, parking and access location,

### Typical Transitional Land Uses between Single-Family and Commercial

- Single-family detached homes (with suitable buffers as defined below)
- Attached single-family homes
- Multiple-family residential at an appropriate scale and density (see design considerations below)
- Single-family homes converted to offices
- Offices (with suitable buffers as defined below)
- Parks/open space
- Institutional uses (schools, libraries, etc)
- Buffers: setbacks, walls, landscape, etc.

lighting, or building design. Typically, the buffering is provided on the lot of the more intense use.

Where single-family or lower density residential neighborhoods directly abut higher intensity uses, the edges of districts (on both the commercially zoned side and residential side) are often the focus of a city's master plan and zoning regulations. These lots are scrutinized to ensure a suitable transition between the districts exists. Properties on the edges of districts may feel development pressures from adjacent zoning districts typically from the more intense district. Having well-defined transitional uses or design buffers can preserve the integrity of single-family neighborhoods from encroachment of unwelcome uses. Birmingham has dozens of examples where single-family has long remained stable when abutting non-single-family. But there are also other examples where former owner-occupied single-family homes have been converted to rentals, duplexes, or offices. In many cases, these non-single-family uses have long served as a transitional use.

### **Design Considerations for Transitions**

One of the objectives of the City is to protect its neighborhoods. Changes in use and zoning can potentially erode that character. But the City also has goals for vibrant, mixed use districts, a walkable city and a diversity of land uses for fiscal security. In the neighborhood edge area where the single or two-family abut other uses, the non-residential use should be designed so that it provides a transition but also forms a solid demarcation for a zoning boundary.

These design considerations were taken into account when analyzing the subarea's key parcels susceptible to change in the next section.

#### **Typical site design buffers between residential and non-residential uses**

- Landscaping
- Attractive, well-maintained walls and fences
- Some additional setbacks especially for buildings with more height or mass than neighbors
- Low lighting impact

### **Site Analysis of Key Parcels Susceptible to Change**

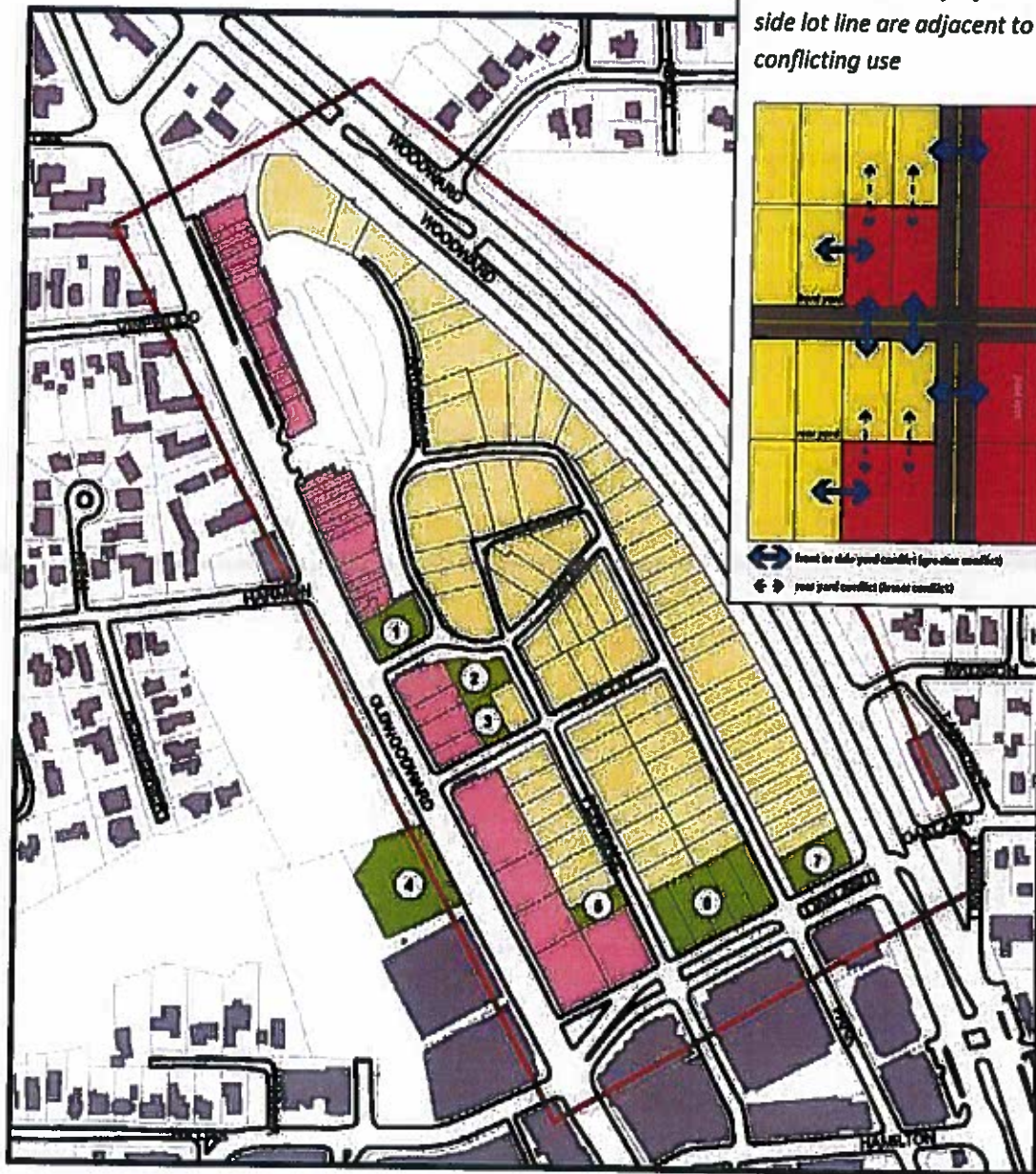
The areas in the Oakland/Park Subarea that front or are adjacent to commercial uses are defined on the following map (titled "Adjacency Analysis") in green as parcels most susceptible to change. This does not mean a change is necessary, just that those are the parcels that should be focused on in a land use evaluation such as this report. Seven properties were identified for further study to determine if on-site design considerations provide sufficient buffers to support long-term viability of the uses, or if a change in land use, zoning, or site design may be appropriate to provide an appropriate buffer between the uses. These properties were evaluated for buffering design considerations, as described above, to determine what can be done to prevent change or what might be changed to protect the adjacent uses.

Each parcel classified as susceptible to change was evaluated and classified as follows:

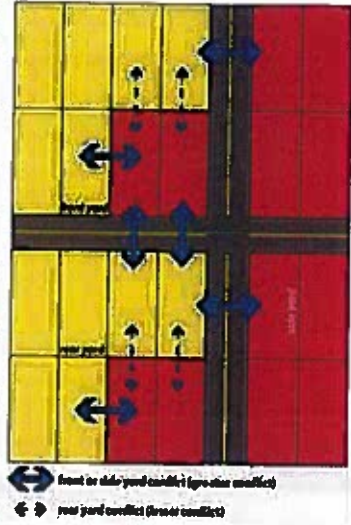
1. Buffering sufficient, no change in land use is warranted or recommended;
2. Generally the uses are compatible and some buffering exists, but could be greatly enhanced; or
3. Conditions unique to the parcel (traffic, views, lot size, etc) warrant a consideration of a change in the land use; the condition may be beyond a buffering solution.

The findings for each such parcel are provided on the following pages.





Generally, when a rear lot line abuts a conflicting use it is of less concern than if a front or side lot line are adjacent to a conflicting use

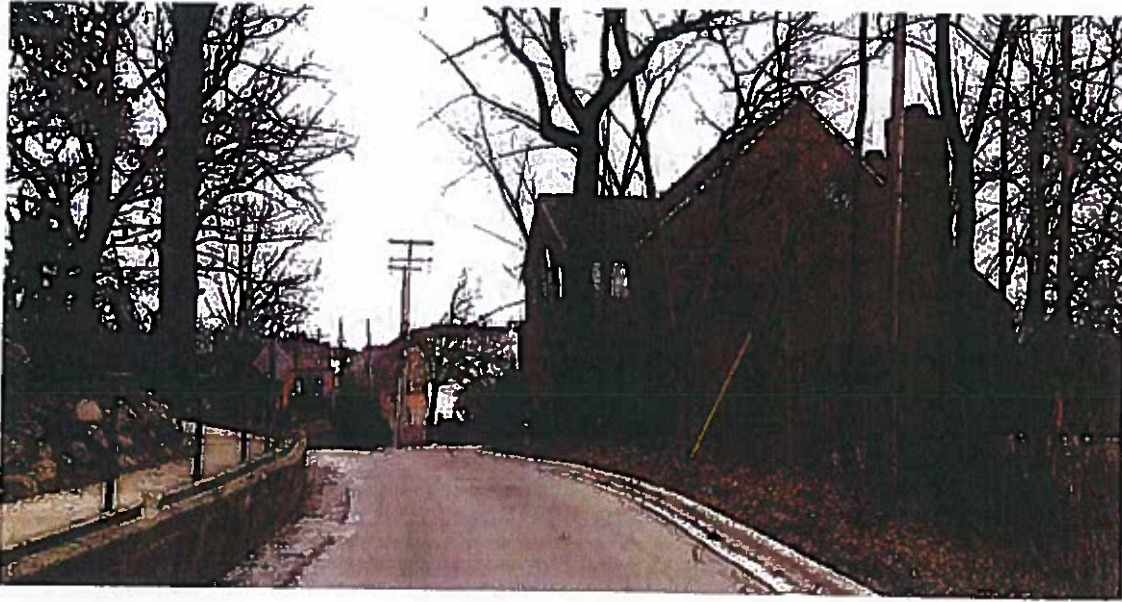


- Core Residential
- Office/Commercial
- Parcels Susceptible to Change

Transitional parcels are defined by either fronting or being adjacent to a non-residential use (front or side yard) or fronting a non-local street.

<p><b>Oakland/Park Subarea</b>  <b>Adjacency Analysis</b>          Map Created 4-5-13</p>	<p>— Road Edge   Zoning Boundary   Railroad</p>	<p>Data Sources: City of Birmingham,          Michigan CGL, LSL Planning, Inc.</p> <p> </p> <p>0 100 200 300 Feet</p>
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## ① Brookside/Ravine Area



### Existing Conditions

The attached condos on the north side of Ravine at N. Old Woodward are a good transitional use between the retail uses on N. Old Woodward and the single-family homes in the subarea. The condos are buffered from the retail by the wooded area adjacent to the Rouge River. This wooded area also does a very good job of buffering between the shops along N. Old Woodward and the homes on Brookside, but ends at the lots edge.

### Recommendation

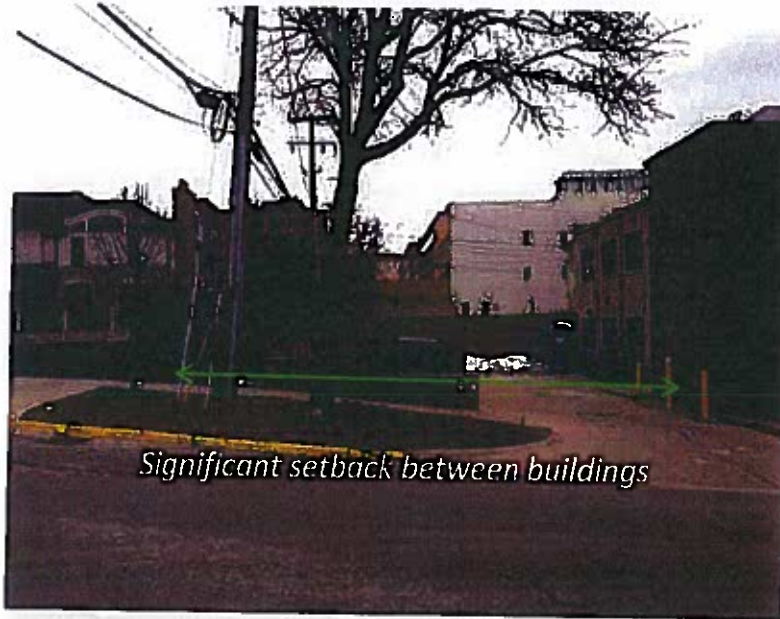
- There is no reason to support any change of land use or zoning in this area.



*While the views from homes on Brookside to the businesses along N. Old Woodward are less obstructed in winter months with less foliage, what remains of the vegetation decently screens the rear loading/parking areas of the businesses.*



## ② Ravine/Ferndale Area



### Existing Conditions

The site contains a brick wall and depressed parking lot. It is well landscaped, contains a substantial setback, and is closely tied to adjacent residential.

### Recommendation

- There is no reason to consider land use changes in this area.
- Additional landscaping along Ravine would help with views of the parking/loading from the street.

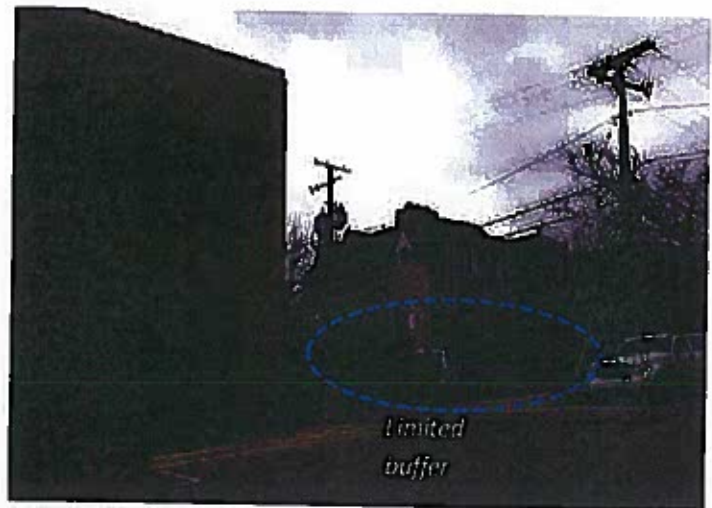
### ③ Euclid Area

#### Existing Conditions

This site has a shallow setback with parked cars adjacent to the front yard. Minimal buffers do not include a wall or significant landscaping, as is ideally desired.

#### Recommendations

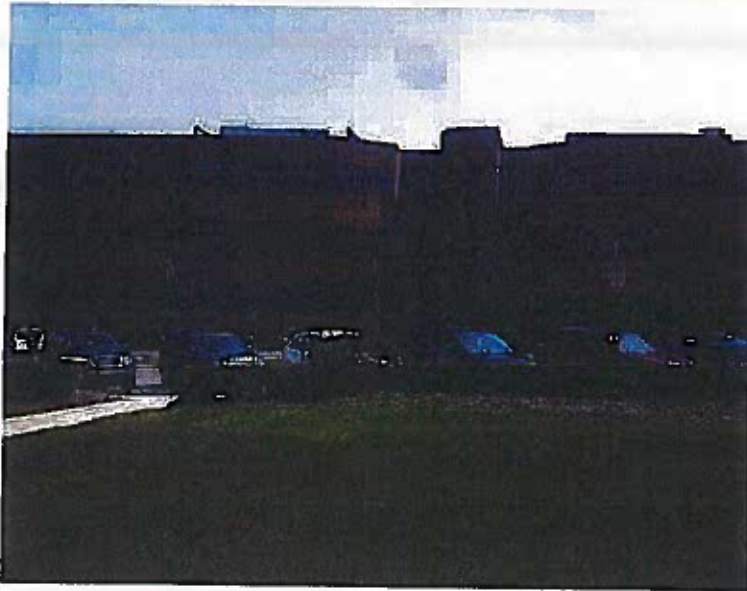
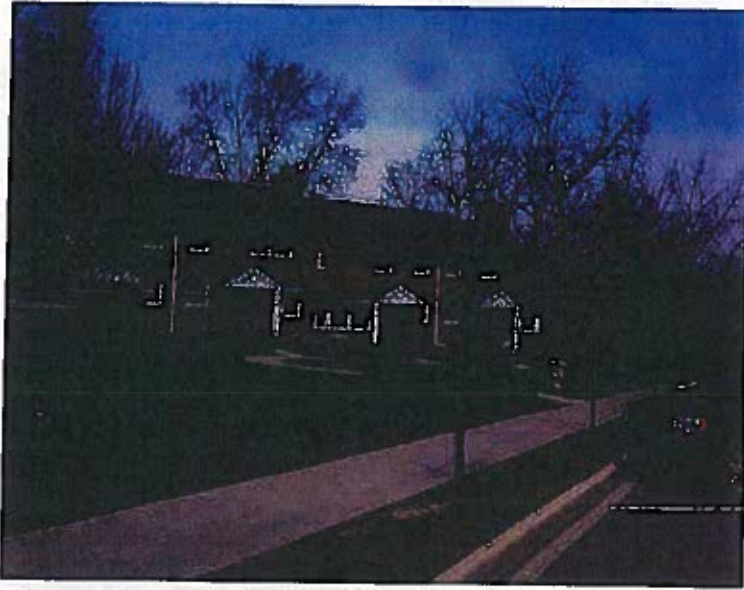
- No change in land use is suggested.
- Work toward additional buffer with larger parking setback with landscaping and/or screen wall.
- Consider traffic calming treatments, such as curb bump outs to better distinguish office from residential street.



*Consider improvements to Euclid that will help calm traffic. See the Complete Streets and Traffic Calming Concepts section of our report for more information:*

1. Curb-bump outs
2. Speed table
3. Clearly marked crossings
4. Signage

#### ④ Brookside Terrace Area



##### **Existing Conditions**

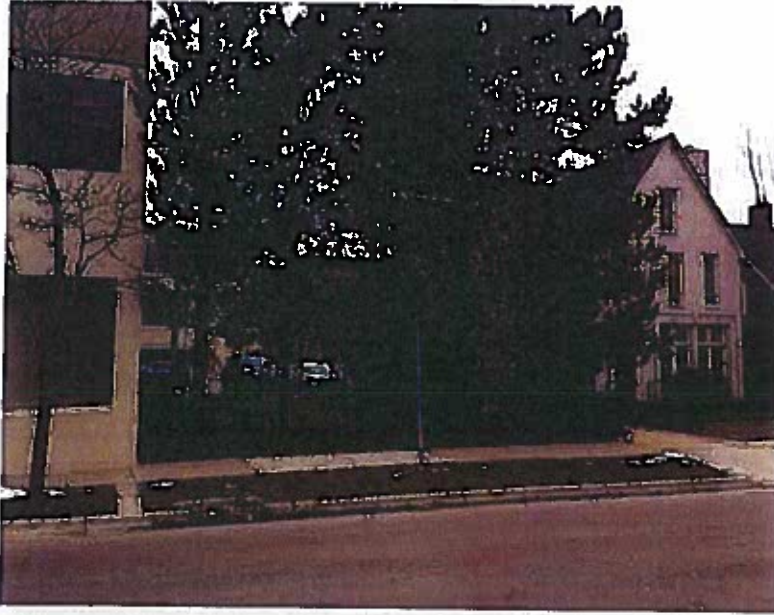
The Brookside Terrace condominiums front onto N. Old Woodward, with a large setback from the street, which provide a nice greenspace along N. Old Woodward. The site backs onto the river, providing nice vistas, both of the river and residential homes on the other bank. Parking, via a structure and on-street facilities are provided to accommodate the moderate density on the site.

##### **Recommendations**

- Plan for redevelopment into office or mixed-use.



## ⑤ Ferndale Area



### Existing Conditions

This site includes an office building. A substantial landscaped area and setback separates the residential from the office. Rear yard parking, located adjacent to the garage/drive, includes a hedgerow buffer.

### Recommendation

- No changes are recommended in this area.

## ⑥ Oakland Area



### Existing Conditions

The properties fronting Oakland are somewhat buffered from the parking deck across the street by the width of the right-of-way and the landscaped median. Unlike most of the homes in the neighborhood, the views from those lots look onto a four story office building and multi-story parking deck. These properties have historically been residential (2 are rentals) but the traffic volumes on Oakland are high for residential uses.

### Recommendations

As a key entrance to downtown from Woodward, Oakland Avenue could support more intense uses along its frontage, similar to those on the westernmost block of Oakland at N. Old Woodward. From an urban design perspective, this street could benefit from shallow setbacks on both sides of the street to better frame Oakland as a gateway to downtown. Should the current single-family houses (a mixture of renter- and owner-occupied homes) redevelop, a logical extension of that zero-foot front yard setback characteristic would be acceptable at the other borders of the neighborhood and across Oakland, with deeper rear yard setbacks adjacent to single-family residential. Similar to those office/commercial and attached residential buildings fronting Old Woodward, businesses or attached residential units (no more than 3 stories) would complement the character of other conditions located at the periphery of downtown while protecting the established single-family neighborhood behind. This would provide a better transition to the neighbors to the rear than the current houses fronting Oakland have as a transition. Some additional zoning suggestions are provided later in this report.



*While the median contains some landscaping, the tall trees are insufficient to fully block the view of the imposing parking deck across the street.*



*Consider marked pedestrian crossings with "Failure to Yield to Pedestrians, minimum \$50 fine" signs*



## ⑦ 404 Park Area



### Existing Conditions

This vacant property is located at the corner of busy Woodward Avenue and Oakland. The views across Oakland of the office building and parking structure are not well shielded by the landscaped median. Unlike the other lots along the east side of Park Street, there are no woods to help screen views and noise from Woodward Avenue. The addition of screening along Woodward may be limited in order to protect sight distance along eastbound Oakland given the skewed intersection angle.

