

**BIRMINGHAM CITY COMMISSION AGENDA**  
**FEBRUARY 13, 2023**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor

**II. ROLL CALL**

Alexandria Bingham, City Clerk

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

**ANNOUNCEMENTS**

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- The City of Birmingham, along with the nation, recognizes Black History Month in February. We celebrate the legacy of Black Americans whose power to lead, to overcome and to expand the meaning and practice of American democracy has helped our nation become a more fair and just society. The city continues to make significant progress in understanding the important history of Black families in early Birmingham, and remains committed to seeking opportunities to share the whole story of our community in the future.
- The Birmingham Police Department participated in a polar plunge fundraiser for the Special Olympics of Michigan that took place on February 4, 2023. Numerous members of the Police Department, two employees from the Clerk's Office and Mayor Pro-Tem Elaine McLain jumped into the icy waters of Walled Lake and raised over \$13,000 for the cause. Our Birmingham team was the third-highest grossing agency involved.

**APPOINTMENTS**

A. Appointment to the Birmingham Area Cable Board

1. Donovan Shand

To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2026.

To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve the remainder of a three-year term expiring March 30, 2024.

To appoint \_\_\_\_\_ to the Cablecasting Board as an alternate member to serve the remainder of a three-year term expiring March 30, 2025.

B. Appointment to the Board of Zoning Appeals

1. Carl Kona

To appoint \_\_\_\_\_ as an alternate member to the Board of Zoning Appeals to serve a three-year term to expire February 18, 2026.

**IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

**V. CONSENT AGENDA**

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a Commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

- A. Resolution to approve the revised City Commission meeting minutes of January 9, 2023.
- B. Resolution to approve the City Commission Long Range Planning meeting minutes of January 21, 2023.
- C. Resolution to approve the City Commission meeting minutes of January 23, 2023.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 25, 2023, in the amount of \$2,219,383.97.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 1, 2023 in the amount of \$459,227.17.
- F. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 8, 2023 in the amount of \$2,940,323.27.
- G. Resolution to approve the construction project budget and award the two (2) 500,000 Gallon Radial Arm Tanks Exterior Overcoat and Miscellaneous Repairs #2-22 (W) to Fedewa Inc. in the amount of \$482,699.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the city. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Water Fund	591.0-543.000-981.0100- Derby	\$209,699.00	\$20,969.90	\$230,668.90
Water Fund	591.0-543.000-981.0100 - Hunter	\$273,000.00	\$27,300.00	\$300,300.00
	Total Costs	\$482,699.00	\$48,269.90	\$530,968.90

- H. Resolution to set a public hearing date of March 13, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche.
- I. Resolution to approve the purchase of a trailer attenuator from Truck & Trailer Specialties, Inc., located at 900 Grand Oaks Drive, Howell, MI 48843, through the MiDeal Cooperative Purchase Agreement #071B7700086, in the amount not to exceed \$32,275, in addition to authorize the Mayor and City Clerk to sign the agreement on behalf on the City. Funding for this purchase has been budgeted in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.



- J. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold Birmingham Movie Nights on June 9, July 14, August 11, and September 8, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- K. Resolution to accept the resignation of Steven Kalczynski from the Advisory Parking Committee, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.
- L. Resolution to accept the resignation of Patrick Rock from the Martha Baldwin Park Board, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.

## **VI. UNFINISHED BUSINESS**

- A. Resolution to approve the City of Birmingham Code of Conduct and further direct staff to publish a resolution or ordinance and the Code of Conduct as adopted on the City of Birmingham website along with the Rules of Procedure of the Birmingham City Commission.

## **VII. NEW BUSINESS**

- A. Public Hearing for 300 S. Old Woodward – RH – Special Land Use Permit Amendment, Final Site Plan & Design Review.
  - 1. Motion to postpone the public hearing and consideration of the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 300 S. Old Woodward – RH – to February 27, 2023.
- B. Public Hearing to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.
  - 1. Motion adopting an ordinance to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.
- C. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.
- D. Commission discussion on items from a prior meeting
  - 1. Establishment of an Ad Hoc Senior Services Committee
- E. Resolution to meet in closed session to discuss the potential purchase of land pursuant to MCL§ 15.268 Sec. 8 (d) of the Open Meetings Act.

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

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Architectural Review Committee
  - 2. Notice of intention to appoint to the Planning Board
  - 3. Notice of intention to appoint to the Advisory Parking Committee
  - 4. Notice of intention to appoint to the Martha Baldwin Park Board
  - 5. Notice of intention to appoint to the Ad Hoc Environmental Sustainability Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Ongoing Communication with MDOT
  - 2. BSD 2022 Year in Review
  - 3. Opiate Report

INFORMATION ONLY

**XI. ADJOURN**

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760  
You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

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

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



**NOTICE OF INTENTION TO APPOINT TO THE  
CABLECASTING BOARD**

At the regular meeting of Monday, February 13, 2023 the Birmingham City Commission intends to appoint three members to the Cablecasting Board to serve three-year terms expiring March 30, 2026, one regular member to serve the remainder of a three-year term expiring March 30, 2024, and one alternate member to serve the remainder of a three-year term expiring March 30, 2025. Applicants must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, February 8, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Duties of the Cablecasting Board

- 1) Advise the municipalities on matters relating to cable communications;
- 2) Monitor the franchisee's compliance with the franchise agreement and the cable communications ordinance;
- 3) Conduct performance reviews as outlined in Chapter 30, Article VII of the city code;
- 4) Act as liaison between the franchisee and the public; hear complaints from the public and seek their resolution from the franchisee;
- 5) Advise the various municipalities on rate adjustments and services according to the procedure outlined in Chapter 30; Article VI
- 6) Advise the municipalities on renewal, extension or termination of a franchise;
- 7) Appropriate those moneys deposited in an account in the name of the cablecasting board by the member communities;
- 8) Oversee the operation of the education, governmental and public access channels;
- 9) Apprise the municipalities of new developments in cable communications technology;
- 10) Hear and decide all matters or requests by the operator (Comcast Cablevision);
- 11) Hear and make recommendations to the municipalities of any request of the operator for modification of the franchise requirement as to channel capacity and addressable converters or maintenance of the security fund;
- 12) Hear and decide all matters in the franchise agreement which would require the operator to expend moneys up to fifty thousand dollars;
- 13) Enter into contracts as authorized by resolutions of the member municipalities;
- 14) Administer contracts entered into by the board and terminate such contracts.

Applicant(s) Presented For City Commission Consideration:

<b>Applicant Name</b>	<b>Criteria</b>	<b>Qualifications</b>
	Must be a resident of Birmingham	
Donovan Shand	Birmingham Resident	Current Regular Member

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

SUGGESTED ACTION:

To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2026.

To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve the remainder of a three-year term expiring March 30, 2024.

To appoint \_\_\_\_\_ to the Cablecasting Board as an alternate member to serve the remainder of a three-year term expiring March 30, 2025.



# CABLECASTING BOARD

Chapter 30 - Section 30-226 - Birmingham City Code  
 Meeting Schedule: 3<sup>rd</sup> Wednesday of the month - 7:45 A. M

The Board shall consist of 12 members, which includes 7 members who are residents of the City of Birmingham. Each member community shall also appoint one alternative representative. (30-226)

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Abraham 898 Arlington	George	(248) 642-1257  <i>georgeabrahamjr@outlook.com</i>	5/14/2018  Birmingham resident	3/30/2024
Cleary 2001 Fairway	Jim	(248) 840- 8416  <i>clearyjp@gmail.com</i>	12/21/2020  Birmingham resident	3/30/2025
Eick 559 Greenwood	R. David	(248) 231-8067  <i>eickhouse@comcast.net</i>	12/14/2015  Birmingham resident	3/30/2024
Fenberg 908 Chesterfield	Michael	(248) 310-7373  <i>michael.fenberg@bakertilly.com</i>	3/13/2017  Birmingham resident	3/30/2023
Shand 1645 Buckingham Ave.	Donovan	(248) 330-0747  <i>dgshand@gmail.com</i>	12/4/2017  Birmingham resident	3/30/2023

**For Cable Inquires:**  
 Cathy White 248-336-9445  
 P.O. Box 165, Birmingham, MI 48012

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
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VACANT			ALTERNATE	3/20/2025
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VACANT				3/30/2024
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<b>Whittington</b>	<b>Robert</b>	(248) 593-8641	1/24/2022	3/30/2023
512 E. Southlawn			Birmingham resident	
		<i>rwhittington@directgolfsales.com</i>		

**For Cable Inquires:**

Cathy White 248-336-9445  
P.O. Box 165, Birmingham, MI 48012

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## Upcoming board appointments

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**execdir@birminghamareacableboard.org** <execdir@birminghamareacableboard.org>

Tue, Feb 7, 2023 at 4:40  
PM

Reply-To: execdir@birminghamareacableboard.org

To: Christina Woods <cwoods@bhamgov.org>

Cc: Gil Gugni <ggugni50@gmail.com>, "rwhittington@directgolfsales.com" <rwhittington@directgolfsales.com>, "R. David Eick" <eickhouse@comcast.net>, Michael Fenberg <michael.fenberg@bakertilly.com>, "clearyjp@gmail.com" <clearyjp@gmail.com>, Donovan Shand <dgshand@gmail.com>, George Abraham <gabraham@comcast.net>

Christina: I have been meaning to get back with you regarding the attendance of board members at our meetings for the past three years. Here is the information:

Whittington (appt'd 1-24-22): Two absences in 2022

Eick: One absence in 2020, one absence in 2021 and no absences in 2022

Fenberg: One absence in 2020, three absences in 2021 and four absences in 2022

Cleary: No absences in 2020, one absence in 2021 and three absences in 2022

Shand: Three absences in 2020, six absences in 2021 and three absences in 2022

Abraham: No absences in 2020, two absences in 2021 and no absences in 2022

Cathy White  
Executive Director of BACB  
P.O.Box 165  
Birmingham, MI 48012  
248-336-9445

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**From:** "Christina Woods" <cwoods@bhamgov.org>

**Sent:** 1/13/23 2:16 PM

**To:** [execdir@birminghamareacableboard.org](mailto:execdir@birminghamareacableboard.org)

**Subject:** Upcoming board appointments

[Quoted text hidden]





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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Birmingham Area Cable Board

Specific Category/Vacancy on Board Board Member (see back of this form for information)

Name Donovan Shand

Phone 248-330-0747

Residential Address 1645 Buckingham

Email \* dgshand@gmail.com

Residential City, Zip Birmingham

Length of Residence 15 yrs

Business Address \_\_\_\_\_

Occupation Retired

Business City, Zip \_\_\_\_\_

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_  
 Current board member; interested in continuing to serve

List your related employment experience Sales management, Continental and Comcast cable many years ago

List your related community activities current member of BACB

List your related educational experience \_\_\_\_\_

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

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

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

Signature of Applicant

Date 2/8/23

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [clerksoffice@bhamgov.org](mailto:clerksoffice@bhamgov.org) or by fax to 248.530.1080. Updated 3/24/2021

\*By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.



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## Birmingham Cablecasting Board Term Expiration

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**D Shand** <dgshand@gmail.com>  
To: Christina Woods <cwoods@bhamgov.org>  
Cc: execdir@birminghamareacableboard.org

Wed, Feb 8, 2023 at 11:47 AM

Hi again Christina, my application for the Birmingham Area Cable Board membership renewal is attached. I would like to remain a board member for another term. Unfortunately, I am unable to attend the February 13 City Commission meeting.

Please let me know if you have any questions or need any additional information.

Thank you,

Donovan Shand

[Quoted text hidden]

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 **BACB Application\_Shand.pdf**  
1300K

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**Sec. 30-226. Creation and membership of board.**

- (a) The Birmingham City Commission and the Village Councils of Beverly Hills, Bingham Farms, and Franklin have established a cablecasting board. The board shall continue to consist of 12 members, seven who are residents of the City of Birmingham who shall be appointed by the City of Birmingham, four who shall be residents of Beverly Hills who shall be appointed by that Village, one who shall be a resident of Bingham Farms who shall be appointed by that Village, and one who shall be a resident or appointed official of the Village of Franklin who shall be appointed by the Village. Each member shall also appoint one alternate representative. Members of the board shall serve without compensation and for such terms as their respective authorities shall determine. The City of Birmingham and the villages shall also have sole power to remove and/or replace their respective appointees.
- (b) Each of the board's member communities is encouraged to appoint an elected or appointed official of that community to act as a liaison to the board, to attend board meetings, and to participate in board discussions.
- (c) The Birmingham School District and the Baldwin Library are each also encouraged to appoint a representative to act as a liaison to the board and to participate in board discussions regarding matters relevant to their respective interests and constituencies.
- (d) Seven members of the board shall constitute a quorum and the affirmative vote of a majority of the full board shall be required for board action.

(Ord. No. 1540, § 2.2909, 11-9-92; Ord. No. 1724, 3-20-00; Ord. No. 1757, 6-11-01)



**NOTICE OF INTENTION TO APPOINT TO  
BOARD OF ZONING APPEALS**

At the regular meeting of Monday, February 13, 2023, the Birmingham City Commission intends to appoint two alternate members to the Board of Zoning Appeals to serve three-year terms to expire February 18, 2026.

Interested parties may recommend others or themselves for these positions by submitting a form available from the City Clerk's office. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, February 8, 2023. Applications will appear in the public agenda at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Duties of Board

The Board of Zoning Appeals acts on questions arising from the administration of the zoning ordinance, including the interpretation of the zoning map. The Board hears and decides appeals from and reviews any order, requirement, decision or determination made by the Building Official.

<b>Applicant Name</b>	<b>Criteria</b> Applicants shall be property owners of record and registered voters.	<b>Qualifications</b>
Carl Kona	Birmingham Property owner and registered voter	Current alternate member, remodeling business experience

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

**SUGGESTED ACTION:**

To appoint \_\_\_\_\_ as an alternate member to the Board of Zoning Appeals to serve a three-year term to expire February 18, 2026.



# BOARD OF ZONING APPEALS

Chapter 126 – Section 126-671 – Seven Members – Three Year Terms  
 Requirements – Property owners of record and registered voter

The Board of Zoning Appeals acts on questions arising from the administration of the zoning ordinance, including the interpretation of the zoning map. The board hears and decides appeals from and reviews any order, requirement, decision or determination made by the building official.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Canvasser 369 Kimberly	Jason	(248) 231-9972  <i>jcanvasser@clarkhill.com</i>	7/9/2018  Attorney	10/10/2023
Hart 2051 Villa	Kevin	(248) 4967363  <i>khartassociates@aol.com</i>	2/27/2012  Architect	10/10/2023
Kona 439 W. Merrill St	Carl	(248)540-2810  <i>carlsbox@hotmail.com</i>	4/25/2022  Alternate Member, Financial Services	2/17/2023
Lilley 648 Cherry Ct.	Richard	248-594-6737  <i>dicklilley@icloud.com</i>	9/6/2018  Regular Member	10/10/2025
Miller 544 Brookside	John	(248) 703-9384  <i>jnmillerstudio@gmail.com</i>	1/23/2012  Architect	10/10/2024
Morganroth 631 Ann	Erik	(248) 762-9822  <i>emorganroth@comcast.net</i>	10/12/2015  Real Estate/Builder	10/10/2024

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Reddy 763 Wallace	Ron	(313) 820-7491 <i>ron.reddy01@gmail.com</i>	2/11/2019 Regular member	10/10/2025
Vacant				2/18/2023 Alternate Member
Yaldo 1936 Graefield	Pierre	(248) 534-5585 <i>pierreyaldo1@gmail.com</i>	2/28/2022 Attorney	10/10/2025

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

Year: 2021

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Lillie, Charles	P	P	P	P	P	P	P	A	P	P	P	P	NM	NM	11	1	92%
Miller, John	P	P	P	P	P	P	A	P	P	P	P	P	NM	NM	11	1	92%
Hart, Kevin	P	P	A	P	A	P	A	P	P	P	P	A	NM	NM	8	4	67%
Morganroth, Erik	P	P	P	P	P	P	P	P	P	A	P	P	NM	NM	11	1	92%
Canvasser, Jason	P	P	P	P	P	P	A	P	P	P	P	P	NM	NM	11	1	92%
Rodriguez, Francis	P	A	P	P	P	P	A	P	P	A	A	A	NM	NM	7	5	58%
Lilley, Richard	P	P	P	P	P	P	P	P	P	P	A	P	NM	NM	11	1	92%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
<b>ALTERNATES</b>																	
Reddy, Ron	P	P	P	P	P	P	P	P	P	P	P	P	NM	NM	12	0	100%
Rodenhose, Erin J.	P	P	P	P	P	P	P	P	P	P	P	P	NM	NM	12	0	100%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	9	8	8	9	8	9	5	8	9	7	7	7	0	0			

- KEY:**
- A = Member absent
  - P = Member present or available
  - CP = Member available, but meeting canceled for lack of quorum
  - CA = Member not available and meeting was canceled for lack of quorum
  - NA = Member not appointed at that time
  - NM = No meeting scheduled that month
  - CM = Meeting canceled for lack of business items



\_\_\_\_\_  
Department Head Signature

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

Year: 2022

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Lillie, Charles	A	A	A	P	A	A	P	P	P	NA	NA	NA	P	NM	5	5	50%
Miller, John	A	P	A	P	P	P	P	P	P	P	P	A	P	NM	10	3	77%
Hart, Kevin	CP	P	P	P	P	P	P	A	P	P	P	P	P	NM	11	1	92%
Morganroth, Erik	A	P	P	P	P	P	P	P	P	P	P	P	P	NM	12	1	92%
Canvasser, Jason	A	P	P	P	P	P	P	P	P	A	P	P	P	NM	11	2	85%
Reddy, Ron	NA	NA	P	P	P	P	P	P	P	P	P	P	P	NM	11	0	100%
Yaldo, Pierre	NA	NA	P	P	A	P	P	P	P	P	P	P	P	NM	10	1	91%
Rodriguez, Francis	CP	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA			0	0	#DIV/0!
Lilley, Richard	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P				1	0	100%
<b>ALTERNATES</b>																	
Reddy, Ron	CP	A	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0	1	0%
Rodenhouse, Erin J.	CP	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	0	100%
Kona, Carl	NA	NA	NA	NA	P	P	P	P	P	P	P	P	P		9	0	100%
Lilley, Richard	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA	NA	NA	2	0	100%
Present or Available	4	5	5	7	6	7	7	8	9	7	8	6	8	0			

- KEY:**
- A = Member absent
  - P = Member present or available
  - CP = Member available, but meeting canceled for lack of quorum
  - CA = Member not available and meeting was canceled for lack of quorum
  - NA = Member not appointed at that time
  - NM = No meeting scheduled that month
  - CM = Meeting canceled for lack of business items



Department Head Signature

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

Year: 2023

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Miller, John	P														1	0	100%
Hart, Kevin	P														1	0	100%
Morganroth, Erik	A														0	1	0%
Canvasser, Jason	P														1	0	100%
Reddy, Ron	P														1	0	100%
Yaldo, Pierre	P														1	0	100%
Lilley, Richard	P														1	0	100%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
<b>ALTERNATES</b>																	
Kona, Carl	P														1	0	100%
Member 2															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

- KEY:**
- A = Member absent
  - P = Member present or available
  - CP = Member available, but meeting canceled for lack of quorum
  - CA = Member not available and meeting was canceled for lack of quorum
  - NA = Member not appointed at that time
  - NM = No meeting scheduled that month
  - CM = Meeting canceled for lack of business items



Department Head Signature





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

**APPLICATION FOR CITY BOARD OR COMMITTEE**

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

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

(Please print clearly)

Board/Committee of Interest Board of Zoning Appeals

Specific Category/Vacancy on Board Alternate Board Member (see back of this form for information)

Name Carl Kona

Phone 248-540-2810

Residential Address 439 W Merrill St

Email \* carlsbox@hotmail.com

Residential City, Zip Birmingham 48009

Length of Residence 32

Business Address \_\_\_\_\_

Occupation Financial Services

Business City, Zip \_\_\_\_\_

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I have been an alternate board member since May 2022. This board experience with my past remodeling business experience provides a unique viewpoint for board discussions.

List your related employment experience Ran a remodeling business several years ago as well as remodeled my own past two homes in Birmingham (each requiring BZA approval).

List your related community activities \_\_\_\_\_

List your related educational experience BSEE as well as hands on building knowledge

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: No

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

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

Carl Kona

1/23/23

Signature of Applicant

Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [clerk@bhamgov.org](mailto:clerk@bhamgov.org) or fax to 248.530.1080.

Updated 11/18/2020

*\*By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.*

## CHAPTER 126 - ZONING

### ARTICLE 8: ENFORCEMENT AND PENALTIES

#### 8.01 The Board of Zoning Appeals

- A. Establish: There shall be established and appointed by the City Commission, in accordance with Section 5, Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.585, MSA 5.2935), as amended, a Board of Zoning Appeals consisting of seven members each to be appointed for a term of three years.
- B. Alternate Members: The City Commission may also appoint not more than two alternate members for the same term as regular members of the Board of Zoning Appeals. The alternate member may be called on a rotating basis to sit as a regular member of the Board of Zoning Appeals in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Zoning Appeals.
- C. Procedure: Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at such other times as the Board of Zoning Appeals may determine. Such chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and the action thereon, which shall be a public record.
- D. Appeals: An appeal to the Board of Zoning Appeals, based in whole or in part on the provisions of the Zoning Ordinance, may be taken by any person aggrieved, or by any governmental officer, department, Board of Zoning Appeals or bureau affected by the decision of the Building Official. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, on forms provided by the Building Official, specifying the ground thereof, and by paying the required fee. The Building Official shall transmit to the Board of Zoning Appeals all papers constituting the records upon which the appeal action was taken.
- E. Hearing and Notice: The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal and shall give due notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet, the notice to be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. A notice sign shall also be posted in a conspicuous place on the subject property. Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to remove the notice sign the day after the public hearing the notice sign was advertising. At the hearing, any person or party may appear in person, by agent or by attorney. All such hearings shall be open to the public.
- F. Powers and Duties: The Board of Zoning Appeals shall have the powers and duties set forth in MCL 125.581 et seq., MSA 5.2931 et seq. and as more particularly hereinafter enumerated. The Board of Zoning Appeals shall not have the power to change the zoning district of any property. The Board of Zoning Appeal's power and duties shall include the following:
1. Review of administrative decisions.
    - a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance.
    - b. It may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the situation, and to that end shall have all the powers of the officer from whom the appeal is taken.
  2. Mapping disputes.
    - a. Where disputes arise as to the location of the floodplain boundary or the limits of the floodway, the Board of Zoning Appeals shall resolve the dispute and establish the boundary location in accordance with Section 1.15.

In all cases, the decision of the Board of Zoning Appeals shall be based upon the most current floodplain studies issued by the Office of Federal Insurance and Hazard Mitigation. Where the Office of Federal Insurance and Hazard Mitigation information is not available, the best available floodplain information shall be utilized.

- b. Where a dispute involves an allegation that the boundary is incorrect as mapped and Office of Federal Insurance and Hazard Mitigation floodplain studies are being questioned, the Board of Zoning Appeals shall modify the boundary of the floodplain or the floodway only upon receipt of an official letter of map amendment issued by the Office of Federal Insurance and Hazard Mitigation.

3. Variances.

- a. The Board of Zoning Appeals shall hear and grant or deny requests for variances from the strict application of the provisions of the Zoning Ordinance where there are practical difficulties or unnecessary hardships in carrying out the strict letter of such chapter. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance. The Board of Zoning Appeals shall not grant any variance unless it first determines that:

- i. Because of special conditions applicable to the property in question, the provisions of the Zoning Ordinance, if strictly applied, unreasonably prevent the property owner from using the property for a permitted purpose;
- ii. Literal enforcement of the chapter will result in unnecessary hardship;
- iii. The granting of the variance will not be contrary to the spirit and purpose of the Zoning Ordinance nor contrary to the public health, safety and welfare; and
- iv. The granting of the variance will result in substantial justice to the property owner, the owners of property in the area and the general public.

- b. Variances from the provisions of Section 4.13, Floodplain Regulations, shall only be granted by the Board of Zoning Appeals upon a determination of compliance with the general standards for variances contained in the Zoning Ordinance and in accordance with the following:

- i. The variance granted will not result in flood heights in excess of those permitted by the Zoning Ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- ii. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
- iii. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without meeting the requirements of this section.

- c. Sign Variance Procedure. Any person who feels aggrieved by a decision of the City Planner or Design Review Board may have the sign reviewed by the Board of Zoning Appeals. A variance may be granted by the Board of Zoning Appeals only in cases involving practical difficulties when the evidence in the official record of the appeal supports all the following affirmative findings:

- i. That the alleged practical difficulties are peculiar to the property of the person requesting the variance by reasons of the physical and/or dimensional constraints of the building and/or site, and result from conditions which do not exist generally throughout the City;
- ii. That the granting of the requested variance would not be materially detrimental to the property owners in the immediate vicinity;
- iii. That the granting of the variance would not be contrary to the general objectives of this Chapter and is in keeping with the spirit and intent of this ordinance; and
- iv. That granting the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board of Zoning Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

- v. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance and the conditions specified in the sign ordinance, Chapter 86, Article 02, Section 2.06.

G. Miscellaneous:

1. No order of the Board of Zoning Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
2. No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that if the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.

**Birmingham City Commission DRAFT Minutes**

**January 9, 2023**

**Municipal Building, 151 Martin**

**7:30 p.m.**

**Vimeo Link: <https://vimeo.com/782771118>**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

City Clerk Bingham called the roll.

Present: Mayor Longe  
Mayor Pro Tem McLain  
Commissioner Baller  
Commissioner Boutros  
Commissioner Haig  
Commissioner Host  
Commissioner Schafer

Absent: None

Staff: City Manager Markus; City Clerk Bingham, Assistant City Manager Ecker, Human Resources Manager Lambert

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

**Announcements**

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- The \$1.3 million Birmingham Combined Sewer System Critical Rehabilitation Program Project was funded in the Federal Omnibus Bill passed December 23, 2022. The Mayor thanked City Staff and Congresswoman Stevens for their work on documenting the need and securing the funding.
- County Commissioner Charles Cavell

**Appointments**

**01-001-23 Appointment to the Historic District Commission**

The Commission interviewed Mary E. Jaye for the appointment.

**MOTION:** Nomination by Commissioner Boutros:

To appoint Mary E. Jaye as an alternate member to the Historic District Commission to serve the remainder of a three-year term to expire September 25, 2025.

VOICE VOTE:           Ayes, MPT McLain  
                                  Commissioner Baller  
                                  Commissioner Boutros  
                                  Commissioner Schafer  
                                  Commissioner Host  
                                  Mayor Longe  
                                  Commissioner Haig

Nays, None

CC Bingham swore in Ms. Jaye.

**IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

**V. CONSENT AGENDA**

**01-002-23 Consent Agenda**

The following items were pulled from the Consent Agenda:

Commissioner Haig: Item H – Set Public Hearing to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards

**MOTION:**           Motion by Commissioner Boutros, seconded by Commissioner McLain:  
To approve the Consent Agenda excluding Item H.

ROLL CALL VOTE:    Ayes, Commissioner Schafer  
                                  Commissioner Host  
                                  MPT McLain  
                                  Commissioner Boutros  
                                  Mayor Longe  
                                  Commissioner Baller  
                                  Commissioner Haig

Nays, None

- A. Resolution to approve the City Commission meeting minutes of November 28, 2022 as amended.
- B. Resolution to approve the City Commission meeting minutes of December 19, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 21, 2022, in the amount of \$2,376,100.61.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 4, 2023, in the amount of \$4,205,337.48.

- E. Resolution to hold a 2022 review of establishments who have liquor licenses for consumption on premises and to consider same establishments for 2023 renewal at the regular City Commission meeting on Monday, February 27, 2023 at 7:30 p.m.
- F. Resolution to approve a special event permit as requested by the Birmingham Clerk’s Office to hold the Celebrate Birmingham Parade and Party in Shain Park on Sunday, May 21, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary leading up to or at the time of the event.
- G. Resolution to set a public hearing date of February 13, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 300 S. Old Woodward – RH.

**01-003-23 (Item H) Set Public Hearing to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards**

Commissioner Haig said he would send along some recommended changes for minor errors and typographical issues, noting that none of the recommended changes were in regards to content.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner McLain:  
 To adopt a resolution to set a public hearing date of February 13, 2023 to consider ordinance amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

ROLL CALL VOTE: Ayes, Commissioner Schafer  
 Commissioner Host  
 MPT McLain  
 Commissioner Boutros  
 Mayor Longe  
 Commissioner Baller  
 Commissioner Haig

Nays, None

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

**01-004-23 City Manager Recruitment Update**

CM Markus, the Mayor, and HRM Lambert presented the item. CM Markus and HRM Lambert answered brief informational questions from the Commission.

Commissioner Host said that if two out of the six proposed candidates ended up having to exit the process for whatever reason, he would like the opportunity to review the seventh and eighth candidates.

There was general consensus that two separate interview sessions scheduled for later in the afternoon would be most convenient.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Host:  
To adopt a resolution to approve a time frame of two four-hour sessions, with three candidates each, (estimated time needed for all interviews would be 8 hours), in which City Manager candidates will be interviewed remotely by the City Commission.

The Commission confirmed for CM Markus that they would prefer interviews be scheduled to begin after 2:30 p.m. on whichever days were selected.

VOICE VOTE: Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain  
Commissioner Boutros  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

**01-005-23 Request For Closed Session To Discuss A Periodic Personnel Evaluation Of The City Manager**

**MOTION:** Motion by MPT McLain, Commissioner Boutros:  
To meet in closed session to discuss the personnel evaluation of the City Manager pursuant to Section 8(a) of the Open Meetings Act.

ROLL CALL VOTE: Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain  
Commissioner Boutros  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

The Commission went into closed session at 9:14 p.m.

The Commission returned from closed session at 10:10 p.m.

**01-008-23 Increase in City Manager Markus' Salary**

**MOTION:** Motion by Commissioner Boutros, Commissioner Baller:  
To amend City Manager Markus' employment agreement to increase the City Manager's annual salary by 4.5% in agreement with the executive pay action the Commission agreed to in July 2022.



MPT McLain thanked CM Markus for his service to the City.

Commissioner Baller stated that the performance review contained general positive comments on his tenure and expressions of gratitude from the Commissioners.

ROLL CALL VOTE: Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain  
Commissioner Boutros  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

### **Commission Items for Future Discussion**

#### **01-006-23 Ad Hoc Senior Services Committee**

The Mayor recommended the Commission discuss at a future meeting potentially scheduling an agenda item to consider the creation of an Ad Hoc Senior Services Committee.

**MOTION:** Motion by Commissioner Baller, Mayor Longe:  
To discuss the formation of a committee to address senior services.

VOICE VOTE: Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain  
Commissioner Boutros  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

#### **01-007-23 Improvements in Communication Methodology**

Commissioner Haig recommended the Commission discuss ways of improving communication methodologies.

**MOTION:** Motion by Commissioner Haig, Commissioner Host:  
To discuss ways of improving communication methodologies.

VOICE VOTE: Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain  
Commissioner Boutros  
Mayor Longe

Commissioner Baller  
Commissioner Haig

Nays, None

### Commission Discussion On Items From A Prior Meeting

#### VIII. REMOVED FROM CONSENT AGENDA

#### IX. COMMUNICATIONS

#### X. REPORTS

##### A. Commissioner Reports

1. Notice of intention to appoint to the Cablecasting Board
2. Notice of intention to appoint to the Parks and Recreation Board
3. Notice of intention to appoint to the Storm Water Utility Appeals Board
4. Notice of intention to appoint to the Board of Zoning Appeals

##### B. Commissioner Comments

MPT McLain provided updates on the Michigan Municipal League's (MML) new website, scheduled meetings, and available trainings. She stated that she was also appointed to the MML's Transportation, Infrastructure, and Technology Committee.

##### C. Advisory Boards, Committees, Commissions' Reports and Agendas

- D. Legislation
- E. City Staff

1. Update on the 48<sup>th</sup> District Court Discussions

ACM Ecker presented the update. ACM Ecker and CM Markus answered informational questions from the Commission. ACM Ecker noted that further information would be provided during an upcoming Commission agenda item.

2. Communication regarding Board and Committee Activities
3. Letter from Brad Host to residents & Nextdoor response

CM Markus presented both communications.

#### INFORMATION ONLY

##### Public Comment

David Bloom noted that the contents of a Master Plan are typically used as strong guidance for future zoning changes. provided comments regarding the 2040 Master Plan and He also voiced his support for Commissioner Host's public engagement on the matter.<sup>1</sup>

In reply to MPT McLain, the City Attorney confirmed that 'taking property' is a complex legal process that could not be decreed unilaterally by a commission or board.

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<sup>1</sup> As amended at the January 23, 2023 meeting.

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 10:12 p.m.

Alexandria Bingham  
City Clerk



Laura Eichenhorn  
City Transcriptionist

**Birmingham City Commission**  
**Long Range Planning DRAFT Minutes**  
**January 21, 2023**  
**8:30 a.m.**  
**Municipal Building, 151 Martin**

**Vimeo Link:** <https://vimeo.com/showcase/6708293/video/787788719>

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe  
Mayor Pro Tem McLain  
Commissioner Boutros  
Commissioner Haig  
Commissioner Host  
Commissioner Schafer

Absent: Commissioner Baller

Staff: City Manager Markus; Public Services Manager Bernal, City Clerk Bingham, City Planner Blizinski, Golf Courses Manager Brito, Information Technology Manager Brunk, City Engineer Coatta, Library Director Craft, Planning Director Dupuis, Assistant City Manager Ecker, Assistant City Manager Fairbairn, Recreation Coordinator Folk, Parking Systems Manager Ford, Communications Director Gamboa, Finance Director Gerber, Police Chief Grewe, Building Official Johnson, Parks and Recreation Manager Laird, Human Resources Manager Lambert, Museum Director Pielack, Birmingham Shopping District Director Sheppard-Decius, Fire Chief Wells, Department of Public Services Director Zielinski

**III. PUBLIC COMMENT**

**IV. DISCUSSION ITEMS**

Mayor Longe and CM Markus made introductory remarks.

**I. Finance**

- a. Five-Year Financial Forecast
- b. Online Budgeting Software

FD Gerber introduced the items. Spencer Tawa from Plante Moran presented Item I(a) and FD Gerber presented Item II(b). FD Gerber and CM Markus answered informational questions from the Commission.

MPT McLain said it would be helpful that the online budgeting software could be used by the public.

CM Markus said his previous experience using the budgeting software in Lawrence, KS was that it was relatively accessible for both City Staff and the public.

In reply to FD Gerber's comments about a shortfall in funds for capital, water, and sewer improvements, the Mayor noted that those circumstances would limit road improvements as well, since the City presently covers the costs of water and sewer improvements when road improvements are done.

## **II. Public Services**

- a. Ice Arena - A Year in Review
- b. Parks and Recreation Bond Update – Trail Improvements
- c. Golf Courses
- d. Electrifying Birmingham

DPSD Zielinski introduced the items. RC Folk presented Item II(a), PRM Laird presented Item II(b), GCM Brito presented II(c), and PubSM Bernal presented Item II(d). PRM Laird answered informational questions from the Commission.

The Mayor was pleased to note that both the Ice Arena and the Golf Courses were revenue positive, and stated that there was tremendous work and accomplishment by DPS Staff. She said she was enthusiastic about the needs that would be addressed as part of Phase II. She said she was also glad to see electrification on Public Services' radar.

MPT McLain recommended that residents explore the City's interconnected trails, take photos, and upload the photos to social media with the hashtag #AllInBirmingham. She thanked everyone for their work on the trails.

The idea of CM Markus taking the Commissioners on a tour of some of the trails was raised.

The Mayor noted that Birmingham's recreational assets are one of the drivers of people moving to the City.

### Public Comment

In reply to Pam Graham, RC Folk stated that she was monitoring the utility costs for the Ice Arena and those figures would be presented to both the Parks and Recreation Board and the Commission once available.

## **III. Engineering**

- a. Lead Service Line Replacement and Verification Progress Update
- b. Sewer and Water Infrastructure Planning and Construction Grants
- c. Roadway Asset Management Plan
- d. Upcoming Capital Improvement Projects for 2023/2024

CE Coatta introduced the items. Mike MacDonald of Hubbell, Roth and Clark presented Item III(a), CE Coatta presented Items III(b) and III(d), and Nick Nicita of Hubbell, Roth and Clark presented Item III(c). CM Markus, FD Gerber, and CE Coatta answered informational questions from the Commission.

In response to Commissioner Haig, CM Markus said CE Coatta would explore legal options for possibly withholding Certificates of Occupancy for new residents moving into properties where lead service lines had not yet been replaced until the replacements occur.

Commissioner Schafer recommended that the documentation supplied to lead service line replacement candidates be updated with additional information to reflected the true risk of lead intoxication. She noted

that in her practice as a pediatrician all nine to 18-month old children continue to be screened for lead poisoning because it remains an issue presently.

CE Coatta confirmed that would be done.

The Mayor commended all those involved in the lead service line replacement process and noted that the City was significantly exceeding the State government's required rate of replacements. She noted that due to the speed of the replacements, the City would be able to entirely fund the lead service line replacements with the Federal funds received for the project.

#### Public Comment

Ms. Graham said the lead service line replacement process results could be summarized as on-schedule, under-budget, with better than expected quality results and accurate planning. She commended those involved.

In reply to an inquiry from Ms. Graham, CM Markus explained that the process of street improvements would not occur all at once because of City finances and some residents' resistance to being assessed for the projects. He said he would not be supportive of assessing maintenance costs of unimproved roads to the residents of unimproved roads.

MPT McLain noted that it was necessary for stakeholders to work together to increase the speed of the road improvements, even if the choice could initially be seen as a politically unpopular one. She noted that it was a safety issue, and that while costs have gone up for the process those costs would not become less expensive in the future. She recommended the City explore a reallocation of resources to the process. She also recommended a reconsideration of the analysis or science of how the process occurs in order to try to reduce the frustration for everyone involved.

#### **IV. Planning**

- a. Birmingham Green - Sustainability and Climate Change
- b. The Birmingham Plan 2040

PD Dupuis presented Items IV(a) and IV(b). PD Dupuis and CM Markus and answered informational questions from the Commission.

MPT McLain thanked PD Dupuis for the detailed summary of how a master plan works.

In reply to Commissioner Host, PD Dupuis said Staff would make the 'Summary of Key Actions' table from the first pages of the draft 2040 Plan more accessible to the Commission and the public moving forward.

#### **V. Fire Department**

- a. Fleet Replacement Plan

FC Wells presented Item V(a) and answered informational questions from the Commission.

#### **VI. Birmingham Shopping District**

- a. Downtown Birmingham Economic Growth Plan

BSDD Sheppard-Decius presented Item IV(a) and answered informational questions from the Commission.

Commissioner Haig recommended the BSD collaborate with other Birmingham assets, like the Birmingham Museum, to continue to increase Birmingham's status as a destination.

BSDD Sheppard-Decius and the Mayor concurred.

The Mayor recommended that the BSD consider an increased focus in its strategic planning on hosting family-friendly events, noting that such events would bring families into the downtown and benefit the BSD.

MPT McLain concurred with the Mayor. She noted that Commissioner Baller was interested in increasing events in the community and would likely be interested in providing feedback on the idea at a later date.

Commissioner Host stated that he had heard a lot of positive feedback about BSDD Sheppard-Decius' work.

## **VII. Police Department**

- a. City Hall Safety and Security Building Redesign and Expansion
- b. City Cameras and Small Cell Towers

PC Grewe presented Items VII(a) and (b). PC Grewe and CM Markus answered informational questions from the Commission.

In reply to Commissioner Haig, PC Grewe stated that a specification that no cameras posing a cybersecurity risk would be included in the RFP for City cameras.

MPT McLain noted that the small cell towers options for co-locations represented a significant opportunity for the City.

Commissioner Boutros spoke in favor of the building redesign and expansion plans. He thanked those involved in the project.

Commissioner Haig recommended that the building redesign and expansion plans replace the word 'restrict' with either 'control' or 'manage' to more accurately convey the intent of the upgrades.

### Public Comment

Ms. Graham spoke in support of the planned changes to City Hall that would benefit the Police Department. She also supported maintaining City Hall's historic building. She recommended the City scrutinize whether the City needed to add more office space for other departments, noting that many departments would be implementing processes that conserve administrative labor and also that many City employees could work remotely. She stated that increasing office space would increase the City's maintenance costs and needed to be justified.

## **VIII. Parking**

- a. Repairs Over the Next 3-5 Years

PSM Ford presented Item VIII(a). PSM Ford and CM Markus answered informational questions from the Commission.

In reply to Commissioner Haig, the Mayor recommended the Public Arts Board consider the possibility of murals being permitted in certain areas of the parking decks.

In reply to Commissioner Haig, PSM Ford said he would look into how close the decks may be getting to their structural design limit given the increased weights of both newer vehicles and electric vehicles.

The Mayor noted that there is more room in the parking decks for transient users when businesses buy passes for their employees who frequently work from home.

In reply to MPT McLain, PSM Ford said he would let the Commission know the planned installation date for the new TIBA equipment at the Pierce parking deck.

MPT McLain also raised concerns that City parking spaces are smaller than necessary to comfortably accommodate the larger vehicles many people now drive.

PSM Ford said that when restriping becomes a possibility in the garages, Staff and the Advisory Parking Committee would review the pros and cons of restriping to accommodate larger vehicles.

Commissioner Boutros voiced appreciation for the parking improvements. He said that increased lighting should be the priority as it would likely draw more people to use the decks.

The Mayor said she mainly hears concerns about the lighting, stairs, and elevators in the decks.

In reply to Commissioner Haig, the Mayor noted that offering the first two hours free in the decks for transient parkers allows the City to compete with other nearby cities that do not charge for parking at all.

**IX. IT**

- a. Cyber Security

ITM Brunk presented Item IX(a) and answered informational questions from the Commission.

**X. Clerk's Office**

- a. Record Retention, Digitization and Retrieval

CC Bingham presented Item X(a).

**XI. Building Department**

- a. Downtown Code Enforcement Program

BO Johnson presented Item XI(a) and answered informational questions from the Commission.

Commissioner Boutros spoke positively about Item XI(a) and said it would help businesses with code compliance.

Commissioner Haig and MPT McLain also voiced their support for Item XI(a).

**XII. Library**

- a. Phase 3 Renovations

LD Craft presented Item XII(a) and answered informational questions from the Commission.

Commissioner Host spoke positively about Item XII(a). He thanked LD Craft for her work on the renovation process. He noted that there had been cost savings from the Library's initial renovation proposal.



LD Craft acknowledged that the Library would not have as many services as had been imagined in the original proposal, but said that overall the Library was pleased with the increased level of services it would be able to provide and was pleased it had been able to realize some cost savings.

The Mayor said she was pleased that the Library would be able to interface with Shain Park. She asked LD Craft to work with the BSD to work together on potential future family-friendly programming for Shain Park.

LD Craft said she was enthusiastic about collaborating with City groups, including the BSD, and said Library Staff was already working on a list of potential programming opportunities.

Commissioners Haig and Boutros expressed their support for the designs.

Commissioner Boutros thanked the Library Board for their work on the renovation process.

### **XIII. Birmingham Museum**

- a. Expanded Digitization
- b. Reduce Physical Barriers
- c. Expand Outreach

MD Pielack presented Items XIII(a), XIII(b), and XIII(c).

The Mayor congratulated MD Pielack and said Museum Staff were doing a great job. She said she appreciated the opportunity to participate in the Underground Railroad ceremonies the Museum held and noted that information was read into the Congressional record.

### **XIV. Manager's Office**

CM Markus noted that the City now had a completed Strategic Plan, and the 2023 Long Range Plan and would have a budget before he left that would take the City from July 2023 through June 2024. He said the timing of his departure and the new City Manager's arrival could not be at a better time for the City. He stated that he was exceptionally proud of the presentations made and of all the people behind those presentations. He noted that Staff was systematically addressing a lot of the topics the Commission had previously raised as issues. He noted that many Staff members were new, and work very collaboratively with Staff as a whole. He said the Commission would see some really good things from Staff moving forward.

The Commission had a round of applause.

- a. Graphic Design Improvements – Communications
- b. Crime Reporting/Mapping Tool – Communications
- c. Succession, Development, and Retention – Human Resources
- d. Woodward Avenue Status Update
- e. Senior Services with Cris Braun, Executive Director of NEXT
- f. Resident Education and Engagement Opportunities

CD Gamboa presented Items XIV(a) and XIV(b). HRM Lambert presented Item XIV(c). ACM Ecker presented Item XIV(d). Ms. Braun, Executive Director of NEXT, presented Item XIV(e). AtCM Fairbairn

presented Item XIV(f). Ms. Braun, CM Markus, and AtCM Fairbairn answered informational questions from the Commission.

The Mayor expressed her enthusiasm for ACM Ecker's efforts to help make Woodward Avenue safer.

Commissioner Boutros commended Ms. Braun on her successes with NEXT. Commissioner Boutros also encouraged residents to take part in the programming ACM Fairbairn outlined as part of Item XIV(f).

MPT McLain thanked Ms. Braun for all of her work on NEXT's behalf and said NEXT's Board was very proud of the organization's successes.

Commissioner Schafer stated that she was a graduate of Citizen's Academy, and said that she has maintained connections with some of the people she attended with.

Public Comment

In reply to Rackeline Hoff, Ms. Braun explained that the \$250,000 grant NEXT received could only be used for technology, capital improvement, infrastructure or professional services. Given the specificity of the options, Ms. Braun determined NEXT's needs would be best served by applying for funds for professional services.

**V. ADJOURN**

Mayor Longe thanked all Staff and consultants for their presentations, IT for running the virtual aspect of the meeting, and CC Bingham for providing refreshments for the Commissioners and attendees. She adjourned the meeting at 3:23 p.m.

Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist

**Birmingham City Commission DRAFT Minutes**  
**January 23, 2023**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**

Vimeo Link: <https://vimeo.com/showcase/6708293/video/791498334>

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

City Clerk Bingham called the roll.

Present: Mayor Longe  
Mayor Pro Tem McLain  
Commissioner Baller  
Commissioner Boutros  
Commissioner Haig  
Commissioner Host  
Commissioner Schafer

Absent: None

Staff: City Manager Markus; City Clerk Bingham, City Planner Blizinski, City Engineer Coatta, Planning Director Dupuis, Assistant City Manager Ecker, Finance Director Gerber, City Attorney Kucharek

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

**Announcements**

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- Community House 100<sup>th</sup> Anniversary Proclamation

**Appointments**

**01-008-23 Appointment to the Public Arts Board**

The Commission interviewed Annie VanGelderren for the appointment.

**MOTION:** Nomination by Commissioner Boutros:

To appoint Annie VanGelderren to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2026.

VOICE VOTE: Ayes, MPT McLain  
Commissioner Baller

Commissioner Boutros  
Commissioner Schafer  
Commissioner Host  
Mayor Longe  
Commissioner Haig

Nays, None

CC Bingham swore in Ms. VanGeldereren.

**IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

David Bloom recommended that the City make adjustments to certain aspects of the 2040 Master Plan prior to adoption so implementation of the Plan can occur more easily in the future.

Dianne Anderson commended the Commission on taking up landlord-tenant issues and listed some other relevant aspects of the matter the Commission should consider.

Linda Buchanan, Vice-President of the Baldwin House Board of Directors, urged that an expedient timetable be adopted for the Chester Street Parking garage audit.

**V. CONSENT AGENDA**

**01-009-23 Consent Agenda**

The following items were pulled from the Consent Agenda:

Public: Item A – City Commission meeting minutes of January 9, 2023

**MOTION:** Motion by Commissioner Boutros, seconded by MPT McLain:  
To approve the Consent Agenda excluding Item A.

ROLL CALL VOTE: Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain  
Commissioner Boutros  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 11, 2023, in the amount of \$6,986,194.11.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 18, 2023 in the amount of \$995,061.06.
- D. Resolution to approve a one-year Professional Service Agreement, extendable at the discretion of the City Commission up to a total of three years, with Hubbell, Roth & Clark, Inc. for Residential Site Evaluation Services. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the city. Funding for this service is paid by permit fees. AND To amend the Schedule

of Fees, Charges, Bonds and Insurance, effective March 1, 2023, in the Community Development section as indicated by the consultant fee quote.

- E. Resolution to approve the sculpture donation of "Shooting Star" by John Henry to be installed in the public greenspace between Woodward Ave, S. Old Woodward, and Haynes Street as indicated in Exhibit A in the staff report.
- F. Resolution to approve a special event permit as requested by Common Ground to hold the Birmingham Street Art Fair on September 23 and 24, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- G. Resolution to appoint DPS Director Scott Zielinski as the alternate representative of the City of Birmingham on the SOCRRA Board of Trustees for the remainder of the 2022/2023 fiscal year.

**(Item A) City Commission meeting minutes of January 9, 2023**

Mr. Bloom asked that brief clarification be added to his comments at the end of the January 9, 2023 minutes.

The Commission agreed to review the requested changes to the minutes at the next Commission meeting.

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

**01-010-23 Tenant Rights**

The Mayor thanked the public for their engagement on this matter, and thanked Staff and Council for their expeditious work on the item.

CA Kucharek introduced an associate from Beier Howlett, Monika Koleci. CA Kucharek noted that Sec. 66-50 should read 'Right to Renew' and not 'Right to Renew and Relocation Assistance', and provided the Commission with updated documentation reflecting the change.

Ms. Koleci and CA Kucharek presented the item and answered informational questions from the Commission.

Commissioner Host spoke in favor of the motion, stating that Birmingham has a significant number of renters and that they deserve fair treatment within the City. He thanked Staff, Council, and members of the public for their engagement on the matter.

MPT McLain noted that it was the appropriate time to be looking at these protections as the City seeks to expand its availability of middle-income rentals.

Commissioner Haig spoke to his experience being a landlord, and said this change would be slightly more complicated than the present rules but would also help improve people's quality of life.

Public Comment

Jim Gromer, attorney focusing on landlord-tenant issues, raised concerns with several aspects of the proposed ordinance. He noted that Michigan already has a law regarding retaliatory non-renewal that could be used to address some of the City's concerns.

Benjamin Tobin, representative of Group Five Management, raised concerns with the ordinance and spoke to the value of having a non-renewal option when dealing with certain resident challenges.

Mr. Bloom said it might be worth revising the proposed ordinance to address some of the concerns raised by Messrs. Gromer and Tobin.

Mary Taras, resident of Baldwin House, thanked the Commission for their work and support of the Baldwin House's focus on social justice.

Matthew Miller, attorney and representative for the Property Management Association of Michigan and the Detroit Metropolitan Apartment Association, raised concerns about the right-to-renew. He noted some potential unintended consequences that could stem from right-to-renew requirements. He noted that only one city in Michigan presently has right-to-renew provisions.

Messrs. Gromer and Miller both said they would be happy to work with the City on revising aspects of the proposed ordinance.

Duy Vu, representative for The Associated Management Company, said he helped Grand Rapids and Kalamazoo work on similar efforts. He supported the source of income provisions but raised concerns about right-to-renew provisions. He recommended the City work with Messrs. Gromer and Miller to revise the proposed ordinance.

Seeing no further public comment, the Mayor invited CA Kucharek to reply to some of the concerns raised.

CA Kucharek stated:

- The ordinance would require a landlord inform a tenant whether their lease would be renewed and that a tenant be provided with good cause, in writing, for a non-renewal;
- A good cause would allow a termination of a tenancy which is already provided for in State law;
- There are many State laws to protect landlords from tenants' violation of their lease agreement; and,
- It is incumbent upon a landlord to document issues that would amount to a good cause for a non-renewal.

Commissioner Boutros said he was supportive of the aims in general but was concerned that, given public comment, disruptive tenants could take advantage of the proposed ordinance.

MPT McLain said the aim of the ordinance was to balance the needs of good renters and the needs of landlords facing challenging tenant issues.

Commissioner Haig observed that source of income and right-to-renew seemed to be the two sections of the proposed ordinance generating concerns. He said that it might be worthwhile to temporarily reserve judgment on the proposed ordinance, and to consider some suggestions for revisions from Messrs. Gromer and Miller.

Commissioner Boutros concurred.

Commissioner Schafer said she trusted that CA Kucharek and Ms. Koleci considered issues raised by the public before the proposed ordinance language was brought before the Commission. Commissioner Schafer noted that many of the public commenters spoke in defense of particular interests, which were likely at least partially different from the interests of the Commission. She noted that the stories used by the public commenters to raise concerns about the proposed ordinance were anecdotes, and that anecdotal evidence does not disprove the merit of the proposed ordinance overall.

MPT McLain concurred.

The Mayor said that the source of income section seemed to largely be agreed upon, with the exception of settlements. She noted that the offers of assistance from Messrs. Gromer and Miller seemed to include the elimination of the right-to-renew section, as opposed to a revision of it. She noted that the ordinance had options to allow non-renewal when good cause could be demonstrated as set forth in Sec. 66-50(3)(c). She noted that the anecdotes shared by the public commenters described instances where courts have failed to enforce the State laws on evictions, which is not something that Birmingham could remedy with its ordinance. She invited CA Kucharek to comment.

CA Kucharek said she would consult with either one or both of Messrs. Gromer and Miller and would consider their suggestions. She said that did not mean that she would necessarily recommend any changes. She said she wanted the Commission to be certain that it was moving forward with the best ordinance possible.

Commissioner Haig voiced his support for CA Kucharek's proposal.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Haig:  
To table the tenant rights ordinance.

**VOICE VOTE:** Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain  
Commissioner Boutros  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

### **01-011-23 Climate Emergency Declaration and Ad Hoc Environmental Sustainability Committee Establishing Resolution**

PD Dupuis and CM Markus presented the item. PD Dupuis, the Mayor, and CM Markus answered informational questions.

It was noted that the Ad Hoc Committee would do the preliminary work that would allow for the later creation of a permanent Sustainability Board.

Commissioner Haig noted that access to the software that would be used for the greenhouse gas study would be a cost item. He said he was interested in knowing whether the software indicated significant changes that Ferndale and Royal Oak could make in their sustainability practices, or whether the recommended changes were more minor.

PD Dupuis said Planning Staff would consult with Ferndale and Royal Oak.

CM Markus said he was confident that there were communities across the country that could offer examples of significant changes that Birmingham could emulate.

Commissioner Schafer thanked Staff for their work on the item. She said she hoped the Ad Hoc Committee would create the foundation for a permanent Sustainability Board because it was important to increase and then maintain attention on the importance of sustainability.

**MOTION:** Motion by Commissioner Schafer, seconded by MPT McLain:  
To declare a climate emergency, establish the Ad Hoc Environmental Sustainability Committee, and direct Planning Staff to facilitate the immediate development of a greenhouse gas emissions inventory to set a baseline and develop greenhouse gas emission reduction targets for 2030 and 2050.

Commissioner Host noted that Birmingham has some world authorities in matters of sustainability who were eager to get involved in these efforts.

VOICE VOTE: Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain  
Commissioner Boutros  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

The Mayor thanked Staff for their work on the item.

### **01-012-23 Wayfinding Update RFP**

PD Dupuis presented the item and PD Dupuis and CM Markus answered informational questions.

Commissioner Haig said he liked the wayfinding examples that were branded or themed in ways that were particular to the municipality in which they were located.

PD Dupuis confirmed that the design services contractor would be looking to find and implement a relevant brand theme for Birmingham.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Host:  
To approve an agreement with Corbin Design for design services in the amount not to exceed \$58,550 from account # 101.0-701.000-811.0000. In addition, 7C to authorize the Mayor and City Clerk to sign the agreement on behalf of the City and further, to approve the appropriations and amendment to the General Fund budget as follows: Revenues: Draw from Fund Balance 101.0-000.000-401.0000 \$8,550 Expenses: Planning – Other Contractual Services 101.0-701.000-811.0000 \$8,550

VOICE VOTE: Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain



Commissioner Boutros  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

**01-013-23 Michigan Department of Environment, Great Lakes, and Energy (EGLE) Drinking Water Asset Management (DWAM) Grant**

CM Markus said this item was under New Business instead of the Consent Agenda in order to inform the public and the Commission about City Staff's regular efforts to obtain grants for City work.

CE Coatta presented the item and CE Coatta and CM Markus answered informational questions.

**MOTION:** Motion by Commissioner Haig, seconded by MPT McLain:  
To approve the agreement between the City of Birmingham and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for a \$745,680.00 Drinking Water Assessment Management grant award. In addition, authorize the City Engineer to electronically sign the agreement on behalf of the city.

ROLL CALL VOTE: Ayes, Commissioner Schafer  
Commissioner Host  
MPT McLain  
Commissioner Boutros  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

**01-014-23 Funding Agreement for the 48th District Court**

ACM Ecker presented the item and ACM Ecker and FD Gerber answered informational questions.

The Mayor commended ACM Ecker and CA Kucharek for their work on the matter. She said the proposed agreement was not perfect but was better than the previous alternatives.

Commissioner Baller commended ACM Ecker for her leadership in creating this proposed funding agreement.

In reply to Commissioner Baller, ACM Ecker stated she would make the City's representatives in the State Legislature aware of the difficulties Birmingham faced in this process.

MPT McLain thanked all Staff and others involved in creating the proposed funding agreement.

**MOTION:** Motion by MPT McLain, seconded by Commissioner Boutros:  
To approve an Addendum to the existing 48th District Court funding agreement with Bloomfield Township and W. Bloomfield Township and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City, subject to the approval of the Political Subdivision Distribution / Funding Agreement by all four political subdivisions.

Commissioner Host thanked ACM Ecker for her work, and said he still had concerns about the costs to the City to operate the Court. He said he would be voting against the proposed funding agreement for that reason.

ROLL CALL VOTE:     Ayes, Commissioner Schafer  
  MPT McLain  
  Commissioner Boutros  
  Mayor Longe  
  Commissioner Baller  
  Commissioner Haig

                                  Nays, Commissioner Host

**Commission Items for Future Discussion**  
**Commission Discussion On Items From A Prior Meeting**

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
- B. Commissioner Comments

MPT McLain reported on the MML Live discussion and on upcoming MML events. She also noted that the upcoming Polar Plunge to support the Special Olympics would take place on February 4, 2023 at 10 a.m.

The Mayor noted that the MML was soliciting comments regarding potential updates to the Michigan Open Meetings Act.

Commissioner Schafer thanked the Police Department for a good experience with using the Co-Responder program with one of Commissioner Schafer’s patients.

Commissioner Host thanked Oakland County Commissioner Cavell for his assistance with getting NEXT a grant and thanked NEXT Director Braun for her leadership of NEXT.

Commissioner Host thanked the Police Department for their work on a recent case, and for their efforts to maintain public safety in the City.

- C. Advisory Boards, Committees, Commissions’ Reports and Agendas
- D.     Legislation
- E.     City Staff
- 1.    City Manager’s Report

CM Markus and CA Kucharek presented the report.

INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 10:34 p.m.

Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist

**City of Birmingham**  
**Warrant List Dated 01/25/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
290197		006638	ACTION MAT & TOWEL RENTAL, INC	70.72
290198		009507	AIR HANDLERS SERVICE CORP.	207.50
290199		003708	AIRGAS USA, LLC	284.36
290200	*	MISC	ALAN RUTTER	42.73
290201		BDREFUND	ALLIED SIGNS INC	200.00
290202		BDREFUND	AMERICAN STANDARD ROOFING	100.00
290203	*	006759	AT&T	199.95
290204	*	006759	AT&T	156.43
290205	*	003703	AT&T MOBILITY	838.16
290206		BDREFUND	BEST CHOICE TOTAL HOME IMPROVEMENT	100.00
290207		BDREFUND	BLUMKE INSTALLATIONS	100.00
290208		BDREFUND	BOGAERTS II, ALEXANDER V	500.00
290209		BDREFUND	BONGGREN, AMY MORAN	100.00
290210		003526	BOUND TREE MEDICAL, LLC	404.16
290211		005717	BSB COMMUNICATIONS, INC.	4,605.73
290212		BDREFUND	BUDMAN DENTON	500.00
290213	*	009078	CANON SOLUTIONS AMERICA INC	97.02
290214	*	007732	CAPITAL TIRE, INC.	642.48
290215		BDREFUND	CARRERA LANDSCAPING INC	100.00
290216		BDREFUND	CEDAR PRESERVATION SYSTEMS LLC	100.00
290217		000605	CINTAS CORPORATION	171.06
290218		000605	CINTAS CORPORATION	36.77
290219	*	009540	CIVICPLUS, LLC	836.00
290220	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,624.44
290221		BDREFUND	CLEMENT CONSTRUCTION COMPANY LLC	100.00
290222	*	008955	COMCAST	203.14
290223	*	000627	CONSUMERS ENERGY	2,728.64
290224		008512	COOL THREADS EMBROIDERY	1,169.83
290225		004386	CYNERGY PRODUCTS	499.20
290226		009529	DAVEY RESOURCE GROUP, INC.	2,275.00
290227		000575	DEMCO, INC	127.96
290228	*	000179	DTE ENERGY	223.31
290229	*	000180	DTE ENERGY	8,677.94
290230		BDREFUND	EARL DAUP SIGNS LTD	300.00
290231		004493	ELITE IMAGING SYSTEMS, INC	924.14
290232		BDREFUND	Envision Carpentry & Construction	500.00
290233		BDREFUND	FAST SIGNS OF BIRMINGHAM	300.00
290234		007136	FERGUSON ENTERPRISES, INC.	491.07
290235		BDREFUND	FINISHED BASEMENTS PLUS LLC	500.00
290236		BDREFUND	FLS PROPERTIES #5, LLC	51,400.00
290237		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	300.00
290238		BDREFUND	GREAT OAKS LANDSCAPE	100.00

**City of Birmingham**  
**Warrant List Dated 01/25/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
290239	*	006666	GRID 4 COMMUNICATIONS INC.	223.96
290240		000249	GUARDIAN ALARM	279.60
290241		BDREFUND	HILLAN HOMES, INC	900.00
290242	*	001956	HOME DEPOT CREDIT SERVICES	868.68
290243		BDREFUND	HUNT SIGN COMPANY	200.00
290244		008614	INDUSTRIAL STEAM CLEANING	34.00
290245		001090	INGRAM LIBRARY SERVICES	1,439.05
290246		BDREFUND	INTERCITY NEON	200.00
290247		BDREFUND	JON OEN	500.00
290248		BDREFUND	Joseph Bongiovanni	500.00
290249		BDREFUND	KOA 520 LLC	200.00
290250		BDREFUND	KOLB, GREG	100.00
290251	*	009386	LAW OFFICE OF BRIAN P. FENECH	300.00
290252	*	MISC	LEVINE & SONS INC	533.85
290253		001669	MACP	280.00
290254		003934	MADISON GENERATOR SERVICE INC	439.00
290255	*	005116	MADISON HEIGHTS FIRE DEPT	64.46
290256		BDREFUND	MCGLINCH & SONS CO	100.00
290257		BDREFUND	MELISTAS HOMES, LLC	100.00
290258		006349	MIDWEST COLLABORATIVE	80.00
290259		BDREFUND	MILFORD CONTRACTING	2,500.00
290260		BDREFUND	MISKO PLBG LLC	206.02
290261		007163	MOBILE HEALTH RESOURCES	2,221.59
290262		BDREFUND	NELSON BROS SWR & PLBG SVC INC	857.10
290263		BDREFUND	NEST CONSTRUCTION	100.00
290264		004827	NICK'S MAINTENANCE SERVICE	7,980.00
290265		002853	OAKLAND COMMUNITY COLLEGE	825.00
290266	*	009478	ODP BUSINESS SOLUTIONS, LLC	216.78
290267		006785	OVERDRIVE, INC.	11,086.63
290268		BDREFUND	PELLA WINDOWS & DOORS, INC.	100.00
290269		BDREFUND	PETRUCCI HOMES	500.00
290270		BDREFUND	PETRUCCI WOODWARD LLC	500.00
290271	*	006691	SCOT POUNDERS	95.00
290272		BDREFUND	PRIME HOME REMOD LLC	500.00
290273		BDREFUND	PWD, LLC	500.00
290274		004137	R & R FIRE TRUCK REPAIR INC	3,046.23
290275		BDREFUND	RENEWAL BY ANDERSEN	1,000.00
290276		BDREFUND	RICHARD JOSEPH CHRISTIE	200.00
290277		BDREFUND	RICHARD KEITH WIAND	3,200.00
290278		BDREFUND	ROMA CEMENT CO INC	300.00
290279		000218	ROYAL OAK P.D.Q. LLC	271.54
290280		BDREFUND	SALEM JIDDOU	2,500.00
290281		BDREFUND	SAS SERVICES INC	100.00

**City of Birmingham**  
**Warrant List Dated 01/25/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
290282		BDREFUND	SEBOLD AND KAGE INC	100.00
290283		006590	SECURE DOOR, LLC	159.00
290284	*	TAXMISC	SHEHBAZ MAHMOOD AND HALLAHAN &	1,824.32
290285	*	004202	SHRED-IT USA	194.35
290286		BDREFUND	SL MARTIN LLC	200.00
290287		007907	SP+ CORPORATION	3,152.00
290288		000260	SPARTAN DISTRIBUTORS INC	774.58
290289		BDREFUND	STAR BUILDERS INC	900.00
290290		BDREFUND	STEVE'S CONCRETE	100.00
290291		004544	STRYKER SALES CORPORATION	2,773.55
290292		000256	SUBURBAN BUICK GMC INC	19.69
290293		008697	T-MOBILE USA, INC	125.00
290294		BDREFUND	TERRI BROWN	1,000.00
290295	*	009590	THE CINCINNATI INSURANCE COMPANY	19,828.00
290296		BDREFUND	THE OUTDOOR GROUP	100.00
290297		BDREFUND	THOMAS JAMES O'LEARY	100.00
290298		000275	TIRE WHOLESALERS CO INC	80.00
290299	*	008017	TRATTORIA DA LUIGI	1,260.00
290300		005481	TRI-COUNTY INTL TRUCKS, INC.	133.57
290301		BDREFUND	TRIPLE T CONSTRUCTION	100.00
290302		006881	TUUCI, LLC.	1,774.20
290303	*	000158	VERIZON WIRELESS	720.29
290304	*	000158	VERIZON WIRELESS	128.49
290305		BDREFUND	WALLSIDE INC	1,500.00
290306		BDREFUND	WALLSIDE WINDOWS	1,500.00
290307		009026	WELLS FARGO VENDOR FIN SERV	677.87
290308		BDREFUND	WILLIAM OLMSTEAD	100.00
290309	*	004512	WOLVERINE POWER SYSTEMS	707.79
290310		BDREFUND	XANDER BOGAERTS	4,825.00
290311	*	008391	XEROX CORPORATION	66.47
290312		BDREFUND	ZLM SERVICES LLC	100.00
290313		BDREFUND	ZWEIG, BRYAN M	200.00
SUBTOTAL PAPER CHECK				\$174,210.40