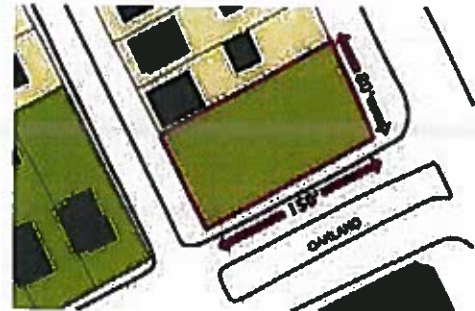
### Recommendations

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

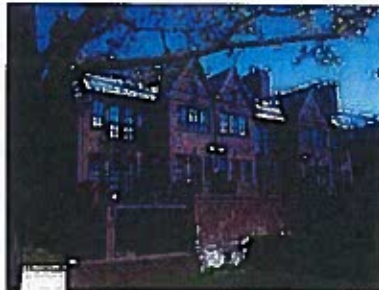
Development that can present a residential façade along both Oakland and Park, parking located closer to Woodward, and setbacks consistent with established development, could help accomplish two important goals in this area to protect the single-family neighborhood; minimize impacts from associated parking facilities; and strengthen Oakland as a gateway into downtown.



*While the median contains some landscaping, the tall trees do not fully block the view of the office building across the street.*



*This study area measures 150' wide by 80' deep, which is a challenge to redevelopment.*



*Examples of 3- and 4-unit buildings at Brown and Bates shows how attached single-family residential types can be compatible with residential. Materials and buildings would need to be revised to fit on the study site, but these images illustrate the type of quality that can be achieved.*

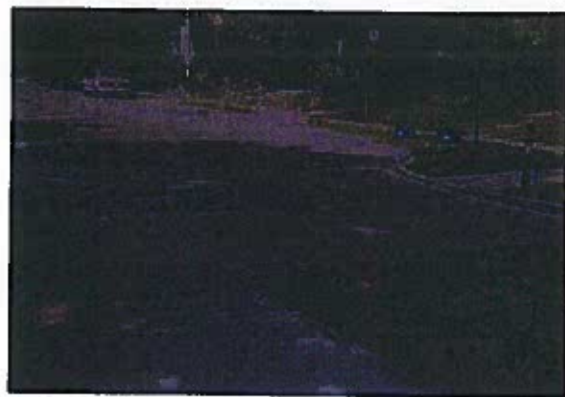
## Complete Streets and Traffic Calming Concepts

Generally the neighborhood streets are designed for appropriate low speed auto travel. Sidewalks are provided along both sides of the streets. To help prevent non-residents from parking in the neighborhood, on-street parking requires a permit. The City has made many improvements to calm traffic and improve the environment for pedestrians, especially along North Ole Woodward. The angled parking, medians and signalized pedestrian crosswalks have helped transform this district into another City asset. We did hear or see some comments from the neighborhood about cut-through traffic, but traffic speeds do not seem to be a problem. There are some additional enhancements that could help meet the City's objectives for "Complete Streets" designed for all types of users, and also to better distinguish the residential and non-residential segments.

- **Curb-bump outs.** At critical neighborhood entry points, where commercial uses end, curb bump-outs and perhaps a band of different pavement could help better mark the neighborhood and discourage cut-through traffic. Some of the streets, such as Park, are too narrow for a bump out, but others, such as Euclid, can accommodate a shallow bump-out.
- **Improved crossings.** An additional pedestrian crossing of Oakland at Ferndale could be evaluated by the City's Engineering Department. This could include a marked crosswalk and a sign to yield to pedestrians.
- **Speed tables.** A speed table is a slightly raised (2 to 3 inches) segment of pavement that combined with a change in pavement or a bump out can help distinguish the residential part of the street. These traffic calming measures can help discourage cut-through traffic and slightly lower speeds. A differentiation in pavement color and levels requires the motorist to notice their speed and reduce it to drive over the tables.



*Curb-bump outs, such as the one recommended along Euclid Avenue, can help distinguish the entry into the neighborhood. It may also allow installation of a tree to improve screening for the adjacent home. This could also include some type of decorative pavement or a speed table as shown below.*



## Zoning Analysis and Recommendations

**Current Zoning and Dimensional Requirements.** With the exception of the Brookside/Ravine parcel (①), which is zoned B-1, Neighborhood Business, and the Brookside Terrace (④) which is zoned R-6, Multiple-Family Residential, parcels evaluated are zoned R-2, Single Family Residential. Key dimensional standards for these districts are as follows:

	Allowed Uses	Min. Lot Size	Min. Front Setback	Minimum Side Setback	Min. Rear Setback	Max Height
R-2	<ul style="list-style-type: none"> <li>SF Residential</li> <li>Adult Care</li> <li>Limited Institutional</li> </ul>	6,000 s.f.	Average along block or 25'	<ul style="list-style-type: none"> <li>One side = 9' or 10% of lot width</li> <li>Both sides = 14' or 25% of lot width</li> </ul>	30'	26' to 30'
R-6	<ul style="list-style-type: none"> <li>SF Residential</li> <li>Duplexes</li> <li>Multi-Family</li> </ul>	1,375 s.f. to 2,500 s.f.	25'	<ul style="list-style-type: none"> <li>Lots over 100' wide = 10' for one side and 25' for both</li> <li>Minimum 5'</li> </ul>	30'	30' / 2 stories
B-1	<ul style="list-style-type: none"> <li>Institutional Uses</li> <li>Offices</li> <li>Limited retail &amp; service uses</li> </ul>	N/A	0	0	20'	30' / 2 stories

**Current Buffer Requirements.** As noted, required setbacks, screening, building height, and other design can influence a development's compatibility with adjacent uses. The following summarize the key requirements in the Birmingham Zoning Ordinance as they might relate to the evaluated parcels:

- **Screening.** Section 4.05 requires screening around waste receptacles and mechanical equipment, and a six foot tall masonry screen wall between parking lots and abutting single-family residential zoning districts.
- **Landscaping.** Section 4.20 requires multiple family projects to provide one deciduous and one evergreen tree for each two units proposed, in addition to one street tree for each 40 feet of road frontage.
- **Lighting.** There is very little regulation for parking lot lighting in the Zoning Ordinance that would relate to redevelopment within the study area.

### Recommendations

We were asked to explore zoning options for the 404 Park Area (②) in more detail, to provide more specific guidance to the City for the site at Oakland and Park. The dimensional characteristics, parcel configurations, proximity to the downtown and location along higher volume streets will influence the potential development. Our recommended approach would be to allow modest density, attached residential types (4-unit buildings) at a density higher than what is allowed in the R-2 district, to be offset to some degree with higher quality screening and overall development quality. The following discuss the various ways that this could be achieved and our suggested approach:

1. **Grant Variances.** The City has the authority to grant variances of the dimensional and use restrictions in the Zoning Ordinance. Use and dimensional variances should only be issued in extremely unusual cases, and should be avoided where the desired redevelopment is expected to require several variances.

In this case, the shape of the parcel along does not prevent development into single-family



homes according to the requirements of the R-2 district. However, there are some physical factors that make development of a single family home questionable. We believe an alternatives development option, attached single-family units, is more reasonable and can serve as a buffer for the adjacent residences. A use variance, along with dimensional variances, is an option. Even if the property owner can demonstrate there is a "demonstrated hardship" to warrant a use variance, such a procedure is often not viewed as a good policy approach.

2. **Rezone the Property.** Rezoning of the site from R-2 to a higher intensity designation, such as the R-8 zoning district would allow additional uses including multiple-family uses, but not commercial uses, which can help alleviate concern from the neighborhood residents. In addition, the dimensional requirements are less than those in the R-2. Particularly, the minimum lot size is reduced to 3,000 s.f., the rear setback is reduced to 20', and open space and lot coverage requirements are eliminated, which could accommodate more intense uses. They could also, however, create a development that, without performance standards, may not achieve the compatibility, transitions and buffers desired for this site.
3. **Establish a New District or Overlay.** The recommended approach is to develop a new, urban residential district that could be applied to select sites in anticipation of redevelopment. The provisions could apply if sites are rezoned, or it could be applied as an overlay. The primary benefit of this option is that the City can establish the provisions it feels appropriate for these sites rather than trying to force them into an existing district. Key aspects of this district could include:
  - a. Shifting of the approval focus from the dimensional requirements to a set of performance-based standards. If chosen, standards including but not limited to the following should be included:
    - 1) The development includes building heights, screening and landscaping that consider adjacent land uses and development patterns to ensure proper transition to nearby residential neighborhoods; and
    - 2) The development provides an alternative housing type not typically found in the City, such as senior housing, attached single-family, or other targeted types.
  - b. Because the conditions of the 404 Park Area are not specific to that study area, applicability provisions could be included to allow this district to be applied to other sites that either:
    - 1) Abut both a single-family residential district and a non-residential district, or
    - 2) Are located along a major non-residential road that abuts a single family district.
  - c. Specific standards of the district should include design considerations such as:
    - 1) Additional screening standards for transitional sites, such as inclusion of additional landscaping, building step-backs, and other provisions that we expect will be needed;
    - 2) Additional parking location options, which are limited to on-site facilities in the R-2 district; and
    - 3) Maximum illumination levels, limits on late-night activity, noise restrictions or other standards that may help protect nearby residents.
    - 4) Incentives or other market-based zoning approaches that are more likely to result in the development activity that is desired.
  - d. A development agreement should be required with each approval, to detail the parameters for development relative to the specific conditions and factors for each site. The agreement should address issues such as maximum density, buffer quality, architecture, etc.

**EXHIBIT 4**

**VISION STATEMENT**

**THE DOWNTOWN BIRMINGHAM  
VISION STATEMENT**

Because downtown Birmingham plays such an integral part in the lives of its residents and serves as a regional destination for so many others, those determining the course of our downtown must continue to build on our treasured heritage when addressing the challenges of the future.

The Downtown Birmingham 2016 Master Plan must:

- Ensure the economic viability of the downtown business community.
- Be designed for the safety, comfort, convenience, and enjoyment of pedestrians, rather than vehicular traffic.
- Strengthen the spatial and architectural character of the downtown area and ensure buildings are compatible, in mass and scale, with their immediate surroundings and the downtown's traditional two- to four-story buildings.
- Ensure good land use transitions and structural compatibility in form and mass to the traditional, residential neighborhoods surrounding downtown.
- Recognize Birmingham's unique past through architecture, landscape, signage, lighting, and/or public art.
- Create and reinforce identifiable districts within the downtown to provide a sense of place and a variety of experiences.
- Encourage a diverse mix of uses including retail, commercial, entertainment, cultural, civic, and especially residential
- Encourage first floor retail businesses, services, and other activities which are required for everyday living.

Enhance the natural environment and integrate park land and green space into the downtown experience.

- Create a strong identification for civic buildings and public spaces and contextualism in the design of public projects.
- Strengthen residents' civic life by promoting private and public cultural and civic events, and providing sites for civic and public buildings.
- Cultivate the development of cultural and artistic resources, both public and private, and create appropriate and contextually designed spaces for the integration of art and music into the downtown area.
- Provide easily accessible, identifiable, and convenient parking in an amount to support downtown density and use.
- Recognize the types of vehicular traffic, both regional and destination, circulating in and around downtown and attempt to facilitate that vehicular traffic without sacrificing downtown's pedestrian experience.
- Provide for the future by maintaining and enhancing the infrastructure for necessary services and future technologies.
- Develop plans and set strategies for the downtown's success by utilizing the resources of Birmingham's business, civic, and governmental organizations.
- Strive to achieve a downtown for people of all ages, ethnic backgrounds, and incomes.

Adopted by the Downtown Planning Advisory Committee on October 10, 1996.

January 12, 1960

Planning Board  
Birmingham, Michigan

SUBJECT: Zone Change Request - Archie Addison - 404 Park

Gentlemen:

At the December 21, 1959 City Commission meeting a communication was received requesting a zone change for the property described as 404 Park by Mr. Archie Addison from R-2 Single Family Zone District to commercial classification. The subject property comprises lots 66 and 67, Oak Grove Addition, and is located on the northeast corner of Park and Oakland. The zone change request was referred to the Planning Board for report and recommendation. Mr. Addison advises in the petition that the property is no longer suitable for residential dwelling due to heavy traffic and noise.

It is suggested that the matter be scheduled for an informal public discussion with the abutting property owners and subject property owner at the meeting of Wednesday, January 20, 1960 at 8 p.m. in Room 200 of the Municipal Building.

Respectfully submitted,

  
Herbert Herzberg  
City Planner

HH/sf

February 11, 1960

Planning Board  
Birmingham, Michigan

SUBJECT: Zone Change Request - Archie Addition, 404 Park

Gentlemen:

At the December 21, 1959, City Commission meeting a communication was received requesting a zone change for the property described as 404 Park by Mr. Archie Addison, from R-2 Single Family Residential Zone District to a commercial classification. The subject property comprises Lots #66 & #67, Oakgrove Addition and is located on the northeast corner of Park and Oakland. The zone change request was referred to the Planning Board for report and recommendation.

In Mr. Addison's zone change request he states that, in his opinion, the property is no longer suitable for residential dwelling due to the heavy traffic and noise.

The Planning Board considered the zone change request at the regular meeting of Wednesday, February 3, 1960. Mr. Addison was represented by Mr. Harry Wise, Legal Counsel. Mr. Wise advised that Mr. Addison requests a rezoning to B-1 Non-Retail Business Zone District. Several property owners in the immediate area and Mr. George W. Talburt, representing the subdivision group north of Oakland west of Hunter Blvd. and east of Woodward, submitted a petition of property owners opposed to the subject rezoning.

The Planning Board decided to take the matter under advisement and consider the zone change request at a later date.

Respectfully submitted,

  
Herbert Herzberg  
City Planner

HH/br  
cc: Harry Wise



May 18, 1960

City Commission  
Birmingham, Michigan

SUBJECT: ZONE CHANGE REQUEST - MR. ARCHIE ADDISON

Gentlemen:

At the City Commission meeting of December 21, 1959, Mr. Archie Addison submitted a petition dated December 14, 1959, requesting that Lots 66 and 67, Oak Grove Addition (404 Park Street), be changed in zoning from the present R-2 Single Family Residential zone district to a commercial classification. The petition was referred to the Planning Board for report and recommendation.

The subject property is generally described as being located on the northeast corner of Oakland and Park. The Planning Board has held several informal public discussions with the property owner and the abutting property owners. As a result of these meetings, it has been determined that the property owner desires a B-1 Non-Retail Business zone district classification.

The Planning Board has just concluded its study on the need for additional B-1 Non-Retail Business zone district properties in the City of Birmingham and, as a result of this survey, recommends to the City Commission that the subject zone change request be denied.

Based upon the B-1 Non-Retail Business zone district needs study, properties to be considered for rezoning to B-1 Non-Retail Business would have to abut an existing retail business zone district classification. All abutting zone classifications are Single Family Residential.

Respectfully submitted,

  
Robert W. Page, Chairman  
Planning Board

5/23/60

*Larry*

March 28, 1988

Planning and Historic District Commission  
Birmingham, Michigan

From: Larry L. Bauman, City Planner

Re: Proposed Rezoning of 404 Park Street from R-2, Single-Family Residential to R-8, Attached Single-Family Residential

Dear Commissioners:

The petitioner is seeking to rezone the parcel referenced above from R-2, single-family residential to R-8, Attached single-family residential. The purpose of the proposed rezoning is to permit development of two-story townhouses at the higher density permitted in the R-8 district. The 14,120 square foot lot would yield four dwelling units, based upon the 3,000 square feet of lot area per unit required in the R-8 district.

#### EXISTING LAND USE

The subject parcel is the site of an existing single family home. This existing frame structure is in relatively poor repair, compared to other single family homes in the immediate vicinity, both north and west. The lots are flanked on the east by Hunter Boulevard and on the south by two large-scale office buildings (300 Park and the Great American Building) and a city parking structure.

#### FUTURE LAND USE PLAN

The Birmingham Future Land Use Plan designates the neighborhood, of which the subject parcel is a part, as a Sensitive Residential Area. The Future Land Use Plan observes:

The City of Birmingham contains no declining neighborhoods. In fact, many of the older residential areas of the city have experienced dramatic reinvigoration due to the substantial improvements made by private homeowners. However, there are certain residential areas of the city which merit special attention from the Planning Board and the city administration in order to ensure continued preservation and enhancement of residential quality. These areas are delineated on the map entitled "Sensitive Residential Areas."

The plan goes on to note that "the residential area between Hunter Boulevard and Woodward Avenue, north of Oakland contains many fine old homes." The Plan, however, cautions that

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

It should be noted that one block north of the subject parcel on the north side of Euclid, between Ferndale and Park, there are three existing two-family dwellings on a site currently zoned R-4, two-family residential. The City is considering rezoning this site to R-2 to bring it into conformance with the Future Land Use Plan. This rezoning is being considered in an effort to maintain the single-family character of the surrounding neighborhood, including the subject parcel.

#### ZONING MAP

The subject parcel is currently zoned R-2, Single-Family Residential, as are other single-family homes in the neighborhood. The only non-single-family zoning in the interior of the neighborhood is the two-family site on Euclid which was discussed earlier. The neighborhood's Woodward frontage is zoned B-2, General Business, as is the Oakland Street frontage, between Woodward and Ferndale. Zoning of parcels on the south side of Oakland, across from the subject parcel consists of B-4, Business-Residential and Public Property.

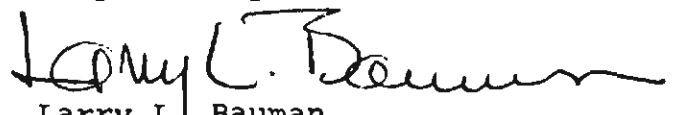
#### RECOMMENDATION

The analysis above documents that the subject parcel is currently developed and zoned single-family and is part of a "sensitive" neighborhood.

The analysis also documents that the City's intent has been to effect rezonings only in conformance with Future Land Use Plan recommendations.

With these facts and conditions in mind, we recommend that the present R-2 Single-Family Residential zoning of the subject parcel be maintained. We further recommend that the request for rezoning to R-8, Attached Single-Family Residential be denied.

Respectfully submitted,

  
Larry L. Bauman  
City Planner



SCALE 1" = 100'

19 - 25G














COPIES AVAILABLE FROM  
 OAKLAND COUNTY PLANNING DIVISION  
 EXECUTIVE OFFICE BUILDING  
 1200 N. TELEGRAPH ROAD  
 POINTEAUX, MICHIGAN 48060  
 PHONE (313) 880-0123  
 Daniel T. Murphy County Clerk, 1998

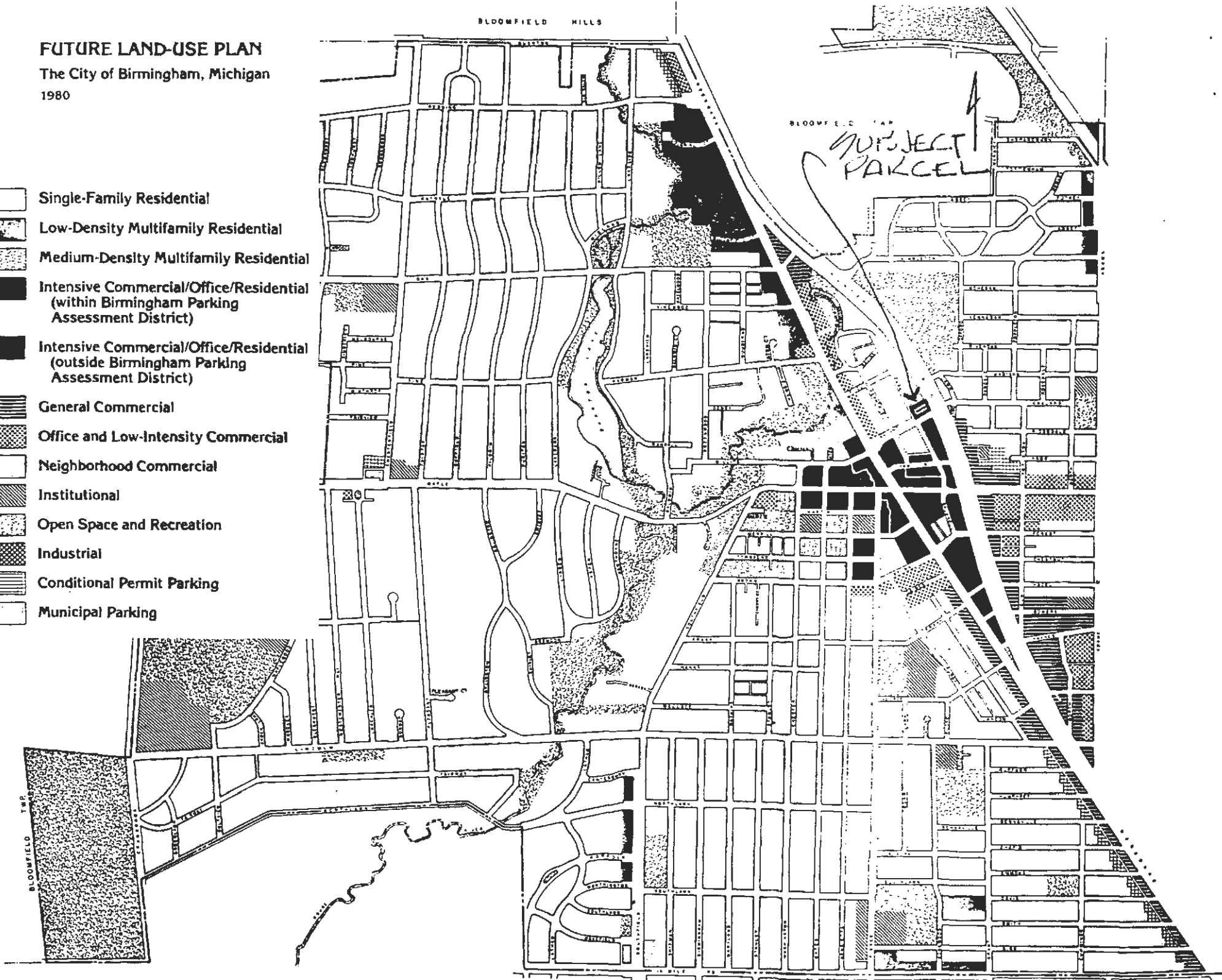
BLOOMFIELD TWP.