ACH TRANSACTION

7107	*	002284	ABEL ELECTRONICS INC	599.99
7108		009126	AMAZON CAPITAL SERVICES INC	1,817.43
7108	*	009126	AMAZON CAPITAL SERVICES INC	17.40
7109		009126	AMAZON CAPITAL SERVICES INC	399.93
7110		009126	AMAZON CAPITAL SERVICES INC	159.57
7111		009126	AMAZON CAPITAL SERVICES INC	8.97
7112	*	008655	ANGELO IAFRATE CONSTRUCTION	446,061.22
7113	*	003839	MATTHEW J. BARTALINO	26.49
7114	*	009383	BATTI L & B LLC	300.00

**5D**

**City of Birmingham**  
**Warrant List Dated 01/25/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
7115	*	000517	BEIER HOWLETT P.C.	82.50
7116	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	153.90
7117	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	1,000,135.99
7118		007875	CANFIELD EQUIPMENT SERVICE INC.	1,905.24
7119		009326	CAPFINANCIAL PARTNERS, LLC	22,500.00
7120		001367	CONTRACTORS CONNECTION INC	232.75
7121	*	000565	DORNBOS SIGN & SAFETY INC	50.02
7122	*	000243	GRAINGER	2,205.40
7123		007927	MICHELLE HOLLO	542.50
7124		000261	J.H. HART URBAN FORESTRY	27,914.50
7125	*	003458	JOE'S AUTO PARTS, INC.	522.26
7126	*	009539	K AND Q LAW PC	500.00
7127	*	008827	KANOPY, INC	481.10
7128		000287	LIGHTING SUPPLY COMPANY	82.39
7129	*	003527	LOWER HURON SUPPLY CO INC	895.46
7130	*	009398	MARCIA C ROSS PC	310.00
7131		002013	MIDWEST TAPE	11,378.24
7132	*	009400	N.L. SMITHSON & ASSOCIATES PLLC	500.00
7133		008336	NBS COMMERCIAL INTERIORS	792.00
7134	*	001194	NELSON BROTHERS SEWER	205.00
7135	*	006359	NYE UNIFORM COMPANY	864.95
7136	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	447,995.01
7137	*	000478	ROAD COMM FOR OAKLAND CO	1,902.98
7138		000254	SOCRRA	73,144.00
7138	*	000254	SOCRRA	199.30
7139		000273	TERMINAL SUPPLY CO.	287.08
SUBTOTAL ACH TRANSACTION				\$2,045,173.57
GRAND TOTAL				\$2,219,383.97

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



Mark Gerber  
 Finance Director/ Treasurer

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

# City of Birmingham

## Warrant List Dated 02/01/2023

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
290314	*	MISC	AETNA	545.00
290315	*	MISC	ALEX EIKENBERRY	40.00
290316	*	MISC	ALEXANDER JACOB	670.00
290317		009440	ALLIANCE ENTERTAINMENT, LLC	636.16
290318		BDREFUND	ALLIED SIGNS INC	100.00
290319	*	008431	AMCOBI	16,800.00
290320		000167	ANDERSON ECKSTEIN WESTRICK INC	3,393.00
290321		BDREFUND	APEX CONSTRUCTION	100.00
290322		000500	ARTECH PRINTING INC	168.00
290322		000500	ARTECH PRINTING INC	48.00
290323	*	006759	AT&T	414.81
290324	*	006759	AT&T	2,360.05
290325		003294	CITY OF AUBURN HILLS	9,129.91
290326		000843	BAKER & TAYLOR BOOKS	531.70
290327		BDREFUND	BELFOR USA GROUP INC	100.00
290328	*	MISC	BENJAMIN CASTLE	133.55
290329		009535	BIRMINGHAM PAPERS	624.00
290330		006520	BS&A SOFTWARE, INC	29,357.00
290331	*	009078	CANON SOLUTIONS AMERICA INC	2,001.53
290332	*	003904	CAPITAL ONE BANK	1,970.70
290333		007933	CARDNO, INC.	25,506.18
290334	*	MISC	CARL GREGG	91.43
290335		000443	CCH INCORPORATED	203.23
290336	*	000902	CENGAGE LEARNING INC	18.39
290337		000605	CINTAS CORPORATION	227.60
290338	*	000605	CINTAS CORPORATION	128.83
290339	*	000605	CINTAS CORPORATION	120.04
290340	*	TAXMISC	CITY OF WIXOM	9,496.69
290341	*	008955	COMCAST	93.85
290342	*	000627	CONSUMERS ENERGY	4,967.61
290343		BDREFUND	COSGROVE JR, DAVID S	1,000.00
290344		BDREFUND	CUPISZ, ANTHONY J	200.00
290345		009024	THE D.M. BURR GROUP	4,819.00
290346	*	MISC	DAVID HOSEY JR	100.00
290347	*	008266	JAMIE DEBANO	90.09
290348		009591	E-KIT SUPPLY	495.00
290349		009073	DORSEY EMERGENCY MEDICAL ACADEMY	90.00
290350	*	TAXMISC	DOUGLAS N WOOD TRUST	10,264.51
290351	*	000179	DTE ENERGY	142.00
290352		000179	DTE ENERGY	14.79
290353	*	000179	DTE ENERGY	1,547.76
290354	*	000179	DTE ENERGY	50.99



**City of Birmingham**  
**Warrant List Dated 02/01/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
290355	*	000179	DTE ENERGY	315.14
290356	*	000179	DTE ENERGY	6,247.43
290357	*	000179	DTE ENERGY	1,918.81
290358	*	000179	DTE ENERGY	840.66
290359	*	000179	DTE ENERGY	2,965.40
290360	*	000179	DTE ENERGY	14.79
290361	*	000179	DTE ENERGY	1,735.46
290362	*	000179	DTE ENERGY	37.62
290363	*	000179	DTE ENERGY	105.28
290364	*	000179	DTE ENERGY	70.78
290365	*	000179	DTE ENERGY	649.94
290366	*	000179	DTE ENERGY	45.20
290367	*	000179	DTE ENERGY	570.46
290368	*	000179	DTE ENERGY	121.92
290369	*	000179	DTE ENERGY	5,429.17
290370	*	000179	DTE ENERGY	189.92
290371		008164	GARY EISELE	101.59
290372		BDREFUND	ENVER TABAKOVIC	35.00
290373		BDREFUND	FATHER & SON CONSTRUCTION CO	500.00
290374		005651	FINDAWAY WORLD, LLC	2,405.55
290375	*	MISC	FRANCES MURRAY	99.30
290376	*	004604	GORDON FOOD	310.62
290377		MISC	GRAPHIC SCIENCES, INC	398.00
290378		BDREFUND	GREAT LAKES CUSTOM BUILDER LLC	150.00
290379	*	008007	GREAT LAKES WATER AUTHORITY	8,151.66
290380		BDREFUND	HAAS, ALYCE M	906.59
290381	*	009419	NICHOLAS HILL	65.01
290382	*	001956	HOME DEPOT CREDIT SERVICES	237.27
290383	*	007211	HOME DEPOT CREDIT SERVICES	151.55
290384		BDREFUND	Home Exteriors of Michigan LLC	200.00
290385		MISC	HOOR MEDIA	9.95
290386	*	009563	HOWIES HOCKEY INC	109.03
290387		BDREFUND	I SIGNS	500.00
290388		002023	IDEAL SHIELD	6,314.16
290389		001090	INGRAM LIBRARY SERVICES	56.72
290390		BDREFUND	INNOVA BM CAPITAL LLC	10,000.00
290391	*	009412	INTEGRA REALTY RESOURCES - DETROIT	5,950.00
290392		BDREFUND	JOHN GRAHAM TOTAL CONSTRUCTION, INC	200.00
290393	*	MISC	JOHN LAZAR	310.45
290394		000891	KELLER THOMA	82.50
290395		009524	KRAEMER DESIGN GROUP LLC	400.00
290396	*	MISC	KRISTEN BRUNHOFER SHEEHY	670.00
290397		BDREFUND	LAMARCO HOMES LLC	1,400.00

**City of Birmingham**  
**Warrant List Dated 02/01/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
290398	*	008792	JOSEPH LAMBERT	2,124.11
290399		000284	LESLIE ELECTRIC COMPANY	147.16
290400		000797	THE LIBRARY NETWORK	1,940.21
290401		BDREFUND	Life Construction and Design, LLC	300.00
290402	*	MISC	LINDA OMAN	81.45
290403		BDREFUND	LITTLE PRINCE PROPERTIES INC	1,559.12
290404		BDREFUND	LORI GAIL GREENBERG	100.00
290405		BDREFUND	LYNCH CUSTOM HOMES	1,200.00
290406		BDREFUND	MANCANI CONSTRUCTION INC	200.00
290407		BDREFUND	MELISTAS HOMES, LLC	900.00
290408		002649	MERGENT INC.	368.00
290409	*	009085	MGSE SECURITY LLC	325.00
290410	*	009200	MICHAEL MORRISON	750.00
290411		BDREFUND	MICHIGAN MECHANICAL VENTURES	100.00
290412	*	006227	MICHIGAN RECREATIONAL CONSTRUCTION	30,132.05
290413		006349	MIDWEST COLLABORATIVE	19,650.32
290414	*	TAXMISC	MIKHAIL & SUSANNA PINELIS	2,657.30
290415		008319	MKSK INC	2,958.06
290416		009261	NICOLSON ASSOCIATES INC	115.99
290417		BDREFUND	Nizar Mikhail	200.00
290418	*	000477	OAKLAND COUNTY	6,661.00
290419		004370	OCCUPATIONAL HEALTH CENTERS	559.00
290420		000678	OCLC, INC.	319.87
290421	*	009478	ODP BUSINESS SOLUTIONS, LLC	323.40
290422		001325	P.K. CONTRACTING INC	12,260.50
290423	*	MISC	PATRICK EBBING	136.74
290424		BDREFUND	PELLA WINDOWS & DOORS, INC.	700.00
290425		BDREFUND	PETRUCCI WOODWARD LLC	318.75
290426		006432	ELISABETH PHOU	38.75
290427		BDREFUND	PROSIGN AND AWNING	200.00
290428	*	006625	PTS COMMUNICATIONS, INC	78.00
290429	*	008342	RAIN MASTER CONTROL SYSTEMS	38.85
290430	*	005379	RED WING BUSINESS ADVANTAGE ACCT	175.00
290431	*	MISC	RUTH LITTLETON	90.99
290432		BDREFUND	SAS SERVICES INC	100.00
290433		000260	SPARTAN DISTRIBUTORS INC	361.63
290434		008697	T-MOBILE USA, INC	25.00
290435		BDREFUND	TECHHOME BUILDING CO., LLC	200.00
290436		008339	TRANSPORTATION IMPROVEMENT ASSOC.	8,548.00
290437	*	001279	US FIGURE SKATING ASSOC.	276.25
290438	*	000293	VAN DYKE GAS CO.	308.99
290439	*	000158	VERIZON WIRELESS	772.33
290440		000299	WEINGARTZ SUPPLY CO.	679.56

**City of Birmingham**  
**Warrant List Dated 02/01/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
290441		007620	WJE-WISS, JANNEY, ELSTNER ASSOC.INC	38,750.00
290442	*	004512	WOLVERINE POWER SYSTEMS	1,675.00
290443	*	008391	XEROX CORPORATION	217.94
SUBTOTAL PAPER CHECK				\$329,388.65

ACH TRANSACTION

7141	*	009323	ALEXANDRIA BINGHAM	2,749.09
7142		009126	AMAZON CAPITAL SERVICES INC	1,027.05
7142	*	009126	AMAZON CAPITAL SERVICES INC	812.36
7143	*	003243	AMERICAN PRINTING SERVICES INC	4,725.00
7144	*	003946	ARAMARK	256.90
7145	*	003282	LISA MARIE BRADLEY	357.00
7146	*	009122	CLAIRE CHUNG	627.00
7147		002668	CONTRACTORS CLOTHING CO	505.45
7148	*	009195	CROWN CASTLE FIBER LLC	4,595.65
7149	*	000565	DORNBOS SIGN & SAFETY INC	393.99
7150	*	007314	FLEIS AND VANDENBRINK ENG. INC	1,720.00
7151	*	001672	HAYES PRECISION INC	1,050.00
7152		000261	J.H. HART URBAN FORESTRY	31,624.25
7153	*	003458	JOE'S AUTO PARTS, INC.	325.33
7154	*	007827	HAILEY R KASPER	370.50
7155	*	005550	LEE & ASSOCIATES CO., INC.	1,979.30
7156	*	009370	MICHAEL SIMON	154.00
7157		002013	MIDWEST TAPE	442.51
7158		009331	MY CONCIERGE MICHIGAN, LLC	140.00
7159		001864	NOWAK & FRAUS ENGINEERS	28,540.00
7160	*	006359	NYE UNIFORM COMPANY	211.00
7161	*	002767	OSCAR W. LARSON CO.	978.17
7162	*	006853	PAUL C SCOTT PLUMBING INC	599.97
7163		006027	PENCHURA, LLC	39,820.00
7164	*	001181	ROSE PEST SOLUTIONS	47.00
7165	*	003785	SIGNS-N-DESIGNS INC	198.00
7166		009254	THOMAS M MARKUS	570.00
7167		002088	WM. CROOK FIRE PROTECTION CO.	5,019.00
SUBTOTAL ACH TRANSACTION				\$129,838.52

**City of Birmingham**  
**Warrant List Dated 02/01/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
GRAND TOTAL				\$459,227.17

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



Mark Gerber  
Finance Director/ Treasurer

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

# City of Birmingham

## Warrant List Dated 02/08/2023

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
290451	*	000855	48TH DISTRICT COURT	672.00
290452		009406	911 MECHANICAL	9,404.00
290453		BDREFUND	Air-Tite Replacement Co. Inc.	100.00
290454		001000	ALLIED INC	542.29
290455		009126	AMAZON CAPITAL SERVICES INC	4.28
290456		000167	ANDERSON ECKSTEIN WESTRICK INC	3,492.00
290457		000500	ARTECH PRINTING INC	1,994.00
290458	*	009294	AUDACY OPERATIONS, INC.	3,225.00
290459		000843	BAKER & TAYLOR BOOKS	479.50
290460		009213	BAYSCAN TECHNOLOGIES	513.75
290461		BDREFUND	BELFOR USA GROUP INC	125.00
290462		BDREFUND	BENINATI POOL AND SPA	200.00
290463	*	MISC	BEVERLY HILLS LIONS CLUB	457.82
290464	*	004931	BIDNET	500.05
290465	*	008686	BIRMINGHAM EDUCATION FOUNDATION	915.64
290466		BDREFUND	BLOOMFIELD CONSTRUCTION CO	200.00
290467		BDREFUND	BLOOMINGDALE HOMES INC	400.00
290468		BDREFUND	BOTTOMS UP BASEMENT FINISHING	100.00
290469		BDREFUND	BRANDYWINE CONSTRUCTION LLC	1,400.00
290470		006520	BS&A SOFTWARE, INC	2,054.00
290471		005717	BSB COMMUNICATIONS, INC.	1,450.00
290472	*	009420	JOSEPH BUNTING	38.92
290473	*	009078	CANON SOLUTIONS AMERICA INC	2,089.21
290474		BDREFUND	CAPPUSO BUILDING LLC	100.00
290475		008959	CASS COLLISION CLAWSON, INC	3,020.57
290476	*	000443	CCH INCORPORATED	227.89
290477		000902	CENGAGE LEARNING INC	543.74
290478		007134	CERTIFIED POWER, INC	1,204.61
290479	*	TAXMISC	CHARLES C WANG TRUSTEE	3,606.92
290480		MISC	CHICAGO DISTRIBUTION CENTER	66.84
290481	*	TAXMISC	CHRISTOPHER CHARBONEAU	5,422.10
290482		000605	CINTAS CORPORATION	342.12
290483		000605	CINTAS CORPORATION	36.77
290484		000605	CINTAS CORPORATION	366.89
290485	*	TAXMISC	CLAUDE & SANDRA REITELMAN	1,420.85
290486		008486	CONNECTEDSIGN, LLC	598.00
290487	*	000627	CONSUMERS ENERGY	4,966.65
290488	*	MISC	CONWAY, SUSAN	150.00
290489	*	008801	COSTAR REALTY INFORMATION, INC	918.00
290490		BDREFUND	COUNTRYSIDE CONSTRUCTION COMPANY, I	1,400.00
290491	*	005437	CRAIN COMMUNICATIONS, INC	169.00
290492	*	TAXMISC	DALE ANNE SCHAULE-WALLACE	783.84

**City of Birmingham**  
**Warrant List Dated 02/08/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
290493	*	MISC	DOW JONES & COMPANY INC.	1,285.00
290494	*	000179	DTE ENERGY	143.11
290495	*	000179	DTE ENERGY	1,870.81
290496	*	000179	DTE ENERGY	95.27
290497	*	000179	DTE ENERGY	143.49
290498	*	000179	DTE ENERGY	2,400.44
290499	*	000179	DTE ENERGY	64.74
290500	*	000179	DTE ENERGY	16.76
290501	*	000179	DTE ENERGY	66.45
290502	*	000179	DTE ENERGY	195.95
290503		BDREFUND	FERLITO CONSTRUCTION	100.00
290504		005651	FINDAWAY WORLD, LLC	353.95
290505		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
290506		BDREFUND	GILES CONSTRUCTION	100.00
290507	*	009556	MADLINE GOLD	72.00
290508	*	004604	GORDON FOOD	678.20
290509	*	000245	GREAT LAKES POPCORN CO	433.70
290510		BDREFUND	HOLLADAY, HEATHER	100.00
290511		BDREFUND	HOME DEPOT USA INC	100.00
290512		BDREFUND	HRH CONSTRUCTION LLC	400.00
290513		BDREFUND	HUGHES BUILDING LLC	1,340.00
290514		000948	HYDROCORP	1,381.00
290515		001234	IAFC MEMBERSHIP	255.00
290516	*	009259	IHEART MEDIA	4,299.45
290517	*	001820	IIMC	225.00
290518		001090	INGRAM LIBRARY SERVICES	5,022.57
290520		BDREFUND	ITALY AMERICAN CONSTRUCTION CO	200.00
290521	*	MISC	JAY HALL	34.00
290522	*	009559	JENETTE MAITZ	707.00
290523		MISC	JENNIFER HANAWALT	25.64
290524	*	MISC	JOANN ORLANS	150.00
290525		BDREFUND	KASTLER CONSTRUCTION INC	300.00
290526	*	005465	RYAN KEARNEY	260.76
290527		BDREFUND	KEARNS BROTHERS INC	100.00
290528		BDREFUND	KELLETT CONSTRUCTION COMPANY	100.00
290529	*	004088	KGM DISTRIBUTORS INC	458.00
290530		000353	KNAPHEIDE TRUCK EQUIPMENT	262.99
290531		000284	LESLIE ELECTRIC COMPANY	194.38
290532		BDREFUND	LEVINE SONS INC	1,200.00
290533	*	MISC	LIGHTHOUSE MI	457.82
290534		009375	LITHIA MOTORS, INC SUPPORT SERVICES	103.05
290535		008551	M & K TRUCK CENTERS	157.69
290536		007910	MACALLISTER RENTALS	2,476.00

**City of Birmingham**  
**Warrant List Dated 02/08/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
290537		BDREFUND	Matthews-Hargreaves Chevrolet	10,000.00
290538		008793	MERGE MOBILE, INC.	73.00
290539		009085	MGSE SECURITY LLC	125.00
290540		BDREFUND	MHRAC INC	200.00
290541	*	MISC	MICAH 6 COMMUNITY	686.73
290542	*	009251	MICHIGAN RADIO NPR	600.00
290543	*	007662	MIFMA	350.00
290544		001169	MJ AWARDS	742.29
290545	*	MISC	MOLNAR, MAREE	50.00
290546		BDREFUND	MOORE DEVELOPMENT GROUP LLC	2,000.00
290547	*	004827	NICK'S MAINTENANCE SERVICE	10,700.00
290548	*	001686	OAKLAND CO CLERKS ASSOC	70.00
290549	*	000477	OAKLAND COUNTY	1,235.25
290550	*	000919	OAKLAND COUNTY TREASURER	5,097.48
290551	*	000919	OAKLAND COUNTY TREASURER	900.00
290552		004370	OCCUPATIONAL HEALTH CENTERS	520.00
290553	*	009478	ODP BUSINESS SOLUTIONS, LLC	214.07
290554		BDREFUND	ORCHARD DEVELOPMENT AND CONSTRUCTIO	2,000.00
290555		BDREFUND	OSKUI, BEHROUZ	500.00
290556		BDREFUND	PAUL CAPPUSO	1,400.00
290557		BDREFUND	PELLA WINDOWS & DOORS, INC.	500.00
290558		BDREFUND	PROSIGN AND AWNING	100.00
290559		BDREFUND	RENEWAL BY ANDERSEN	1,500.00
290560	*	009144	RICHARD TRUDO	1,200.00
290561		000218	ROYAL OAK P.D.Q. LLC	42.95
290562		BDREFUND	SCHREIBER, MICHAEL	300.00
290563	*	009548	SHARE CORPORATION	234.26
290564	*	009009	SIGNATURE CLEANING LLC	6,325.47
290565	*	008073	SITEONE LANDSCAPE SUPPLY, INC	1,955.20
290566		007907	SP+ CORPORATION	11,020.00
290566	*	007907	SP+ CORPORATION	100.00
290567		000260	SPARTAN DISTRIBUTORS INC	2,339.95
290568		004544	STRYKER SALES CORPORATION	139.20
290569		BDREFUND	SUAREZ-MANJARRES, LUIS	100.00
290570		BDREFUND	TEMPLETON BUILDING COMPANY	500.00
290571		009336	THE GREAT DECORATE	1,144.55
290572		BDREFUND	THOMAS SEBOLD & ASSOCIATES, IN	500.00
290573		009552	TRAFFIC & SAFETY CONTROL SYSTEMS	27,712.00
290574	*	004379	TURNER SANITATION, INC	340.00
290575		008941	UPTOWN MARKET OF BIRMINGHAM	147.14
290576	*	000293	VAN DYKE GAS CO.	279.03
290577	*	000158	VERIZON WIRELESS	147.27
290578	*	000158	VERIZON WIRELESS	103.15

**City of Birmingham**  
**Warrant List Dated 02/08/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
290579	*	000158	VERIZON WIRELESS	149.34
290580	*	000158	VERIZON WIRELESS	76.02
290581	*	002996	GREG WALD	180.19
290582	*	003932	WDIV/TV4	4,020.14
290583		000299	WEINGARTZ SUPPLY CO.	113.39
290584	*	002171	WEISSMAN'S COSTUMES	4,290.92
290585		BDREFUND	WHITELOW CUSTOM HOMES INC.	1,000.00
290586	*	000839	WORLD BOOK INC	1,199.00
290587	*	006863	WXYZ/TV 7	2,047.05
SUBTOTAL PAPER CHECK				\$191,402.51

ACH TRANSACTION

7176	*	008226	KATHERINE ABELA	1,934.00
7177	*	001797	ALLEGRA MARKETING, PRINT, MAIL	439.66
7178		009126	AMAZON CAPITAL SERVICES INC	1,569.11
7179		009126	AMAZON CAPITAL SERVICES INC	18.99
7180		009126	AMAZON CAPITAL SERVICES INC	19.40
7181		009126	AMAZON CAPITAL SERVICES INC	10.49
7182		009126	AMAZON CAPITAL SERVICES INC	47.98
7183		009126	AMAZON CAPITAL SERVICES INC	49.39
7184		009126	AMAZON CAPITAL SERVICES INC	134.85
7185		009126	AMAZON CAPITAL SERVICES INC	35.48
7186		009126	AMAZON CAPITAL SERVICES INC	30.99
7187		009126	AMAZON CAPITAL SERVICES INC	86.37
7188		009126	AMAZON CAPITAL SERVICES INC	10.99
7189		009126	AMAZON CAPITAL SERVICES INC	138.98
7190	*	001357	ART/DESIGN GROUP LTD	418.25
7191	*	000518	BELL EQUIPMENT COMPANY	375.95
7192	*	007345	BEVERLY HILLS ACE	15.29
7193	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	1,811,018.83
7194	*	008983	BRENNA SANDLES	764.80
7195		008545	JAIMI BROOK	13.04
7196		007875	CANFIELD EQUIPMENT SERVICE INC.	1,631.92
7197	*	009122	CLAIRE CHUNG	195.50
7198		002668	CONTRACTORS CLOTHING CO	114.87
7199	*	007638	MARSHALL CRAWFORD	93.00
7200	*	006999	CHRISTOPHER DEMAN	106.00
7201	*	000565	DORNBOS SIGN & SAFETY INC	203.83
7202	*	001077	DUNCAN PARKING TECH INC	6,393.15
7203	*	007314	FLEIS AND VANDENBRINK ENG. INC	215.00
7204	*	000243	GRAINGER	562.97
7205	*	008851	INSIGHT INVESTMENT	6,471.94
7206	*	002576	JAX KAR WASH	245.00
7207	*	003458	<b>5F</b> JOE'S AUTO PARTS, INC.	671.31



**City of Birmingham**  
**Warrant List Dated 02/08/2023**

Meeting of 02/13/2023

Check Number	Early Release	Vendor #	Vendor	Amount
7208		004085	KONE INC	1,688.57
7209	*	005550	LEE & ASSOCIATES CO., INC.	362.20
7210	*	003527	LOWER HURON SUPPLY CO INC	604.17
7211		002013	MIDWEST TAPE	603.22
7212	*	009242	MILES PARTNERSHIP LLLP	1,107.50
7213	*	001194	NELSON BROTHERS SEWER	435.00
7214	*	006359	NYE UNIFORM COMPANY	3,712.50
7215	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	673,575.33
7216	*	006027	PENCHURA, LLC	240.00
7217	*	001753	PEPSI COLA	470.40
7218	*	008875	JESSICA RAK	36.00
7219	*	001181	ROSE PEST SOLUTIONS	74.00
7220		000254	SOCRRA	82,545.00
7221	*	001097	SOCWA	140,956.66
7222	*	002037	TOTAL ARMORED CAR SERVICE, INC.	281.45
7223		009266	US SIGNAL COMPANY LLC	6,642.57
7224		009128	WITMER PUBLIC SAFETY GROUP INC	372.86
7225	*	009379	YELLOW DOOR LAW	1,176.00
SUBTOTAL ACH TRANSACTION				\$2,748,920.76
GRAND TOTAL				\$2,940,323.27

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



Mark Gerber  
 Finance Director/ Treasurer

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



## **MEMORANDUM**

Engineering Department

**DATE:** February 13, 2023

**TO:** Thomas M. Markus, City Manager

**FROM:** Melissa A. Coatta, City Engineer

**SUBJECT:** Elevated Water Tanks Rehabilitation Project: Two (2) 500,000 Gallon Radial Arm Tanks Exterior Overcoat and Miscellaneous Repairs Contract #2-22 (W) Contract Award

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### INTRODUCTION:

Bids for the two (2) 500,000 Gallon Radial Arm Tanks Exterior Overcoat and Miscellaneous Repairs were opened on October 26, 2022. The city received four bids, and the Engineering Department is recommending an award for the project to Fedewa, Inc.

### BACKGROUND:

The city owns two (2) 500,000 gallon water tanks: Derby Water Tank which is located west of Adam/CNN Railroad and south of Derby Road, and Hunter Water Tank located east of Woodward Ave. and north of Maple Road. Both water tanks were inspected by Dixon Engineering in 2021 and their report recommends an exterior overcoat and miscellaneous repairs at both water tanks.

The Engineering Department opened and read bids for the project on October 26, 2022. Four (4) bids were received, as listed in the attached summary. The low bidder was Fedewa Inc., with a bid of \$482,699.00. The city discussed Fedewa Inc.'s previous water tank projects and experience with Dixon Engineering. Attached for reference is Dixon Engineering's recommendation that Fedewa be selected based on the bids received.

Fedewa Inc. is located in Hastings, Michigan, and has completed several water tank projects within the State of Michigan. Based on this information, the Engineering Department recommends awarding the elevated water tank rehabilitation contract to Fedewa, Inc.

As is required for all of the city's construction projects, Fedewa Inc., has submitted a 5% bid security which will be forfeited if they do not provide the signed contract, bonds, and insurance required by the contract.

**LEGAL REVIEW:**

The City Attorney reviewed sections of the bid documents prior to bidding, and the city’s standard contract language was used.

**FISCAL IMPACT:**

The total construction cost of the project is estimated to be \$530,968.90 which includes the Fedewa Inc. bid amount of \$482,699.00 and a 10% construction contingency. The project award will be funded by the following accounts:

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Water Fund	591.0-543.000-981.0100 - Derby	\$209,699.00	\$20,969.90	\$230,668.90
Water Fund	591.0-543.000-981.0100 - Hunter	\$273,000.00	\$27,300.00	\$300,300.00
Total Costs		\$482,699.00	\$48,269.90	\$530,968.90

No Amendments to the 2022/2023 fiscal year budgets are required for this work as there are adequate funds in the Water Funds to accommodate this request. Additionally, continued maintenance on both water towers is more sustainable by extending the service life of the water tower versus demolition and construction of new water towers.

**PUBLIC COMMUNICATIONS:**

Communication with property owners in the project area will be included in the general project announcement.

**SUMMARY:**

It is recommended that the two (2) 500,000 Gallon Radial Arm Tanks Exterior Overcoat and Miscellaneous Repairs #2-22 (W), be awarded to Fedewa Inc.

**ATTACHMENTS:**

- Project Area Map
- Bid Summary
- Dixon Engineering Recommendation
- Signed copy of contract

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the construction project budget and award the two (2) 500,000 Gallon Radial Arm Tanks Exterior Overcoat and Miscellaneous Repairs #2-22 (W) to Fedewa Inc. in the amount of \$482,699.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the city. Funding for this project has been budgeted in the following accounts:

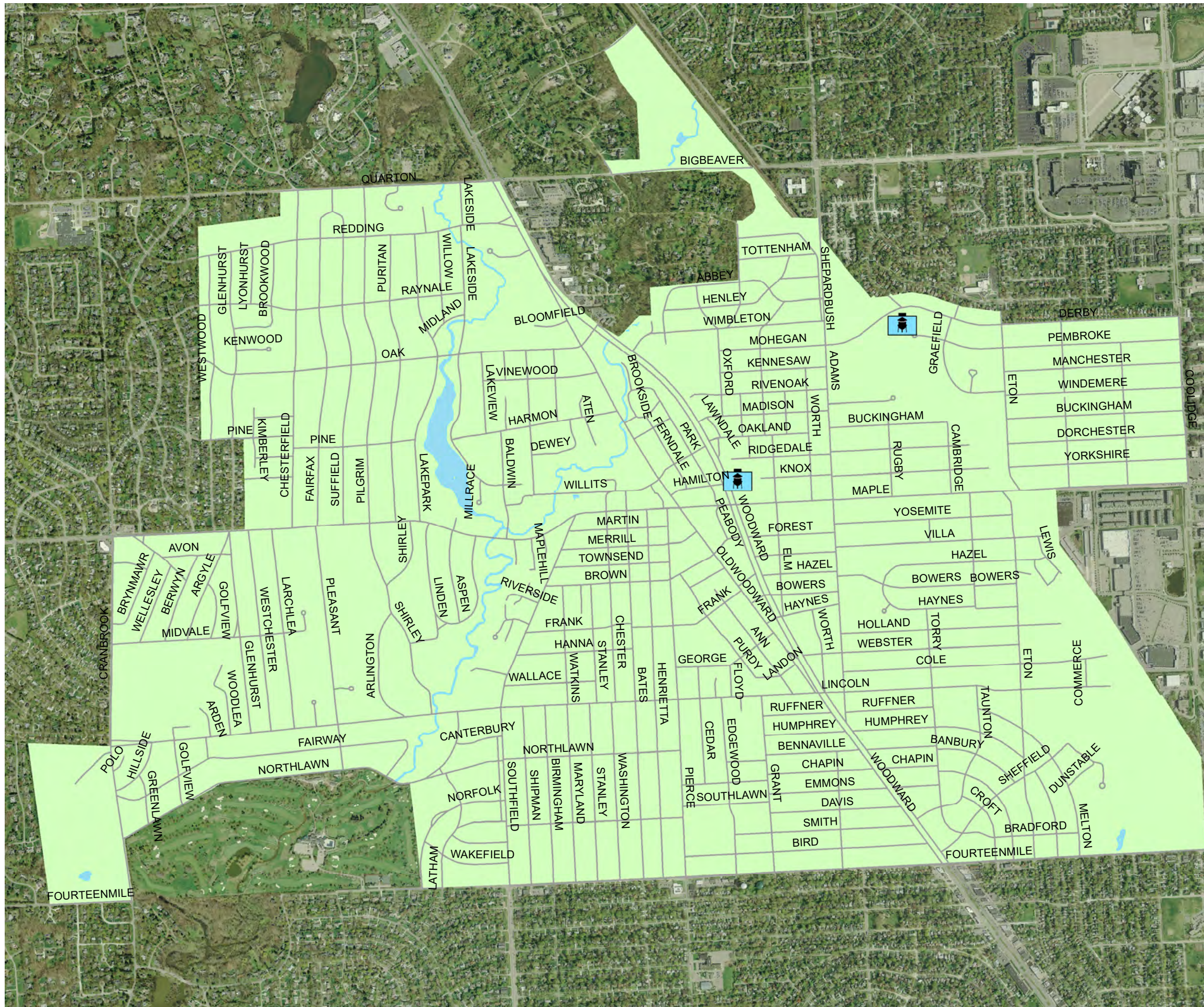
Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Water Fund	591.0-543.000-981.0100 - Derby	\$209,699.00	\$20,969.90	\$230,668.90
Water Fund	591.0-543.000-981.0100 - Hunter	\$273,000.00	\$27,300.00	\$300,300.00
Total Costs		\$482,699.00	\$48,269.90	\$530,968.90



# 2023 Water Tank Maintenance 2-22(W)

## Legend

 Water Tank Maintenance 2-22(W)



1 inch = 1,496 feet

Disclaimer: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey.