W. 1/2 S.E. 1/4 S1.C. 25 T.2N. R.10E.

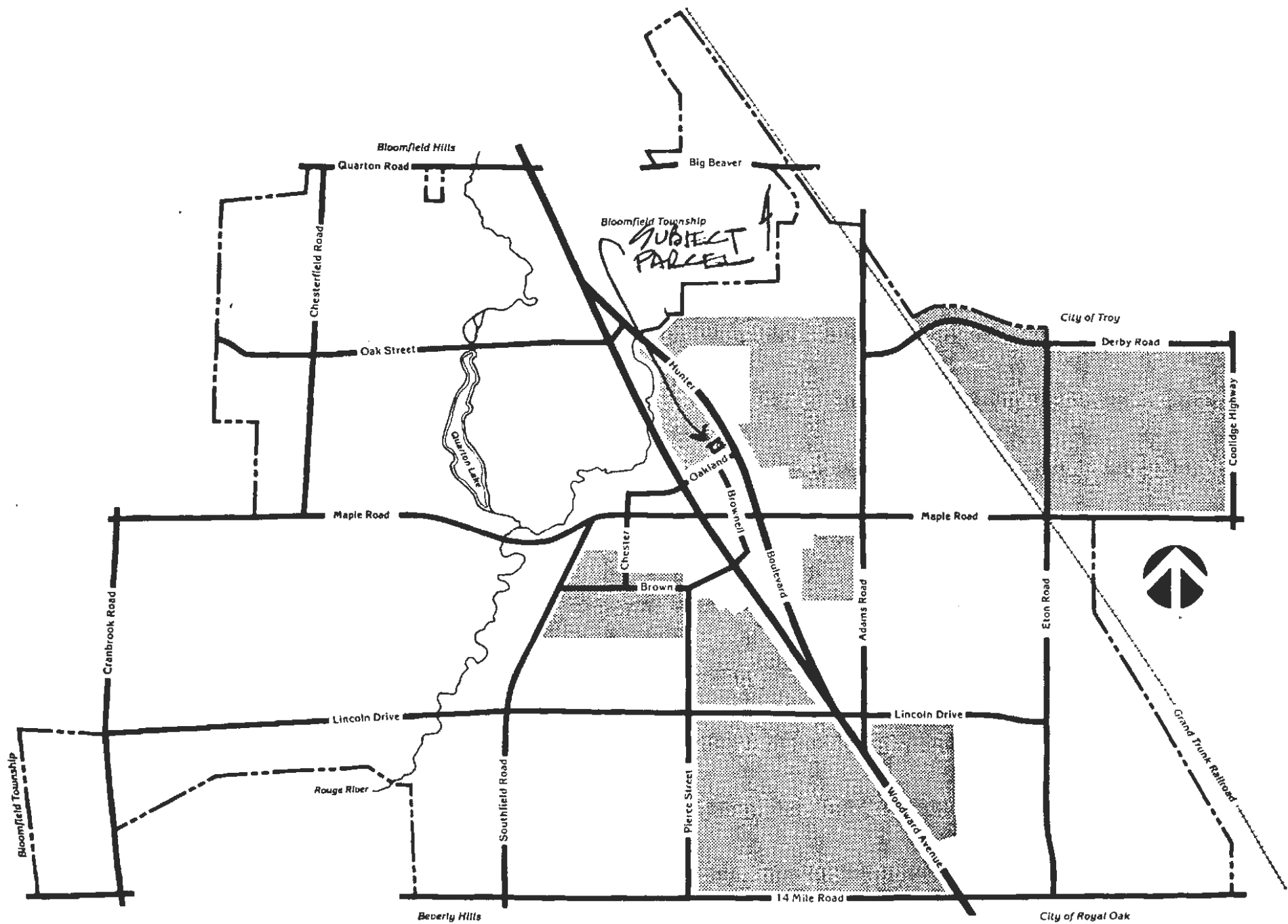
# FUTURE LAND-USE PLAN

The City of Birmingham, Michigan  
1980

-  Single-Family Residential
-  Low-Density Multifamily Residential
-  Medium-Density Multifamily Residential
-  Intensive Commercial/Office/Residential (within Birmingham Parking Assessment District)
-  Intensive Commercial/Office/Residential (outside Birmingham Parking Assessment District)
-  General Commercial
-  Office and Low-Intensity Commercial
-  Neighborhood Commercial
-  Institutional
-  Open Space and Recreation
-  Industrial
-  Conditional Permit Parking
-  Municipal Parking







## SENSITIVE RESIDENTIAL AREAS

The City of Birmingham, Michigan

LPR PROPERTIES  
404 Park

Summary Sheet - R-8 Attached Single Family Residential  
Regulations.

Total Lot Area - 14,120 sq. ft.

Minimum Lot Area - required: 3,000 sq. ft./1 dwelling unit  
- permitted: 14,120 sq. ft./4 dwelling units

Maximum Building Height - permitted: 28 ft., 2 stories

Front setback - required: 25 ft. or ave. of neighbors  
(Park St.) within 200 ft.

Side setback - required: 10 ft.  
(Oakland Ave.)

Side setback - required: 7 ft.

Rear setback - required: 20 ft.  
(Hunter Blvd.)

Parking - required: 2 spaces per unit or 8 space total to be  
supplied in a garage or carport or in the principal building.

\*Rear Open Space - required: 180 sq. ft. private open space  
enclosed with a wood/masonry fence  
of at least 6 ft.

Required Conditions:

A variation of front setbacks of at least 4 feet is required.

Front yard screening shall be provided to shield parking from the  
street.

No accessory buildings/structures other than a garage or carport  
shall be placed in the rear yard setback.

Parking, other than driveways, shall not be permitted in the  
required front or side open space.

\*Each dwelling unit shall have on the same lot and immediately  
accessible to the living area a usable enclosed private open  
space.

PM/nn  
3/28/88

May 19, 1988

MEMORANDUM

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

From: Larry L. Bauman, City Planner

Approved: R.S. Kenning, City Manager

Subject: Proposed Rezoning of 404 Park Street from R-2, Single-Family Residential to R-8, Attached Single-Family Residential


Dear Mr. Kenning:

The Planning Board recommendation regarding the proposed rezoning referenced above is outlined in the attached letter dated May 18 from Mr. Blaesing, the Planning Board Chairman.

We have also attached the following items for the City Commission's information:

- Public Hearing notice
- Approved April 27, 1988 Planning Board minutes
- March 28, 1988 Planner's review letter
- Various letters from nearby residents

Respectfully submitted,

  
Larry L. Bauman  
City Planner

LLB/nn

May 18, 1988

City Commission  
Birmingham, Michigan

From: Brian L. Blaesing, Chairman Planning Board

Re: Proposed Rezoning of 404 Park Street from R-2, Single-Family  
Residential to R-8, Attached Single Family Residential

Dear Commissioners:

The Planning Board convened a public hearing regarding the proposed rezoning referenced above on April 27, 1988.

During the hearing, several single-family homeowners from the neighborhood spoke against the rezoning, citing the fragile nature of the neighborhood, erosion of the environment by intense land use and increased traffic, and non-compliance with the development guidelines established in the Master Plan. In addition, several letters opposing the rezoning were filed with the Planning Department.

One neighborhood property owner did not object to the idea of the rezoning, but was concerned with the potential on-street parking burden. He thought that the proposed townhouses would improve neighborhood property values.

The petitioner noted that the proposed rezoning would provide a land use buffer between the residential neighborhood to the north and the non-residential uses located on the south side of Oakland Avenue. It was also pointed out that there are several areas fronting the Ring Road which had been developed with townhouses, similar to those proposed on the subject parcel.

Following an extensive discussion among the members, the Planning Board voted as follows:

- Moved by Tholen, Seconded by Kendall to recommend to the City Commission that the present R-2, Single-Family Residential zoning classification be retained.
- Vote on the Motion: Yeas 5 (Tholen, Kendall, Barr, Rattner, Gienapp) Nays 2 (Blaesing, Steffy). Motion passes.

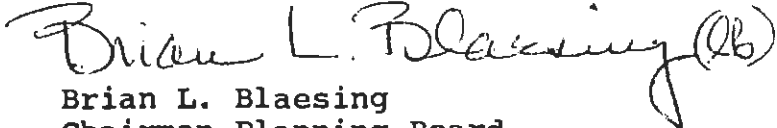
Calculation of protest petitions reveals that a 5/7 vote will not be required on the part of the City Commission.

The adoption of this ordinance does not require a public hearing by the City Commission. The statutory requirement for a public

Page Two - Proposed Rezoning of 404 Park from R-2, Single-Family Residential to R-8, Attached Single-Family Residential

hearing was met by the Planning Board. The City Commission, however, may hold a public hearing on this issue if it is deemed desirable.

Respectfully submitted,

  
Brian L. Blaesing  
Chairman Planning Board

BLB/LLB/nn

Attachments

- Public Hearing Notice/Area Map
- Planner's letter
- Public Hearing Minutes
- Protest Letters



P.H. 4/27/88

LETTERS OF PROTEST

404 Park

Opposed:

Hartland Smith

Bruce Thal

Mr. Wetsman

Address:

467 Park  
(19-25-452-011)

300 Ferndale  
(19-25-452-025)

233 Oakland  
(19-25-452-026)

Dr. Marc Lindy 343 Ferndale  
c/o 340 John Cushman

Samela Livingston-Hardy Ann St.

Steve Ike 348 Park

Nick Briite Ferndale (letter)

Beet Dwight 452, 430, 436 Park

---

LPR Property

Mr. Lambert - partner.

- currently rental structure
- Georgetown Style Attached housing
- property owner to N. does not object to proposed
- many R-8 developments along Ring Road,

HARTLAND B. SMITH  
467 PARK AVENUE  
BIRMINGHAM, MI 48009

March 19, 1988

RECEIVED

MAR 21 1988

CITY of BIRMINGHAM  
PLANNING DEPARTMENT

Planning And Historic District Commission  
City of Birmingham  
P.O. Box 3001  
Birmingham, MI 48012

Gentlemen:

I wish to express my opposition to the proposed Zoning Classification change from R-2 to Attached Single Family Residential for lots 66 and 67, "Oak Grove Addition".

The small residential enclave north of Oakland and East of Woodward has, through the years, been under pressure from non-residents who have sought financial gain by making changes in this pleasant neighborhood.

An amendment to the Zoning Classification north of Oakland will be a signal to outsiders that all they need do is purchase property, beg for a Zoning Change and then they'll be able to proceed with whatever project they may envision.

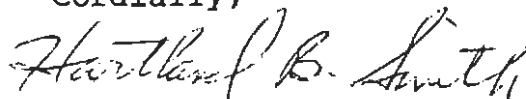
Numerous City Administrations and City Plans have sought to maintain the section north of Oakland as Residential. This will be more difficult to accomplish in the future, once a Zoning Change has been approved here.

To demonstrate that the present R-2 Classification is entirely adequate, for those who care to construct new housing units, I would point to the home presently under construction at the corner of Euclid and Park as well as to the home at 460 Park which was built a few years ago. These two structures definitely show that if someone desires to erect residential housing in the area, they can do so within the present R-2 Zoning Classification.

The recent fiasco at the NW corner of Oakland and Ferndale should be proof enough that the residents north of Oakland desire no further speculative incursions into the area. A Zoning Change, even a minor one, can only serve to further endanger the precarious existence of the neighborhood.

Your decision AGAINST the proposed Zoning Amendment will be appreciated.

Cordially,



Hartland B. Smith

BRUCE E. THAL  
200 Renaissance Center - 16th Floor  
Detroit, Michigan 48243

RECEIVED

APR 25 1988

CITY OF BIRMINGHAM  
PLANNING DEPARTMENT

*Patt*

*Re: 404 Park*

April 22, 1988

Ms. Patricia McCullough  
Assistant City Planner  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48011

Dear Ms. McCullough:

Unfortunately, neither my wife nor I will be able to attend the Birmingham Planning Board public hearing on Wednesday, April 27, 1988. However, we wish to express our very strong objection to the change from R-2 Single Family Residential to S-8 Attached Single Family Residential for the property known as 404 Park that is being considered at that meeting.

The residential areas on Park and Ferndale are small and any intrusion on them will lead to the erosion of the nature of the community. As a consequence, we are unalterably opposed to this proposed change.

We reside at 300 Ferndale. Thank you for your consideration in this matter.

Very truly yours,

*Bruce E. Thal*

Bruce E. Thal  
BET/mak

Phones: 564-6800  
642-5100

WILLIAM M. WETSMAN



WISPER and WETSMAN Inc.

132 N. WOODWARD • BIRMINGHAM, MICHIGAN 48011

MAILING ADDRESS: P.O. BOX 2086-282 • BIRMINGHAM, MICHIGAN 48012

April 12, 1988

Mr. Larry Bauman  
Planning Department  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48012

Dear Mr. Bauman;

This letter is in response to your notice of Public Hearing with regard to the possible rezoning of Lots 66 and 67, "Oak Grove Addition", commonly known as 404 Park St.

I am very much against the rezoning of this parcel. Our small community is a compact neighborhood of single family (R-2) dwellings. Any inroads into the existing single family (R-2) zoning, I fear, will be just the beginning of the end for our community. There is little enough land in the central city for single family (R-2) dwellings now and to further erode this would, in my opinion, be a major mistake.

Sincerely,  
*William M. Wettsman*  
William M. Wettsman  
233 Oakland  
Birmingham, MI 48009

*April 27, 1988*

4-2-88

Public Hearing.

Lots 66 and 67, "Oak Grove Addition" commonly known as 404 Park Street - LPR Properties. These properties are located north of Oakland Avenue between Park Street and Hunter Boulevard.

Mr. Bauman noted the purpose of the hearing is to receive public comments on a proposed amendment to Title V, Chapter 39, Zoning and Planning Ordinance of the Code of the City of Birmingham, by amending Section 5.7, the Zoning Map to rezone these properties from R-2 Single Family Residential to R-8 Attached Single Family Residential. Petitioner is seeking to rezone this so that four two-story townhouses could be constructed there. Existing land use on the site is a single family home that is in relatively poor repair. The Birmingham Future Land Use Plan designates the neighborhood as a Sensitive Residential Area.

Mr. Blaesing noted in his packet three letters in opposition to the rezoning: Hartland Smith, 467 Park, William M. Westman, 233 Oakland, and Bruce Thal, 300 Ferndale. A fourth letter was passed around this evening from C. Nicholas Kriete and Ellen Kock, 367 Ferndale.

Dr. Marc Lindy spoke in opposition for himself, 343 Ferndale, the Wetsmans at 233 Oakland, the Thals, and John Kasujian at 340 Ferndale. This is a sensitive neighborhood and a zoning change would set precedent.

Ms Pamela Livingston Hardy, 887 Ann Street was opposed. She wanted the Board to consider the importance of maintaining the neighborhood.

Mr. Nick Kriete read his letter of opposition. This neighborhood is being slowly eroded by intense land use and increased traffic.

Mr. Bill Dwight, owner of the properties at 430, 436 and 452 Park did not object to the change in principal. He was concerned that the future tenants not be allowed parking permits on Park Street, however. He thought the proposed structures would improve the value of the neighborhood.

Mr. Steve Ike, 439 Park was opposed because there is a parking problem on the street already.

Mr. Lambert represented LPR Properties and stated they purchased the home a number of years ago and have rented it out with the idea there was a better use, such as Georgetown style single family attached structures with their own parking. The zoning change would provide a clear definition between the existing residential on Park and the commercial immediately across the



street. They believe denial of their petition would not be consistent with what has taken place over recent years. They feel specific problems associated with that corner were not adequately addressed at the time the Master Plan was drawn up.

Dr. Lindy thought the highest and best use of the land in this neighborhood is set down by the Master Plan. The property value can still be improved by keeping a single family home on each lot.

Ms Steffy determined this house lies on two buildable lots.

Mr. Rattner said that when there is a close call as to whether or not a property should be rezoned, you have to look at undue hardship. Traffic and the close proximity to commercial would be the closest we would get to undue hardship for this particular property. He could not support the petition.

Mr. Blaesing said he is a strong believer in buffers. This is not a departure to some other use, it would remain residential. To remain a viable downtown we have to have as many residents living close to downtown as possible. He could support a change in zoning in this location.

Mr. Tholen feels this property could be developed on an economically viable basis in its present zoning classification. He supports the present zoning.

Moved by Mr. Tholen

Seconded by Mr. Kendall to recommend to the City Commission that the present zoning be retained in its present zoning classification of R-2 Single Family Residential.

Dr. Lindy thought the only hardship on these lots is an economic hardship on the owners who cannot make as much money from two single houses as they could off of four residences. The welfare of this neighborhood should not be based on economic developers' pockets.

Ms Steffy said we are looking at a very difficult site and felt the proposed zoning would offer a buffer zone between the commercial and the single family area immediately adjacent.

All were in favor of the motion with the exception of Mr. Blaesing and Ms Steffy.

Motion passes 5-2 - The Planning Board recommends to the City Commission that the current zoning of R-2 Single Family Residential be upheld.



## LPR Properties

300 Park Street  
Suite 215  
Birmingham, Michigan 48010  
Telephone (313) 644-8973

April 5, 1988

Mr. Larry Bouman  
Engineering/Planning  
City of Birmingham  
Birmingham, MI

Dear Mr. Bouman:

As you probably know from notices mailed to you by the City of Birmingham, LPR Properties is attempting to rezone 404 Park Street from single residential to attached single family. We are attempting to construct two residential structures consisting of two units each. These two structures will be of Georgetown architecture and the construction materials will consist largely of brick, with some siding, and an upgraded shingle roof. (See attached drawings)

LPR Land Company has been involved in the construction of custom single family residential houses, apartments, and office buildings. The Company's principals own outright and a major portion of all projects it builds. The units contemplated on Park Street will be no exception. Two of the units will be retained by the owners and the other two will be sold as residential units for owner occupancy.

We would like the opportunity to meet with all parties concerned and outline our intentions for this project. This will enable us to hear your views and incorporate those ideas into our plans. We would appreciate your setting aside the evening of April 21st so as we can meet as a group and discuss this development.

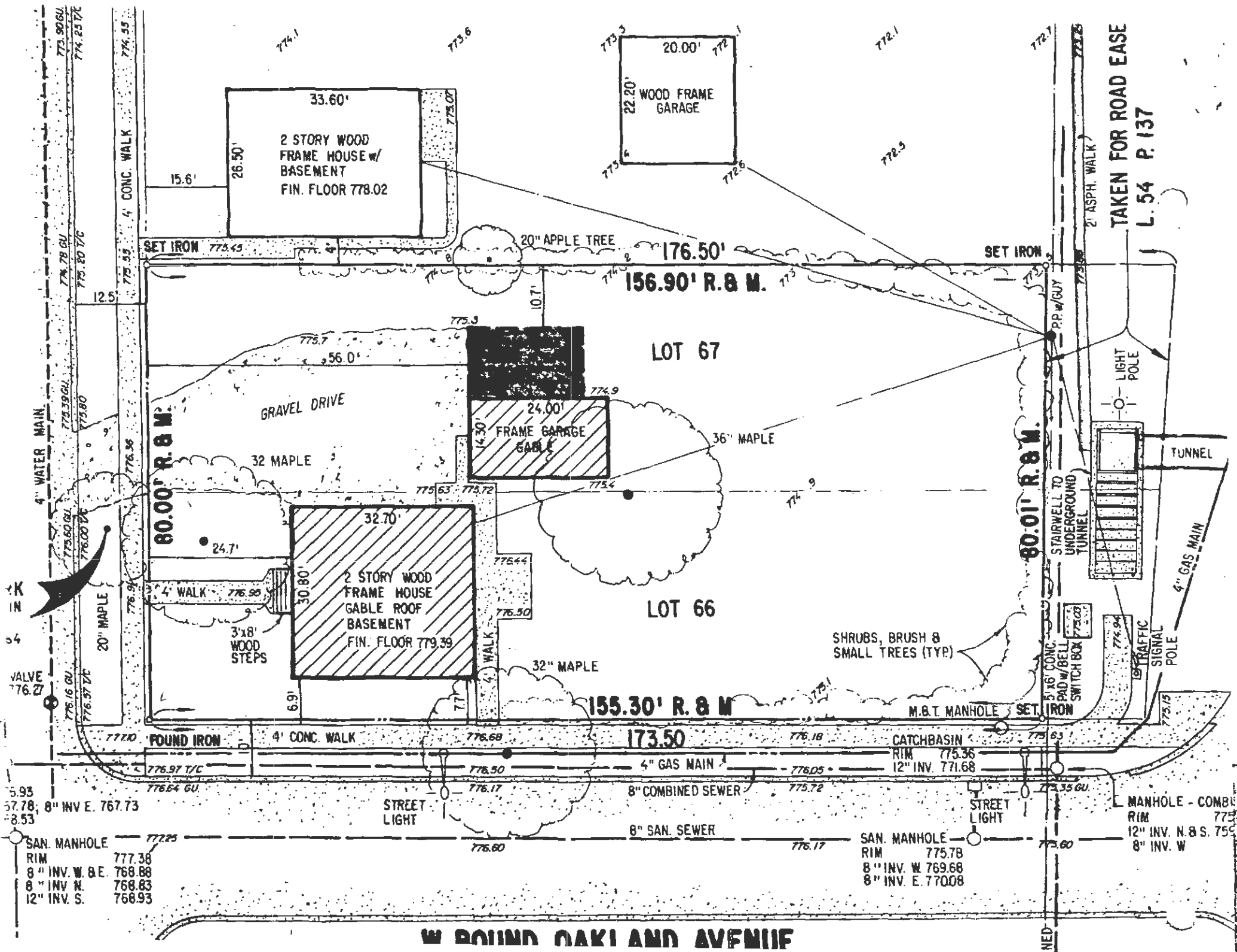
Please call the undersigned before April 15th so as we can accommodate those attending. For those unable to attend the meeting, please call our office and we will gladly meet with you at a time which is convenient for your schedule.