The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.

Data Sources: Oakland County GIS Utility, City of Birmingham

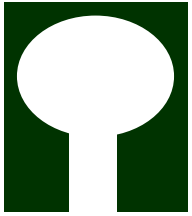


**Birmingham, Michigan - 1 - 500,000 Gallon Radial Arm Tanks  
2023 Water Tower Painting Project -October 26, 2022 - 2:00 p.m.**

	LC United	Seven Brothers	Fedewa	G&L Tank	E&L Painting	Inspec Coatings
	Sterling Heights, MI	Shelby Twp., MI	Hastings, MI	Shelbyville, TN	Howell, MI	Campbell, OH
<b>Derby</b>						
<b>Section 03 00 00</b>						
Catch Basin (1)		6,800	8,000	5,000	4,800	
<b>Section 05 00 00</b>						
Riser Grate (2)		8,000	9,000	3,200	5,200	
Overflow Pipe Discharge Mod. (3)		10,000	7,699	4,000	4,800	
Wet Interior Ladder (4)		16,400	16,000	8,000	8,700	
Riser Manway (5)		9,800	16,000	8,200	10,800	
Roof Handrail & Painter's Railing (6)		24,000	26,000	24,000	17,600	
<b>Section 09 00 00</b>						
Exterior Overcoat (7)		287,100	114,000	348,000	180,000	
Logos (8)		13,000	5,000	12,000	11,400	
Dry Interior Spot Reapainting (9)		11,500	3,000	5,000	12,600	
<b>Section 16 00 00</b>						
Aviation Light (10)		4,800	3,000	5,000	4,200	
Electrical Diagnosis (11)		6,500	2,000	5,000	8,900	
<b>Project Total Derby</b>		397,900	209,699	427,400	269,000	
Acknowledgment of Addendum 1		Yes	Yes	Yes	No	
Bid Bond		5%	5%	5%	5%	

**Birmingham, Michigan - 1 - 500,000 Gallon Radial Arm Tanks  
2023 Water Tower Painting Project -October 26, 2022 - 2:00 p.m.**

	LC United	Seven Brothers	Fedewa	G&L Tank	E&L Painting	Inspec Coatings
	Sterling Heights,	Shelby Twp.,	Hastings,	Shelbyville,	Howell,	Campbell,
	MI	MI	MI	TN	MI	OH
<b>Hunter</b>						
<b>Section 05 00 00</b>						
Riser Manway (1)		9,800	16,000	8,200	10,800	
Roof Handrail & Painter's Railing (2)		24,000	25,000	24,000	17,600	
Anchor Bolt Nut Replacement (3)		2,400	3,000	1,500	5,600	
Wet Interior Roof Hatch (4)		7,500	4,000	4,000	2,600	
Balcony Opening (5)		3,900	3,000	2,000	2,200	
Riser Grate (6)		6,500	10,000	3,200	5,200	
Overflow Pipe Discharge Mod. (7)		8,500	7,000	4,000	4,800	
Sway Rod Adjustment (8)		2,000	2,000	3,500	6,600	
Wet Interior Ladder (9)		13,000	17,000	8,000	8,700	
Roof Platform (10)		22,900	18,000	15,000	14,500	
Roof Vent (11)		5,700	5,000	7,000	7,000	
<b>Section 09 00 00</b>						
Exterior Overcoat (12)		277,000	158,000	366,000	180,000	
Logos (13)		13,000	5,000	12,000	11,400	
<b>Project Total Hunter</b>		396,200	273,000	458,400	277,000	
<b>Project Total (Derby &amp; Hunter)</b>		794,100	482,699	885,800	546,000	
Acknowledgment of Addendum 1		Yes	Yes	yes	No	
Bid Bond		5%	5%	5%	5%	



**DIXON**

**ENGINEERING & INSPECTION SERVICES  
FOR THE COATING INDUSTRY**

1104 Third Avenue  
Lake Odessa, MI 48849  
Telephone: (800) 327-1578  
Fax: (616) 374-7116

October 31, 2022

City of Birmingham  
151 Martin Street  
Birmingham, MI 48012

Attn: Melissa Coatta, PE, City Engineer

Re: Water Tank Project Bids

Dear Ms. Coatta:

Recent bids were reviewed for the Derby and Hunter water storage tanks project slated for the 2023 season.

Dixon Engineering prepared the bid specifications for both tanks. There were four bidders. One also came in the following day and was rejected. All bidders are contractors that are primarily tank contractors specializing in tank repair and coatings. Bids ranged from \$482,699 to \$885,800.

The low bidder was Fedewa Inc. from Hastings Michigan at \$482,699.

Dixon Engineering recommends award to Fedewa Inc. in the amount of \$482,699.

Dixon Engineering will prepare the notice of award, once this is signed the contractor must supply the required bonds and insurance so contract documents can be prepared.

Should you have any questions, please free to contact me at 616 374 3221 Ext. 310.

FOR DIXON ENGINEERING, INC.,

Thomas Rounds  
Project Manager

**BIRMINGHAM, MICHIGAN 2 – 500,000 GALLON RADIAL ARM TANKS  
EXTERIOR OVRCOAT AND MISCELLENAEOUS REPAIRS**

**CONTRACT**

*THIS AGREEMENT* made the 15<sup>th</sup> day of January, 2023, by and between the CITY OF BIRMINGHAM, Oakland County, Michigan, hereinafter called the "City", and Fedewa Inc. of the City of Hastings, County of Barry, State of Michigan, hereinafter called the "Contractor", relative to Contract No. 2-22(W), otherwise known as: Water Tank Project Bids in the amount of \$ 482,669.00 to wit:

1. The documents consisting of RFP, including all exhibits and the General Contract Conditions, and the Bid shall be incorporated herein by reference, shall become a part of this Agreement, and shall be binding upon both parties hereto. In the event that there is a conflict between these documents, this Agreement shall control, then the RFP, and then the Bid.

2. The Contractor shall furnish all labor, materials and appliances necessary, and to all the work as set forth in the Proposal, and in accordance with the plans and specifications, which have been made a part of this agreement in a manner, time and place, as therein set forth.

- a. The Contractor shall provide a Performance Bond, which form is attached hereto and incorporated herein by reference to protect the City, and conditioned upon the faithful performance of the contract in accordance with the plans, specifications and terms hereof.
- b. The Contractor shall provide a Payment Bond which form is attached hereto and incorporated herein by reference for the protection of the claimants as defined in MCL §129.201(6) to supply labor or materials to the principal Contractor or his Subcontractor and the prosecution of the work provided for in this contract.

3. Time is of the essence of this agreement. All of the work to be performed by the Contractor shall be completed on or before the Time of Completion, as set forth in the Supplemental Instructions to Bidders. The Contractor shall pay to the City as liquidated damages, the amount per day as set forth under Liquidated Damages in the Supplemental Instructions to Bidders, for each calendar day after the date specified under Time of Completion that the work to be performed by the Contractor is not completed. Liquidated



damages are established because of the difficulty in ascertaining actual damages which the City might sustain, and are not intended as a penalty.

4. The City promises and agrees to pay said Contractor for all labor, materials and appliances supplied, and for all work performed under this agreement at the unit prices provided in the attached Proposals and Specifications.

5. For the faithful performances of the terms of this agreement, said parties respectively bind themselves, their successors, heirs, executors, administrators and assigns.

*IN WITNESS WHEREOF*, the parties execute this agreement as of the day and year first written above.

CITY OF BIRMINGHAM

Attest \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

Witnessed \_\_\_\_\_

By: Carl Fedewa Pres  
Fedewa Inc  
Contractor

APPROVAL (1.135 City Code)

Thomas M. Ward  
City Manager as to Substance

Mary M. Keppard  
City Attorney as to Form

[Signature]  
Director of Finance as to Financial Obligation

Unissa Acosta  
City Engineer



## MEMORANDUM

Planning Division

**DATE:** February 6<sup>th</sup>, 2023

**TO:** Thomas M. Markus, City Manager

**FROM:** Brooks Cowan, Senior Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** Set Public Hearing for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche Dealership – Special Land Use Permit, Final Site Plan & Design Review

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### INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for a three-story auto sales agency in the MU-5 and MU-7 zones of the Triangle District.

### BACKGROUND:

The applicant originally received a Special Land Use Permit in 2010 to operate a Porsche car dealership at 34350 Woodward Ave. The applicant is proposing to demolish the existing building as well as the adjacent site at 909-911 Haynes, combine the lots, and construct a multi-story auto sales agency capable of accommodating a larger fleet of vehicles on-site.

On October 26<sup>th</sup>, 2022, ([Agenda](#) – [Minutes](#)) the applicant appeared before the Planning Board for a Community Impact Study and Preliminary Site Plan Review. Upon review the Planning Board moved to accept the CIS with the following conditions:

1. The applicant resolve all issues related to the Transportation Impact Study as requested by the City's traffic consultants;
2. The applicant obtain site plan review and recommendation from the Multi-Modal Transportation Board (MMTB) related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;
3. The applicant provide the Planning Department with copies of any existing due care plans, plans developed in connection with the construction of the project, information about the existence of any vapors during the process of construction, and plans for remediation of any hazardous vapors identified; and,
4. The applicant comply with all requests from City Departments.

The Planning Board also moved to recommend the Preliminary Site Plan with the following conditions:

1. The applicant obtain site plan review and recommendation from the MMTB related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;
2. The applicant provide sidewalks along Elm Street, Woodward Ave, and Haynes Street that are a minimum of 12 feet wide;
3. The applicant comply with all department requests.

On December 1<sup>st</sup>, 2022, ([Agenda](#) – [Minutes](#)) the applicant appeared before the Multi-Modal Transportation Board to review recommendations of the Triangle District Plan's concepts for the intersection of Elm Street, Haynes Street, and Woodward Avenue. The Multi-Modal Transportation Board moved to recommend option C2 which is reducing Elm Street to one-way southbound between Bowers Street and Haynes Street.

On January 25<sup>th</sup>, 2023, ([Agenda](#) – Minutes) the Planning Board moved to recommend approval to the City Commission the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche - with the following conditions:

1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
2. The applicant relocate the crosswalk on Elm to the north to avoid conflict with the service entry to a location approved by Staff;
3. The Planning Board expresses a high priority on making the intersection of Haynes, Woodward, and Elm safer through a reconfiguration similar to Option C2 as expeditiously as possible by the City Commission;
4. The applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
5. The applicant provide updated lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
6. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block;
7. The applicant comply with all department requests; and,
8. That the applicant obtain a lot combination to create a single parcel for 34350 Woodward Ave & 909-911 Haynes Street.

The applicant has been coordinating with staff on providing all required documents and applications required by the Planning Board in their conditions of approval. Site plans that address all of the conditions of approval will be provided at the public hearing. **City staff recommends that the City Commission consider requiring the applicant to be responsible for all costs related to the reconfiguration of Elm Street.**

LEGAL REVIEW:

The City Attorney has reviewed this request and has no objections as to the form and content.

**FISCAL IMPACT:**

The Triangle District Urban Design Plan recommends reconfiguration of the intersection of Woodward Ave, Haynes Street, and Elm Street adjacent to the subject site. **If the City Commission wishes to have the recommended improvements made to the intersection of Woodward Ave, Haynes Street, and Elm Street, the City Commission may require that the applicant make such improvements as a condition of their SLUP.** If the applicant is not required to provide such changes, then the City of Birmingham would be responsible for any costs related to reconfigurations of Elm Street if the City wishes to pursue such enhancements.

**PUBLIC COMMUNICATIONS:**

As required for a Special Land Use Permit, Final Site Plan and Design Review, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the January 25<sup>th</sup>, 2023 Planning Board meeting, and notices were sent out to all property owners and tenants within 300 ft. of the property. In addition, a second round of notices will be sent out to advertise the public hearing at the City Commission on March 13<sup>th</sup>, 2023.

**SUMMARY:**

The Planning Division requests that the City Commission set a public hearing date of March 13<sup>th</sup>, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche.

**ATTACHMENTS:**

Please find attached the following documents for your review:

- Special Land Use Permit Resolution
- Current Site/Design Plans
- Planning Board report
- Triangle District Urban Design Plan – relevant pages

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to set a public hearing date of March 13<sup>th</sup>, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche.

**Fred Lavery Porsche**  
34350 Woodward Ave  
Special Land Use Permit 2023

WHEREAS, A Special Land Use Permit application was filed in November 2022 for approval of a new three-story auto sales agency in the the MU-7 and MU-5 zoning districts;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of Woodward Ave at the northeast corner of Elm Street and Haynes Street;

WHEREAS, The land is zoned MU-7 and MU-5, which permits the operation of an auto sales agency with a Special Land Use Permit;

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

WHEREAS, The Planning Board on January 25<sup>th</sup>, 2023 reviewed the application for a Special Land Use Permit , Final Site Plan and Design Review and recommended approval to the City Commission for the constuction of a new three-story auto sales agency with the following conditions:

1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
2. The applicant relocate the crosswalk on Elm to the north to avoid conflict with the service entry to a location approved by Staff;
3. The Planning Board expresses a high priority on making the intersection of Haynes, Woodward, and Elm safer through a reconfiguration similar to Option C2 as expeditiously as possible by the City Commission;
4. The applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
5. The applicant provide updated lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
6. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block;
7. The applicant comply with all department requests; and,
8. That the applicant obtain a lot combination to create a single parcel for 34350 Woodward Ave & 909-911 Haynes Street.

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the

standards imposed under the City Code have been met, subject to the conditions below, and that Fred Lavery Porsche's application for a Special Land Use Permit, Final Site Plan and Design Review at 34350 Woodward Ave is hereby approved;

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

1. Fred Lavery Porsche shall abide by all provisions of the Birmingham City Code;
2. **Fred Lavery Porsche is responsible for all costs related to the reconfiguration of Elm Street at the intersection of Elm Street, Haynes Street, and Woodward Ave;**
3. **Fred Lavery Porsche enter into a streetscape agreement with the City that will address all staff concerns including but not limited to moving the DTE electric pole on the northwest corner of the property, the electric vehicle charging stations, and the Elm Street reconfiguration;**
4. Fred Lavery Porsche shall comply with the conditions of approval assigned by the Planning Board and City Commission; and
5. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, Fred Lavery Porsche and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Fred Lavery Porsche to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that Fred Lavery Porsche is recommended for the construction of a three-story auto sales agency, subject to final inspection.

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on March 13<sup>th</sup>, 2023.

---

**Alexandria Bingham**  
City Clerk

# Luckenbach | Ziegelman | Gardner Architects PLLC

Fred Lavery Company - Porsche Woodward DID  
 34350 Woodward Ave, Birmingham, MI 48009

Architect's Project Number: 21063

Date: JANUARY 25, 2023  
 FINAL SITE PLAN REVIEW

OWNER REVIEW  
 CIS / PRELIMINARY SITE PLAN REVIEW  
 FINAL SITE PLAN REVIEW

## ARCHITECTURAL DRAWINGS:

●●●	A 000	TITLE SHEET
●●●	C 100	SURVEY
●●●	C 110	SURVEY DIAGRAM - PROPERTIES WITHIN 200 FEET
●	C 2	SITE PLAN C2   ELM - HAYNES - WOODWARD INTERSECTION CONFIGURATION "C2"
●	C 21	SITE PLAN C21   ELM-HAYNES-WOODWARD INTERSECTION CONFIGURATION "C21"
●	S 3	SITE PLAN S3   ELM - HAYNES - WOODWARD INTERSECTION CONFIGURATION "S3"
●●●	A 100	ARCHITECTURAL SITE PLAN
●●●	A/LA 100.1	SITE + LANDSCAPE PLAN
●●●	A 100.2	SITE PHOTOS   BUILDING MATERIAL IMAGES / SPECS
●●●	A 201	FLOOR PLAN - LEVEL 1
●●●	A 202	FLOOR PLAN - LEVEL 2
●●●	A 203	NOT ISSUED THIS SET
●●●	A 204	FLOOR PLAN - LEVEL 3
●●●	A 205	ROOF PLAN
●●●	A 400	BUILDING ELEVATIONS - SOUTH & WEST
●●●	A 401	BUILDING ELEVATIONS - NORTH & EAST
●●●	A 400 G	BUILDING ELEVATIONS - SOUTH & WEST FACADE GLASS & OPENINGS CALCULATIONS
●●●	M 01	MECHANICAL ROOF PLAN
●●●	L 01	EXTERIOR LIGHTING / PHOTOMETRICS
●●●	L 011	PHOTOMETRICS PLAN DETAILS: AREAS 1 & 2
●●●	L 012	PHOTOMETRICS PLAN DETAILS: AREA 3

Fred Lavery Company	Luckenbach Ziegelman Gardner Architects PLLC	Porsche Woodward DID 34350 Woodward Ave, Birmingham, MI 48009	Cover Sheet   Sheet Schedule   Site Data	Project No. 21063	10/26/2022 CIS / PRELIMINARY SITE PLAN APPROVAL 1/25/2023 FINAL SITE PLAN APPROVAL	<b>A 0.00</b>
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\*SBM 200



**LEGEND**

● IRON FOUND	■ BRASS FLAG SET	○ RECORDER FOUND
⊗ IRON SET	⊗ MONUMENT FOUND	⊗ MEASURED
⊗ NAIL FOUND	⊗ MONUMENT SET	○ CALCULATED
⊗ NAIL & CAP SET		

**EXISTING**

—OH—ELEC—W—O—C	ELEC. PHONE OR CABLE TV O/L LINE, POLE & GUY WIRE
—UG—CATV—	UNDERGROUND CABLE TV GUY/FEEDLINE
—UG—ELEC—	TELEPHONE U.G. CABLE, FEEDLINE & MANHOLE
—UG—ELEC—E—	ELECTRIC U.G. CABLE, MANHOLE, METER & HANDHOLE
—UG—ELEC—G—	GAS MAIN, VALVE & GAS LINE MARKER
—UG—ELEC—H—	WATERMAIN, HYD. GATE VALVE, TAPPING SLEEVE & VALVE
—UG—ELEC—I—	SANITARY SEWER, CLEANOUT & MANHOLE
—UG—ELEC—J—	STORM SEWER, CLEANOUT & MANHOLE
—UG—ELEC—K—	COMBINED SEWER & MANHOLE
—UG—ELEC—L—	SQUARE, ROUND & BOWTIE CATCH BASIN, YARD DRAIN
—UG—ELEC—M—	POST INDICATOR VALVE
—UG—ELEC—N—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—O—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—P—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—Q—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—R—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—S—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—T—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—U—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—V—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—W—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—X—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—Y—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
—UG—ELEC—Z—	WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF

SPOT ELEVATION  
CONTOUR LINE  
FENCE  
GUARD RAIL  
STREET LIGHT  
SIGN  
ROCK  
CONCRETE  
ASPHALT  
GRAVEL SHOULDER

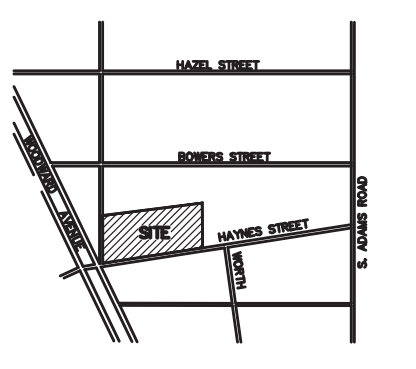
**PEA GROUP**  
t: 844.813.2949  
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**NORTH**

0 20 40 80  
SCALE: 1" = 40'

**Know what's below. Call before you dig.**

**CAUTION!**  
THE LOCATION AND DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS MADE BY THE CONTRACTOR AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTHS OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION.



**CLIENT**  
**LAVERY MICHIGAN DEALERSHIP PROPERTIES NO. 1, LLC**  
34622 WOODWARD AVENUE  
BIRMINGHAM, MICHIGAN 48208

**PROJECT TITLE**  
**PORSCHÉ WOODWARD**  
34350 WOODWARD AVENUE  
BIRMINGHAM, MICHIGAN 48208

**REVISIONS**

10.26.2022	CIS / Preliminary Site Plan Review
11.1.25.2023	Final Site Plan Review

**ORIGINAL ISSUE DATE:**  
SEPTEMBER 22, 2022

**DRAWING TITLE**  
**TOPOGRAPHIC SURVEY**

PEA JOB NO.	2019-344
P.M.	JPB
DN.	GWC
DES.	LKP

**DRAWING NUMBER:**

**C-1.0**

**LEGAL DESCRIPTION**  
(Per Survey Oakland)

**19-36-281-030**  
T2N, R10E, SEC 36 BOWERS ADD ELY PART OF LOT 6 BEG AT NE LOT COR, TH WLY 1.35 FT ALG N LOT LINE, TH S 01-00-00 W 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY 118.42 FT ALG E LOT LINE TO BEG, ALSO ALL OF LOTS 7, 8 & 9, ALSO WLY PART OF LOT 10 MEAS 10.14 FT ALG N LOT LINE & 10.58 FT ALG S LOT LINE

**LEGAL DESCRIPTION**  
(Per Survey Oakland)

**19-36-281-022**  
T2N, R10E, SEC 36 BOWERS ADD LOT 3 EXC THAT PART TAKEN FOR HWY, ALL OF LOTS 4 & 5, ALSO LOT 6 EXC ELY PART BEG AT NE LOT COR, TH W 1.35 FT ALG N LOT LINE, TH SLY 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY ALG LOT LINE TO BEG

S:\PROJECTS\2023\2023-344 LAVERY MICHIGAN DEALERSHIP PROPERTIES\19-344.dwg



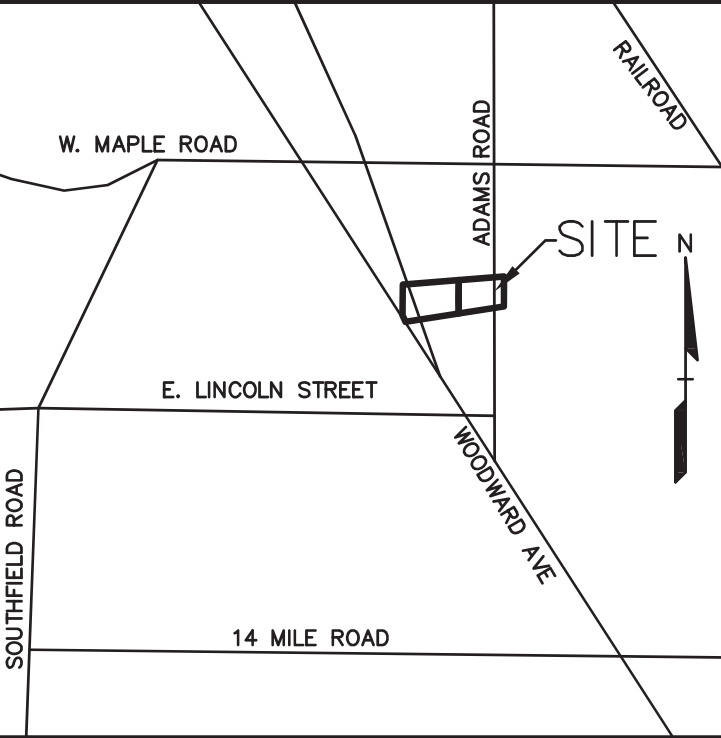
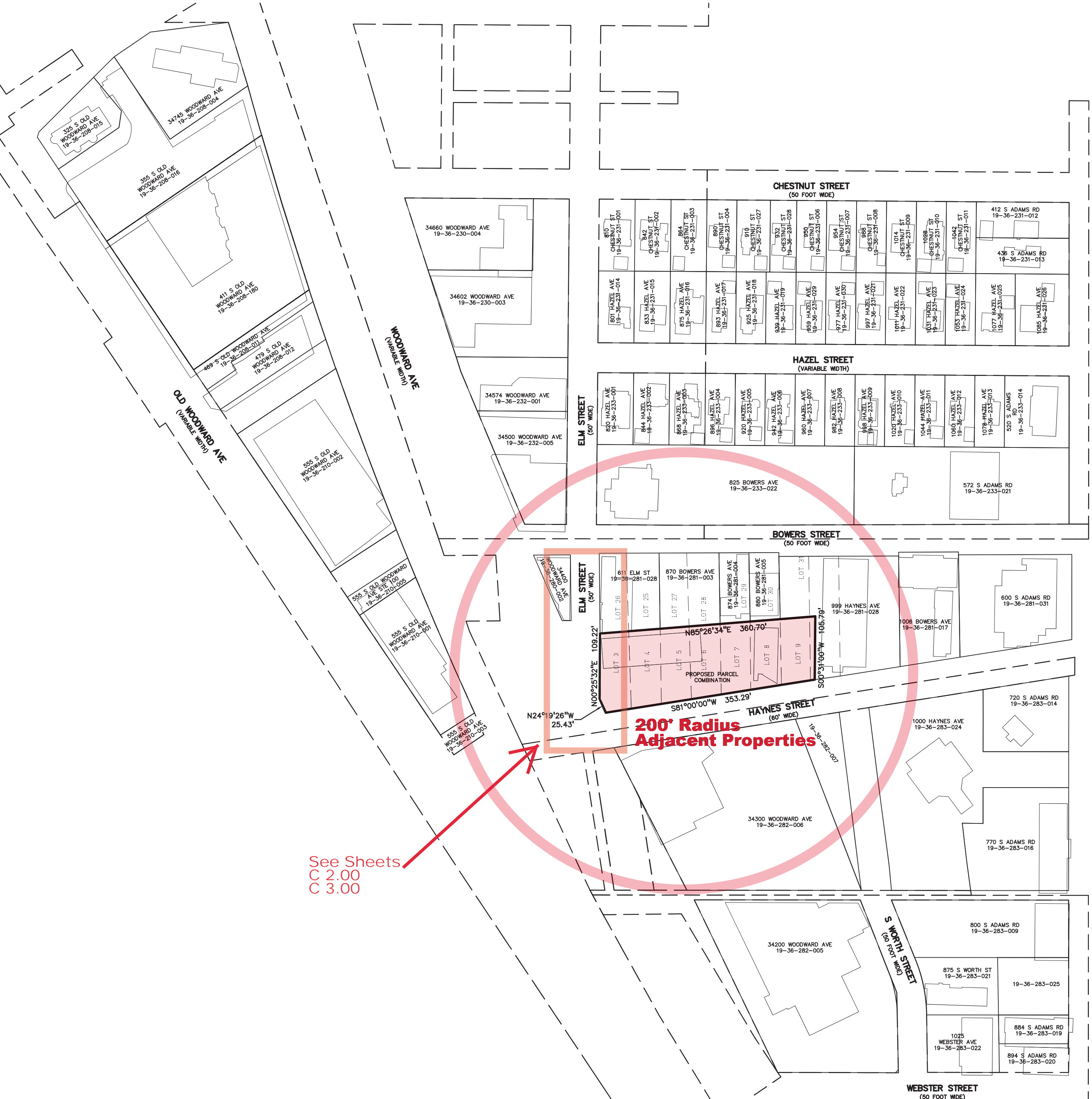
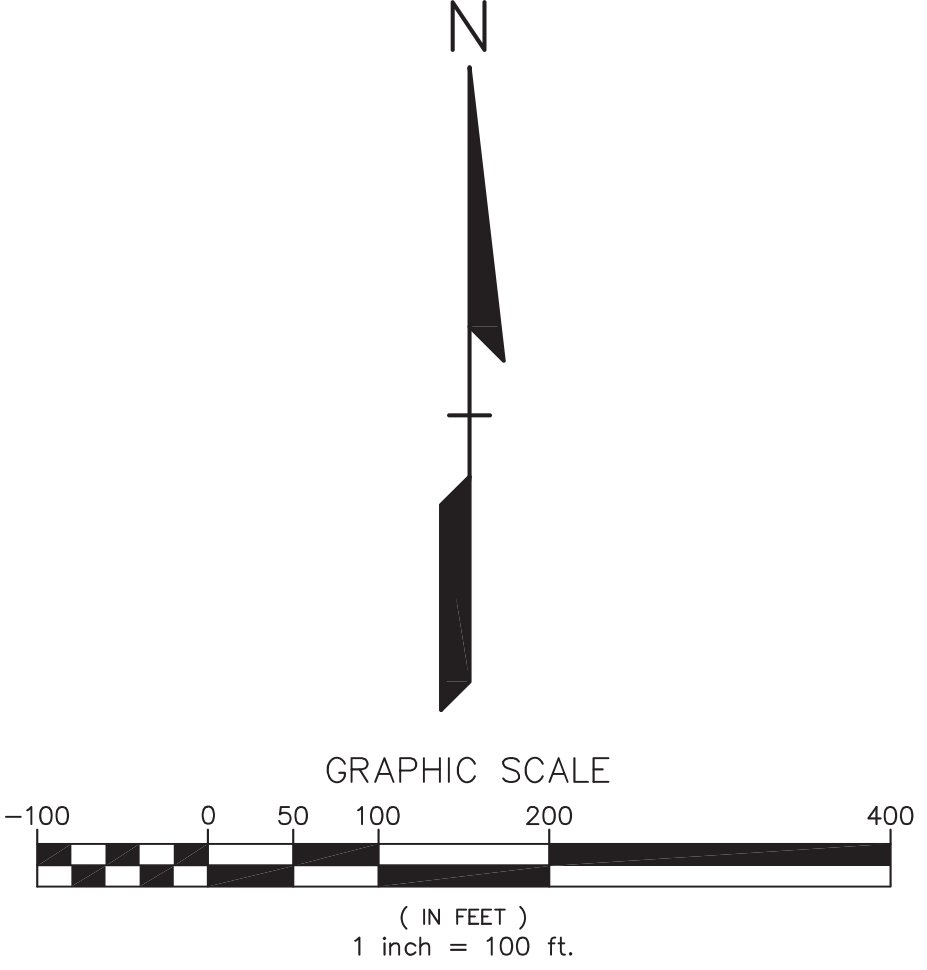
**LEGAL DESCRIPTION**  
(Per PEA Inc.)

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

A parcel of land lying in "Bowers Addition" being a part of Section 36, Town 2 North, Range 10 East, including all of lots 3, 4, 5, 6, 7, 8, 9, and the westerly 10.14 feet along the northerly line of Lot 10 and the westerly 10.58 feet along the southerly line of Lot 10, excluding a portion taken for Right-of-Way purposes, as described in Liber 53 Miscellaneous Records, Page 355, more particularly described as:

Commencing at the southwest corner of Lot 3, thence N81°00'00"E, 10.79 feet along the south line of said Lot 3 to the Point of Beginning;  
 thence N24°19'28"W, 25.43 feet;  
 thence N00°25'32"E, 109.22 feet along the West Line of said Lot 3 and the East Line of Elm Street;  
 thence N85°26'34"E, 360.70 feet along the North Line of Lots 3-10 of said Bower's Addition;  
 thence S00°31'00"W, 105.79 feet;  
 thence S81°00'00"W, 353.29 feet along the South Line of said Lots 3-10 and the North Line of Haynes Street to the Point of Beginning.  
 Containing 0.99 Acres more or less.

Boas of bearing the south line of Bowers Addition Plat Liber 8 Page 26



LOCATION MAP - NOT TO SCALE

**LEGEND**

● IRON FOUND	⊗ BRASS PLUG SET	⊙ SEC. CORNER FOUND
⊗ IRON SET	⊗ MONUMENT FOUND	⊙ RECORDED
⊙ NAIL FOUND	⊙ MONUMENT SET	⊙ MEASURED
⊙ NAIL & CAP SET		⊙ CALCULATED

**EXISTING**

- OH-ELEC-W-O— ELEC. PHONE OR CABLE TV O/L LINE, POLE & GUY WIRE
- UG-CATV— UG-CATV
- UG-PHONE— UG-PHONE
- UG-ELEC— ELEC. U.S. CABLE, MANHOLE, METER & MANHOLE
- GAS— GAS MARK, VALVE & GAS LINE MARKER
- WATER— WATERMARK, HYD. GATE VALVE, TAPPING SLEEVE & VALVE
- SEWER— SANITARY SEWER, CLEANOUT & MANHOLE
- STORM— STORM SEWER, CLEANOUT & MANHOLE
- SQUARE, ROUND & BEDDIE CATCH BASIN, YARD DRAIN
- POST REDUCATOR VALVE
- WATER VALVE, BRIGATION CONTROL VALVE
- UNIDENTIFIED STRUCTURE
- SPOT ELEVATION

**CONTOUR LINE**

- CONTOUR LINE
- FENCE
- GUARD RAIL
- STREET LIGHT
- SIGN
- CONCRETE
- ASPHALT

NO.	BY	DATE	DESCRIPTION

10.26.2022 CIS / Preliminary Site Plan Review

1/1.1.25.2023 Final Site Plan Review

**CAUTION!**  
THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS MADE CONCERNING THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION PRIOR TO THE START OF CONSTRUCTION.