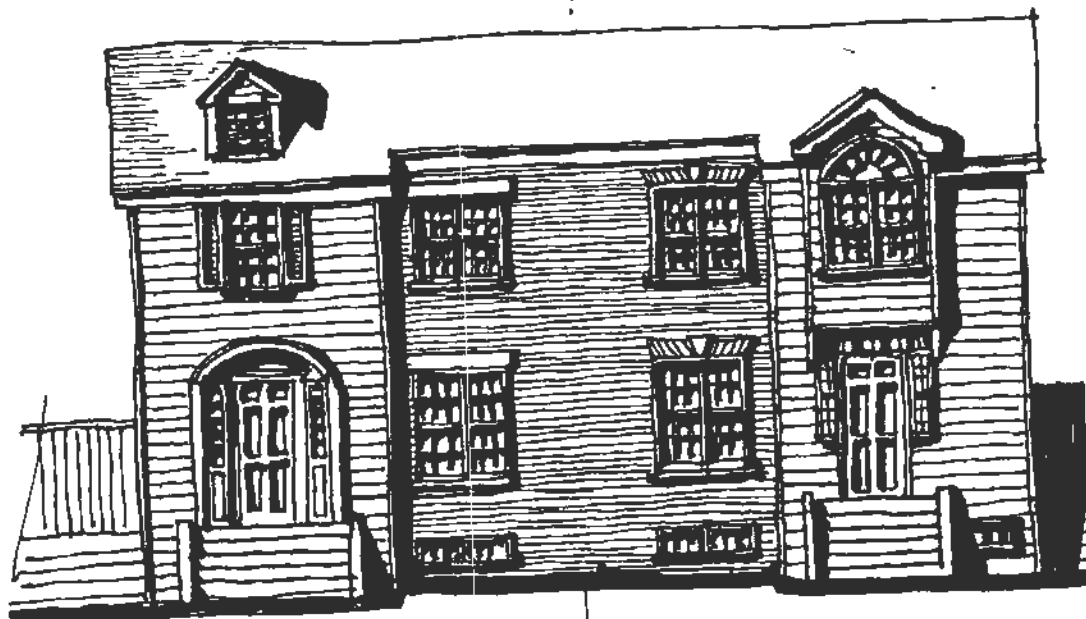
Thank-you once again for your time and we hope to meet you personally on April 21st.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Richard L. Lambert', written over a horizontal line.

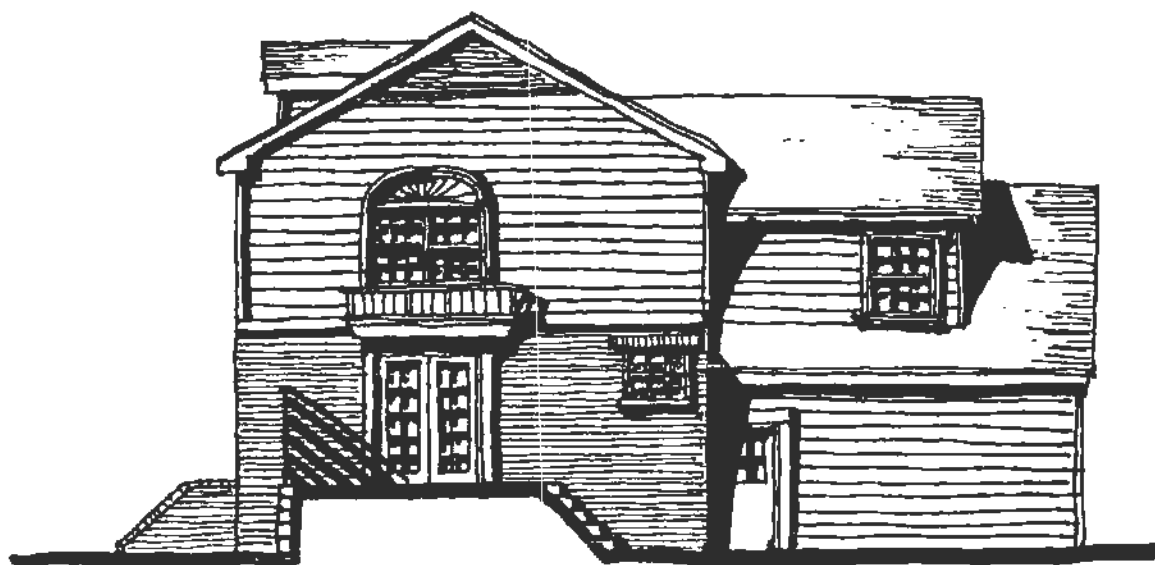
Richard L. Lambert





**SCHEME V**

**SCHEME VI**



**SIDE ELEVATION**

**APPLICATION FOR ZONING MAP CHANGE**

Birmingham, Michigan

1988 FEB 25 AM 10:20  
CITY OF BIRMINGHAM

Date Feb. 25, 1988

**TO THE CITY COMMISSION:**

The undersigned hereby make application to the City Commission to:

Change premises described as 404 Park Street; Lots 66 and 67, "Oak Grove Addition,"  
(No.) (Street)

recorded in Liber 7, pages 4 and 5 of plats, Oakland County; Park Street and Oakland  
(Legal Description)

\_\_\_\_\_ from its present zoning  
(Location)

classification of Single Family to Attached Single Family

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

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

The growth of commercial building located in area of said property, and best use as a barrier between commercial and residential. The requested zoning change corresponds to format used along Oakland, Ring Road, and Brown Street.

  
Signature of Applicant

Name of Owner LPR Properties, Ltd.

Address of Owner 300 Park Street; Suite 215

Tel. No. 644-8973

A letter of authority, or power of attorney, shall be attached in case the appeal is made by a person other than the actual owner of the property.

Date Received \_\_\_\_\_

Delivered by \_\_\_\_\_

Resolution No. \_\_\_\_\_ Disposition \_\_\_\_\_

APPLICATION FOR ZONING MAP CHANGE

Birmingham, Michigan

Date Feb. 1, 1988

TO THE CITY COMMISSION:

The undersigned hereby make application to the City Commission to:

Change premises described as 404 Park Street; Lots 66 and 67, "Oak Grove  
(No.) (Street)

Addition," recorded in Liber 7, pages 4 and 5 of plats, Oakland County,  
(Legal Description)

Park St. and Oakland from its present zoning  
(Location) B-3 Attached SF.  
classification of Single Family to Multiple Family

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

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

The growth of commercial building located in area of said property, and best use as a barrier between commercial and residential. The requested zoning change corresponds to format used along Oakland, Ring Rd., and Brown Street.

[Signature]  
Signature of Applicant

Name of Owner LPR Properties, Ltd.

Address of Owner 300 Park St.; Suite 215 Tel. No. 644-8973

A letter of authority, or power of attorney, shall be attached in case the appeal is made by a person other than the actual owner of the property.

Date Received 2-2-88 - pd. \$250.00

Delivered by \_\_\_\_\_

Resolution No. \_\_\_\_\_ Disposition \_\_\_\_\_

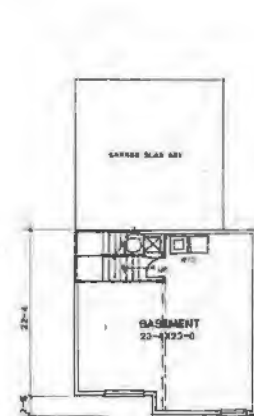
1988 FEB -2 AM 8:58  
CITY OF BIRMINGHAM



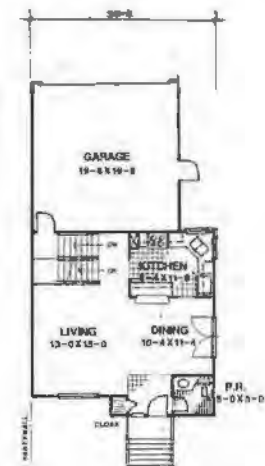
NOTES



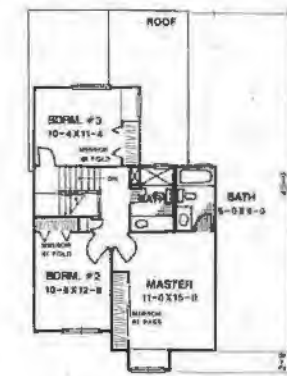
SIDE ELEVATION



BASEMENT



1ST FLOOR



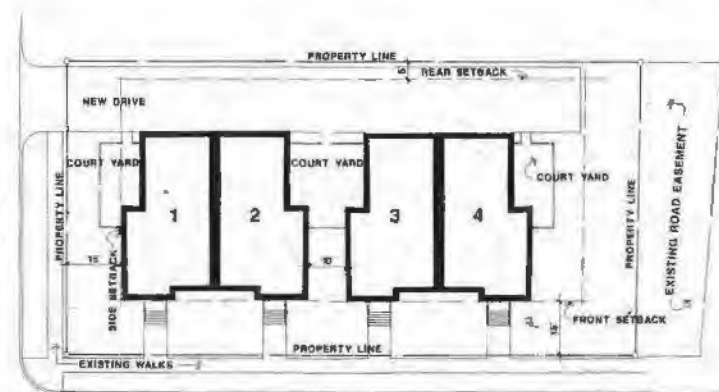
2ND FLOOR



FRONT ELEVATION



LOCATION MAP



PRELIMINARY SITE PLAN

**SCHEMATIC SUMMARY**

BASEMENT	528 Sq. Ft.
1ST FLOOR	888 Sq. Ft.
2ND FLOOR	748 Sq. Ft.
GARAGE	418 Sq. Ft.

TOTAL HVAC 1348 Sq. Ft.

NO.	DESCRIPTION	AMOUNT

BIRMINGHAM TOWNHOUSES
   
 LPR LAND COMPANY
   
 3-24-88
   
 1266.00

BIRMINGHAM TOWNHOUSES	3-24-88
LPR LAND COMPANY	1266.00
SCHEMATIC CONCEPT	1.1

BASE OVERLAYS

BASE OVERLAYS

1. These drawings are prepared for the purpose of engineering only.
   
 2. Not to be used for any other purpose without the written consent of the engineer.
   
 3. A sealed and signed copy of these drawings is required for all construction.

# Oakland/Park Subarea Study

## Purpose

The Oakland/Park area in Birmingham, like much of the city, has some unique features. Tucked behind wooded views along Woodward and the shops and offices along Old Woodward and Oakland is a tightly knit historic neighborhood. Most passersby do not even realize there is a quality historic neighborhood. Woods along Woodward Avenue provide an effective screen along the neighborhood's east edge. Other edges between the mostly single-family neighborhood and non-residential uses are generally fairly well buffered, through landscaping, walls and setbacks. There are, however, some lots adjacent to the neighborhood "edges" that are not as well buffered or have distinct site conditions that make them candidates for a possible land use change. Those parcels are the focus of this study.

One such lot, at the northeast corner of Park and Oakland Streets, was recently the topic of a rezoning request. The applicant proposed a conditional rezoning to B2C to allow a reduced front yard setback for a set of six attached residential units. In response to extensive neighborhood comments voicing opposition to the rezoning, and feeling any zoning action on an individual parcel would be premature, the City Commission recommended that the area first needed an overall planning study.

## Scope and Methodology

LSL Planning, Inc. was retained by the City of Birmingham to create a subarea analysis for the study area illustrated below. The subarea is bounded by Oakland to the south, N. Old Woodward to the west, Woodward Avenue to the east and the neighborhood south of Oak Street. This study evaluates the types of land uses, views, transition areas, traffic, access, pedestrian conditions, building heights and setbacks, and zoning.

Our technical analysis also considered the ideas and concerns of the neighborhood expressed at public meetings. While there were a variety of comments, all of which were thoughtfully considered, the key topics emphasized are listed below:

1. Protecting the integrity of the neighborhood and property values;
2. Strong preferences for single-family development on the vacant lot at Oakland/Park and a belief that it is a reasonable use;



*Study area*

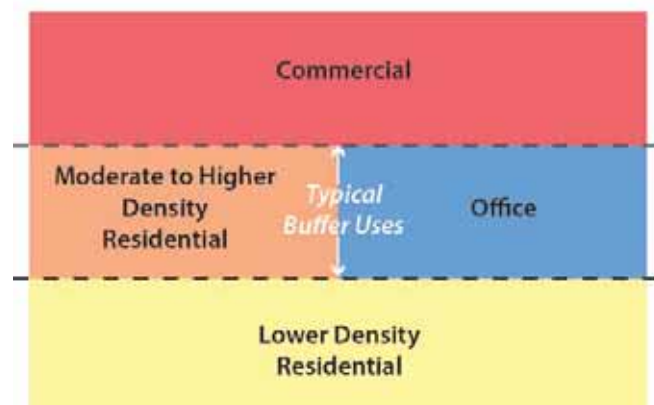
3. Desire by some to retain the Brookside Terrace condominiums;
4. Ideas or support for traffic calming and pedestrian crossing improvements; and
5. Concern about rental housing especially if there are more than four units (which the City Assessor stated is classified as "commercial").

We also considered information from the City Assessor on factors that influence property values. Typically, assessed values are based on standard factors such as comparable sales in the vicinity. When a single family home is adjacent to another use, there can be a 5 to 15% drop in the assessed value. The extent of the impact depends on factors such as, condition of the structure, traffic, and adjacent uses (type, condition, buffering, views). Different types of adjacent land uses can be made more compatible through site design and buffering aimed at reducing or avoiding negative impacts on assessed values.

## Edges and Transitions

In land use planning, an important consideration is to manage land use arrangements to minimize conflicts. Land use conflicts may occur when incompatible uses are adjacent. The result can be short- and long-term consequences or nuisances that can influence the desirability and value of one or more properties. In a downtown or mixed use district, the buyers are aware that the array of uses is part of the appeal. But in single-family neighborhoods near the downtown or mixed use district, there is an expectation of solidarity among uses in the neighborhood.

*Typical Land Use Transition Pattern*



There are a number of factors that influence the extent of the conflict and its impacts. A key factor is the intensity of the use. Certain more intense uses are generally directed to be separated from other uses. This is one reason why in planning and zoning communities have a series of land use classes or zoning districts that specify the permitted uses.

Due to the impacts of non-single-family uses (views, noise, traffic, parking, late-night hours, etc.) single-family neighborhoods are often separated from retail, entertainment, and service businesses by uses transitioning the intensity between the districts – higher density housing or offices are typical applications of these transitional buffer uses (see diagram at right). In more urban/mature cities like Birmingham, residential uses often abut commercial uses with little room for transitional uses. In such cases, the uses can be more compatible by incorporating design features such as setbacks, landscaping, parking and access location,

### Typical Transitional Land Uses between Single-Family and Commercial

- Single-family detached homes (with suitable buffers as defined below)
- Attached single-family homes
- Multiple-family residential at an appropriate scale and density (see design considerations below)
- Single-family homes converted to offices
- Offices (with suitable buffers as defined below)
- Parks/open space
- Institutional uses (schools, libraries, etc)
- Buffers: setbacks, walls, landscape, etc.

lighting, or building design. Typically, the buffering is provided on the lot of the more intense use.

Where single-family or lower density residential neighborhoods directly abut higher intensity uses, the edges of districts (on both the commercially zoned side and residential side) are often the focus of a city's master plan and zoning regulations. These lots are scrutinized to ensure a suitable transition between the districts exists. Properties on the edges of districts may feel development pressures from adjacent zoning districts typically from the more intense district. Having well-defined transitional uses or design buffers can preserve the integrity of single-family neighborhoods from encroachment of unwelcome uses. Birmingham has dozens of examples where single-family has long remained stable when abutting non-single-family. But there are also other examples where former owner-occupied single-family homes have been converted to rentals, duplexes, or offices. In many cases, these non-single-family uses have long served as a transitional use.

## Design Considerations for Transitions

One of the objectives of the City is to protect its neighborhoods. Changes in use and zoning can potentially erode that character. But the City also has goals for vibrant, mixed use districts, a walkable city and a diversity of land uses for fiscal security. In the neighborhood edge area where the single or two-family abut other uses, the non-residential use should be designed so that it provides a transition but also forms a solid demarcation for a zoning boundary.

These design considerations were taken into account when analyzing the subarea's key parcels susceptible to change in the next section.

### Typical site design buffers between residential and non-residential uses

- Landscaping
- Attractive, well-maintained walls and fences
- Some additional setbacks especially for buildings with more height or mass than neighbors
- Low lighting impact

## Site Analysis of Key Parcels Susceptible to Change

The areas in the Oakland/Park Subarea that front or are adjacent to commercial uses are defined on the following map (titled "Adjacency Analysis") in green as parcels most susceptible to change. This does not mean a change is necessary, just that those are the parcels that should be focused on in a land use evaluation such as this report. Seven properties were identified for further study to determine if on-site design considerations provide sufficient buffers to support long-term viability of the uses, or if a change in land use, zoning, or site design may be appropriate to provide an appropriate buffer between the uses. These properties were evaluated for buffering design considerations, as described above, to determine what can be done to prevent change or what might be changed to protect the adjacent uses.

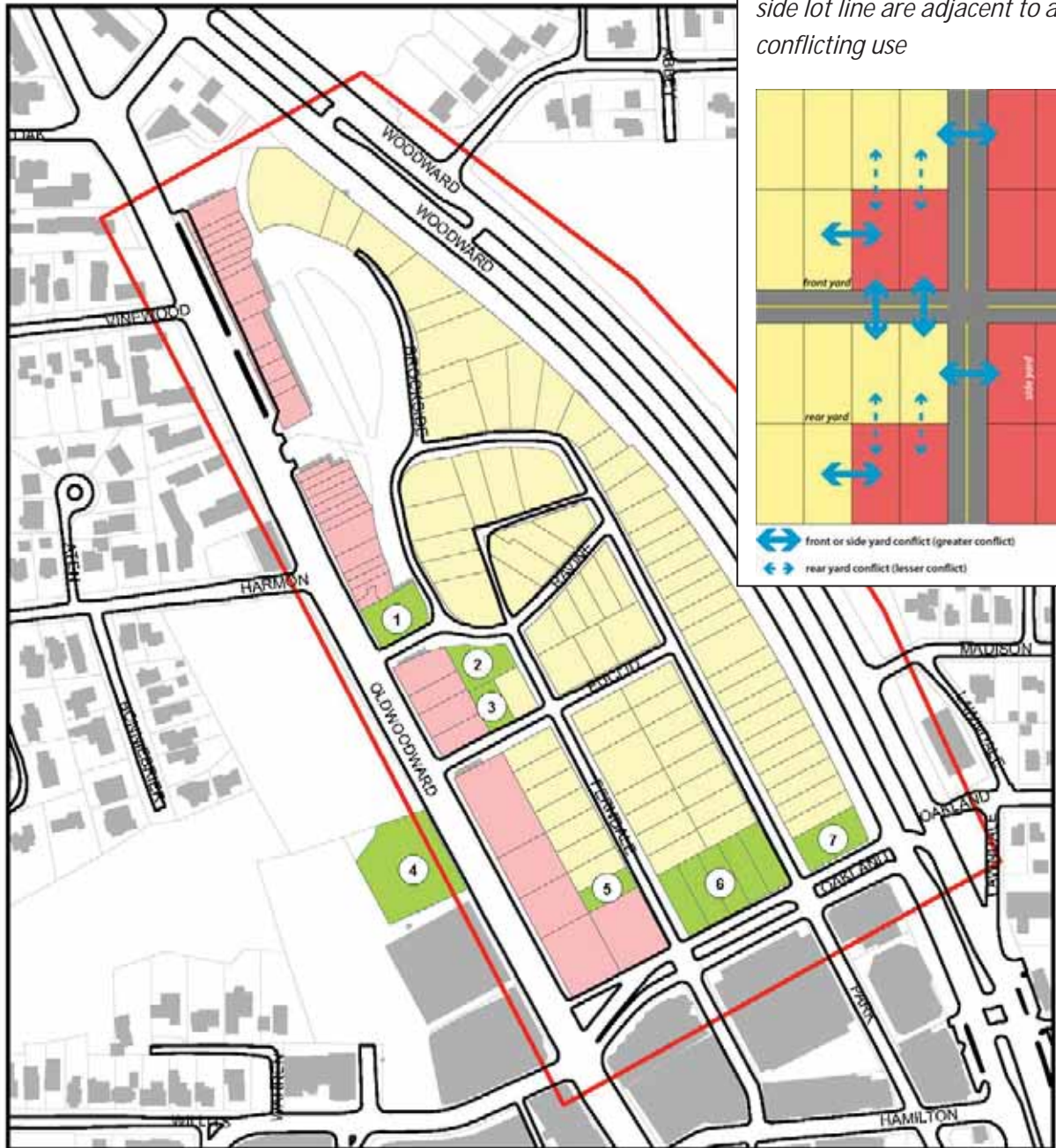
Each parcel classified as susceptible to change was evaluated and classified as follows:

1. Buffering sufficient, no change in land use is warranted or recommended;
2. Generally the uses are compatible and some buffering exists, but could be greatly enhanced; or
3. Conditions unique to the parcel (traffic, views, lot size, etc) warrant a consideration of a change in the land use; the condition may be beyond a buffering solution.

The findings for each such parcel are provided on the following pages.



Generally, when a rear lot line abuts a conflicting use it is of less concern than if a front or side lot line are adjacent to a conflicting use



- Core Residential
- Office/Commercial
- Parcels Susceptible to Change

Transitional parcels are defined by either fronting or being adjacent to a non-residential use (front or side yard) or fronting a non-local street.

<b>Oakland/Park Subarea Adjacency Analysis</b> Map Created 4-5-13	Road Edges Building Footprints Tax Parcel	Data Sources: City of Birmingham, Michigan CGI, LSL Planning, Inc. 0 125 250 500 Feet	
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## ① Brookside/Ravine Area



### Existing Conditions

The attached condos on the north side of Ravine at N. Old Woodward are a good transitional use between the retail uses on N. Old Woodward and the single-family homes in the subarea. The condos are buffered from the retail by the wooded area adjacent to the Rouge River. This wooded area also does a very good job of buffering between the shops along N. Old Woodward and the homes on Brookside, but ends at the lots edge.

### Recommendation

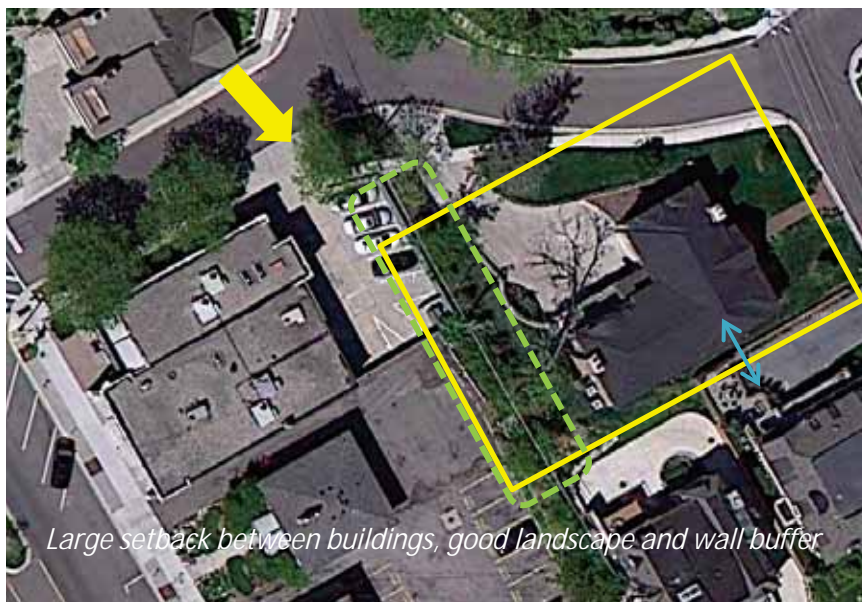
- There is no reason to support any change of land use or zoning in this area.



*While the views from homes on Brookside to the businesses along N. Old Woodward are less obstructed in winter months with less foliage, what remains of the vegetation decently screens the rear loading/parking areas of the businesses.*



## ② Ravine/Ferndale Area



### Existing Conditions

The site contains a brick wall and depressed parking lot. It is well landscaped, contains a substantial setback, and is closely tied to adjacent residential.

### Recommendation

- There is no reason to consider land use changes in this area.
- Additional landscaping along Ravine would help with views of the parking/loading from the street.

### ③ Euclid Area

#### Existing Conditions

This site has a shallow setback with parked cars adjacent to the front yard. Minimal buffers do not include a wall or significant landscaping, as is ideally desired.

#### Recommendations

- No change in land use is suggested.
- Work toward additional buffer with larger parking setback with landscaping and/or screen wall.
- Consider traffic calming treatments, such as curb bump outs to better distinguish office from residential street.



*Consider improvements to Euclid that will help calm traffic. See the Complete Streets and Traffic Calming Concepts section of our report for more information:*

- 1. Curb-bump outs*
- 2. Speed table*
- 3. Clearly marked crossings*
- 4. Signage*

#### ④ Brookside Terrace Area



#### Existing Conditions

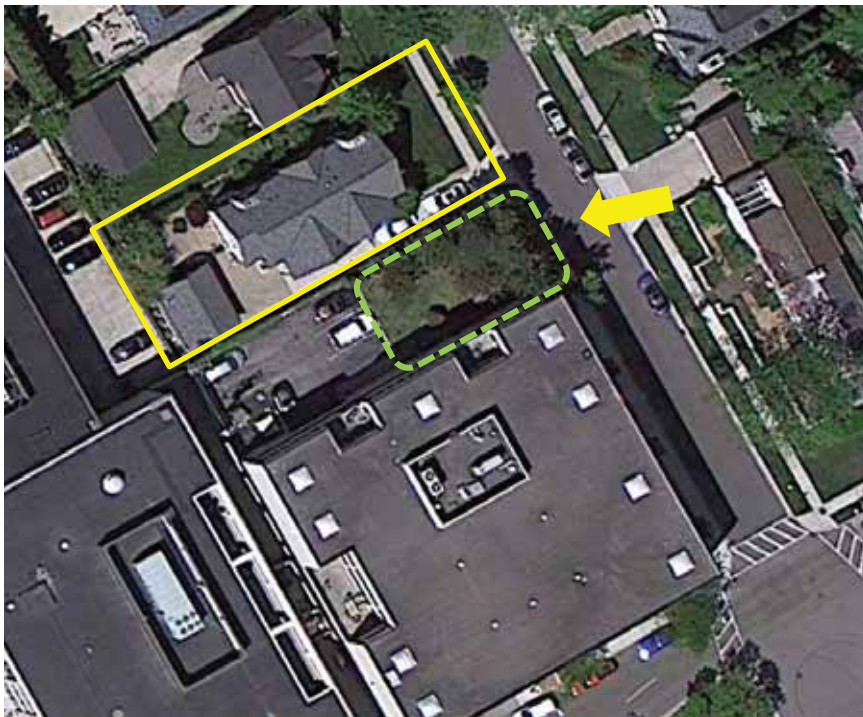
The Brookside Terrace condominiums front onto N. Old Woodward, with a large setback from the street, which provide a nice greenspace along N. Old Woodward. The site backs onto the river, providing nice vistas, both of the river and residential homes on the other bank. Parking, via a structure and on-street facilities are provided to accommodate the moderate density on the site.

#### Recommendations

- Plan for redevelopment into office or mixed-use.



## ⑤ Ferndale Area



### Existing Conditions

This site includes an office building. A substantial landscaped area and setback separates the residential from the office. Rear yard parking, located adjacent to the garage/drive, includes a hedgerow buffer.

### Recommendation

- No changes are recommended in this area.

## ⑥ Oakland Area



### Existing Conditions

The properties fronting Oakland are somewhat buffered from the parking deck across the street by the width of the right-of-way and the landscaped median. Unlike most of the homes in the neighborhood, the views from those lots look onto a four story office building and multi-story parking deck. These properties have historically been residential (2 are rentals) but the traffic volumes on Oakland are high for residential uses.

### Recommendations

As a key entrance to downtown from Woodward, Oakland Avenue could support more intense uses along its frontage, similar to those on the westernmost block of Oakland at N. Old Woodward. From an urban design perspective, this street could benefit from shallow setbacks on both sides of the street to better frame Oakland as a gateway to downtown. Should the current single-family houses (a mixture of renter- and owner-occupied homes) redevelop, a logical extension of that zero-foot front yard setback characteristic would be acceptable at the other borders of the neighborhood and across Oakland, with deeper rear yard setbacks adjacent to single-family residential. Similar to those office/commercial and attached residential buildings fronting Old Woodward, businesses or attached residential units (no more than 3 stories) would complement the character of other conditions located at the periphery of downtown while protecting the established single-family neighborhood behind. This would provide a better transition to the neighbors to the rear than the current houses fronting Oakland have as a transition. Some additional zoning suggestions are provided later in this report.



*While the median contains some landscaping, the tall trees are insufficient to fully block the view of the imposing parking deck across the street.*



*Consider marked pedestrian crossings with "Failure to Yield to Pedestrians, minimum \$50 fine" signs*



## ⑦ 404 Park Area



### Existing Conditions

This vacant property is located at the corner of busy Woodward Avenue and Oakland. The views across Oakland of the office building and

parking structure are not well shielded by the landscaped median. Unlike the other lots along the east side of Park Street, there are no woods to help screen views and noise from Woodward Avenue. The addition of screening along Woodward may be limited in order to protect sight distance along eastbound Oakland given the skewed intersection angle.

### Recommendations

While Birmingham has a strong single family market, we do not believe this site can be expected to redevelop as a single family home due to site factors (location, shallow lot depth along Oakland, lack of screening along Woodward, views of multi-story buildings

across Oakland, and the traffic volumes along Oakland). These site characteristics are unique only to this lot. Under these conditions, attached, owner-occupied residential units (approximately 4 units per building) seem to be the most appropriate use. If designed to complement the existing neighborhood architecture and housing types, this site could have more potential to redevelop into a more complementary development.

Development that can present a residential façade along both Oakland and Park, parking located closer to Woodward, and setbacks consistent with established development, could help accomplish two important goals in this area to protect the single-family neighborhood; minimize impacts from associated parking facilities; and strengthen Oakland as a gateway into downtown.



*While the median contains some landscaping, the tall trees do not fully block the view of the office building across the street.*



*This study area measures 150' wide by 80' deep, which is a challenge to redevelopment.*



*Examples of 3- and 4-unit buildings at Brown and Bates shows how attached single-family residential types can be compatible with residential. Materials and buildings would need to be revised to fit on the study site, but these images illustrate the type of quality that can be achieved.*

## Complete Streets and Traffic Calming Concepts

Generally the neighborhood streets are designed for appropriate low speed auto travel. Sidewalks are provided along both sides of the streets. To help prevent non-residents from parking in the neighborhood, on-street parking requires a permit. The City has made many improvements to calm traffic and improve the environment for pedestrians, especially along North Ole Woodward. The angled parking, medians and signalized pedestrian crosswalks have helped transform this district into another City asset. We did hear or see some comments from the neighborhood about cut-through traffic, but traffic speeds do not seem to be a problem. There are some additional enhancements that could help meet the City's objectives for "Complete Streets" designed for all types of users, and also to better distinguish the residential and non-residential segments.

- **Curb-bump outs.** At critical neighborhood entry points, where commercial uses end, curb bump-outs and perhaps a band of different pavement could help better mark the neighborhood and discourage cut-through traffic. Some of the streets, such as Park, are too narrow for a bump out, but others, such as Euclid, can accommodate a shallow bump-out.
- **Improved crossings.** An additional pedestrian crossing of Oakland at Ferndale could be evaluated by the City's Engineering Department. This could include a marked crosswalk and a sign to yield to pedestrians.
- **Speed tables.** A speed table is a slightly raised (2 to 3 inches) segment of pavement that combined with a change in pavement or a bump out can help distinguish the residential part of the street. These traffic calming measures can help discourage cut-through traffic and slightly lower speeds. A differentiation in pavement color and levels requires the motorist to notice their speed and reduce it to drive over the tables.



*Curb-bump outs, such as the one recommended along Euclid Avenue, can help distinguish the entry into the neighborhood. It may also allow installation of a tree to improve screening for the adjacent home. This could also include some type of decorative pavement or a speed table as shown below.*



## Zoning Analysis and Recommendations

**Current Zoning and Dimensional Requirements.** With the exception of the Brookside/Ravine parcel (①), which is zoned B-1, Neighborhood Business, and the Brookside Terrace (④) which is zoned R-6, Multiple-Family Residential, parcels evaluated are zoned R-2, Single Family Residential. Key dimensional standards for these districts are as follows:

	Allowed Uses	Min. Lot Size	Min. Front Setback	Minimum Side Setback	Min. Rear Setback	Max Height
R-2	<ul style="list-style-type: none"> <li>SF Residential</li> <li>Adult Care</li> <li>Limited Institutional</li> </ul>	6,000 s.f.	Average along block or 25'	<ul style="list-style-type: none"> <li>One side = 9' or 10% of lot width</li> <li>Both sides = 14' or 25% of lot width</li> </ul>	30'	26' to 30'
R-6	<ul style="list-style-type: none"> <li>SF Residential</li> <li>Duplexes</li> <li>Multi-Family</li> </ul>	1,375 s.f. to 2,500 s.f.	25'	<ul style="list-style-type: none"> <li>Lots over 100' wide = 10' for one side and 25' for both</li> <li>Minimum 5'</li> </ul>	30'	30' / 2 stories
B-1	<ul style="list-style-type: none"> <li>Institutional Uses</li> <li>Offices</li> <li>Limited retail &amp; service uses</li> </ul>	N/A	0	0	20'	30' / 2 stories

**Current Buffer Requirements.** As noted, required setbacks, screening, building height, and other design can influence a development's compatibility with adjacent uses. The following summarize the key requirements in the Birmingham Zoning Ordinance as they might relate to the evaluated parcels:

- **Screening.** Section 4.05 requires screening around waste receptacles and mechanical equipment, and a six foot tall masonry screen wall between parking lots and abutting single-family residential zoning districts.
- **Landscaping.** Section 4.20 requires multiple family projects to provide one deciduous and one evergreen tree for each two units proposed, in addition to one street tree for each 40 feet of road frontage.
- **Lighting.** There is very little regulation for parking lot lighting in the Zoning Ordinance that would relate to redevelopment within the study area.

### Recommendations

We were asked to explore zoning options for the 404 Park Area (⑦) in more detail, to provide more specific guidance to the City for the site at Oakland and Park. The dimensional characteristics, parcel configurations, proximity to the downtown and location along higher volume streets will influence the potential development. Our recommended approach would be to allow modest density, attached residential types (4-unit buildings) at a density higher than what is allowed in the R-2 district, to be offset to some degree with higher quality screening and overall development quality. The following discuss the various ways that this could be achieved and our suggested approach:

1. **Grant Variances.** The City has the authority to grant variances of the dimensional and use restrictions in the Zoning Ordinance. Use and dimensional variances should only be issued in extremely unusual cases, and should be avoided where the desired redevelopment is expected to require several variances.

In this case, the shape of the parcel along does not prevent development into single-family

homes according to the requirements of the R-2 district. However, there are some physical factors that make development of a single family home questionable. We believe an alternatives development option, attached single-family units, is more reasonable and can serve as a buffer for the adjacent residences. A use variance, along with dimensional variances, is an option. Even if the property owner can demonstrate there is a “demonstrated hardship” to warrant a use variance, such a procedure is often not viewed as a good policy approach.

2. **Rezoning the Property.** Rezoning of the site from R-2 to a higher intensity designation, such as the R-8 zoning district would allow additional uses including multiple-family uses, but not commercial uses, which can help alleviate concern from the neighborhood residents. In addition, the dimensional requirements are less than those in the R-2. Particularly, the minimum lot size is reduced to 3,000 s.f., the rear setback is reduced to 20', and open space and lot coverage requirements are eliminated, which could accommodate more intense uses. They could also, however, create a development that, without performance standards, may not achieve the compatibility, transitions and buffers desired for this site.
3. **Establish a New District or Overlay.** The recommended approach is to develop a new, urban residential district that could be applied to select sites in anticipation of redevelopment. The provisions could apply if sites are rezoned, or it could be applied as an overlay. The primary benefit of this option is that the City can establish the provisions it feels appropriate for these sites rather than trying to force them into an existing district. Key aspects of this district could include:
  - a. Shifting of the approval focus from the dimensional requirements to a set of performance-based standards. If chosen, standards including but not limited to the following should be included:
    - 1) The development includes building heights, screening and landscaping that consider adjacent land uses and development patterns to ensure proper transition to nearby residential neighborhoods; and
    - 2) The development provides an alternative housing type not typically found in the City, such as senior housing, attached single-family, or other targeted types.
  - b. Because the conditions of the 404 Park Area are not specific to that study area, applicability provisions could be included to allow this district to be applied to other sites that either:
    - 1) Abut both a single-family residential district and a non-residential district, or
    - 2) Are located along a major non-residential road that abuts a single family district.
  - c. Specific standards of the district should include design considerations such as:
    - 1) Additional screening standards for transitional sites, such as inclusion of additional landscaping, building step-backs, and other provisions that we expect will be needed;
    - 2) Additional parking location options, which are limited to on-site facilities in the R-2 district; and
    - 3) Maximum illumination levels, limits on late-night activity, noise restrictions or other standards that may help protect nearby residents.
    - 4) Incentives or other market-based zoning approaches that are more likely to result in the development activity that is desired.
  - d. A development agreement should be required with each approval, to detail the parameters for development relative to the specific conditions and factors for each site. The agreement should address issues such as maximum density, buffer quality, architecture, etc.



## Administrative Approval Application

### Planning Division

Form will not be processed until it is completely filled out

#### 1. Applicant

Name: Morris Taylor  
 Address: 3111 Industrial Dr.  
 Phone Number: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_  
 Email: estimating@standler.com

#### Property Owner

Name: Cranbrook Management  
 Address: 29600 Southfield Rd.  
 Phone Number: (248) 903-4010  
 Fax Number: \_\_\_\_\_  
 Email: \_\_\_\_\_

#### 2. Applicant's Attorney/Contact Person

Name: Bill Cronk  
 Address: \_\_\_\_\_  
 Phone Number: (313) 550-3415  
 Fax Number: \_\_\_\_\_  
 Email: Bcronk@standler.com

#### Project Designer

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_  
 Email: \_\_\_\_\_

#### 3. Project Information

Address/Location of Property: 315 Hamilton Row  
 Name of Development: \_\_\_\_\_  
 Parcel ID #: \_\_\_\_\_  
 Current Use: \_\_\_\_\_  
 Area in Acres: \_\_\_\_\_  
 Current Zoning: \_\_\_\_\_

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: \_\_\_\_\_

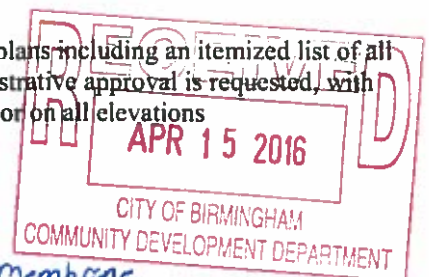
#### 4. Attachments

- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- Material Samples
- Digital Copy of plans

- Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations

#### 5. Details of the Request for Administrative Approval

Pre-roof tear off to deck installation of insulation and PVC membrane



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 to the approved site plan.

Signature of Applicant: Morris Taylor

Date: 04/13/2016

Application #: <u>16-0034</u>	Office Use Only Date Received: <u>4/15/16</u>	Fee: <u>\$100</u>
Date of Approval: <u>4/21/16</u>	Date of Denial: _____	Reviewed by: <u>M. B. L.</u>





## ADMINISTRATIVE APPROVAL APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Project: \_\_\_\_\_

All site plans and elevation drawings prepared for administrative 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.

### Administrative Approval of Design Changes

- \_\_\_\_\_ 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. A separate location map;
- \_\_\_\_\_ 5. Legend and notes, including a graphic scale, north point, and date;
- \_\_\_\_\_ 6. A list of all requested design changes;
- \_\_\_\_\_ 7. Elevation drawings with all requested design changes marked in color;
- \_\_\_\_\_ 9. A list of all new materials to be used, including size specifications, color and the name of the manufacturer.

### Administrative Approval of Site Plan Changes

A full site plan detailing the proposed changes for which administrative 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 changes to the site plan;
- \_\_\_\_\_ 9. All changes requested marked in color on the site plan and on all elevations of any building(s);
- \_\_\_\_\_ 10. A chart indicating the dates of approval of the Preliminary Site Plan, Final Site Plan; Revised Final Site Plans, and any dates of approval by 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 easements and their purpose;



February 26, 2016

Cranbrook Management  
29600 Southfield Road  
Southfield, MI. 48076

Hamilton Row half of section 4  
315 Hamilton Row  
Birmingham, MI. 48009

Attention: Keith Butler

Thank you for allowing us to quote on your new roofing project. The following is a short report of the current roof and its conditional along with your new roof investment quote.

**Current Conditions:**

Approximate Size: 1,400 Sq. Ft.

Sections: Rococo only. No canopy's are included.

Type of Roof: BUR and Duro-last

Type of Insulation: Fiberboard

**During the roof inspection the following are items of concern:**

- Fumes from adhesives may enter the building through the roof vents.
- The area needed for se-up during re-roofing may disrupt operations.
- Dust will enter the building during re-roof.
- Noise from the re-roof operation may be disruptive to operations.
- We will need access to the existing parking lot for our crane for the duration of this project.

**Base Bid:**

**Preparation**

\*The existing roofing and insulation will be removed down to a suitable surface and disposed of properly. The decking will be inspected for deterioration, if any is found, it will need to be repaired on the below unit cost for the safety of personnel accessing the roof and working in the facility.

**Insulation:**

**Proposed new R Value = 8.5**

\*New insulation will consist of 1 layer of 1.5" isocyanurate. The new insulation will be mechanically fastened with screws and plates to the existing decking. All insulation at roof drains to be tapered 4' x 4' to allow for the maximum drainage.

**Membrane PVC:**

A new single ply PVC roof system as manufactured by Firestone will be installed. New roofing will consist of .60 mill mechanically attached per the manufacturer's requirements. The membrane splice joints will have a minimum 2 overlap and be heat welded together. The heat welded seams will allow for this system to withstand ponding water and not void your warranty. New flashing details will be installed per the manufacturers specifications at the perimeter walls and edges, as well as at all roof penetrations such as plumbing vents, heat stacks, equipment support legs and roof drains.

**Metal**

\*Slip flash the back parking lot wall. Install metal term bar on each side of the expansion joint flashing. Install 20' of gravel stop edge on the front of the building.

**Warranty**

\*Upon completion of the roofing project we will submit a letter to the roofing manufacturer requesting a final inspection. Once the final inspection is completed we will issue your 20 year No Dollar Limit NDL warranty. Any guarantees are not in effect until the final payment is made.

**Possible additional items not included in this proposal:**

- The cost of a permit is included in this bid.
- We will take up all parking spaces. The cost is included in our price.
- The cost to replace rotted wood nailer is \$4.00 per ln ft.
- The cost to replace deteriorated decking is \$6.00 per sq. ft.
- \*Note this will apply to any curbs no longer in use.
- The cost to install 18 gauge metal plate of damage decking is \$4.00 per sq. ft.
- The cost to install new cast iron drains is \$850.00 per drain.
- No snow removal is included in our bid.

**Owner responsibilities:**

This price is based on the following:

- Owner assumes all responsibility for damage if electrical conduit is struck with a roofing fastener during the project.
- Interior protection is not included. Owner is responsible for all dust or debris entering the inside of the building.