PEA, INC. THEY ARE SUBMITTED ON THE CONDITION THAT THEY ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF PEA, INC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO THE START OF CONSTRUCTION.

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO THE START OF CONSTRUCTION.

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

**811**

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f: 248.689.1044  
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Lavery Michigan Dealership Properties No. 1, LLC  
1008 HAYNES STREET  
BIRMINGHAM, MICHIGAN 48009

**LAND COMBINATION SURVEY**  
**BOWERS ADDITION**  
PART OF THE NORTH 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, COUNTY OF OAKLAND, STATE OF MICHIGAN

DES.	DN.	RAT.	SUR.	DAN.	P.M.	TDS
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ORIGINAL ISSUE DATE:  
September 19, 2019

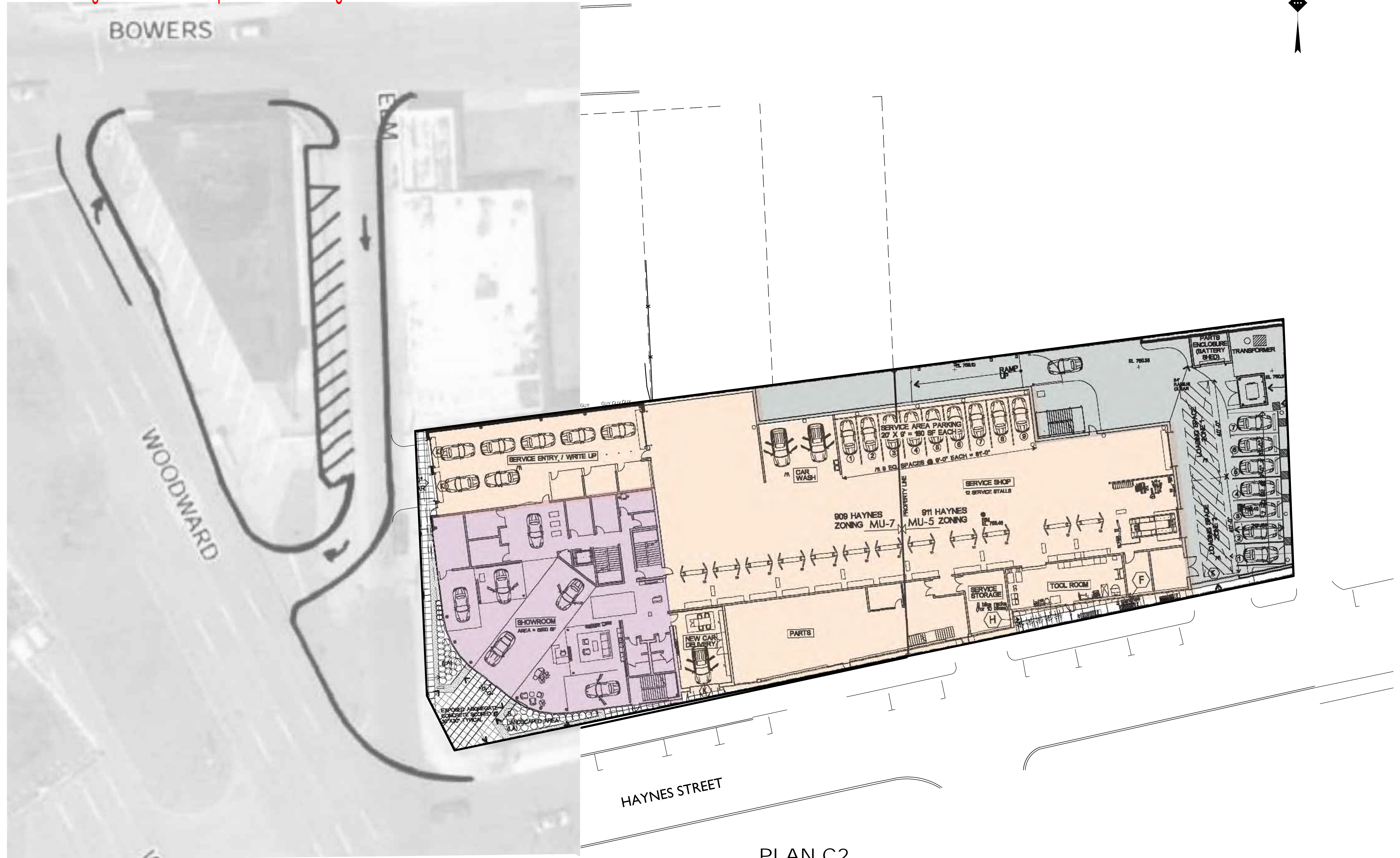
PEA JOB NO. 2019-344

SCALE: 1" = 100'

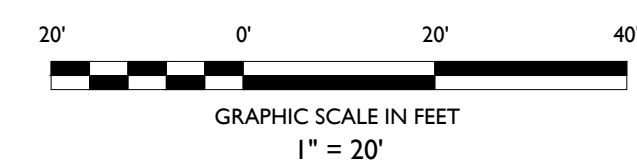
DRAWING NUMBER:  
**C1.10**



Triangle District Plan - Option C2 Rendering for Elm Street



PLAN C2  
Elm, Haynes and Woodward Intersection  
(from Triangle District Master Plan)



ISSUE	DATE	BY	DESCRIPTION
3	01/20/2023	NK	PER CITY COMMENTS
2	01/16/2023	NK	FOR MULTI-MODAL TRANSPORTATION BOARD
1	11/28/2022	NK	FOR MULTI-MODAL TRANSPORTATION BOARD

NOT APPROVED FOR CONSTRUCTION

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Phone 201.340.4468 · Fax 201.340.4472

ELM STREET MITIGATIONS

**PROPOSED CAR DEALERSHIP DEVELOPMENT**

34350 WOODWARD AVENUE  
CITY OF BIRMINGHAM  
OAKLAND COUNTY, NEW JERSEY

CHARLES D. OLIVO, P.E.  
MICHIGAN LICENSE No. 6201058003  
LICENSED PROFESSIONAL ENGINEER

**STONEFIELD**  
engineering & design

SCALE: 1" = 20' PROJECT ID: DET-220179

TITLE: **ELM STREET/HAYNES STREET/WOODWARD AVENUE INTERSECTION CONFIGURATION**

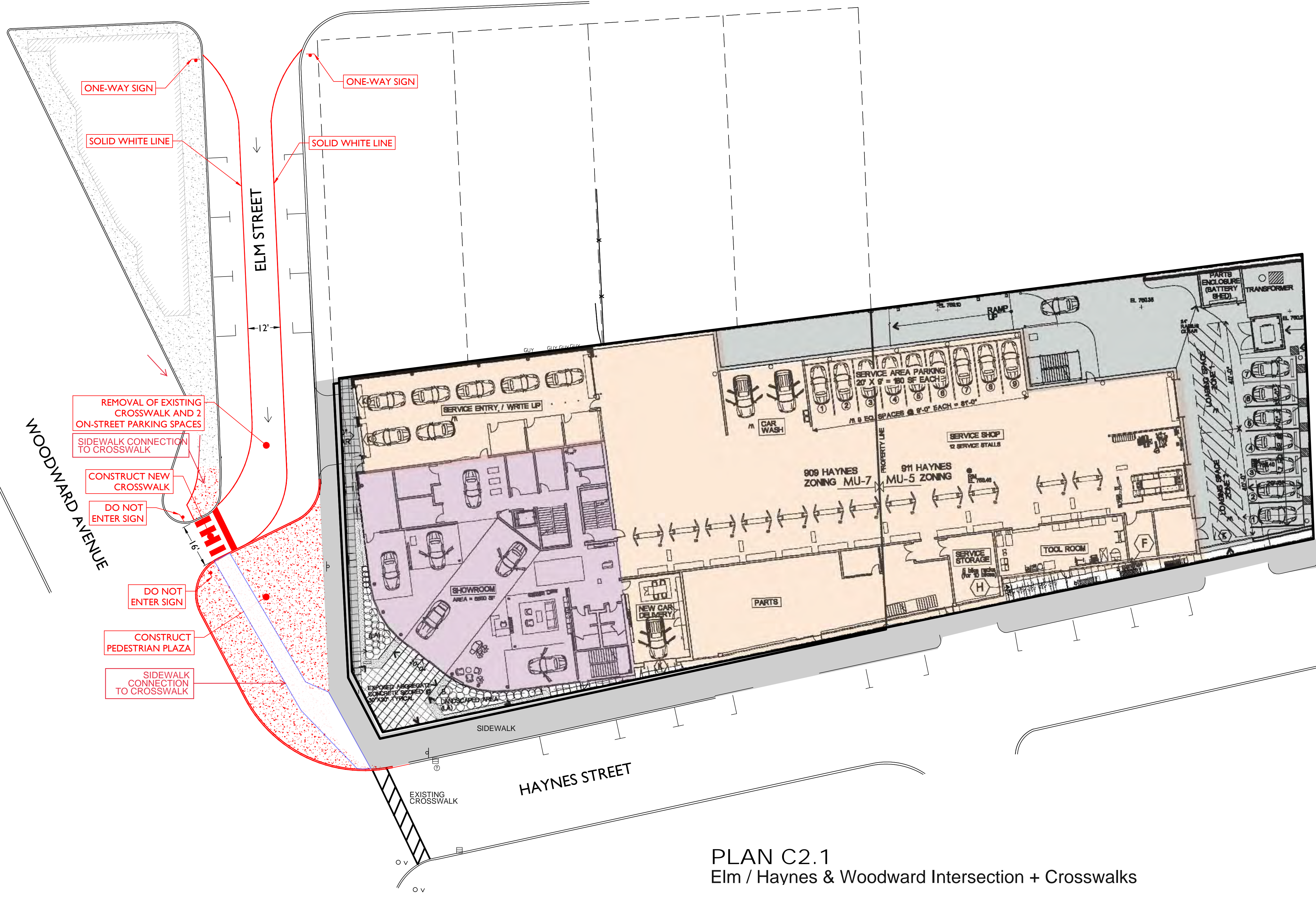
DRAWING:

**C2.00**

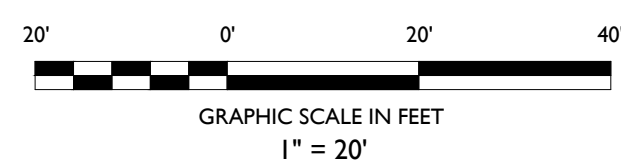
Z:\PROJECTS\2022\DET-220179\19D\_LAYERS\POSCHE - 34350 WOODWARD AVENUE, BIRMINGHAM, MI\CADD\DWG\19D220179\_01\_ELM STREET.DWG



# Option C2 of the Triangle District Plan Elm Street Concept



PLAN C2.1  
Elm / Haynes & Woodward Intersection + Crosswalks



Z:\PROJECTS\2022\2022-179-178D-WOODWARD AVENUE BIRMINGHAM, MI\CAD\2022\179-178D-01-ELM STREET.DWG

NO.	DATE	BY	DESCRIPTION
3	01/20/2023	NK	PER CITY COMMENTS
2	01/16/2023	NK	FOR MULTI-MODAL TRANSPORTATION BOARD
1	11/28/2022	NK	FOR MULTI-MODAL TRANSPORTATION BOARD

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ELM STREET MITIGATIONS

**PROPOSED CAR DEALERSHIP DEVELOPMENT**

34350 WOODWARD AVENUE  
CITY OF BIRMINGHAM  
OAKLAND COUNTY, NEW JERSEY

CHARLES D. OLIVO, P.E.  
MICHIGAN LICENSE No. 6201058003  
LICENSED PROFESSIONAL ENGINEER

**STONEFIELD**  
engineering & design

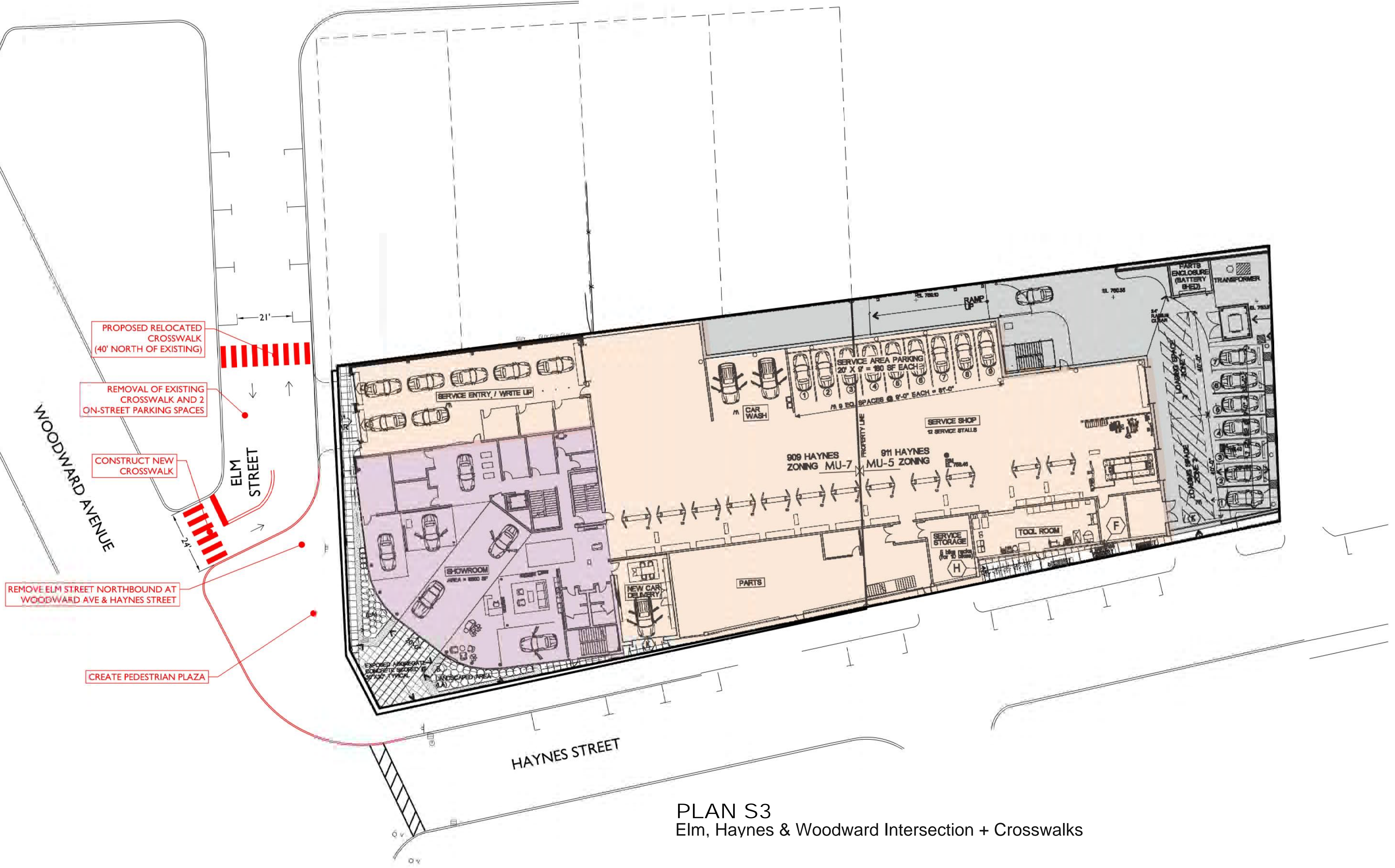
SCALE: 1" = 20' PROJECT ID: DET-220179

TITLE: **ELM STREET/HAYNES STREET/WOODWARD AVENUE INTERSECTION CONFIGURATION (ALT)**

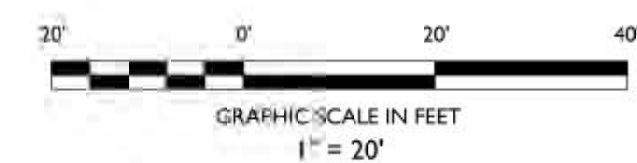
DRAWING: **C2.10**



# Option C1 of Triangle District Plan Elm Street Concept



PLAN S3  
Elm, Haynes & Woodward Intersection + Crosswalks



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ELM STREET MITIGATIONS  
**PROPOSED CAR DEALERSHIP DEVELOPMENT**

34350 WOODWARD AVENUE  
CITY OF BIRMINGHAM  
OAKLAND COUNTY, NEW JERSEY

CHARLES D. OLIVO, P.E.  
MICHIGAN LICENSE No. 6201058003  
LICENSED PROFESSIONAL ENGINEER



SCALE: 1" = 20' PROJECT ID: DET-220179

TITLE: ELM STREET/HAYNES STREET/WOODWARD AVENUE INTERSECTION CONFIGURATION (ALT)

DRAWING:

**S 3 .00**

ISSUE	DATE	BY	DESCRIPTION
2	01/16/2023	NK	FOR MULTI-MODAL TRANSPORTATION BOARD
1	11/28/2022	NK	FOR MULTI-MODAL TRANSPORTATION BOARD

Z:\PROJECTS\220179\220179\_Plan\_S3.dwg 1485 WOODWARD AVENUE, BIRMINGHAM, MI 48202-1700 24' ELM STREET, BIRMINGHAM, MI 48202-1700



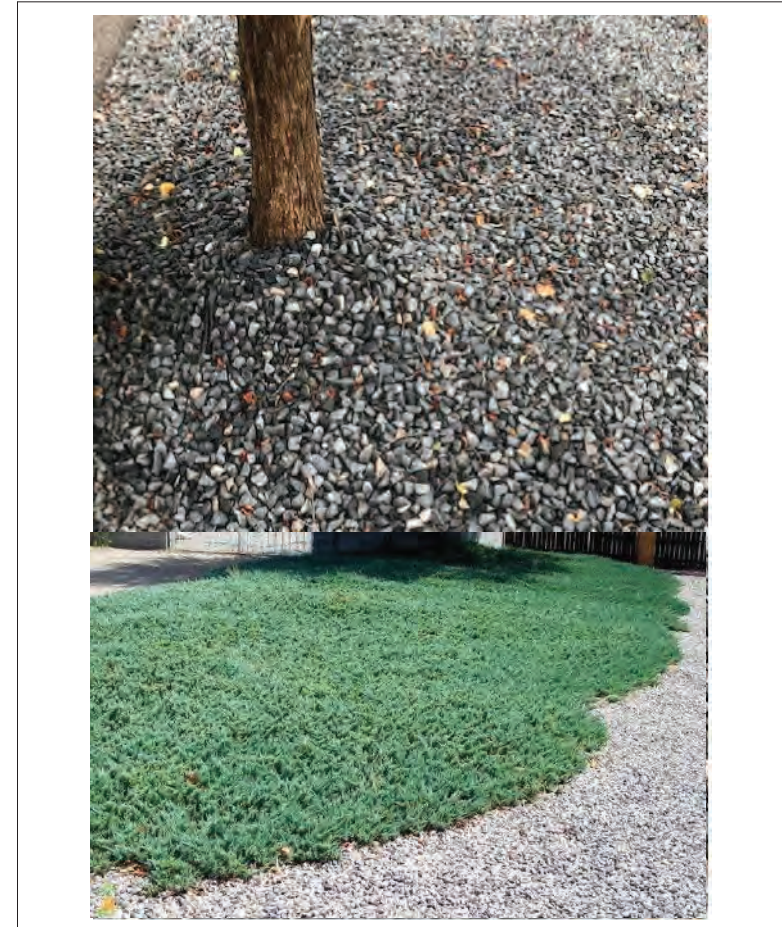




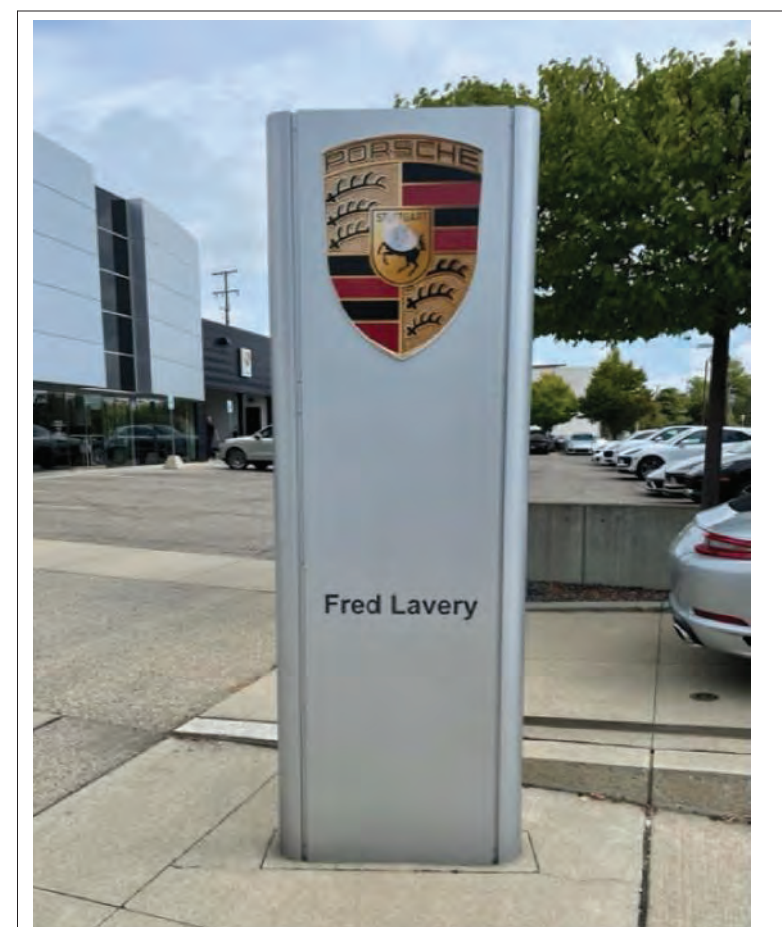
SITE KEY + PHOTOGRAPHS



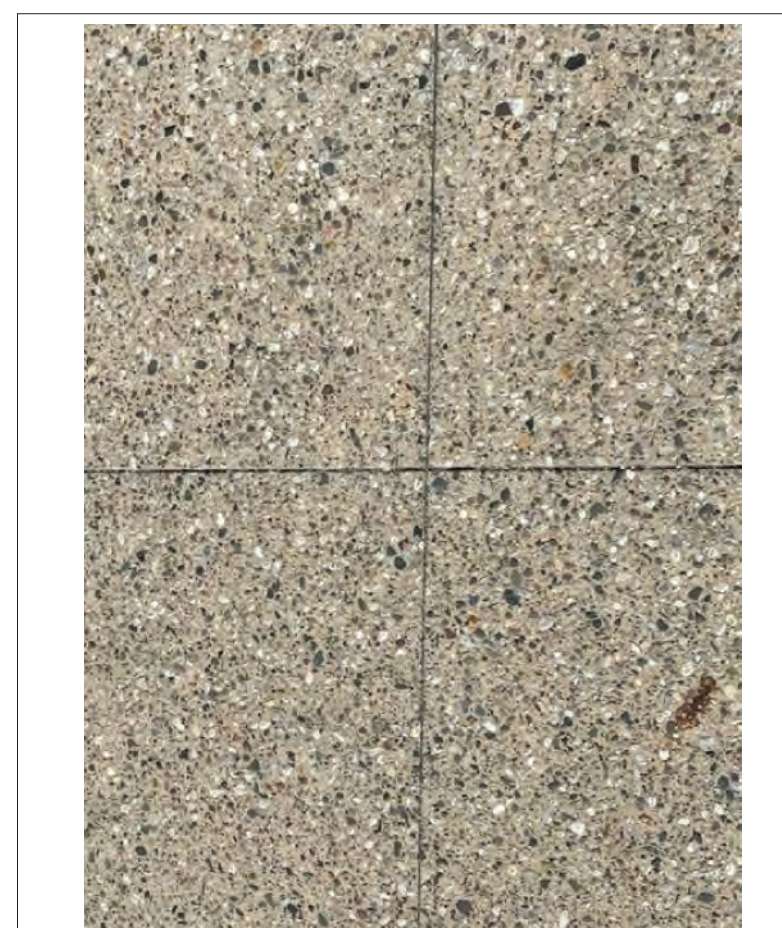
**A** GINKGO TREE (Ginkgo biloba - Autumn Gold)  
Existing Trees + New Replacement Trees  
Note: Male Tree - Non Fruit Bearing



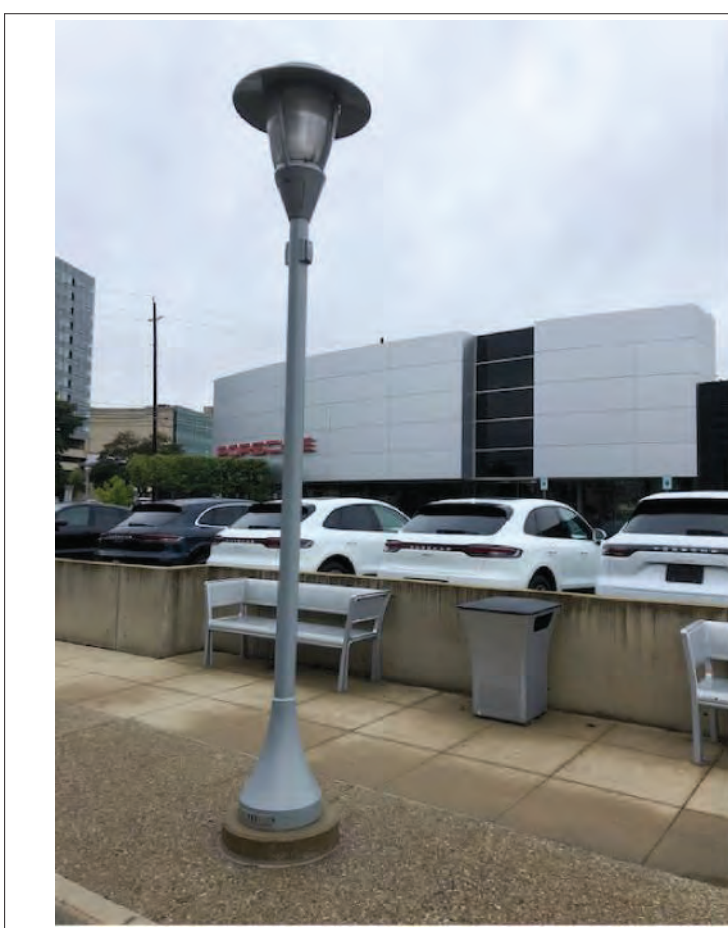
**B** LANDSCAPED AREA  
EXPOSED AGGREGATE STONE: Re-Use of Existing Located on Site  
MENSURIT GRANITE VOLCANIC STONE +  
BLUE FLAG CREEPING JUNIPER (Landscape Horizontal) Proposed



**C** PYLON GROUND SIGN  
Re-use Existing. Sign Dimensions = W 3'-0" x H 6'-0" x D 1'-0"



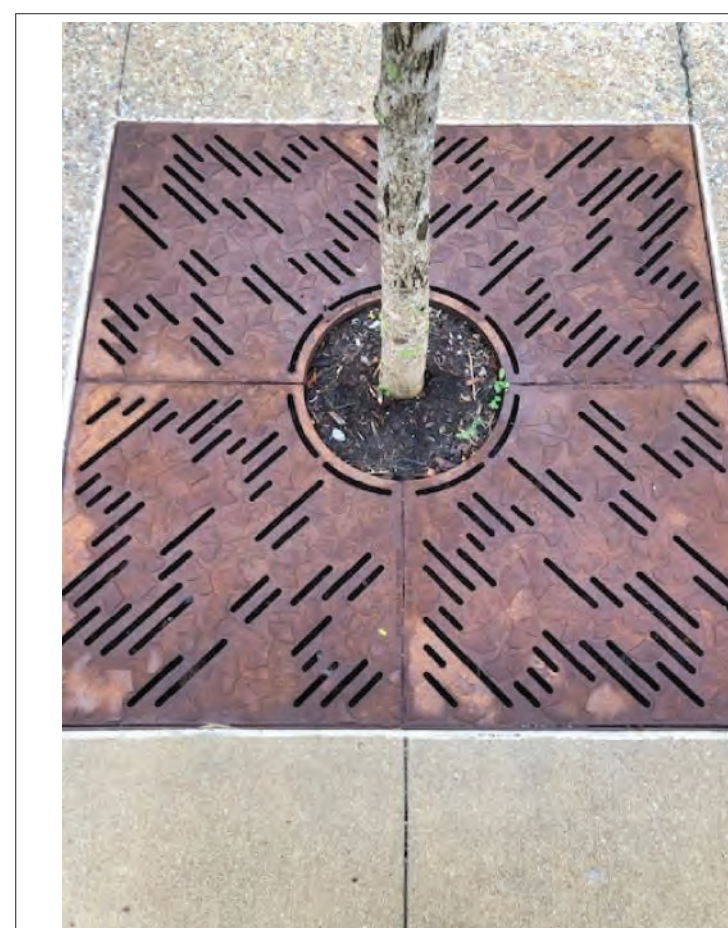
**D** EXPOSED AGGREGATE CONCRETE PAVING  
30"x30" Scoring Pattern Typical



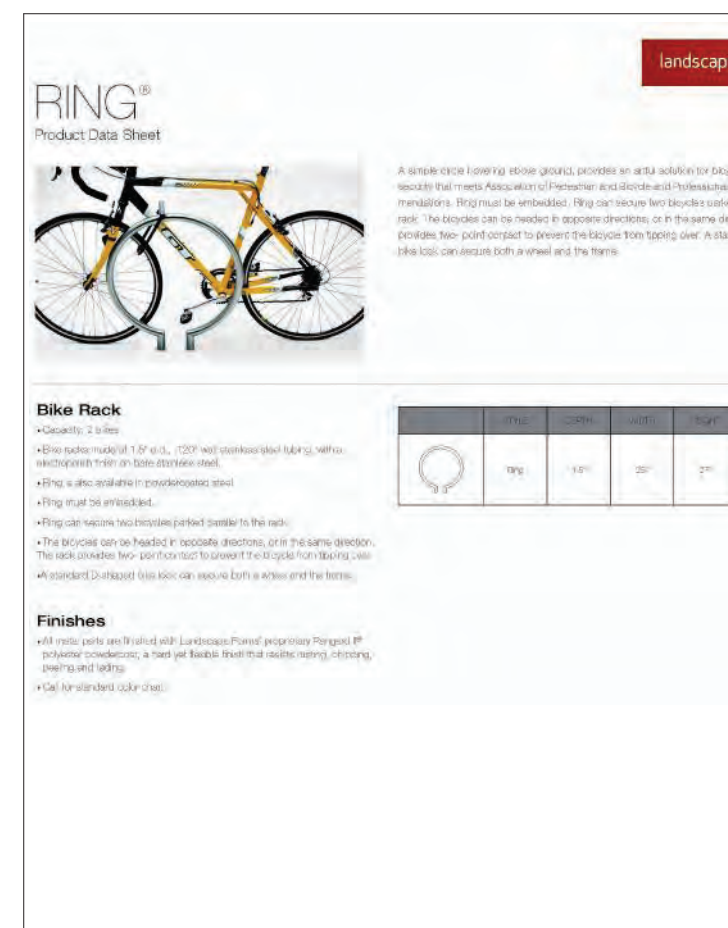
**E** EXISTING & NEW STREETLIGHTS (SL-X & SL-P)  
Lumenot Street Light Model PT190-42W  
To conform with Triangle District Standards



**F** BENCHES AND TRASH RECEPTACLES  
Re-use Existing which conform with Triangle District Standards  
(3 benches + 3 receptacles on Haynes Street)



**G** NEW IRON TREE GRATES Add &/or Replace as Necessary  
East Jordan Iron Works - East Jordan, Michigan  
with Ginkgo Leaf Pattern



**H** BICYCLE RACKS  
RING by Landscapiforms, Kalamazoo, Michigan  
Conforms with Triangle District Standard



**J** CHARGING STATION (AC)  
2 Public Accessible located on Haynes Street



**K** OVERHEAD DOORS

SITE, ZONING & BUILDING DATA

- EXISTING ZONING = MU-7 & MU-5
- TOTAL SITE AREA = 42,875 SQ FT
- BUILDING AREAS
  - "B" (BUSINESS) USE GROUP AREA (Showroom + Office Areas)
    - LEVEL 1 SHOWROOM = 6,500 SF
    - LEVEL 2 SERVICE WRITE UP OFFICE AREA = 500
    - LEVEL 3 OFFICE AREA = 6,300
    - LEVEL 4 OFFICE AREA = 1,980
    - TOTAL "B" USE GROUP AREA = 15,280 SF
  - "S-2" (LOW HAZARD STORAGE) USE GROUP AREA (Parking Garage / Service / Storage / Non Habitable Spaces)
    - LEVEL 1 SERVICE WRITE UP SERVICE PARTS = 30,300 SF
    - LEVEL 2 SERVICE WRITE UP OFFICE = 500
    - LEVEL 3 PARTS MEZZANINE = 2,450
    - LEVEL 4 PARTS STRUCTURE = 28,500
    - TOTAL "S-2" USE GROUP AREA = 64,800 SF
- BUILDING FOOTPRINT AREA = 36,000 SF
- PARKING REQUIRED
  - MOTOR VEHICLE SALES AND SERVICE ESTABLISHMENT
    - 1 SPACE FOR EACH 300 SF OF FLOOR AREA OF SALES ROOM PLUS 1 SPACE FOR EACH AUTO SERVICE STALL NOT TO BE USED FOR NEW CAR STORAGE
    - SHOWROOM AREA = 6,500 SF / 300 SF PER SPACE = 22 SPACES REQUIRED
    - SERVICE STALLS = 12 TOTAL / 1 SPACE PER STALL = 12 SPACES REQUIRED
    - TOTAL SPACES REQUIRED = 34 SPACES
  - PARKING PROVIDED
    - "B" LEVEL 1 - 16 SERVICE AREA PARKING
    - LEVEL 2 - 61 PARKING STRUCTURE SPACES
    - LEVEL 3 - 48 PARKING STRUCTURE SPACES
    - LEVEL 4 - 16 PARKING STRUCTURE SPACES
    - TOTAL "B" PARKING SPACES = 141
    - "S-2" LEVEL 1 - 16 SERVICE AREA PARKING
    - LEVEL 2 - 61 PARKING STRUCTURE SPACES
    - LEVEL 3 - 48 PARKING STRUCTURE SPACES
    - LEVEL 4 - 16 PARKING STRUCTURE SPACES
    - TOTAL "S-2" PARKING SPACES = 141
    - TOTAL SPACES PROVIDED = 282
    - MIN NUMBER OF ACCESSIBLE PARKING SPACES PER ADA - SECTION 5, TABLE 2002 FOR 100-500 PARKING SPACES:
      - 4 INCLUSIVE HANDICAP ACCESSIBLE PARKING SPACES
      - 1 VAN HANDICAP ACCESSIBLE PARKING SPACE
      - TOTAL ACCESSIBLE SPACES = 5
  - HAYNES STREET 12 SPACES
  - 132 SPACES TOTAL - INCLUDING HAYNES STREET & ACCESSIBLE PARKING
  - BICYCLE RACKS REQUIRED / PROVIDED
    - 1 FOR EVERY 100 SF OF BUILDING AREA
    - USE GROUP "B" INHABITABLE AREA = 15,280 SF / 3000 SF PER BIKE RACK = 5 BIKE RACKS
    - BIKE RACKS PROVIDED = 5 RACKS @ STREET LEVEL PROVIDED FOR 10 BICYCLES
    - BUILDING HEIGHT 3 STOREYS / HEIGHT = 48'-0"

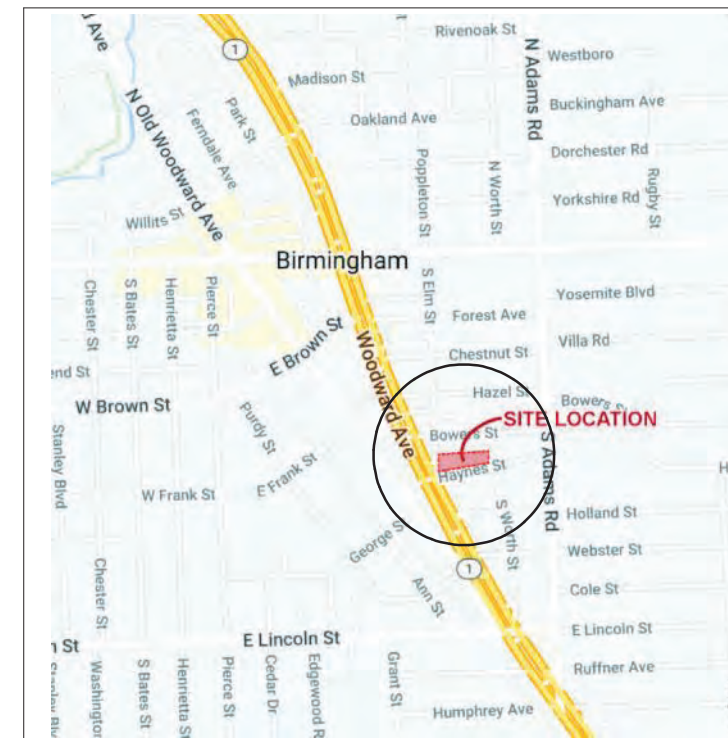
KEY:

- GOLLING ALFA ROMEO FIAT ①
- TODD'S ROOM ②
- T-MOBILE ③
- 611 ELM ST. ④
- PARMLEY'S PAINT & BODY WORK ⑤
- 999 HAYNES ST. ⑥
- 1006 BOWERS ST. ⑦
- 555 S. OLD WOODWARD AVE. ⑧
- WALGREENS ⑨
- CITIZENS BANK ⑩

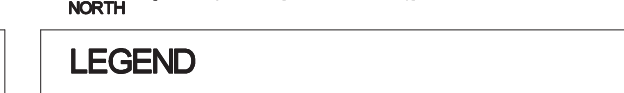
ADJACENT PROPERTIES (200FT FROM SITE)



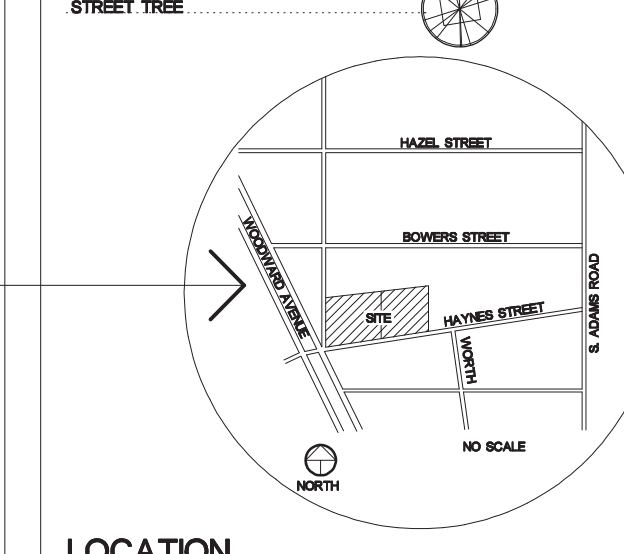
SITE LOCATION MAP



1 SITE AND LANDSCAPE PLAN  
A/LA 100.1  
SCALE: 1/8" = 1'-0"



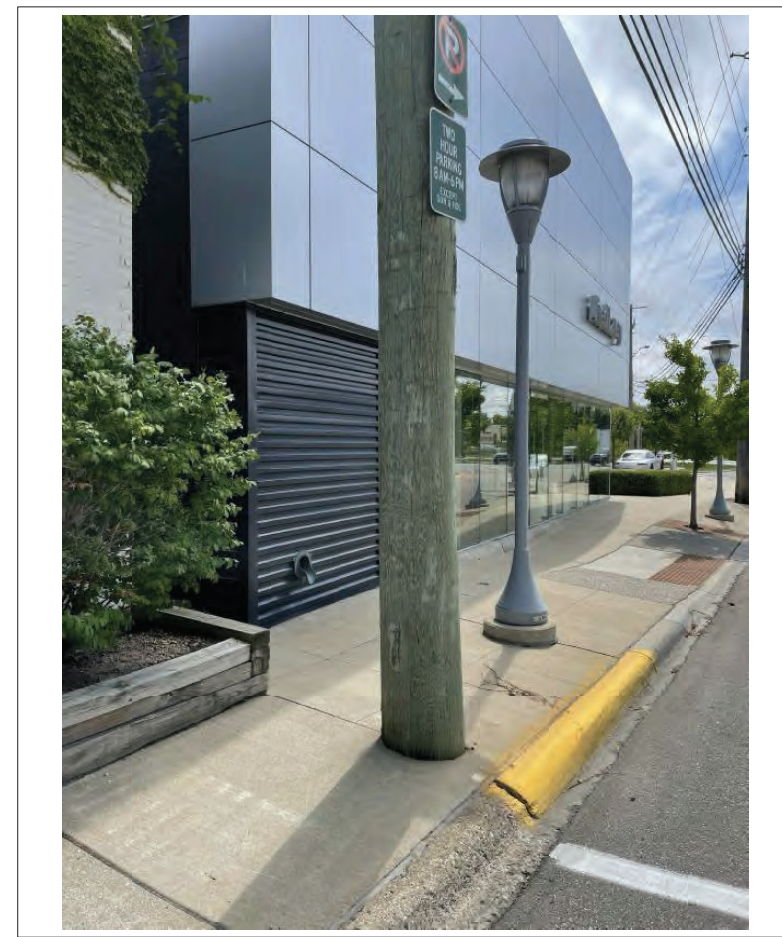
LEGEND



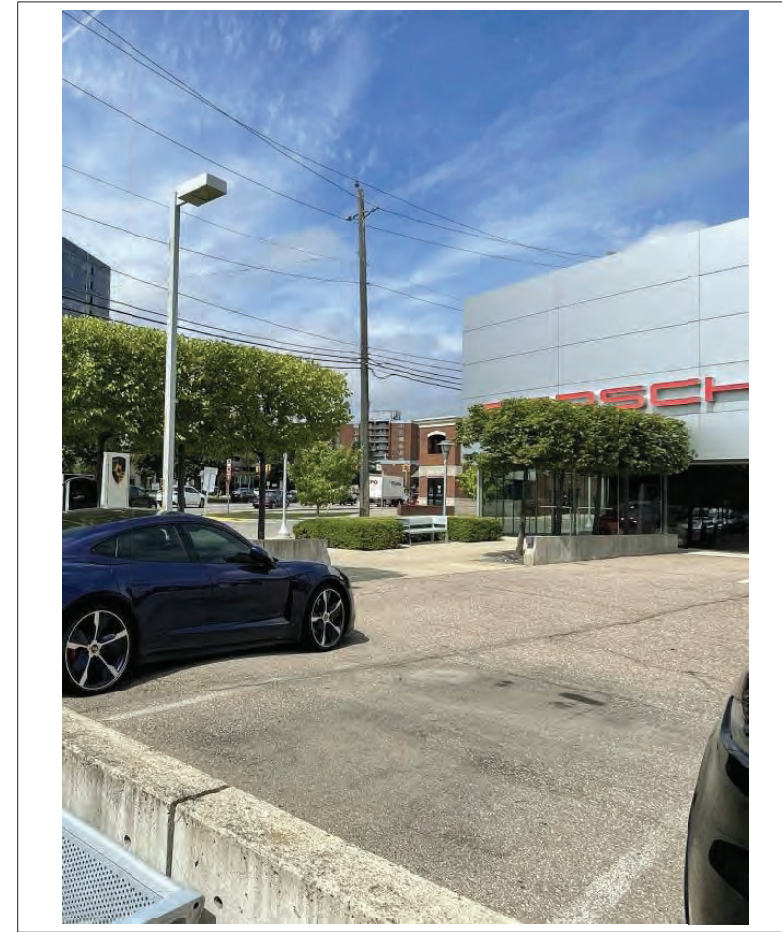
LOCATION



EXISTING CONDITIONS



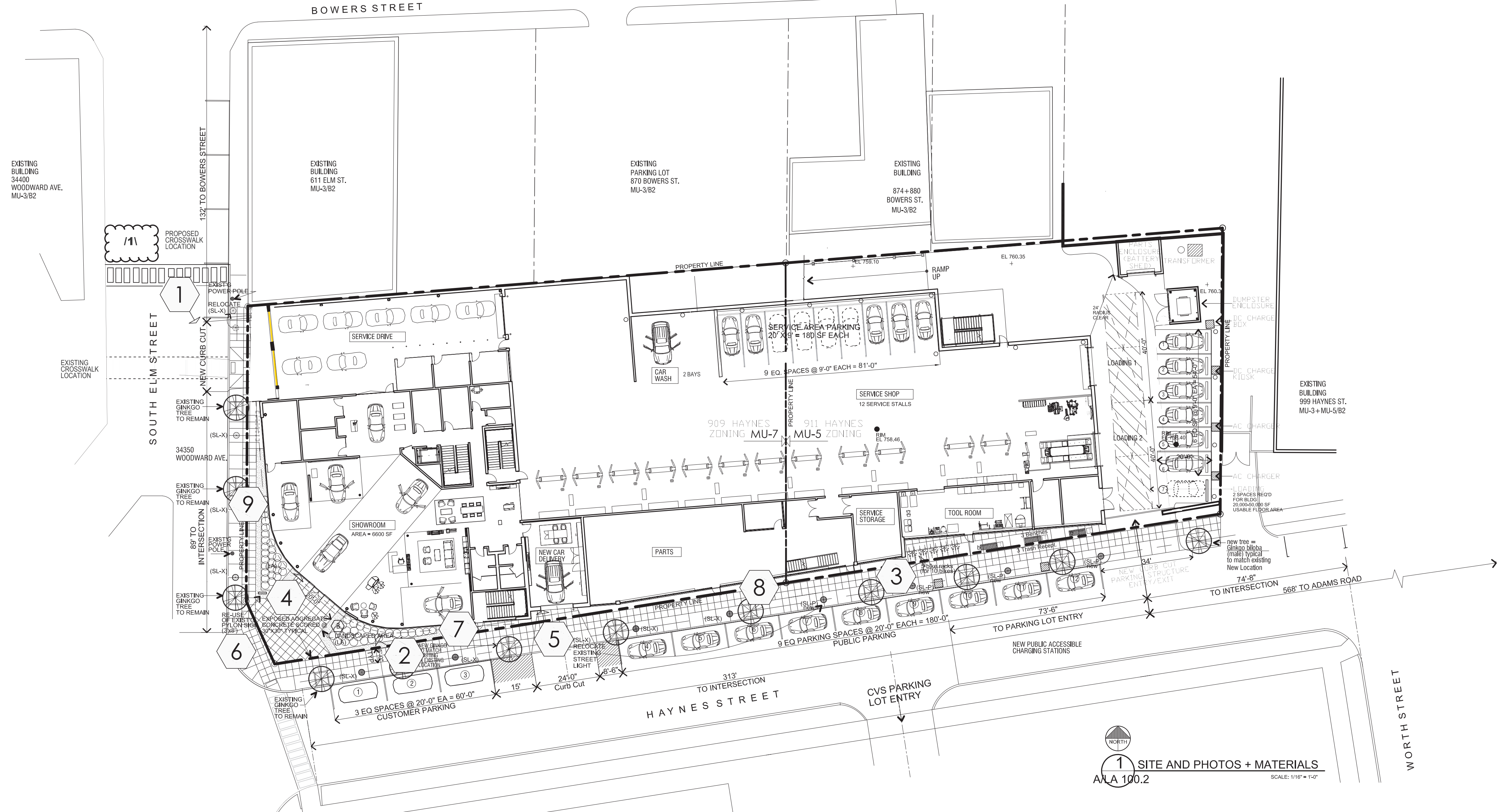
1 S. ELM ST. (NW CORNER) LOOKING SOUTH - EXISTING TO BE REMOVED



2 HAYNES ST. (SW CORNER) LOOKING WEST - EXISTING TO BE REMOVED



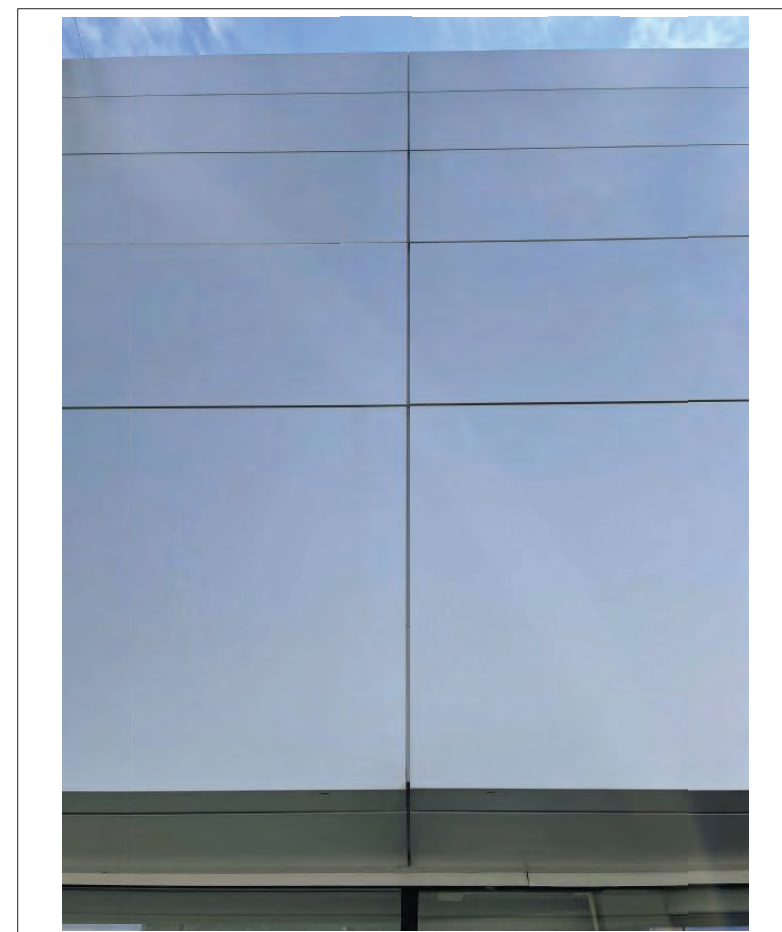
3 HAYNES ST. (SOUTH SIDE) LOOKING EAST - EXISTING TO BE REMOVED



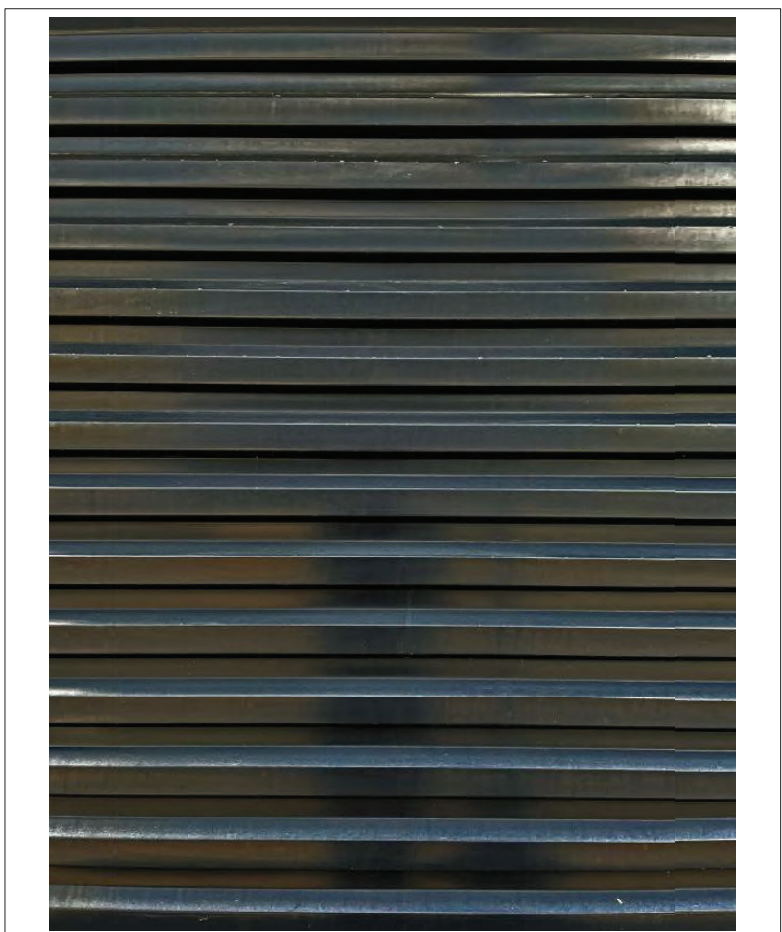
1 SITE AND PHOTOS + MATERIALS  
ALA 100.2  
SCALE: 1/16" = 1'-0"

Exterior Finish Schedule		
TAG	MATERIAL	MANUFACTURER / DESCRIPTION/COMMENTS
CP-1	MCM METAL COMPOSITE MATERIAL WALL PANEL (RD. ALU/COLORED BUNNEN SILVER)	SOROTEC; STRATUS (GRAB)
MP-1	ARCHITECTURAL RIBBED METAL (ALUMI) WALL PANEL	ATAS
MC-2	PRE-FINISHED METAL COPING TO MATCH MP-1	
CW-1	STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	OLD CASTLE
CW-2	IMPACT RESISTANT STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	SLIMPACT
CW-3	STRUCTURAL CURTAIN WALL GLAZING	OLD CASTLE
BF-1	ALUMINUM STOREFRONT	OLD CASTLE
SL-1	ALUMINUM FRAMED SKYLIGHT	SUPERSKY OR OLD CASTLE
EP-2	EXTERIOR PAINT	SHERWIN WILLIAMS
EP-3	EXTERIOR PAINT	SW 6500 CAYAR; BERGOLDS SHEEN
CN-1	CONCRETE	INTEGRALLY COLORED SEALED/STAMPED CONCRETE
CN-2	CONCRETE	INTEGRALLY COLORED SEALED/STAMPED CONCRETE
CN-3	CONCRETE	INTEGRALLY COLORED SEALED/STAMPED CONCRETE
PV-2	CONCRETE PAVERS	

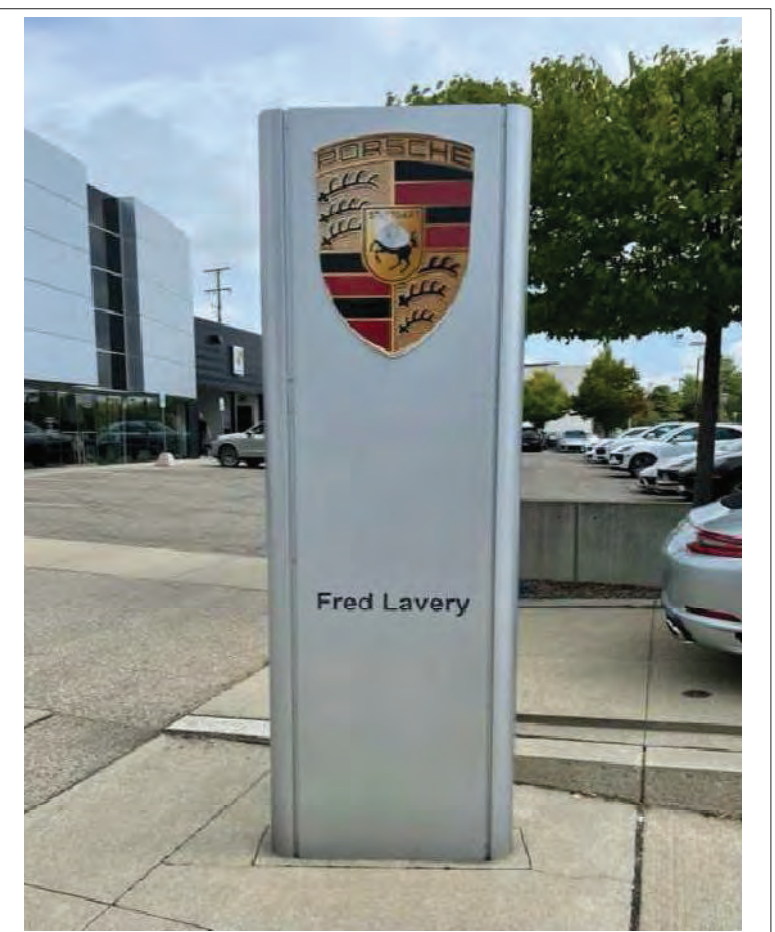
PROPOSED MATERIALS



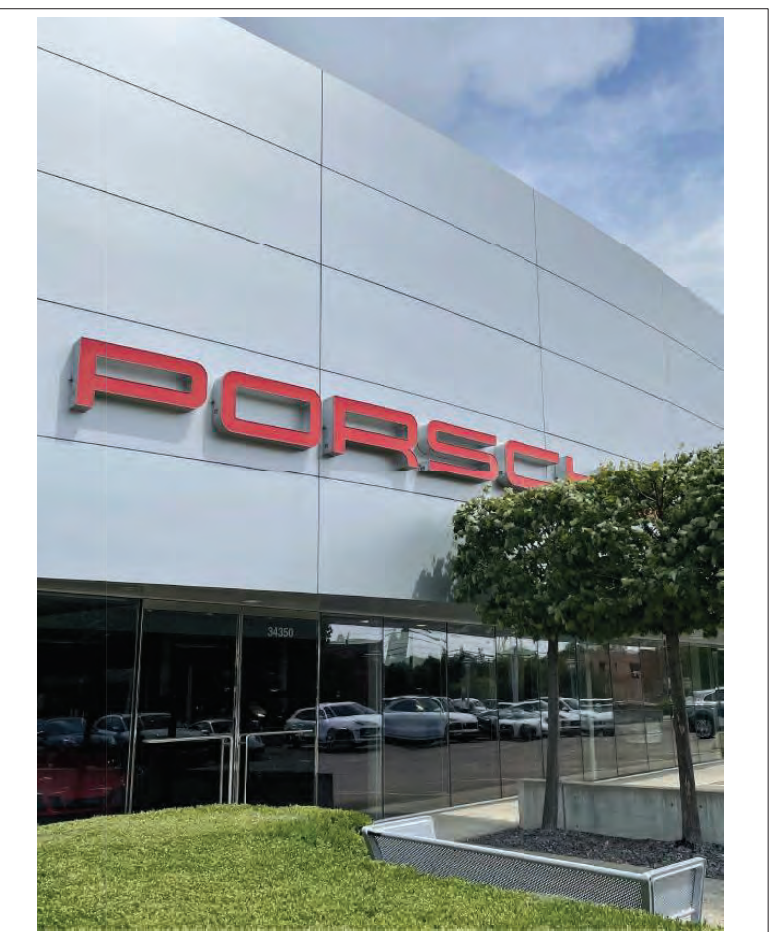
4 TYPICAL METAL COMPOSITE WALL PANELING (CP-1)



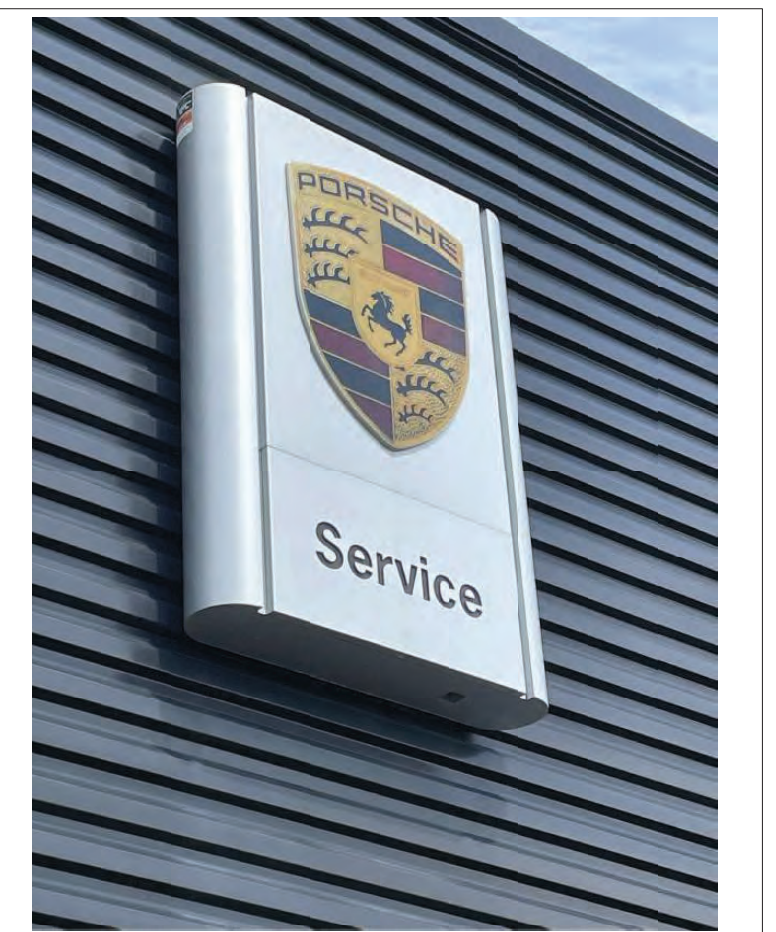
5 TYPICAL RIBBED METAL WALL PANELING (MP-1)



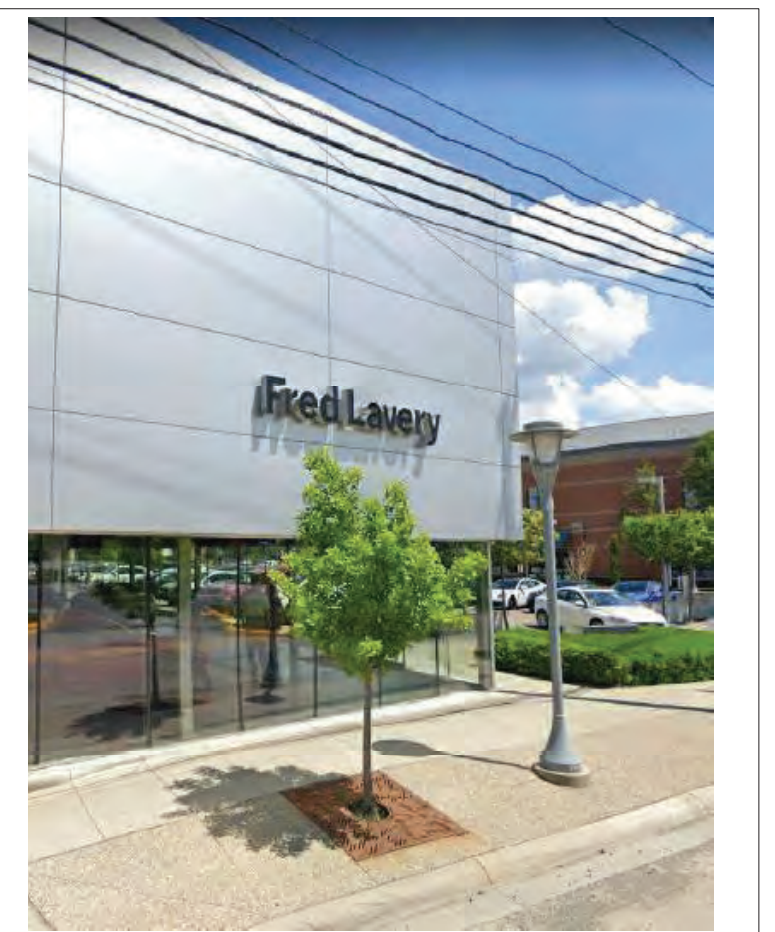
6 EXISTING PYLON GROUND SIGN - To Be Reused



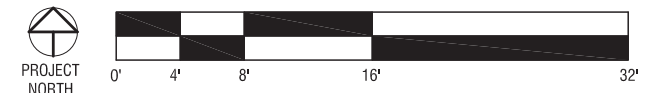
7 TYPICAL PORSCHE WALL SIGNAGE



8 TYPICAL PORSCHE SERVICE SIGNAGE



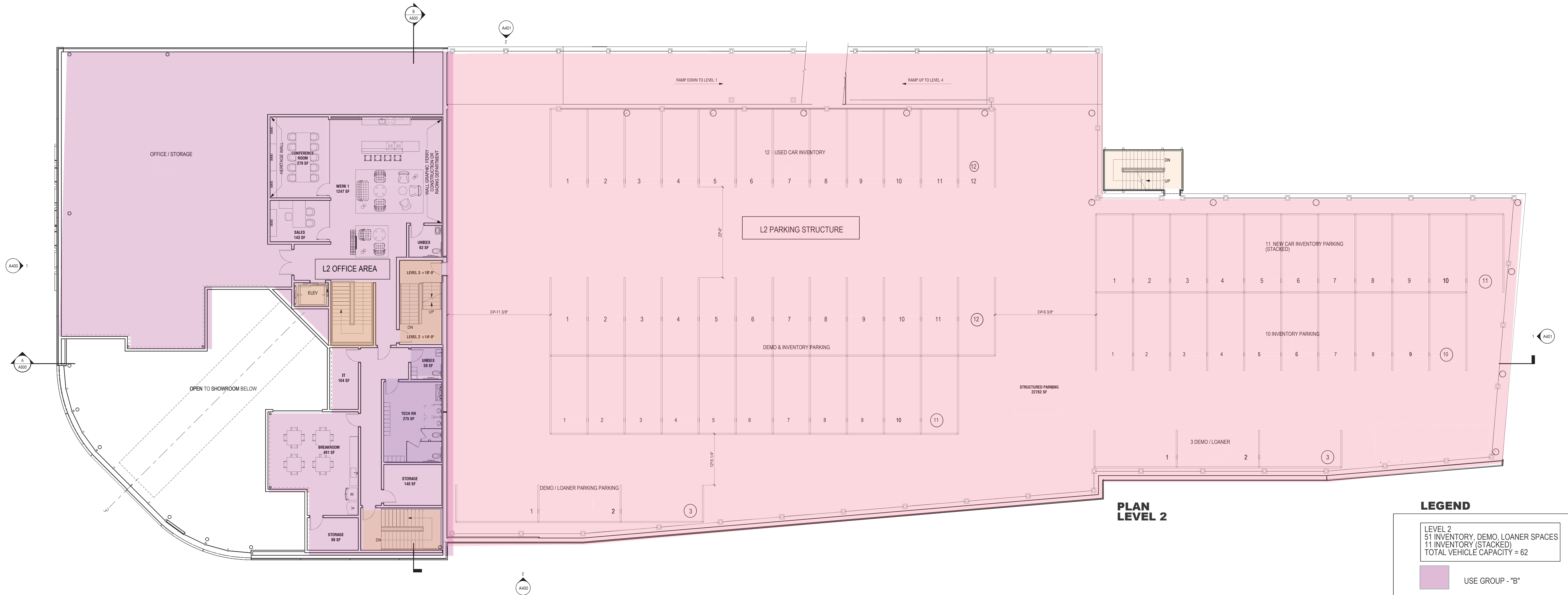
9 TYPICAL WALL SIGNAGE











**PLAN LEVEL 2**

**LEGEND**

LEVEL 2  
 51 INVENTORY, DEMO, LOANER SPACES  
 11 INVENTORY (STACKED)  
 TOTAL VEHICLE CAPACITY = 62

USE GROUP - "B"