**We hereby propose:**

Cost to furnish labor and materials complete in accordance with the above scope of work for the sum of: \$17,150.00 Int. KDR

Thank you for letting us quote on this project. Prices quoted are valid for twenty 20 days. All agreements are contingent upon strikes, government regulations or other causes beyond our control.

The above price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined herein. The attached Terms are part of this proposal.

Signature: Kevin D Butler Date: 2/26/16

Respectfully Submitted,  
Tom Brown,  
JD Candler Roofing



Rocco Section  
Only 14■

APPROVED  
M. B. / 4/21/16  
16-003-1 PB

Job # 1617

## Project Contact Information

Project name Hamilton Row Rococo

Address 315 Hamilton Row

City Birmingham

State MI

Zip 48009

Owner Name Cranbrook Management

Address 29600 Southfield Road

City Southfield

State MI

Zip 48076

Office Contact Keith Butler

Phone 248-905-4010

Fax \_\_\_\_\_

Bill to Cranbrook Management

Address 29600 Southfield Road

City Southfield

State Zip 48076

Billing Contact Keith Butler

Billing Phone 248-905-4010

Billing Fax \_\_\_\_\_

Site Superintendent contact Keith Butler

Site Superintendent Phone 248-905-4010

Site Superintendent Fax \_\_\_\_\_

Estimator Bill Cronk

Architect \_\_\_\_\_

Phone \_\_\_\_\_

Consultant \_\_\_\_\_

Phone \_\_\_\_\_



		Section 4		Section	Section	Section	Section
<b>Section Information</b>							
Length		70					
Width		20					
Perimeter	0	180	0	0	0	0	Totals 180
Squares	0	14	0	0	0	0	14
Thickness	4"	4"	4"				
Height	20'	20'	20'				
Deck	Metal	Metal	Metal				
Bottom Roof	BUR	BUR	BUR				
Base							
Insulation	perlite	perlite					
Attachment							
Membrane	APP Mod	App					
Surface	Gravel	Gravel					
Second Roof	BUR	TPO	TPO				
Insulation	Perlie						
Attachment							
Membrane	APP Mod	Mech. Attached					
Surface	Smooth	Smooth	Smooth				
<b>Unusual Details</b>							
<b>Damage</b>							
Damage int.							
Damage ext.							
Deck inside							
<b>Deck Inspection</b>							
<b>Safety Issues</b>							

**Roof Specification**

Sqs.  
Estimator Bill Cronk

14

Work Location Hamilton Row Rococo  
315 Hamilton Row  
Birmingham

On site contact Keith Butler  
Phone number 248-905-4010

**New Roof System**

Manufacturer Firestone  
Warranty 20 year NDL  
Type System Mech Attached

Existing roof Duro-trash over BUR  
Type, thickness, 4" thick  
Remove or overlay Remove to suit. Surface

New Roof information .60 MIL mech attached PVC  
Insulation 1.5" iso 12 screws per sheet

Membrane 60 MIL

Details Tie into bur roof with 5 course  
on other durolast side term bar into wall

Metal Slip flash back parking lost wall and install a gs at front main

**Extras**

Decking	\$6.00
Nailers @	\$4.00
Plating	\$4.00
Drains	\$850.00

Safety and other This job has close to 0 set up we must coordinate properly with all tenants and Aldian heating and cooling for the removal of curbs.

Critical equipment? cutters we must get permits and all parking spots we need bags for units

Acc	Dumpsters	14																14	9.5 sq/box/		1	405.00	405
Acc	Misc job exp	14																14	1 sq	/	14	6.00	84
Acc	Tapered System	16																16	1 PC	/	16	6.00	96
Acc	1.5" Iso	14																14	0.98 eq/sq	/	14	48.87	684
Acc	2-7/8" ASAP	250																250	250 per bo/	/	1	51.00	51
Acc	Type A met deck	2																2	1 sq/dec/	/	2	185.00	370
PVC	detail membrane	2																2	1 ea	/	2	303.30	607
PVC	Corners	20																20	1 each	*	20	6.50	130
PVC	60 Mil PVC	14	10															24	1.12 sq/sq	*	27	76.00	2052
PVC	Adhes / Flashing		10															10	3 sq/pl	/	3	140.00	420
PVC	Water Block	50																50	10 lf/tube	/	5	3.63	18
PVC	Pipe Boots	2																2	1 each	/	2	37.67	75
PVC	P/box & sealer	1																1	1 each	/	1	80.00	80
PVC	Field wrap clamps	2																2	1 EA	/	2	1.00	2
pvc	4" Memb ASAP	1200																1200	250 Box	/	5	112.63	563

Description	Detail 1	Detail 2	Detail 3	Detail 4	Detail 5	Detail 5	Total Quantity	Coverage	Amount	Per unit	Multiply Divide	Estimated Units	Unit Price	Extended dollars	Fab labor rate	Per M/day or hr	Fab days	Install labor rate	Install days
Totals														160.5			0.19154		1 60764
Measure/travel	1						1	1 ea	/			1	1.00	1				1 m	1.0
Set-up time							0	1 md	/				0.00	0	500.0	m	0.0		0.0
Coping	20						20	20 lf/sht	/			1	49.00	49	500.0	m	0.0	250 m	0.1
G.S.							0	30 lf/sht	/				49.00	0	800.0	m	0.0	250 m	0.0
FASCIA							0	40 lf/sht	/				49.00	0	400.0	m	0.0	250 m	0.0
Clip	20						20	30 lf/sht	/			1	30.00	30	800.0	m	0.0	350 m	0.1
C/F 2 pc.							0	30 lf/sht	/				49.00	0	350.0	m	0.0	175 m	0.0
C/F Curb	100						100	60 lf/sht	/			2	30.00	60	800.0	m	0.1	250 m	0.4
C/F Surf Mt							0	60 lf/sht	/				49.00	0	800.0	m	0.0	150 m	0.0
Gutter							0	20 lf/sht	/				59.00	0	90.0	m	0.0	90 m	0.0
Downspout							0	1 ft	/				4.00	0	10000.0	m	0.0	150 m	0.0
Base umbrellas							0	8 sf/ea	*				1.00	0	10.0	m	0.0	10 m	0.0
Pitch pans							0	4 sq/ea	*				1.00	0	40.0	m	0.0	30 m	0.0
sump gravel stop							0	1 ea	/				10.00	0	25.0	m	0.0	4 h	0.0
Cut reglet							0	1	/				---	0	---	---	0.0		0.0
Nosing							0	40 lf/sht	/				47.00	0	---	---	0.0	400.0 m	0.0
Term Bar							0	0.98 lf	/				0.10	0	100000.0	m	0.0	300.0 m	0.0
Expando flash							0	0.98 lf	/					0	100.0	m	0.0	800.0 m	0.0
Caulk	141						141	100 lf/tb	/			1	6.50	7	#####	m	0.0	250 h	0.1
fasteners	140						140	1 ft	/			140	0.10	14	99999.0	M	0.0		0.0

Hamilton Row Rococo 315 Hamilton Row Birmingham MI 48009				Revision date & time 12/22/07 7:28 Current date & time 3/11/2016 8:48		
<b>Squares</b>	14					
<b>Roofing Labor MHU</b>	Days	Hours	Total	<b>Subcontractors</b>		
yard driver labor	2	8	2.00	metal plates and deck		0.00
1 section 18 sq	1	64	8.00	Electrical		
Canopys 4 total 3 sq		0	0.00	HVAC		
Roof Area		0	0.00	Markup on Subcontractors		0.00
Roof Area		0	0.00	<b>Total Subcontractors</b>		0.00
<b>Supplemental MHU***</b>	Days	Hours				
Install Nailers		8	0.00	<b>Summary</b>		
Interior Protection		8	0.00	Profit Dollars		2353.48
Measure/Punchlist		8	0.00	Bid Price		17150.00
<b>Other Labor</b>	Days	Hours	Total	Roof Material per Square		402.67
Teardown / Other Adj	0	8	0.00	Production		1.27
Operator Man Days	1	8	1.00	Price per Square		1226.00
Total man days			11.00	Profit per Square		188.11
Rate	545		5995.00	Profit per man day		183.88
Parking \$1.00 a hour			408.00	Profit %		13.72%
<b>Total Roofing Labor</b>			6403.00	Roof Production Assumption		0
				Difference Schedule Assumption		-10.0
<b>Sheet Metal Labor</b>			1.80			
Rate	560		1007.54	<b>Alternates</b>		
Subsistence						
<b>Total sheet metal labor</b>			1007.54	<b>Profit</b>		
				Alt. #1	17150	0
Markup on Roofing Labor	0.27		1728.81	Revised Contract	4259%	402.67
Markup on Sheet Metal Labor	0.62		624.68			
<b>Total Labor</b>			9764.03	Alternate #2	17150	0
				Revised Contract	4259%	402.67
<b>Materials</b>						
Roofing materials			5637.42	Alternate #3	17150	0
Sheet metal materials			160.50	Revised Contract	4259%	402.67
Tax Rate	0.06		347.88			
<b>Total Materials</b>			6145.80	Reviewed by:		
<b>Outside Job Cost</b>						
Bonds						
Permits Parking			790.18			
Porta-john						
Warranty 20 yr			450.00			
Misc. / Landscape						
Truck Load Fuel / Shipping						
<b>Total Job Cost</b>			1240.18			



## Administrative Approval Application Planning Division

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

### 1. Applicant AT&T Mobility/Overland Contracting Inc.

Name: \_\_\_\_\_  
 Address: 600 N. Greenfield Pkwy  
           Garner, NC 27529  
 Phone Number: 800-790-2149  
 Fax Number: 248-594-9337  
 Email: KitzmanK@bv.com

### Property Owner

Name: AT&T Mobility  
 Address: 12555 Cingular Way  
           Alpharetta, GA 30004  
 Phone Number: 317-462-2269  
 Fax Number: N/A  
 Email: sh9214@att.com

### 2. Applicant's Attorney/Contact Person

Name: Krysten Kitzman (Black & Veatch/Overland Contracting)  
 Address: 30150 Telegraph, Suite 355  
           Bingham Farms, MI 48025  
 Phone Number: 913-458-6775  
 Fax Number: 248-594-9337  
 Email: KitzmanK@bv.com

### Project Designer

Name: Red Swing Group  
 Address: 4154 Old William Penn Hwy  
           Murrysville, PA 15663  
 Phone Number: 724-325-1215  
 Fax Number: 866-295-5226  
 Email: p.kennedy@redswinggroup.com

### 3. Project Information

Address/Location of Property: 401 S. Old Woodward Ave  
   Birmingham, MI 48009  
 Name of Development: \_\_\_\_\_  
 Parcel ID #: 8-19-36-208-017  
 Current Use: Existing Wireless Communication Facility  
 Area in Acres: \_\_\_\_\_  
 Current Zoning: \_\_\_\_\_

Name of Historic District site is in, if any: N/A  
 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: \_\_\_\_\_

### 4. Attachments

- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- Material Samples/Specification Sheets
- Digital Copy of plans
- Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations

### 5. Details of the Request for Administrative Approval

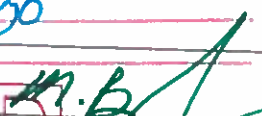
AT&T Mobility proposes to modify its existing wireless communication facility by adding 3 additional LTE antennas along with 6 proposed antenna mounts.

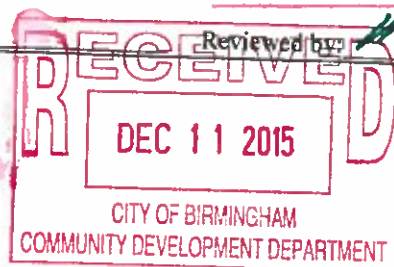
The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: 

Date: 12/09/15

**APPROVED**

Application #: <u>15-141</u>	Office Use Only Date Received: <u>12/11/15</u>	Fee: <u>\$100</u>
Date of Approval: <u>4/11/16</u>	Date of Denial: _____	Reviewed by: <u></u>



124261



## ADMINISTRATIVE APPROVAL APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: AT&T Mobility/Overland Contracting Inc.

Date: 12/9/15

Address: 401 S. Old Woodward Ave

Project: Modification to existing wireless facility

All site plans and elevation drawings prepared for administrative 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.

### Administrative Approval of Design Changes

- ☒ 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. A separate location map;
- ☒ 5. Legend and notes, including a graphic scale, north point, and date;
- ☒ 6. A list of all requested design changes;
- ☒ 7. Elevation drawings with all requested design changes marked in color;
- ☒ 9. A list of all new materials to be used, including size specifications, color and the name of the manufacturer.

### Administrative Approval of Site Plan Changes

A full site plan detailing the proposed changes for which administrative 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 changes to the site plan;
- ☐ 9. All changes requested marked in color on the site plan and on all elevations of any building(s);
- ☐ 10. A chart indicating the dates of approval of the Preliminary Site Plan, Final Site Plan; Revised Final Site Plans, and any dates of approval by 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 easements and their purpose;

- \_\_\_\_\_ 13. Location of natural stream channels, regulated drains, 100-year flood plains, roadway, 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 of, location of, and types of structures on the site;
- \_\_\_\_\_ 15. Details of existing or proposed lighting, signage, landscaping, and other pertinent development features;
- \_\_\_\_\_ 16. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

**PLEASE NOTE:** All requests for administrative approval must comply with Ordinance No. \_\_\_\_\_, which outlines the terms and conditions under which administrative approval may be granted.

**CONSENT OF PROPERTY OWNER**

I, V.S. Birmingham Holdings LLC, OF THE STATE OF Michigan AND COUNTY OF Oakland  
(Name of property owner) STATE THE FOLLOWING:

1. That I am the owner of real estate located at 401 S. Old Woodward;  
(Address of affected property)
2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by:  
AT&T;  
(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: 4/7/16

Michele L. Prentice  
Owner's Name (Please Print)

Michele L. Prentice  
Owner's Signature, agent

**BUILDING STRUCTURAL ANALYSIS REPORT**

PJF Project Number: 80315-0015.001.5400

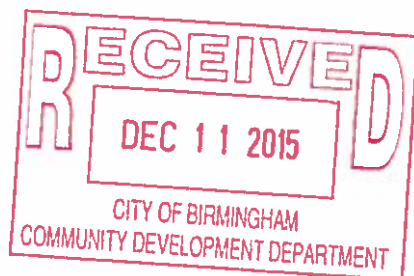
**WALL MOUNTED ANTENNAS**  
**401 S. Old Woodward Ave.**  
**Birmingham, MI 68009**

**SITE NAME: WOODWARD**  
**AT&T SITE NUMBER: MI3165 / FA 10011534**  
**RED SWING PROJECT NO: 11704**

PREPARED FOR:  
**RED SWING GROUP**  
**4154 OLD WILLIAM PENN HWY, SUITE 300**  
**MURRYSVILLE, PA 15668**

November 20, 2015

ANALYZED BY:  
**OLIVER F. HONG, E.I.**  
**STRUCTURAL DESIGNER**  
[ohong@pjfweb.com](mailto:ohong@pjfweb.com)



Columbus  
250 E Broad St, Suite 600  
Columbus, OH 43215  
Phone 614.221.6679

Founded in 1965



[www.PaulJFord.com](http://www.PaulJFord.com)

Orlando  
3670 Maguire Blvd, Suite 250  
Orlando, FL 32803  
Phone 407.898.9039

100% Employee Owned



**DESIGN STANDARD:**

Paul J. Ford and Company has been requested to evaluate the existing building structure for the proposed antenna loads. The structural analysis is in accordance with the 2012 Michigan Building Code for the following design loads:

*115 mph Ultimate 3-second Gust of Wind without Ice  
40 mph 3-second Gust of Wind with 1.00" Radial Ice  
Risk Category II  
Topographic Category 1  
Exposure Category "B"*

**EXISTING STRUCTURE AT ANTENNA ELEVATION:**

Paul J. Ford and Company was not provided with the original building drawings. Paul J. Ford and Company performed a site visit on 10/21/2015 to gather information that was readily accessible for analysis of the penthouse walls. This analysis is based upon field notes taken by PJF in addition to the AT&T construction drawings dated 10/30/2015 by Red Swing Group. All telecommunication equipment is through bolted across metal panels except for the proposed antenna in the Alpha sector. The antenna in the alpha sector is through bolted across CMU located in a building stairwell. The following table reflects the final antenna configuration that our building structural analysis was based off of.

**TABLE 1 – FINAL ANTENNA INFORMATION**

ANTENNA CENTERLINE ELEVATION	STATUS	NUMBER	ANTENNA MODEL
112'-0" AGL	PROPOSED	3	COMMSCOPE SBNHH-1D65C
	PROPOSED	3	ALCATEL-LUCENT RRH4X25-WCS-4R
	PROPOSED	3	RAYCAP DC2-48-60-0-9E
	EXISTING	3	* ANDREW SBNH-1D65C
	EXISTING	3	* DECIBEL 731DG85
	EXISTING	3	* POWERWAVE 7772
	EXISTING	6	* EXISTING RRH'S
	EXISTING	12	* EXISTING TMA'S

\* Equipment not installed on affected mount and not considered in this analysis.

**RESULTS:**

Our review and analysis of the structure supporting the telecommunications equipment has been performed using the following assumptions:

- The attached "Standard Conditions" have been verified and met. See Page 4.
- Roof Beam is a minimum W6x16 conforming to ASTM A36.
- Existing through bolts are 1/2" O.D. ASTM A36 Gr. 36, threaded rods.
- Existing metal panels and attachments are adequate for wind loading prior to antenna installation.
- Existing Alpha sector CMU walls have the following specifications
  - 8" thick walls
  - Minimum compressive strength of 1500 psi (f'm) with type S mortar
  - Reinforced with #4 ASTM A615 Gr. 40 vertical rebar spaced at 48" O.C.

The results of our analysis are summarized below in Table 2.

**TABLE 2 – SUMMARY OF STRUCTURAL ANALYSIS RESULTS**

AREA	COMPONENT	RESULTS
SECTOR ALPHA, BETA & GAMMA	THROUGH BOLTS	ADEQUATE
	CMU WALL	ADEQUATE
	METAL PANELS	ADEQUATE

This report indicates that the existing structure **is adequate** to support the proposed antenna loading if installed in accordance to PJF drawings dated 11/20/15.

We at Paul J. Ford and Company appreciate the opportunity of providing our continuing professional services to you and Red Swing Group. If you have any questions or need further assistance on this or any other projects, please give us a call.

Sincerely,  
**PAUL J. FORD AND COMPANY**

*Oliver F. Hong, E.I.*  
*Structural Designer*

**STANDARD CONDITIONS FOR FURNISHING OF PROFESSIONAL ENGINEERING  
SERVICES ON EXISTING STRUCTURES BY PAUL J. FORD AND COMPANY**

- 1) All existing conditions, dimensions, and elevations shall be field verified before proceeding with the work. Should any discrepancies be encountered, PJF shall be contacted immediately to evaluate the significance of the deviation.
- 2) No allowance was made for any damaged, missing, or rusted members. Given this information, our analysis assumes no physical deterioration has occurred in any of the structural components of the structure and that all the members have the same load carrying capacity as the day the structure was erected.
- 3) The evaluation of the existing building structure was limited to those structural components directly supporting the proposed antennas and equipment.
- 4) The rooftop structure under review has been analyzed for ice accumulation in accordance with the governing building code as stated herein. Should a higher ice accumulation need to be considered in the structural analysis, it is the responsibility of the owner to provide.
- 5) The rooftop structure under review has been analyzed for the minimum wind loading in accordance with the governing building code as stated herein. Should a higher wind loading need to be considered in the structural analysis, it is the responsibility of the owner to provide.

## **FIELD NOTES**

Red Swing – Woodward Birmingham, MI 11704

- Arrived 10/21/15, 1:30 pm
- Clear skies, 55°
- Antennas located on penthouse
- Left 10/21/15, 3:00 pm
- 8" CMU penthouse walls w/ brick façade
- Phillip Duncan and Corey McCartney from PJF were on site
- Building personnel at lobby provided keys and directions to the antenna locations
- Alpha Sector
  - (1) Proposed antenna and RRH to be installed on 8" CMU wall. Mount access located in stairwell.
- Beta Sector
  - (1) Proposed antenna and RRH to be installed on screen wall. Mount access located "Cellular/Storage" room. All members are fireproofed and could not be determined.
- Gamma Sector
  - (1) Proposed antenna and RRH to be installed on screen wall. Mount access located on separate penthouse rooftop structure. Sketch attached.

**Columbus**  
250 E Broad St, Suite 600  
Columbus, OH 43215  
Phone 614.221.6679

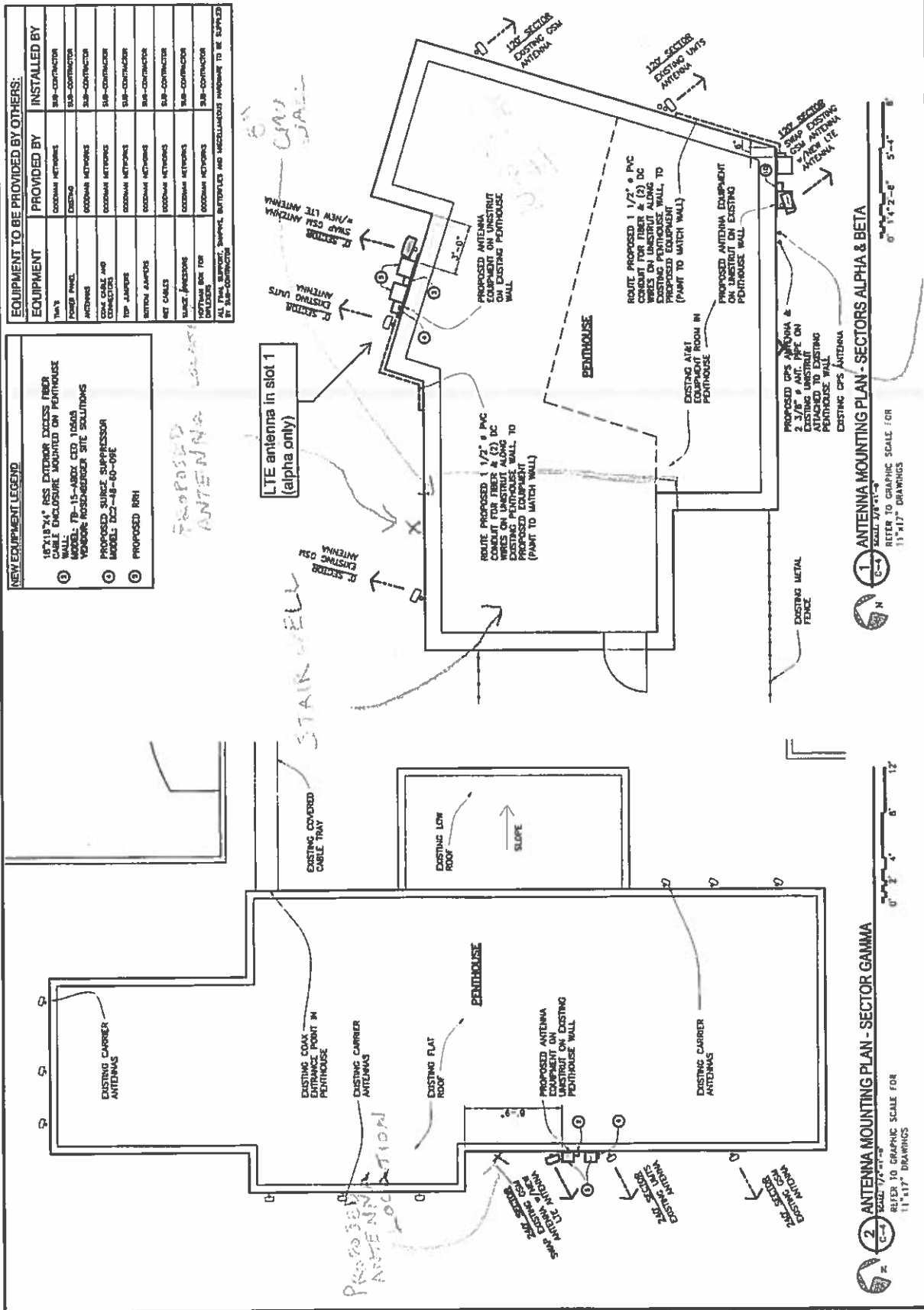
**Founded in 1965**



[www.PaulJFord.com](http://www.PaulJFord.com)

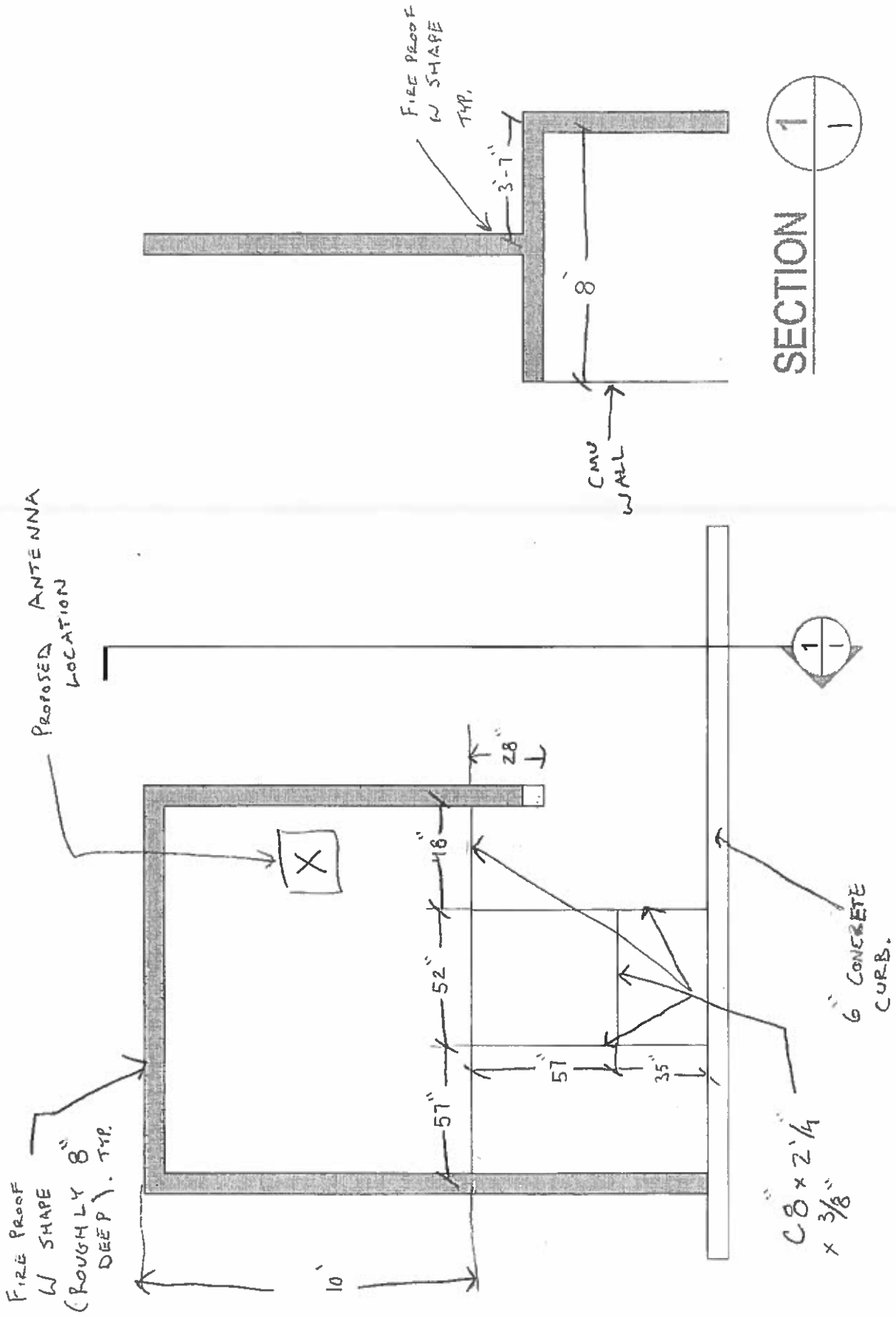
**Orlando**  
3670 Maguire Blvd, Suite 250  
Orlando, FL 32803  
Phone 407.898.9039

**100% Employee Owned**





# GAMMA SECTOR



SITE LAYOUT VERIFIED BY PSF



### CALCULATION SUMMARY

BOLTS: USE  $\frac{1}{2}$ "  $\phi$  A36 BOLTS FOR MOUNT-BUILDING CONNECTION

BEARING ON STL WALL PANELS (SHEAR PARALLEL TO WALL)

APPLIED LOAD = 84 lbs

ALLOWABLE STRENGTH =  $2.4 \times 0.5" \times 0.5177" \times 33,000 \text{ PSI} \times 0.75 = 532 \text{ lbs}$

RATIO =  $84/532 = 0.16$

SEE SPREADSHEET FOR TOP CONNECTION CALC

ROOF BEAMS SEE: FNERCALC OUTPUT

SHELF ANGLE; RESTRICT DEFLECTION TO  $\frac{1}{8}"$

$$I_{REQ} = \frac{PL^3}{48E} = \frac{0.399 \times 12^3}{0.125 \times 3 \times 29,000} = 0.0634 \text{ in}^4$$

$$\text{MIN ANGLE THK} = \sqrt[3]{0.0634 \times 12 / 7.25} = 0.472" \therefore \text{USE } \frac{1}{2}" \text{ THK ANGLE}$$

SEE SPREADSHEET FOR MINOR AXIS BENDING

USE  $6 \times 3\frac{1}{2} \times \frac{1}{2}$  THK ANGLE

METAL PANELS: SEE ATTACHED COMPUTER OUTPUT  
PER CHAPTER 34, LOADS DO NOT INCREASE  
MORE THAN ACCEPTABLE LIMIT.

CMU ANCHORS: GIVEN CALCS ABOVE, PASSES BY INSPECTION

### RISA-3D Reactions

Joint	Control Node	Shear X (lbs)	Shear Y (lbs)	Axial (lbs)	Bolt Diameter (in)	Fu (ksi)
		0	400	225	0.5	58

### Tension Check

Reaction (K)	$\Phi r_n$ (K)	%Stress	Reaction (K)	$\Phi r_n$ (K)	%Stress
0.225	6.406	3.51	0.4	3.844	10.41

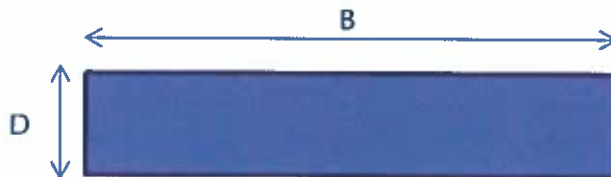
### Threaded Rod Flexure

Moment Applied (k-in)	Fy (ksi)	Z (in <sup>3</sup> )	S (in <sup>3</sup> )	$\Phi M_n$ (k-in)	%Stress
0.2	36	0.020833333	0.012272	0.636172512	31.44



**Local Shelf Angle Leg Bending (Minor Axis):**

$\phi = 0.9$   
Plate Grade = 36 ksi  
D = 0.5 in  
B = 7.25 in



Be = 7.25 in  
Elastic Sect. Mod. (S) = 0.30208 in<sup>3</sup>  
Plastic Sect. Mod. (Z) = 0.45313 in<sup>3</sup>

$$M_n = M_p = 14.6813 \leq 15.66 \text{ k-in}$$

**Design Results:**

Mmax = 2.4 k-in (LRFD, Factored)

Ratio = 16.35%

# MecaWind Pro v2.2.7.0 per ASCE 7-10

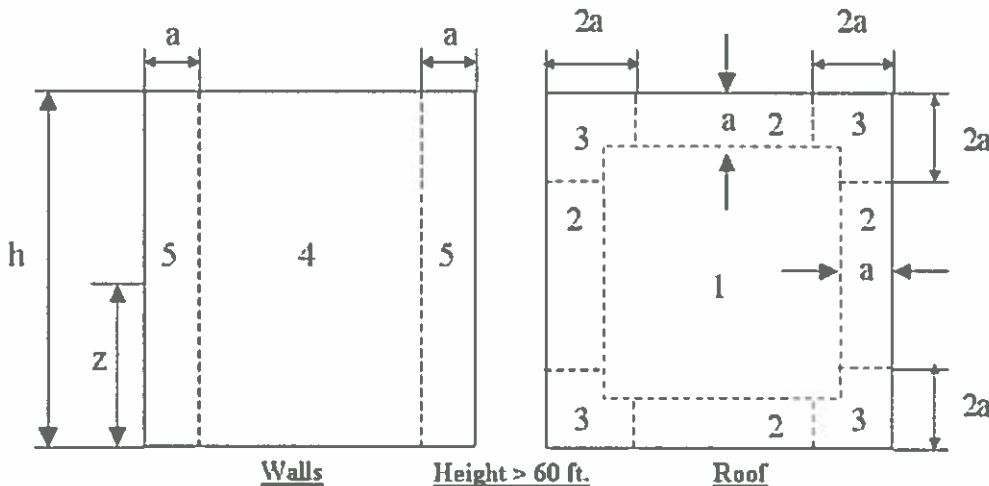
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Date : 11/20/2015 Project No. :  
 Company Name : Paul J Ford and Company Designed By :  
 Address : 250 E Broad Street; Suite 600 Description :  
 City : Columbus Customer Name :  
 State : Ohio Proj Location :  
 File Location: G:\Architectural\A\_Projects\Columbus Projects\803 - Red Swing\2015\80315-0015 11704  
 Woodward\Engineering\Calculations\Meca Wind Output.wnd

## Directional Procedure Simplified Diaphragm Building (Ch 27 Part 2)

Basic Wind Speed(V)	=	115.00 mph	Exposure Category	=	B
Structural Category	=	II	Flexible Structure	=	No
Natural Frequency	=	N/A	Kd Directional Factor	=	0.85
Importance Factor	=	1.00			
Damping Ratio (beta)	=	0.01	Zg	=	1200.00 ft
Alpha	=	7.00	Bt	=	0.84
At	=	0.14	Bm	=	0.45
Am	=	0.25	l	=	320.00 ft
Cc	=	0.30	Zmin	=	30.00 ft
Epsilon	=	0.33	Slope of Roof(Theta)	=	.00 Deg
Pitch of Roof	=	0 : 12	Type of Roof	=	FLAT
h: Mean Roof Ht	=	116.00 ft	Eht: Eave Height	=	116.00 ft
RHt: Ridge Ht	=	116.00 ft	Overhead Type	=	No Overhang
OH: Roof Overhang at Eave	=	.00 ft	Bldg Width Across Ridge	=	280.00 ft
Bldg Length Along Ridge	=	260.00 ft			

## Wind Pressure on Components and Cladding (Ch 30 Part 4)



All pressures shown are based upon STRENGTH Design, with a Load Factor of 1

Width of Pressure Coefficient Zone "a" = 26.00 ft  
 Exposure Adjustment Factor = 0.790  
 Topographic Factor = 1.00

Description	Width ft	Span ft	Area ft <sup>2</sup>	Zone	Reduction(-) Ltr / Factor	Reduction(+) Ltr / Factor	--Press (psf)-- Case1 Case2
Zone 1	10.00	1.00	10.0	1	D / 1.00	N/A / 1.00	-46.87 .00
Zone 1	20.00	1.00	20.0	1	D / 0.95	N/A / 1.00	-44.38 .00
Zone 1	50.00	1.00	50.0	1	D / 0.88	N/A / 1.00	-41.09 .00
Zone 1	100.00	1.00	100.0	1	D / 0.82	N/A / 1.00	-38.59 .00
Zone 2	10.00	1.00	10.0	2	D / 1.00	N/A / 1.00	-73.61 .00
Zone 2	20.00	1.00	20.0	2	D / 0.95	N/A / 1.00	-69.69 .00
Zone 2	50.00	1.00	50.0	2	D / 0.88	N/A / 1.00	-64.52 .00
Zone 2	100.00	1.00	100.0	2	D / 0.82	N/A / 1.00	-60.61 .00
Zone 3	10.00	1.00	10.0	3	D / 1.00	N/A / 1.00	-100.26 .00
Zone 3	20.00	1.00	20.0	3	D / 0.95	N/A / 1.00	-94.93 .00
Zone 3	50.00	1.00	50.0	3	D / 0.88	N/A / 1.00	-87.89 .00
Zone 3	100.00	1.00	100.0	3	D / 0.82	N/A / 1.00	-82.56 .00
Zone 4	10.00	1.00	10.0	4	C / 1.00	D / 1.00	-32.04 32.04



Zone 4	20.00	1.00	20.0 4	C	/ 0.96	D	/ 0.95	-30.91	30.34
Zone 4	50.00	1.00	50.0 4	C	/ 0.92	D	/ 0.88	-29.41	28.09
Zone 4	100.00	1.00	100.0 4	C	/ 0.88	D	/ 0.82	-28.27	26.38
Zone 5	10.00	1.00	10.0 5	E	/ 1.00	D	/ 1.00	-58.73	32.04
Zone 5	20.00	1.00	20.0 5	E	/ 0.93	D	/ 0.95	-54.57	30.34
Zone 5	50.00	1.00	50.0 5	E	/ 0.84	D	/ 0.88	-49.07	28.09
Zone 5	100.00	1.00	100.0 5	E	/ 0.76	D	/ 0.82	-44.91	26.38

Note: Pressures =  $p_{table} \times \text{Exposure Adjustment Factor} \times \text{Reduction Factor} \times K_z t$   
 All C&C to be designed for a minimum pressure of +/- 16 psf

Project Title:  
Engineer:  
Project Descr:

Project ID:

Printed: 20 NOV 2015, 3:58PM

## General Beam Analysis

QJ-11COLUMB-11803 - Red Swing\2015\80315-0015 11704 Woodward\Engineering\Calculations\80315-0015.eci  
ENERCALC, INC. 1983-2015, Build:6.15.10.6, Ver:6.15.10.6

Lic. #: KW-06002508

Licensee: PAUL J. FORD & COMPANY

Description: Penthouse Wall (No Ant)

### General Beam Properties

Elastic Modulus	29,000.0 ksi				
Span #1	Span Length =	7.50 ft	Area =	4,320.0 in <sup>2</sup>	Moment of Inertia = 100.0 in <sup>4</sup>
Span #2	Span Length =	10.0 ft	Area =	5,760.0 in <sup>2</sup>	Moment of Inertia = 100.0 in <sup>4</sup>



### Applied Loads

Service loads entered. Load Factors will be applied for calculations.

Load for Span Number 1  
Uniform Load: W = 0.0450 ksf, Tributary Width = 4.0 ft  
Load for Span Number 2  
Uniform Load: W = 0.0450 ksf, Tributary Width = 4.0 ft

### DESIGN SUMMARY

Maximum Bending =	1.828 k-ft	Maximum Shear =	1.083 k
Load Combination	+D+W	Load Combination	+D+W
Location of maximum on span	7.500 ft	Location of maximum on span	7.500 ft
Span # where maximum occurs	Span # 1	Span # where maximum occurs	Span # 1
Maximum Deflection			
Max Downward Transient Deflection	0.007 in	16401	
Max Upward Transient Deflection	0.000 in	0	
Max Downward Total Deflection	0.004 in	27335	
Max Upward Total Deflection	-0.000 in	411621	

### Maximum Forces & Stresses for Load Combinations

Load Combination		Max Stress Ratios		Summary of Moment Values							Summary of Shear Values		
Segment Length	Span #	M	V	Mmax +	Mmax -	Ma - Max	Mnx	Mnx/Omega	Cb	Rm	Va Max	Vnx	Vnx/Omega
Overall MAXimum Envelope													
Dsgn. L = 7.50 ft	1			0.52	-1.83	1.83					1.08		
Dsgn. L = 10.00 ft	2			1.43	-1.83	1.83					1.08		
+D+W													
Dsgn. L = 7.50 ft	1			0.52	-1.83	1.83					1.08		
Dsgn. L = 10.00 ft	2			1.43	-1.83	1.83					1.08		

### Overall Maximum Deflections

Load Combination	Span	Max. "+ Defl	Location in Span	Load Combination	Max. "+ Defl	Location in Span
W Only	1	0.0008	2.538	W Only	-0.0004	6.519
W Only	2	0.0073	5.615		0.0000	6.519

### Vertical Reactions

Support notation: Far left is #1

Values in KIPS

Load Combination	Support 1	Support 2	Support 3
Overall MAXimum	0.431	2.002	0.717
Overall MINimum	0.194	0.901	0.323
+D+H			
+D+L+H			
+D+Lr+H			
+D+S+H			
+D+0.750Lr+0.750L+H			
+D+0.750L+0.750S+H			
+D+0.60W+H	0.259	1.201	0.430
+D+0.70E+H			
+D+0.750Lr+0.750L+0.450W+H	0.194	0.901	0.323
+D+0.750L+0.750S+0.450W+H	0.194	0.901	0.323
+D+0.750L+0.750S+0.5250E+H			
+0.60D+0.60W+0.60H	0.259	1.201	0.430
+0.60D+0.70E+0.60H			

Project Title:  
Engineer:  
Project Descr:

Project ID:

Printed: 20 NOV 2015, 3:58PM

## General Beam Analysis

CJ-1\COLUMB-1\803 - Red Swing\2015\80315-0015 11704 Woodward\Engineering\Calculations\80315-0015.eci  
ENERCALC, INC. 1983-2015, Build:6.15.10.6, Ver:6.15.10.6

Lic. # : KW-06002508

Licensee : PAUL J. FORD & COMPANY

Description : Penthouse Wall (No Ant)

### Vertical Reactions

Support notation : Far left is #1

Values in KIPS

Load Combination	Support 1	Support 2	Support 3
D Only			
Lr Only			
L Only			
S Only			
W Only	0.431	2.002	0.717
E Only			
H Only			

Project Title:  
Engineer:  
Project Descr:

Project ID:

Printed: 20 NOV 2015, 4:01PM

## General Beam Analysis

QJ-11COLUMB-11803 - Red Swing(2015)80315-0015 11704 Woodward\Engineering\Calculations\80315-0015.eci  
ENERCALC, INC. 1983-2015, Build:6.15.10.6, Ver:6.15.10.6

Lic. #: KW-06002508

Licensee: PAUL J. FORD & COMPANY

Description: Penthouse Wall

### General Beam Properties

Elastic Modulus	29,000.0 ksi				
Span #1	Span Length =	7.50 ft	Area =	4,320.0 in <sup>2</sup>	Moment of Inertia = 100.0 in <sup>4</sup>
Span #2	Span Length =	10.0 ft	Area =	5,760.0 in <sup>2</sup>	Moment of Inertia = 100.0 in <sup>4</sup>



### Applied Loads

Service loads entered. Load Factors will be applied for calculations.