USE GROUP - "S"

VERTICAL CIRCULATION

PROJECT NORTH

**PRAXIS3** Fred Lavery Company

Luckenbach|  
 Ziegelman|  
 Gardner  
 Architects PLLC

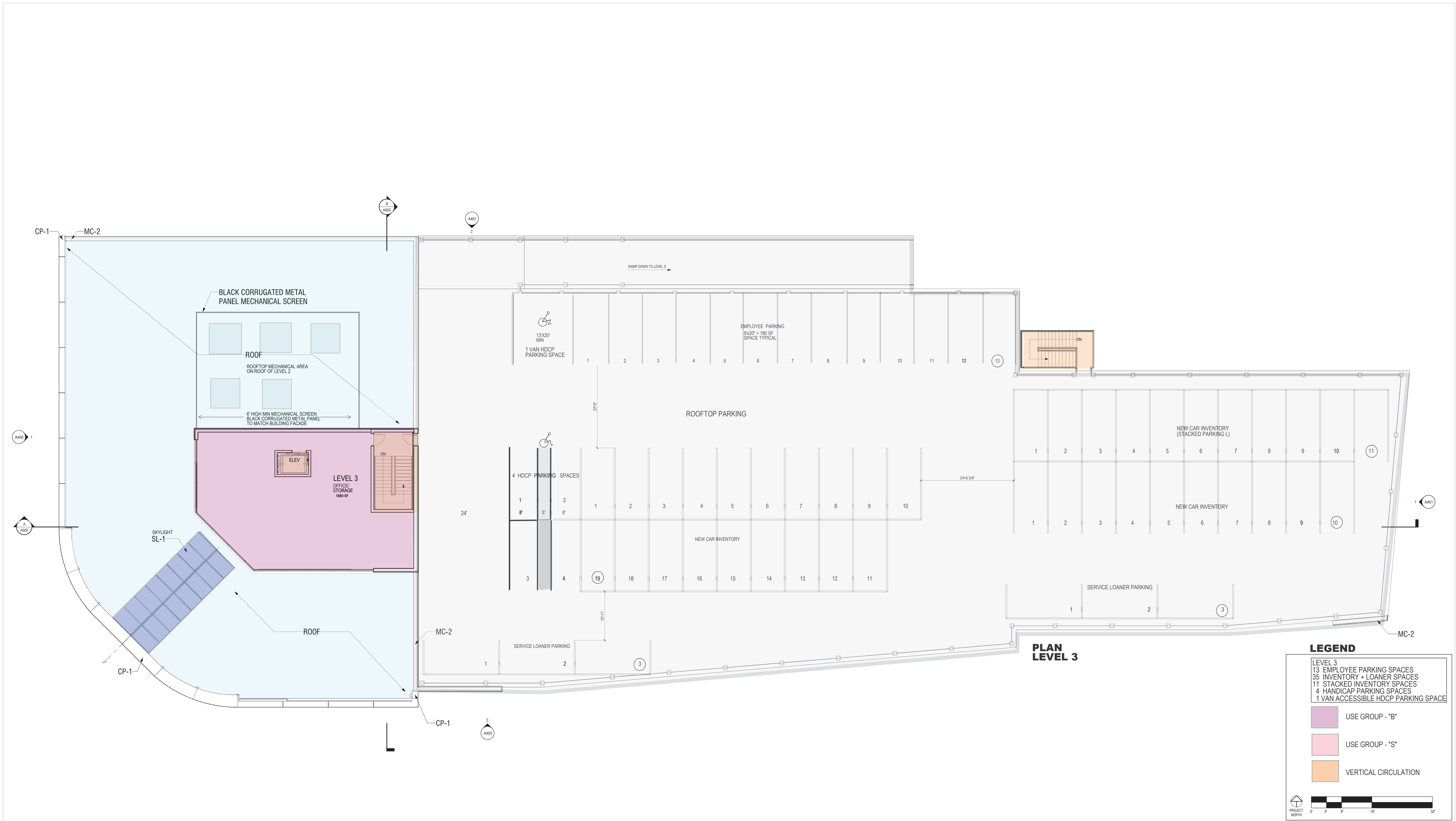
**Porsche Woodward DID**  
 34350 Woodward Ave, Birmingham, MI 48009

Floor Plan - Level 2

Project No. 21063

10.26.2022 CIS / Preliminary  
 Site Plan Review  
 /1/ 1.25.2023  
 Final Site Plan Review

**A202**



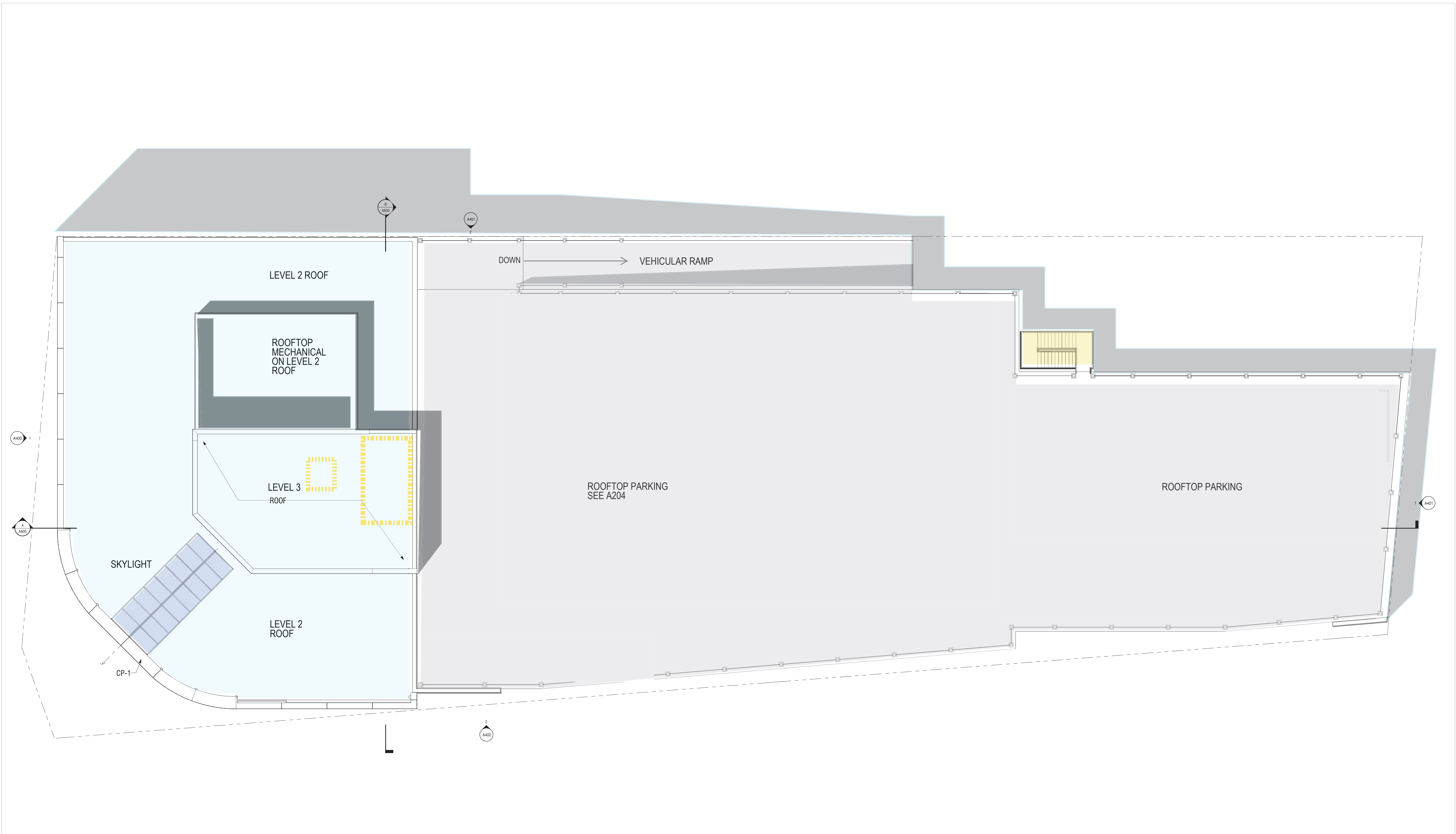
**PLAN LEVEL 3**

**LEGEND**

- LEVEL 3
- 13 EMPLOYEE PARKING SPACES
- 38 INVENTORY + LOANER SPACES
- 11 STACKED INVENTORY SPACES
- 4 HANDICAP PARKING SPACES
- 1 VAN ACCESSIBLE HDPC PARKING SPACE

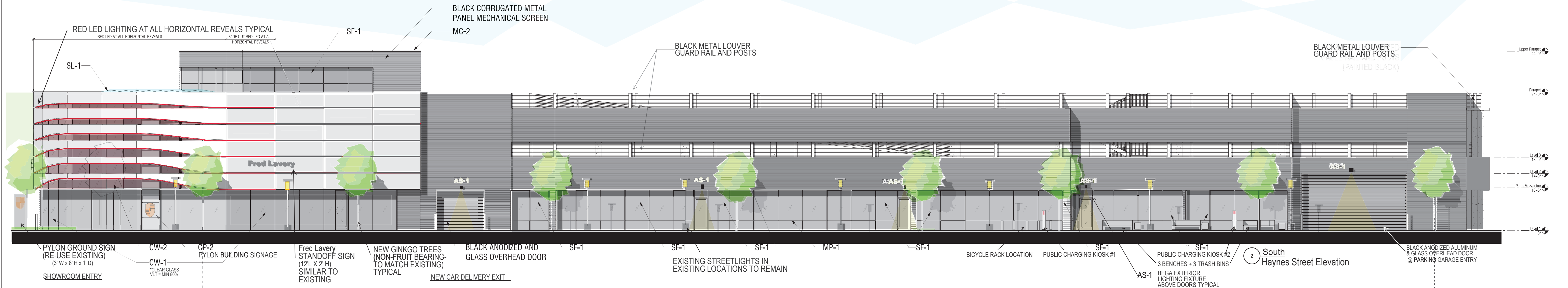
- USE GROUP - "B"
- USE GROUP - "S"
- VERTICAL CIRCULATION

PROJECT NORTH

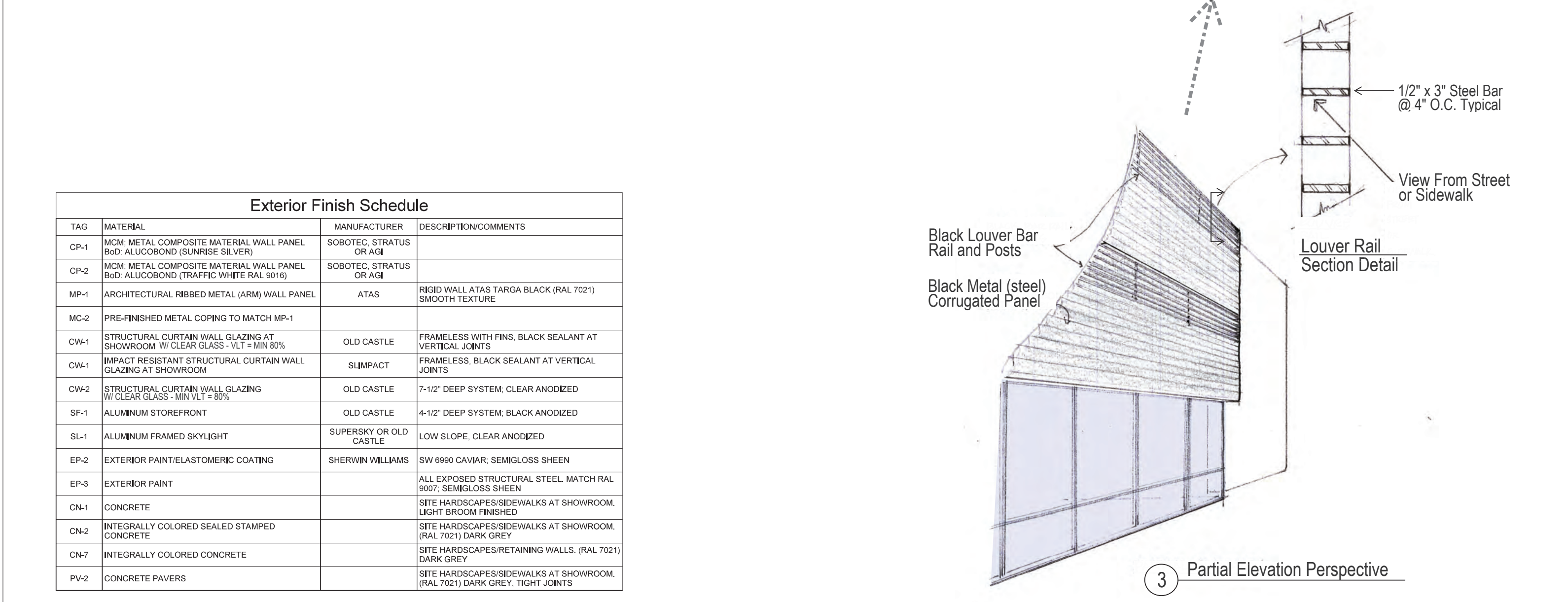


<b>PRAXIS3</b>	<b>Fred Lavery Company</b>	Luckenbach Ziegelman Gardner Architects PLLC	<b>Porsche Woodward DID</b> 34350 Woodward Ave, Birmingham, MI 48009	<b>Roof Plan</b>	<b>Project No. 21063</b>	10.26.2022 CIS / Preliminary Site Plan Review /1/ 1.25.2023 Final Site Plan Review	<b>A205</b>
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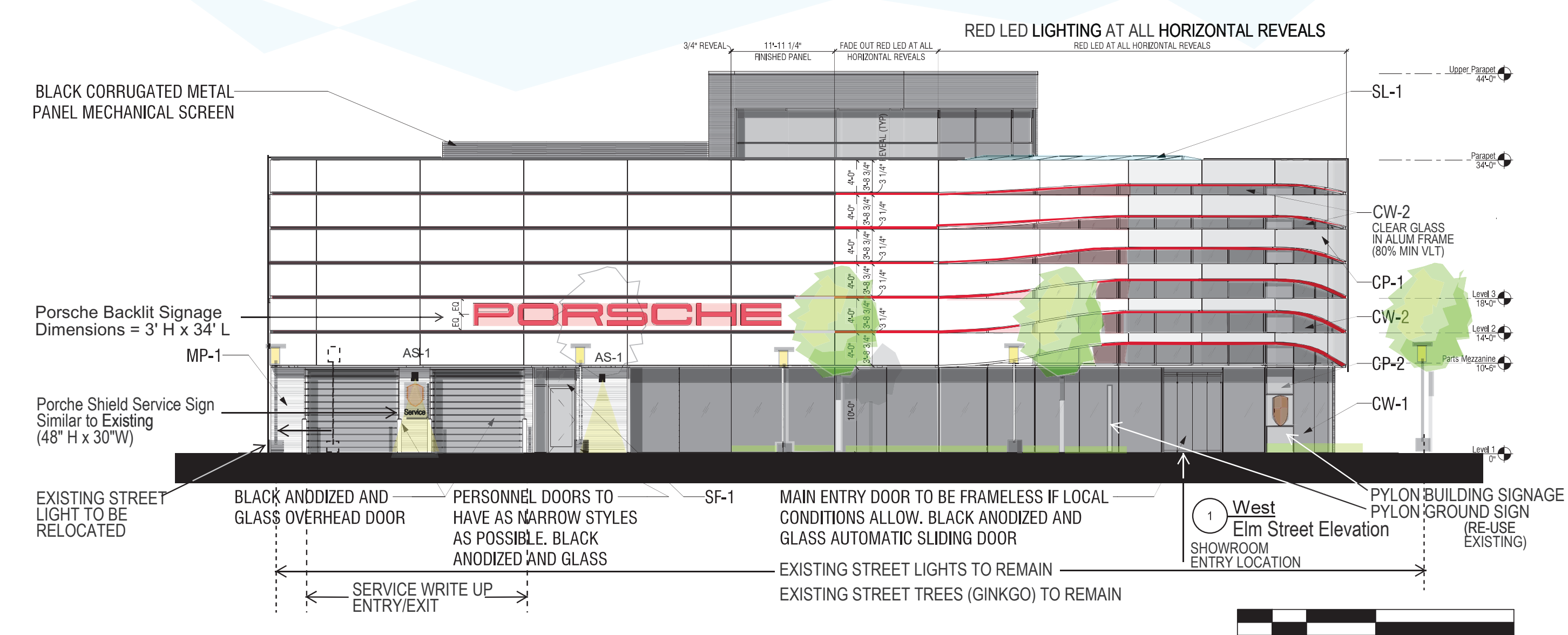


NEW STREET TREES IN EXISTING WELLS (GINKGO - non fruit bearing variety) TO MATCH EXISTING



Exterior Finish Schedule			
TAG	MATERIAL	MANUFACTURER	DESCRIPTION/COMMENTS
CP-1	MC-M. METAL COMPOSITE MATERIAL WALL PANEL (BOD. ALUCORONDO (SUNRISE SILVER))	SOBOTEC, STRATUS OR AIG	
CP-2	MC-M. METAL COMPOSITE MATERIAL WALL PANEL (BOD. ALUCORONDO (TRAFFIC WHITE RAL 9016))	SOBOTEC, STRATUS OR AIG	
MP-1	ARCHITECTURAL RIBBED METAL (ARM) WALL PANEL	ATAS	RIBD WALL ATAS TARGA BLACK (RAL 7021) SMOOTH TEXTURE
MC-2	PRE-FINISHED METAL COPING TO MATCH MP-1		
CW-1	STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM W/ CLEAR GLASS - VLT = MIN 80%	OLD CASTLE	FRAMELESS WITH FINIS. BLACK SEALANT AT VERTICAL JOINTS
CW-1	IMPACT RESISTANT STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	SIMPACT	FRAMELESS. BLACK SEALANT AT VERTICAL JOINTS
CW-2	STRUCTURAL CURTAIN WALL GLAZING W/ CLEAR GLASS - MIN VLT = 80%	OLD CASTLE	7-1/2" DEEP SYSTEM. CLEAR ANODIZED
SF-1	ALUMINUM STOREFRONT	OLD CASTLE	4-1/2" DEEP SYSTEM. BLACK ANODIZED
SL-1	ALUMINUM FRAMED SKYLIGHT	SUPERSKY OR OLD CASTLE	LOW SLOPE. CLEAR ANODIZED
EP-2	EXTERIOR PAINT/ELASTOMERIC COATING	SHERWIN WILLIAMS	SW 6990 CAJAR, SEMI-GLOSS SHEEN
EP-3	EXTERIOR PAINT		ALL EXPOSED STRUCTURAL STEEL. MATCH RAL 9007. SEMI-GLOSS SHEEN
CN-1	CONCRETE		SITE HARDSCAPES/SIDEWALKS AT SHOWROOM. LIGHT BRICK FINISH
CN-2	INTEGRALLY COLORED SEALED STAMPED CONCRETE		SITE HARDSCAPES/SIDEWALKS AT SHOWROOM. (RAL 7021) DARK GREY
CN-7	INTEGRALLY COLORED CONCRETE		SITE HARDSCAPES/RETAINING WALLS. (RAL 7021) DARK GREY
PV-2	CONCRETE PAVERS		SITE HARDSCAPES/SIDEWALKS AT SHOWROOM. (RAL 7021) DARK GREY. TIGHT JOINTS

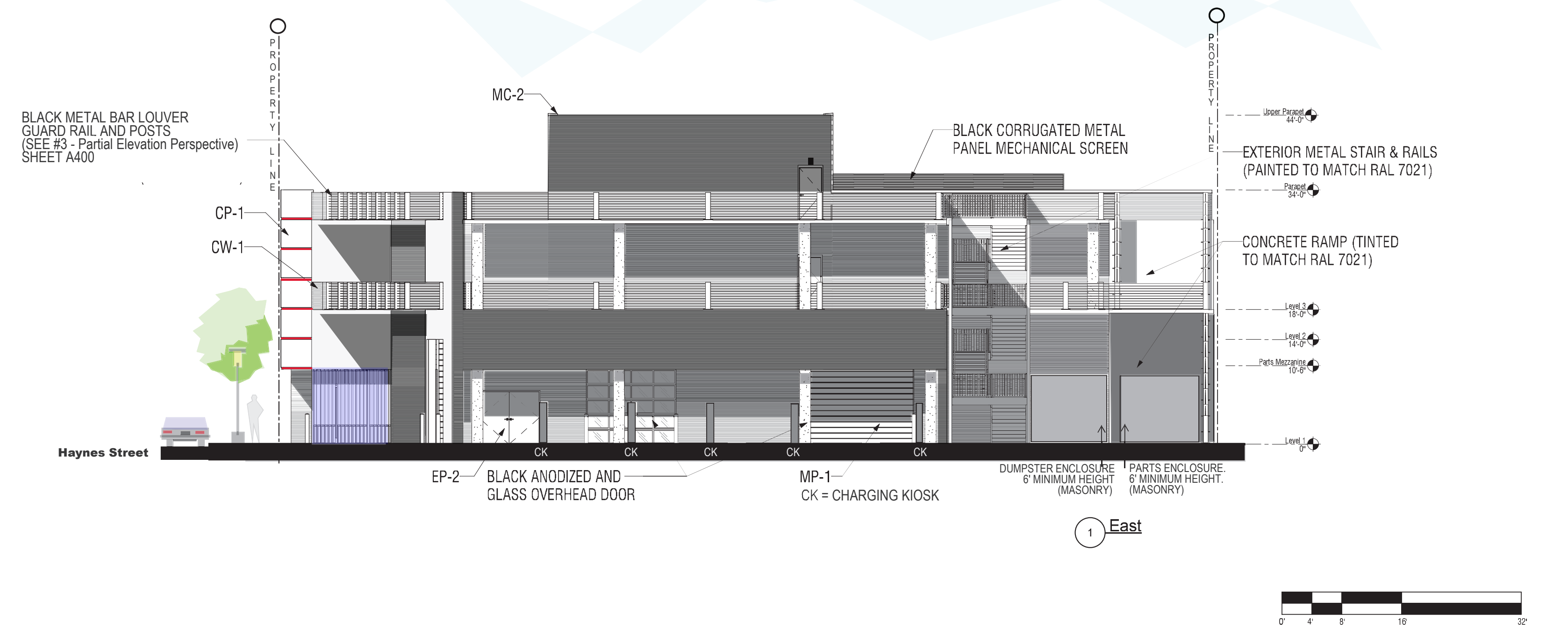
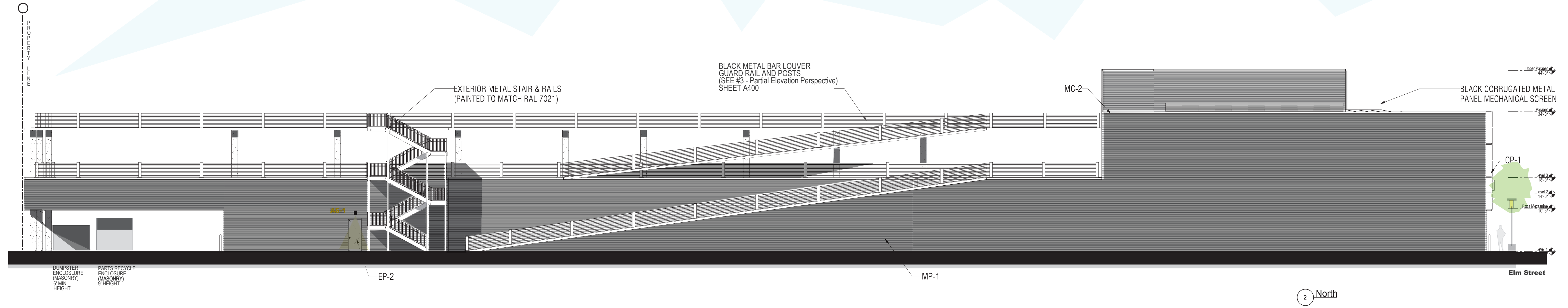
3 Partial Elevation Perspective



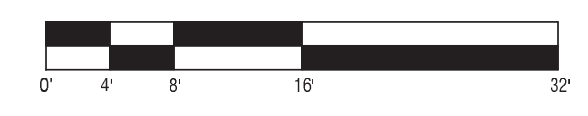
1 West Elm Street Elevation

<b>Fred Lavery Company</b> Luckenbach Ziegelman Gardner Architects PLLC	<b>Porsche Woodward DID</b> 34350 Woodward Ave, Birmingham, MI 48009	<b>Elevations</b>	<b>Project No. 21063</b>	1.25.2023	<b>A400</b>
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Exterior Finish Schedule			
TAG	MATERIAL	MANUFACTURER	DESCRIPTION/COMMENT
CP-1	MCM METAL COMPOSITE MATERIAL WALL PANEL (B&D ALLUCOBOND (SUNRISE SILVER)	SOBOTEC STRATUS OR AGI	
CP-2	MCM METAL COMPOSITE MATERIAL WALL PANEL (B&D ALLUCOBOND (TRAFFIC WHITE RAL 9016)	SOBOTEC STRATUS OR AGI	
MP-1	ARCHITECTURAL RIBBED METAL (ARM) WALL PANEL	ATAS	RIGID WALL ATAS TARGA BLACK (RAL 7021) SMOOTH TEXTURE
MC-2	PRE-FINISHED METAL COPING TO MATCH MP-1		
CW-1	STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	OLD CASTLE	FRAMELESS WITH FINIS, BLACK SEALANT AT VERTICAL JOINTS
CW-1	IMPACT RESISTANT STRUCTURAL CURTAIN WALL GLAZING AT SHOWROOM	SUMPACT	FRAMELESS, BLACK SEALANT AT VERTICAL JOINTS
CW-2	STRUCTURAL CURTAIN WALL GLAZING	OLD CASTLE	7-1/2" DEEP SYSTEM, CLEAR ANODIZED
SF-1	ALUMINUM STOREFRONT	OLD CASTLE	4-1/2" DEEP SYSTEM, BLACK ANODIZED
SL-1	ALUMINUM FRAMED SKYLIGHT	SURBERSKY OR OLD CASTLE	LOW SLOPE, CLEAR ANODIZED
EP-2	EXTERIOR PAINT/ELASTOMERIC COATING	SHERWIN WILLIAMS	SW 6990 CAVAR, SEMI-GLOSS SHEEN
EP-3	EXTERIOR PAINT		ALL EXPOSED STRUCTURAL STEEL, MATCH RAL 9007, SEMI-GLOSS SHEEN
CN-1	CONCRETE		SITE HARDSCAPES/SIDEWALKS AT SHOWROOM, LIGHT BROOM FINISHED
CN-2	INTEGRALLY COLORED SEALED STAMPED CONCRETE		SITE HARDSCAPES/SIDEWALKS AT SHOWROOM (RAL 7021) DARK GREY
CN-7	INTEGRALLY COLORED CONCRETE		SITE HARDSCAPES/RETAINING WALLS (RAL 7021) DARK GREY
PV-2	CONCRETE PAVERS		SITE HARDSCAPES/SIDEWALKS AT SHOWROOM (RAL 7021) DARK GREY, TIGHT JOINTS



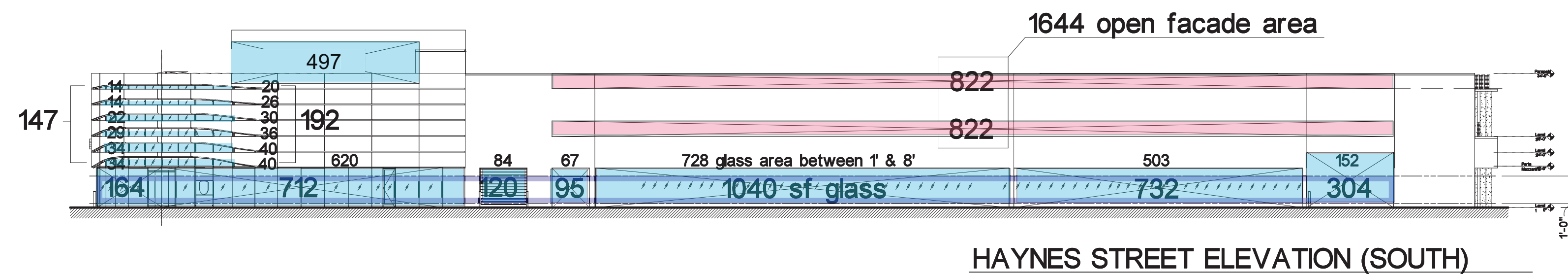
<b>Fred Lavery Company</b>	<b>Luckenbach Ziegelman Gardner Architects PLLC</b>	<b>Porsche Woodward DID</b> 34350 Woodward Ave, Birmingham, MI 48009	<b>Elevations</b>	<b>Project No. 21063</b>	10.26.2022 CIS / Preliminary Site Plan Review /11.1.25.2023 Final Site Plan Review	<b>A401</b>
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SOUTH FACADE GLASS AREA = 4,003 SF  
 TOTAL SOUTH FACADE AREA = 12,668 SF  
 PERCENTAGE GLASS =  $4,003 / 12,668 (100) = 31.5\%$

SOUTH FACADE OPEN AREA = 1,644 SF  
 TOTAL SOUTH FACADE AREA = 12,668 SF  
 PERCENTAGE OPEN AREA =  $1,644 / 12,668 (100) = 13\%$

SOUTH FACADE GLASS & OPEN AREA = 5,647 SF  
 TOTAL SOUTH FACADE AREA = 12,668 SF  
 PERCENTAGE GLASS + OPEN AREA =  $5,647 / 12,668 (100) = 44.5\%$

HAYNES STREET ELEVATION  
 FACADE OPEN AREA AND GLASS AREA CALCULATIONS

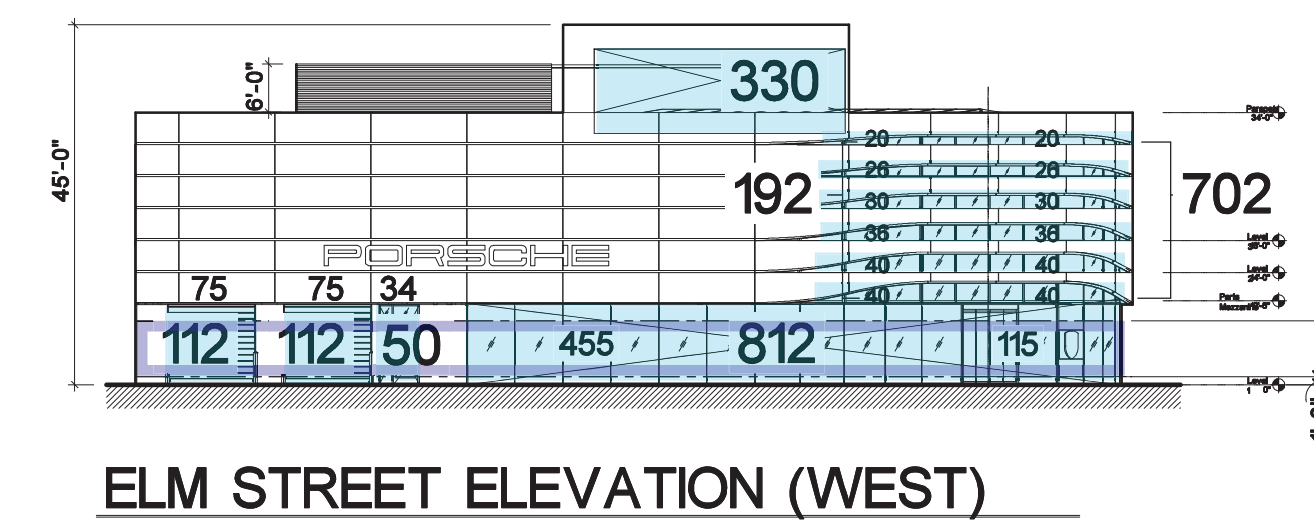


TOTAL GLASS AREA = 2,154 SF  
 TOTAL AREA BETWEEN 1' & 8' = 2,484 SF  
 % GLASS BETWEEN 1' & 8' =  $2,154 / 2,484 (100)$   
 TOTAL PERCENT GLASS = 86.7% (MIN. REQ'D = 70%)