Load for Span Number 1  
Uniform Load: W = 0.0450 ksf, Tributary Width = 4.0 ft  
Load for Span Number 2  
Uniform Load: W = 0.0450 ksf, Extent = 0.0 --> 5.0 ft, Tributary Width = 4.0 ft  
Point Load: W = 0.1540 k @ 6.0 ft, (Ant Bot)  
Point Load: W = 0.1680 k @ 9.0 ft, (Ant Top)

### DESIGN SUMMARY

Maximum Bending =	1.461 k-ft	Maximum Shear =	0.8995 k
Load Combination	+D+W	Load Combination	+D+W
Location of maximum on span	7.500 ft	Location of maximum on span	7.500 ft
Span # where maximum occurs	Span # 1	Span # where maximum occurs	Span # 1
Maximum Deflection			
Max Downward Transient Deflection	0.004 in	29931	
Max Upward Transient Deflection	0.000 in	0	
Max Downward Total Deflection	0.002 in	49885	
Max Upward Total Deflection	-0.000 in	5220416	

### Maximum Forces & Stresses for Load Combinations

Load Combination		Max Stress Ratios		Summary of Moment Values							Summary of Shear Values		
Segment Length	Span #	M	V	Mmax +	Mmax -	Ma - Max	Mnx	Mnx/Omega	Cb	Rm	Va Max	Vnx	Vnx/Omega
Overall MAXimum Envelope													
Dsgn. L = 7.50 ft	1			0.64	-1.46	1.46					0.90		
Dsgn. L = 10.00 ft	2			0.79	-1.46	1.46					0.90		
+D+W													
Dsgn. L = 7.50 ft	1			0.64	-1.46	1.46					0.90		
Dsgn. L = 10.00 ft	2			0.79	-1.46	1.46					0.90		

### Overall Maximum Deflections

Load Combination	Span	Max. "-" Defl	Location in Span	Load Combination	Max. "+" Defl	Location in Span
W Only	1	0.0015	3.000	W Only	-0.0000	7.154
W Only	2	0.0040	5.385		0.0000	7.154

### Vertical Reactions

Support notation: Far left is #1

Values in KIPS

Load Combination	Support 1	Support 2	Support 3
Overall MAXimum	0.480	1.769	0.323
Overall MINimum	0.216	0.796	0.145
+D+H			
+D+L+H			
+D+Lr+H			
+D+S+H			
+D+0.750Lr+0.750L+H			
+D+0.750L+0.750S+H			
+D+0.60W+H	0.288	1.062	0.194
+D+0.70E+H			
+D+0.750Lr+0.750L+0.450W+H	0.216	0.796	0.145
+D+0.750L+0.750S+0.450W+H	0.216	0.796	0.145
+D+0.750L+0.750S+0.5250E+H			

Project Title:  
Engineer:  
Project Descr:

Project ID:

Printed: 20 NOV 2015, 4:01PM

## General Beam Analysis

CJ-1\1\COLUMB-1\803 - Red Swing\2015\80315-0015 11704 Woodward\Engineering\Calculations\80315-0015.ecr

ENERCALC, INC. 1983-2015, Build 6.15.10.6, Ver 6.15.10.6

Lic. #: KW-06002508

Licensee: PAUL J. FORD & COMPANY

Description: Penthouse Wall

### Vertical Reactions

Support notation: Far left is #1

Values in KIPS

Load Combination	Support 1	Support 2	Support 3
+0.60D+0.60W+0.60H	0.288	1.062	0.194
+0.60D+0.70E+0.60H			
D Only			
Lr Only			
L Only			
S Only			
W Only	0.480	1.769	0.323
E Only			
H Only			

STRUCTURAL NOTES

- THESE DRAWINGS ARE BASED UPON A STRUCTURAL ANALYSIS BY PAUL J FORD AND COMPANY DATED NOVEMBER 20, 2015.
- UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREINAFTER FOR USE ON THIS PROJECT
- IF MATERIALS, QUANTITIES, STRENGTHS OR SIZES INDICATED BY THE DRAWINGS ARE NOT IN AGREEMENT WITH THESE NOTES, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR CLARIFICATION
- FIELD VERIFY ALL EXISTING CONDITIONS, DIMENSIONS, AND ELEVATIONS BEFORE PROCEEDING WITH THE WORK. EXISTING CONDITIONS SHALL BE VERIFIED BY THE CONSTRUCTION MANAGER, GENERAL CONTRACTOR, CONTRACTOR, SUB-CONTRACTOR AND/OR SUPPLIER PRIOR TO DETAILING, FABRICATION, ERECTION OR CONSTRUCTION OF ANY ELEMENT. ANY DISCREPANCIES BETWEEN THE CONTRACT DOCUMENTS AND THE ACTUAL FIELD CONDITIONS MUST BE REPORTED IMMEDIATELY TO THE ENGINEER.
- SUPPORT, BRACE, AND SECURE EXISTING STRUCTURES AS REQUIRED TO PREVENT DAMAGE AND MOVEMENT. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE SAFETY OF EXISTING STRUCTURES DURING CONSTRUCTION
- ALL DIMENSIONS AND ELEVATIONS SHOWN ON THE STRUCTURAL DRAWINGS SHALL BE VERIFIED BY THE CONTRACTOR AND SHALL CONFORM TO THOSE SHOWN ON THE ARCHITECTURAL DRAWINGS
- THE STRUCTURAL CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND HE SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES. OBSERVATION VISITS TO THE SITE BY THE ENGINEER SHALL NOT INCLUDE INSPECTIONS OF THE PROTECTIVE MEASURES OR THE CONSTRUCTION PROCEDURES
- ANY SUPPORT SERVICES PERFORMED BY THE ENGINEER DURING CONSTRUCTION SHALL BE DISTINGUISHED FROM CONTINUOUS AND DETAILED INSPECTION SERVICES WHICH ARE FURNISHED BY OTHERS. THESE SUPPORT SERVICES PERFORMED BY THE ENGINEER ARE SOLELY FOR THE PURPOSE OF ASSISTING IN QUALITY CONTROL AND IN ACHIEVING CONFORMANCE WITH THE CONSTRUCTION DOCUMENTS. THEY DO NOT GUARANTEE CONTRACTOR'S PERFORMANCE AND SHALL NOT BE CONSTRUED AS SUPERVISION OF CONSTRUCTION
- ALL STRUCTURES ARE DESIGNED TO BE STABLE AND SELF-SUPPORTING AT THE COMPLETION OF CONSTRUCTION. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE THE ERECTION PROCEDURE AND SEQUENCE TO ENSURE THE STABILITY AND SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS, AND THE ADEQUACY OF TEMPORARY OR INCOMPLETE CONNECTIONS DURING CONSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF WHATEVER TEMPORARY BRACING, GUYS OR TIE-DOWNS THAT MAY BE NECESSARY. SUCH MATERIAL IS NOT INDICATED ON THE DRAWINGS AND, IF PROVIDED, SHALL BE REMOVED, AS CONDITIONS PERMIT AND REMAIN THE PROPERTY OF THE CONTRACTOR.
- ALL MATERIALS AND EQUIPMENT FURNISHED WILL BE NEW AND OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF MATERIALS AND EQUIPMENT BEING SUBSTITUTED

GOVERNING CODES AND SPECIFICATIONS

- IBC - INTERNATIONAL BUILDING CODE, 2012 EDITION
- ASCE 7 - MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES, 2010 EDITION
- AISC 360 - STEEL CONSTRUCTION MANUAL, 14TH EDITION
- ACI 530 - BUILDING CODE REQUIREMENTS AND SPECIFICATION FOR MASONRY STRUCTURES
- AWS D1.1 - STRUCTURAL WELDING CODE - STEEL, 2010 EDITION
- ANSI S100 - DESIGN OF COLD-FORMED STEEL STRUCTURAL MEMBERS, 2012 EDITION

DESIGN LOADS

- WIND LOADS:
  - ULTIMATE DESIGN WIND SPEED (3-SECOND GUST), MPH 115
  - RISK CATEGORY II
  - WIND EXPOSURE B
  - NOMINAL WIND SPEED (3 SEC. GUST) OF 40 MPH WITH CONCURRENT 1" RADIAL ICE

STRUCTURAL STEEL

- STEEL SHALL BE FABRICATED BY A FABRICATOR HAVING AN AISC QUALITY CERTIFICATION CATEGORY: "STANDARD FOR STEEL BUILDING STRUCTURES (STD)."
- STRUCTURAL STEEL WORK SHALL CONFORM TO THE "STEEL CONSTRUCTION MANUAL, AISC 360"
- STEEL SHALL CONFORM TO THE FOLLOWING UNLESS OTHERWISE NOTED:
  - ANGLES, PLATES, ROOF, U-BOLTS, ETC. ASTM A36
  - PIPES: ASTM A53, GRADE B
  - UNISTRUTS: ASTM A553 GR. 33
- WELDED CONNECTIONS SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICAN WELDING SOCIETY, AWS D1.1 WELDING ELECTRODE MATERIAL SHALL BE E70XX
- ALL CONNECTIONS SHALL BE MADE WITH 1/2 INCH ASTM A325 BOLTS TIGHTENED TO SNUG-TIGHT CONDITION UNLESS OTHERWISE NOTED
- ALL STEEL AND CORRESPONDING CONNECTIONS EXPOSED TO WEATHER SHALL BE HOT DIP GALVANIZED IN ACCORDANCE WITH ASTM A123 AND A153, RESPECTIVELY.
- PROVIDE HARDENED STEEL WASHERS CONFORMING TO ASTM F436 AND HEAVY HEX NUTS ON ANCHOR RODS.

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1154 OLD WILLIAM PENN HWY SUITE 300 MUMFRESSVILLE, PA 15864

**RED SWING GROUP**  
250 E Broad St, Ste 600 Columbus, OH 43215  
Phone 614 221 6679  
www.paulford.com

**ROOFTOP ANTENNA MOUNT**  
SITE M13165, WOODWARD  
BIRMINGHAM, MICHIGAN

PROJECT No. 00315-0015-0015-0402  
DRAWN BY: T.A.M.  
DESIGNED BY: D.F.H.  
CHECKED BY: L.A.P.  
DATE: 11-20-2015

GENERAL NOTES

S-1



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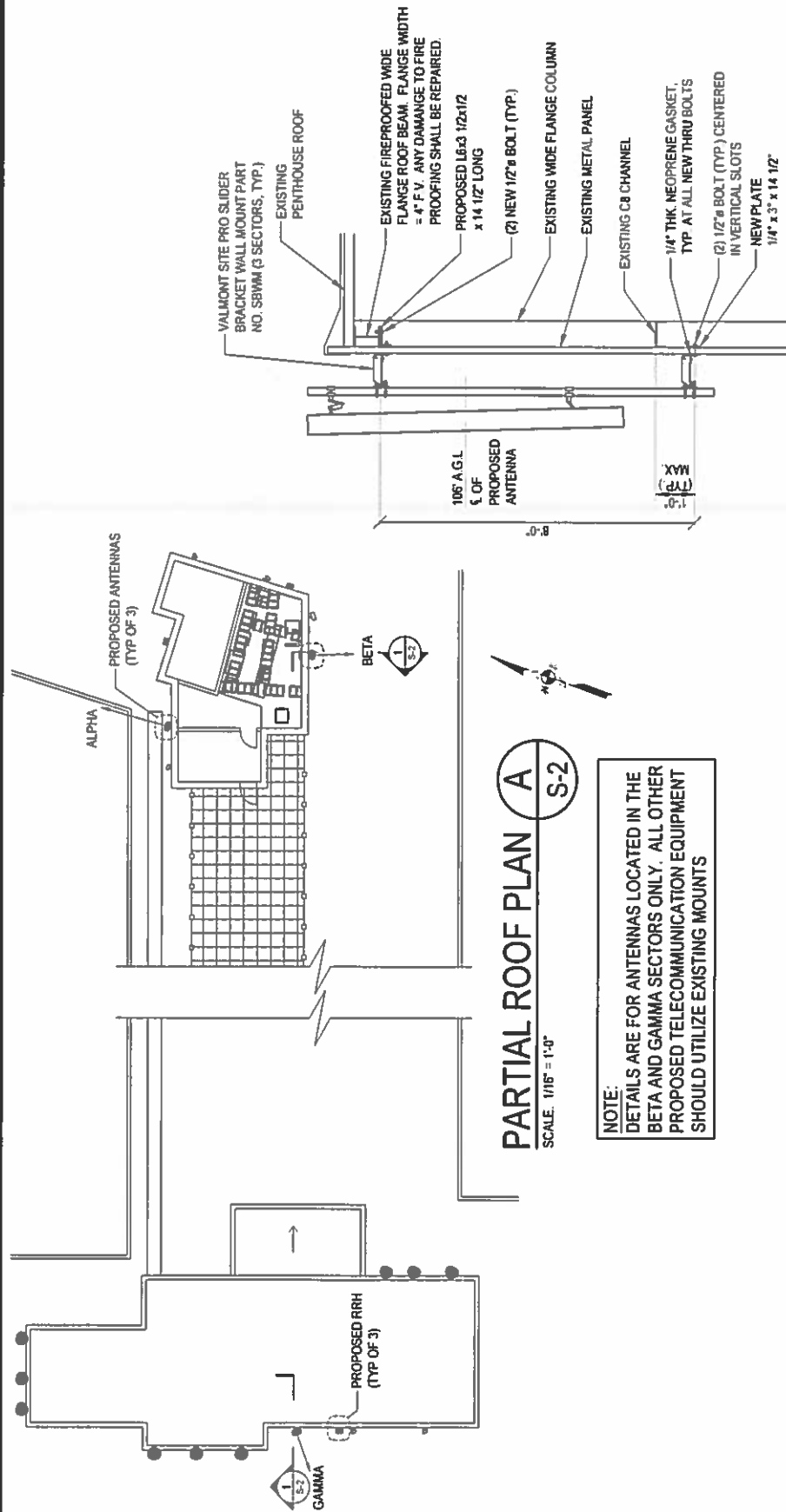
**RED SWING GROUP**  
4154 OLD VILLAGE PARKWAY SUITE 300 ALBANYVILLE, PA 15902  
Phone 614.221.6679  
**PJF PAUL J. FORD & COMPANY**  
250 E Broad St., Ste 600 Columbus, OH 43215  
www.pauljford.com

**ROOFTOP ANTENNA MOUNT**  
SITE M13165, WOODWARD  
BIRMINGHAM, MICHIGAN

PROJECT No. 00115-0015-001.5-00  
DRAWN BY: T.A.H.  
DESIGNED BY: O.F.H.  
CHECKED BY: L.A.P.  
DATE: 11-20-2011

**PLAN AND DETAILS**

**S-2**



**DETAIL**  
SCALE: 3/8\" = 1'-0\"  
ALPHA AND GAMMA SECTOR

**PARTIAL ROOF PLAN**  
SCALE: 1/16\" = 1'-0\"  
**A**  
**S-2**

**NOTE:**  
DETAILS ARE FOR ANTENNAS LOCATED IN THE  
BETA AND GAMMA SECTORS ONLY. ALL OTHER  
PROPOSED TELECOMMUNICATION EQUIPMENT  
SHOULD UTILIZE EXISTING MOUNTS

# STRUCTURAL NOTES

1. THESE DRAWINGS ARE BASED UPON A STRUCTURAL ANALYSIS BY PAUL J FORD AND COMPANY DATED NOVEMBER 20, 2015.
2. UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREINAFTER FOR USE ON THIS PROJECT.
3. IF MATERIALS, QUANTITIES, STRENGTHS OR SIZES INDICATED BY THE DRAWINGS ARE NOT IN AGREEMENT WITH THESE NOTES, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR CLARIFICATION.
4. FIELD VERIFY ALL EXISTING CONDITIONS, DIMENSIONS AND ELEVATIONS BEFORE PROCEEDING WITH THE WORK. EXISTING CONDITIONS SHALL BE VERIFIED BY THE CONSTRUCTION MANAGER, GENERAL CONTRACTOR, CONTRACTOR, SUB-CONTRACTOR AND/OR SUPPLIER PRIOR TO DETAILING, FABRICATION, ERECTION OR CONSTRUCTION OF ANY ELEMENT. ANY DISCREPANCIES BETWEEN THE CONTRACT DOCUMENTS AND THE ACTUAL FIELD CONDITIONS MUST BE REPORTED IMMEDIATELY TO THE ENGINEER.
5. SUPPORT, BRACE, AND SECURE EXISTING STRUCTURES AS REQUIRED TO PREVENT DAMAGE AND MOVEMENT. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE SAFETY OF EXISTING STRUCTURES DURING CONSTRUCTION.
6. ALL DIMENSIONS AND ELEVATIONS SHOWN ON THE STRUCTURAL DRAWINGS SHALL BE VERIFIED BY THE CONTRACTOR AND SHALL CONFORM TO THOSE SHOWN ON THE ARCHITECTURAL DRAWINGS.
7. THE STRUCTURAL CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND HE SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES. OBSERVATION VISITS TO THE SITE BY THE ENGINEER SHALL NOT INCLUDE INSPECTIONS OF THE PROTECTIVE MEASURES OR THE CONSTRUCTION PROCEDURES.
8. ANY SUPPORT SERVICES PERFORMED BY THE ENGINEER DURING CONSTRUCTION SHALL BE DISTINGUISHED FROM CONTINUOUS AND DETAILED INSPECTION SERVICES WHICH ARE FURNISHED BY OTHERS. THESE SUPPORT SERVICES PERFORMED BY THE ENGINEER ARE SOLELY FOR THE PURPOSE OF ASSISTING IN QUALITY CONTROL AND IN ACHIEVING CONFORMANCE WITH THE CONSTRUCTION DOCUMENTS. THEY DO NOT GUARANTEE CONTRACTOR'S PERFORMANCE AND SHALL NOT BE CONSTRUED AS SUPERVISION OF CONSTRUCTION.
9. ALL STRUCTURES ARE DESIGNED TO BE STABLE AND SELF-SUPPORTING AT THE COMPLETION OF CONSTRUCTION. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE THE ERECTION PROCEDURE AND SEQUENCE TO ENSURE THE STABILITY AND SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS, AND THE ADEQUACY OF TEMPORARY OR INCOMPLETE CONNECTIONS DURING CONSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF WHATEVER TEMPORARY BRACING, GUYS OR TIE-DOWNS THAT MAY BE NECESSARY. SUCH MATERIAL IS NOT INDICATED ON THE DRAWINGS AND, IF PROVIDED, SHALL BE REMOVED, AS CONDITIONS PERMIT AND REMAIN THE PROPERTY OF THE CONTRACTOR.
10. ALL MATERIALS AND EQUIPMENT FURNISHED WILL BE NEW AND OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF MATERIALS AND EQUIPMENT BEING SUBSTITUTED.

## GOVERNING CODES AND SPECIFICATIONS

- IBC -INTERNATIONAL BUILDING CODE, 2012 EDITION
- ASCE 7 -MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES, 2010 EDITION
- ASC 360 -STEEL CONSTRUCTION MANUAL, 14TH EDITION
- ACT 530 -BUILDING CODE REQUIREMENTS AND SPECIFICATION FOR MASONRY STRUCTURES
- AWS D1.1 -STRUCTURAL WELDING CODE - STEEL, 2010 EDITION
- ANSI 5100 -DESIGN OF COLD-FORMED STEEL STRUCTURAL MEMBERS, 2012 EDITION

## DESIGN LOADS

1. WIND LOADS:
  - a. U.IMATE DESIGN WIND SPEED (3-SECOND GUST), MPH. .... 115
  - b. RISK CATEGORY ..... II
  - c. WIND EXPOSURE ..... B
  - d. NOMINAL WIND SPEED (3 SEC. GUST) OF 40 MPH WITH CONCURRENT 1" RADIAL ICE

# STRUCTURAL STEEL

1. STEEL SHALL BE FABRICATED BY A FABRICATOR HAVING AN AISI QUALITY CERTIFICATION CATEGORY: "STANDARD FOR STEEL BUILDING STRUCTURES (STD)".
2. STRUCTURAL STEEL WORK SHALL CONFORM TO THE "STEEL CONSTRUCTION MANUAL, AISI 360".
3. STEEL SHALL CONFORM TO THE FOLLOWING UNLESS OTHERWISE NOTED:
  - a. ANGLES, PLATES, ROOFS, U-BOLTS, ETC.: ASTM A36
  - b. PIPES: ASTM A53, GRADE B
  - c. UNISTRUTS: ASTM A653 GR. 33
4. WELDED CONNECTIONS SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICAN WELDING SOCIETY, AWS D11.1, WELDING ELECTRODE MATERIAL SHALL BE E70XX.
5. ALL CONNECTIONS SHALL BE MADE WITH 1/2 INCH ASTM A325 BOLTS TIGHTENED TO SNUG-TIGHT CONDITION UNLESS OTHERWISE NOTED.
6. ALL STEEL AND CORRESPONDING CONNECTIONS EXPOSED TO WEATHER SHALL BE HOT-DIP GALVANIZED IN ACCORDANCE WITH ASTM A123 AND A155, RESPECTIVELY.
7. PROVIDE HARDENED STEEL WASHERS CONFORMING TO ASTM F436 AND HEAVY HEX NUTS ON ANCHOR RODS.

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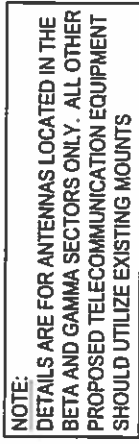
**RED SWING GROUP**  
4154 OLD WILLIAM PENN HWY, SUITE 100 MURRYSVILLE, PA 15868

**ROOFTOP ANTENNA MOUNT**  
SITE M13165, WOODWARD  
BIRMINGHAM, MICHIGAN

PROJECT No. M13165-001/002  
DRAWN BY: T.A.H.  
DESIGNED BY: O.F.H.  
CHECKED BY: L.A.P.  
DATE: 11/23/2015

## GENERAL NOTES

S-1





Jana Ecker &lt;jecker@bhamgov.org&gt;

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**Fwd: Fire Station**

1 message

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

Tue, Apr 19, 2016 at 8:39 AM

To: Jana Ecker &lt;jecker@bhamgov.org&gt;, John Connaughton &lt;Jconnaughton@bhamgov.org&gt;

fyi

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

From: **Scott Bonney** <zootpix@icloud.com>

Date: Mon, Apr 18, 2016 at 9:00 PM

Subject: Fire Station

To: [Jvalentine@bhamgov.org](mailto:jvalentine@bhamgov.org)

I have reviewed the revised illustrated elevations and illustrated site plan submitted for the 04-19-16 meeting, and they all look good to me. I believe they have listened to our concerns and improved the design. I like the brick and stone samples as well. I think these material are appropriate for the project.

Scott R Bonney, ARC

Sent from my iPad

—

**Joseph A. Valentine**

City Manager

City of Birmingham

151 Martin Street

Birmingham, MI 48009

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