HAYNES STREET ELEVATION  
 GLASS PERCENTAGE BETWEEN 1' & 8 FEET

WEST FACADE GLASS AREA = 2,310 SF  
 TOTAL SOUTH FACADE AREA = 4,740 SF  
 PERCENTAGE GLASS AREA =  $2,310 / 4,740 (100) = 46.4\%$

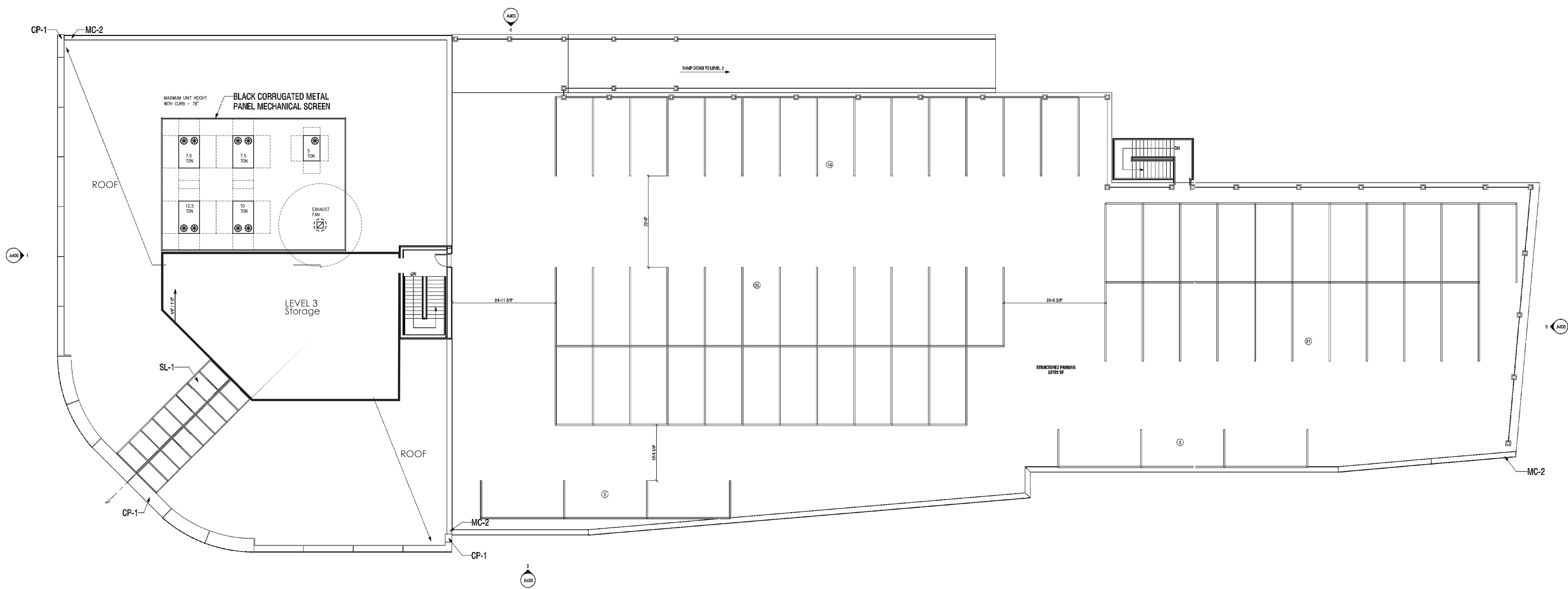
ELM STREET ELEVATION  
 FACADE GLASS CALCULATIONS



TOTAL GLASS AREA = 754 SF  
 TOTAL AREA BETWEEN 1' & 8' = 865 SF  
 % GLASS BETWEEN 1' & 8' =  $754 / 865 (100)$   
 TOTAL PERCENT GLASS = 87.2% (MIN. REQ'D = 70%)

ELM STREET ELEVATION  
 % GLASS BETWEEN 1' & 8'





**PRAXIS3** Fred Lavery Company

**Porsche Woodward DID**  
34350 Woodward Ave, Birmingham, MI 48009

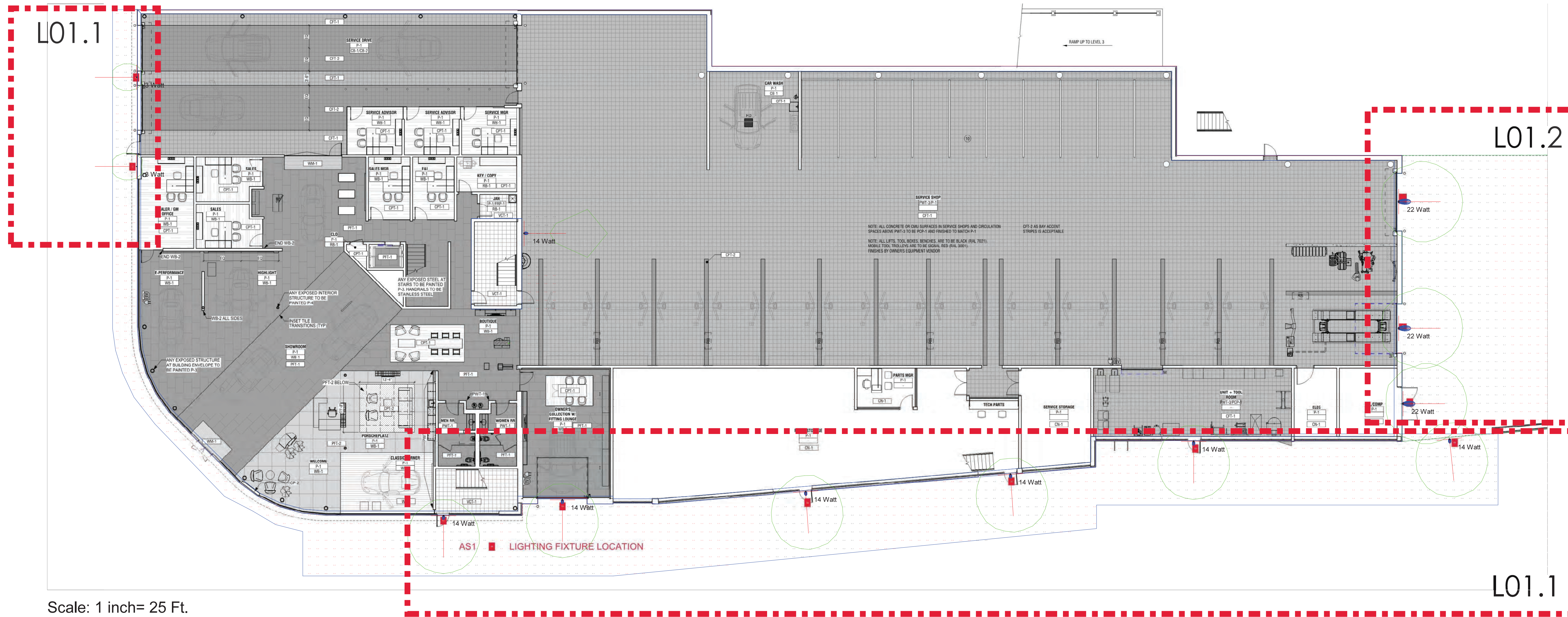
**Mechanical Roof Plan**

**Project No. 21063**

10.26.2022 CIS / Preliminary Site Plan Review  
/1/ 1.25.2023 Final Site Plan Review

**M01**





Scale: 1 inch= 25 Ft.

LIGHTING FIXTURE SCHEDULE				
SYMBOL	TYPE	QTY	WATTS	LUMENS
⊙	22 Watt	3	26	2023
⊙	14 Watt	7	17	1217
⊙	3 Watt	2	5	145

CALCULATION SUMMARY					
LABEL	UNITS	AVG	MAX	MIN	MAX/MIN
Garage Area_Floor	Fc	1.72	42.6	0.0	N.A.
Sidewalk_Planar	Fc	1.09	11.6	0.0	N.A.
Upper Garage Entry	Fc	4.71	34.9	0.0	N.A.

**NOTES:**

1. STANDARD LIGHT REFLECTANCE VALUES: 80% CEILING, 50% WALLS, 20% FLOORS.
2. TYPICAL CALCULATION PLANE HEIGHTS ARE INDICATED BY FLOOR BEING AT 0'-0" AND WORKPLANE BEING AT 2'-6".
3. LUMINAIRES SHOWN ARE BASIS OF DESIGN.

date

REVISION  
X

5145 Livernois, Suite 100  
Troy, Michigan 48068-3275  
T: 248-879-5666 F: 248-879-007  
www.PeterBassoAssociates.com  
PBA Project #



PROJECT TITLE  
LAVERY PORSCHE EXTERIOR LIGHTING

SHEET TITLE  
EXTERIOR LIGHTING CALCULATIONS

DATE  
2022-08-26

10.26.2022 CIS / Preliminary  
Site Plan Review

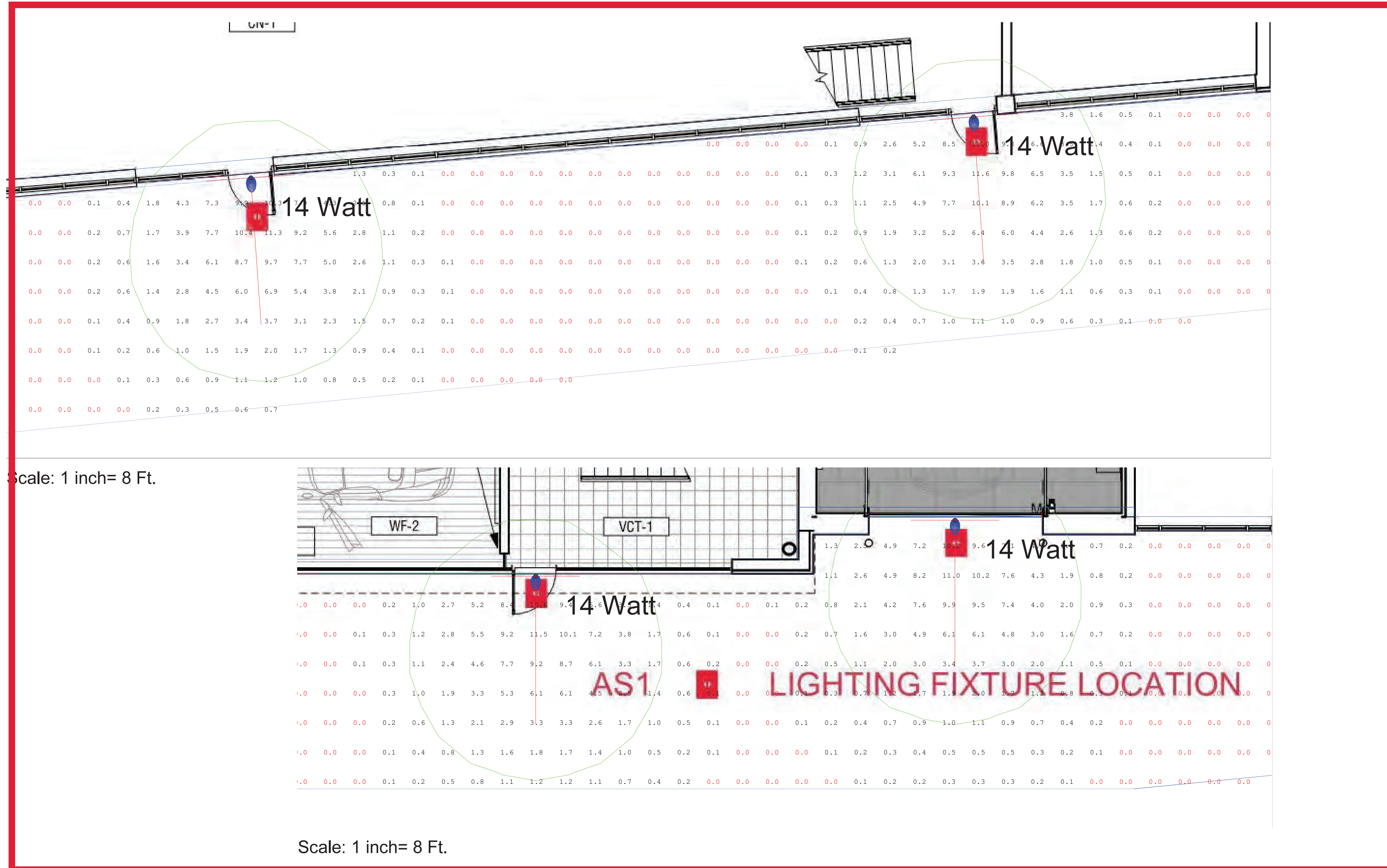
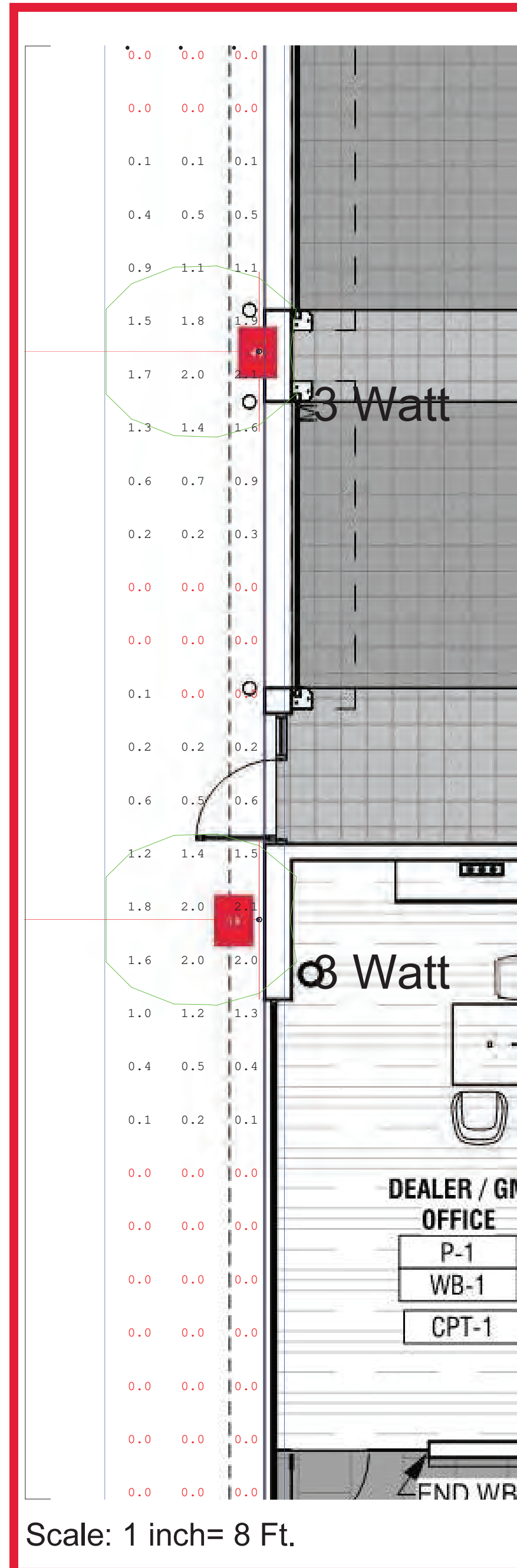
BY:  
AS/KD

/11.1.25.2023  
Final Site Plan Review

SHEET No.

L01





LIGHTING FIXTURE SCHEDULE					
SYMBOL	TYPE	QTY	WATTS	LUMENS	DESCRIPTION / NOTES
⊙	22 Watt	3	26	2023	
⊕	14 Watt	7	17	1217	
⊗	3 Watt	2	5	145	

CALCULATION SUMMARY						
LABEL	UNITS	AVG	MAX	MIN	MAX/MIN	
Garage Area_Floor	Fc	1.72	42.6	0.0	N.A.	
Sidewalk_Planar	Fc	1.09	11.6	0.0	N.A.	
Upper Garage Entry	Fc	4.71	34.9	0.0	N.A.	

**NOTES:**

1. STANDARD LIGHT REFLECTANCE VALUES: 80% CEILING, 50% WALLS, 20% FLOORS.
2. TYPICAL CALCULATION PLANE HEIGHTS ARE INDICATED BY FLOOR BEING AT 0'-0" AND WORKPLANE BEING AT 2'-6".
3. LUMINAIRES SHOWN ARE BASIS OF DESIGN.

10.26.2022 CIS / Preliminary Site Plan Review  
 /11.1.25.2023 Final Site Plan Review

date

REVISION  
X

5145 Livemore, Suite 100  
 Troy, Michigan 48068-3275  
 T: 248-879-5666 F: 248-879-007  
 www.PeterBassoAssociates.com  
 PBA Project #

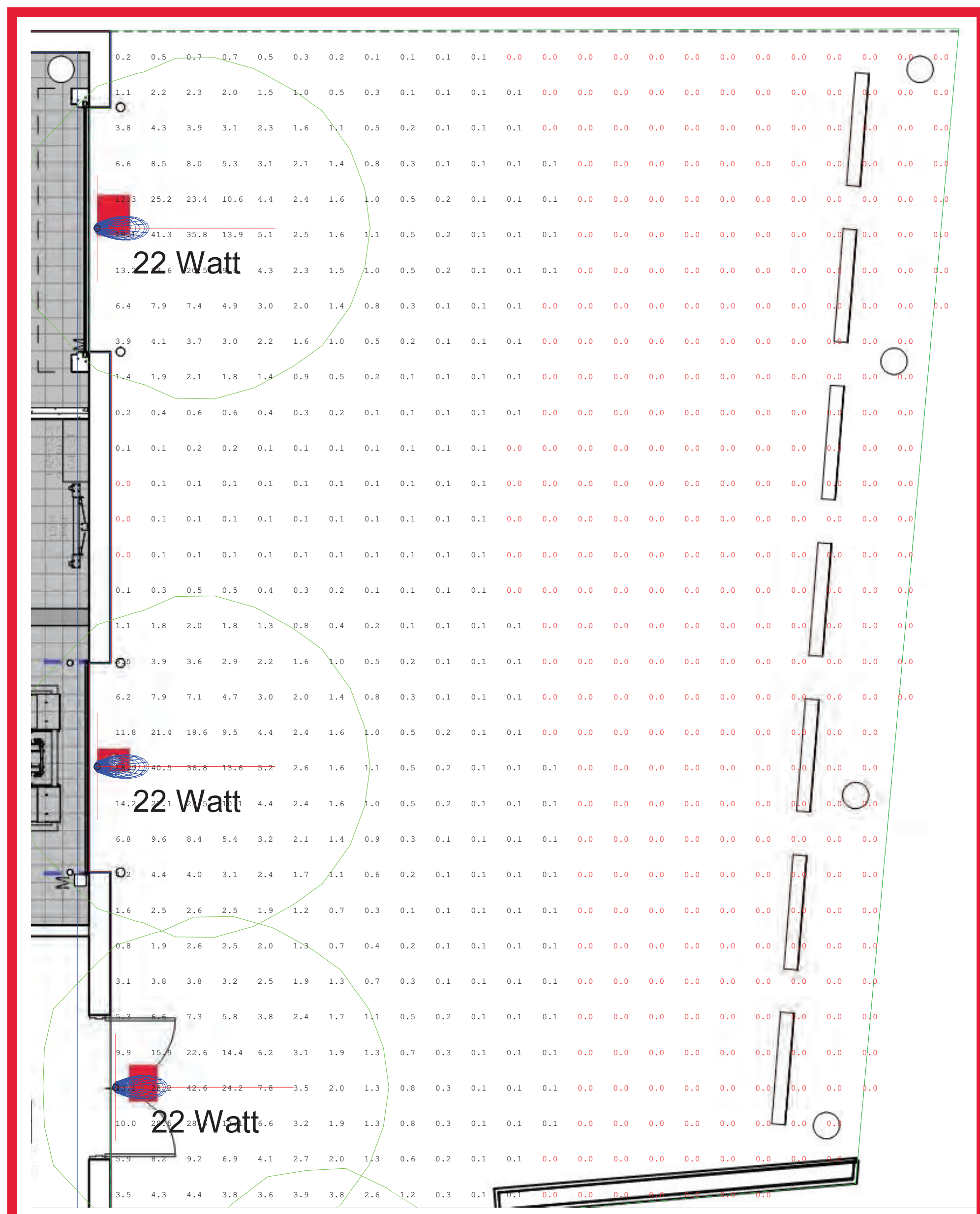


PROJECT TITLE  
LAVERY PORSCHE EXTERIOR LIGHTING

SHEET TITLE  
EXTERIOR LIGHTING CALCULATIONS

DATE  
2022-08-26  
BY:  
AS/KD  
SHEET No.

L01.1



Scale: 1 inch= 10 Ft.

LIGHTING FIXTURE SCHEDULE					
SYMBOL	TYPE	QTY	WATTS	LUMENS	DESCRIPTION / NOTES
⊙	22 Watt	3	26	2023	
⊕	14 Watt	7	17	1217	
⊗	3 Watt	2	5	145	

CALCULATION SUMMARY						
LABEL	UNITS	AVG	MAX	MIN	MAX/MIN	
Garage Area_Floor	Fc	1.72	42.6	0.0	N.A.	
Sidewalk_Planar	Fc	1.09	11.6	0.0	N.A.	
Upper Garage Entry	Fc	4.71	34.9	0.0	N.A.	

**NOTES:**

1. STANDARD LIGHT REFLECTANCE VALUES: 80% CEILING, 50% WALLS, 20% FLOORS.
2. TYPICAL CALCULATION PLANE HEIGHTS ARE INDICATED BY FLOOR BEING AT 0'-0" AND WORKPLANE BEING AT 2'-6".
3. LUMINAIRES SHOWN ARE BASIS OF DESIGN.

date

REVISION  
X

5145 Livernois, Suite 100  
Troy, Michigan 48068-3275  
T: 248-879-5666 F: 248-879-007  
www.PeterBassoAssociates.com  
PBA Project #



PROJECT TITLE  
LAVERY PORSCHE EXTERIOR LIGHTING

SHEET TITLE  
EXTERIOR LIGHTING CALCULATIONS

DATE  
10.26.2022 CIS / Preliminary  
Site Plan Review 2022-08-26

BY:  
AS/KD  
SHEET No.

L01.2





## MEMORANDUM

Planning Division

**DATE:** January 20<sup>th</sup>, 2023

**TO:** Planning Board

**FROM:** Brooks Cowan, Senior Planner

**Approved:** Nick Dupuis, Planning Director

**SUBJECT:** 34350 Woodward & 909-911 Haynes Street - Fred Lavery Porsche – SLUP Amendment and Final Site Plan and Design Review

---

The applicant is proposing to demolish both buildings at 34350 Woodward Ave and 909-911 Haynes Street and construct a three story auto sales agency spanning across both properties. Both parcels are zoned B-2, General Business. 34350 Woodward is zoned MU-7 in the Triangle Overlay District while 909-911 Haynes Street is zoned MU-5. Auto sales agencies require a Special Land Use Permit (SLUP) to operate in the B2 District as well as the MU-5 and MU-7 Districts. The applicant originally received a Special Land Use Permit in 2010 to operate a Porsche car dealership at 34350 Woodward Ave. Upon approval, the applicant will also be required to apply for a lot combination with the City Commission. The lot combination hearing with City Commission shall be held after the SLUP hearing.

In 2016, the applicant received a temporary SLUP amendment to use the building next door at 909-911 Haynes as an office for the Porsche sales and management team for one year while renovations were made to the Porsche dealership at 34350 Woodward Ave. Conditions of approval were that the applicant could not have cars for sale parked on 909-911 Haynes Street.

In [January 2020](#), the applicant appeared before the Planning Board for Final Site Plan review and SLUP amendment to demolish the building at 909-911 Haynes Street and expand the Porsche dealership's parking lot. After discussions regarding how the Triangle District Overlay requires expanding uses to bring the entire site into conformity, and that the Triangle District Urban Design Plan's Worth Street Extension is recommended to pass through the subject property, the owner withdrew their application.

In January, March, and April of 2021, the applicant appeared before City Commission to apply for a lot combination. It was determined that expanding the use through a lot combination meant that the site would not satisfy the requirements of the Zoning Ordinance, and therefore would not satisfy the requirements for a lot combination. It was recommended that the applicant appear

before the Planning Board and obtain Final Site Plan and SLUP approval before obtaining a lot combination. **City staff recommends that the Planning Board review the City Commission Memos from [January 25<sup>th</sup>, 2021](#), [March 22<sup>nd</sup>, 2021](#), and [April 26<sup>th</sup>, 2021](#) regarding the lot combination of the subject site and recommendations of the Triangle District Urban Design Plan.**

On [October 26<sup>th</sup>, 2022](#), the applicant appeared before the Planning Board for a Community Impact Study and Preliminary Site Plan Review. Upon review the Planning Board moved to accept the CIS with the following conditions:

1. The applicant resolve all issues related to the Transportation Impact Study as requested by the City's traffic consultants;
2. The applicant obtain site plan review and recommendation from the Multi-Modal Transportation Board (MMTB) related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;
3. The applicant provide the Planning Department with copies of any existing due care plans, plans developed in connection with the construction of the project, information about the existence of any vapors during the process of construction, and plans for remediation of any hazardous vapors identified; and,
4. The applicant comply with all requests from City Departments.

The Planning Board also moved to recommend the Preliminary Site Plan with the following conditions:

1. The applicant obtain site plan review and recommendation from the MMTB related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;
2. The applicant provide sidewalks along Elm Street, Woodward Ave, and Haynes Street that are a minimum of 12 feet wide;
3. The applicant comply with all department requests.

On [December 1<sup>st</sup>, 2022](#), the applicant appeared before the Multi-Modal Transportation Board to review recommendations of the Triangle District Plan's concepts for the intersection of Elm Street, Haynes Street, and Woodward Avenue. The Multi-Modal Transportation Board moved to recommend option C2 which is reducing Elm Street to one-way southbound between Bowers Street and Haynes Street. (Minutes are attached).

The applicant has addressed some of the recommendations of staff regarding Elm Street, while also providing a concept of their preferred Elm Street alignment with the updated Final Site Plan and SLUP review.

**1.0 Land Use & Zoning**

- 1.1 **Existing Land Use** – The existing land use is commercial with two buildings, one an auto sales agency and the other a two story office-retail use
- 1.2 **Zoning** – The subject site exists within the B2 (General Business), MU-5 (Mixed-Use 5), and MU-7 (Mixed-Use 7) Zoning Districts.
- 1.3 **Summary of Adjacent Land Use & Zoning** – The following chart summarizes existing land use and zoning classifications of the adjacent and/or nearby properties:

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Land Use</b>	Commercial/ Office	Commercial/ Office	Commercial/ Office	Commercial
<b>Existing Zoning District</b>	B2 (General Business)	B2 (General Business)	B2 (General Business) & O2 (Office-Commercial)	B2 (General Business)
<b>Overlay Zoning District</b>	MU-3 & MU-5	MU3 & MU-5	N/A	MU-5 & MU-7

**2.0 Setback, Bulk, & Height Requirements**

The attached zoning compliance summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant appears to satisfy the bulk, area and placement requirements of the Triangle District with particular clarifications noted below.

Article 3, Sections 3.08(C) & 3.08(D) of the Triangle District Overlay requires building facades in the MU-5 and MU-7 Districts to be built within 0-5 feet of the front lot line for a minimum of 75% of the street frontage length which the applicant appears to satisfy. Furthermore, Article 3.08(F) allows frontyard building setback exceptions when additional sidewalk and landscaping enhancements have been provided which is the case for the proposed showroom entrance at the corner of Elm, Woodward Ave, and Haynes.

It is also of note that the Triangle District Overlay does not regulate the size of the third floor. Article 3, Sections 3.08(C) & 3.08(D) for the MU-5 and MU-7 Districts only require three floors as a minimum. The third floor is proposed to be 1,660 square feet. Obtaining a lot combination will bring both parcels into conformity.

**3.0 Screening & Landscaping**

- 3.1 **Dumpster Screening** – The dumpster is proposed to be located in the northeast corner of the property. The eastern elevation indicates the dumpster will consist of masonry and with a 6’ minimum height, which is also concealed by the Haynes Street Façade.

- 3.2 Parking Lot Screening – Article 4, Section 4.54 (C) of the Zoning Ordinance requires screening to be placed along the front or side of any parking facility that abuts a street, alley, passage or mixed passage. The site plan indicates 7 ground level parking spaces accessible from Haynes Street. The ground level parking spaces are screened by the building’s two-story metal façade along Haynes Street as indicated in the eastern elevation design.

The applicant has provided black metal louvers for the upper level parking facility in order prevent large blank walls from facing Haynes Street. The black metal louvers also provide adequate screening for the upper level parking.

- 3.3 Mechanical Equipment Screening – The site plan indicates rooftop and ground-mounted mechanical units that will require screening. The level 3 floor plan indicates five mechanical rooftop units screened by a black corrugated metal panel screen wall that is 5 feet in height and will match the building façade. The proposed rooftop mechanical units are 39 inches in height and therefore are completely concealed by the screenwall. The ground level transformer on the northeast corner of the building is screened by the building’s façade along Haynes Street.

- 3.4 Landscaping – The applicant is proposing additional landscaping at the entrance of the building on the corner of Haynes, Woodward, and Elm. Article 4, Section 4.20(E) of the Zoning Ordinance does not require the applicant to provide landscaping on-site due to its location in a commercial zoning district. **The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used.**

Streetscape Elements – The applicant has provided a number of street trees, street lights, and streetscape furnishings. In terms of street trees, Article 4, Section 4.20 (G) requires at least 1 street tree for each 40 linear feet of frontage along a street. The site plan indicates a total of 11 street trees which satisfies the ordinance requirements. A breakdown of the required and proposed street trees is provided below:

Street	Linear Frontage (ft.)	Required	Provided
Haynes	313'	8	8
Elm	89'	2	3
Woodward	25'	N/A	0
<b>Total</b>			<b>11</b>

The site plan indicates a total of 13 street lights which appear to be adequately spaces approximately 40 feet apart. All streetlights proposed are expected to meet the streetscape standards for the Triangle District.

In regards to streetscape furnishings, the applicant has proposed 3 benches, 3 trash receptacles, and 5 bike racks along Haynes Street. All benches, bike racks,

and trash receptacles are expected to meet the streetscape standards of the Triangle District.

To support an all electric fleet, the applicant is also providing two electric car charging kiosks for the public along Haynes Street on the eastern portion of the property.

Section 3, Article 3.12(B) requires sidewalks in the Triangle Overlay District to be a minimum of 12 feet wide. The sidewalk surrounding the building appears to be 12 feet along Haynes and Elm Street.

The northwest corner of the property has a congested sidewalk space transitioning from the subject site to the northern property on Elm Street. There is an electrical pole in the middle of the sidewalk and a city streetlight directly south of it which impedes pedestrian passage.

#### 4.0 Parking, Loading & Circulation

- 4.1 Parking – Article 4, Section 4.46 of the Zoning Ordinance requires the applicant to provide the following off-street parking for the uses proposed in the site plans submitted:

Proposed Use	Requirements	Area or Units	Spaces
Sales Room	1 per 300 SF	<b>6,800 SF</b>	<b>23</b>
Office	1 per 300 SF	<b>8,460 SF</b>	<b>4</b>
Service Stalls	1 per Stall	<b>12 Stalls</b>	<b>12</b>
Other (Storage)	1 per 550 SF	<b>4,269 SF</b>	<b>8</b>
<b>Total Required</b>	-	-	<b>47</b>
<b>Total Proposed</b>	-	-	<b>155</b>

Article 4, Section 4.46(A) Table A Parking Standards of the Zoning Ordinance requires motor vehicle sales and service establishments to provide 1 space for each 300 square feet of floor area of sales room plus 1 space per each auto service stall, not to be used for new or used car storage.

The first floor sales room is 6,800 square feet, while the cumulative office space on floors one, two, and three is 8,460 square feet. There are 12 service stalls and 4,269 square feet of storage which is classified as “other” for parking. The applicant is required to provide 47 parking spaces on-site for the proposed uses.

The applicant is providing a total of 155 parking spaces that consist of 7 ground level surface parking spaces, 10 interior building service parking spaces on the first floor, 62 parking spaces on the second level parking facility, 64 parking spaces on the third floor, and 12 public on-street parking spaces. City staff did not count showroom spaces as open and accessible. The applicant satisfies the parking requirements.

Article 3, Section 3.08(G)(1)(b) of the Zoning Ordinance permits no more than 60 feet of parking lot frontage for corner lots. Given that all parking spaces are within the building façade, the applicant appears to satisfy this requirement.

Article 3, Section 3.08(G)(4) of the Zoning Ordinance enables the Planning Board to allow a multi-level parking facility above the first floor to occupy the frontage provided that the façade of the parking structure is integrally designed with the architecture of the overall building, utilizes the same building materials, and has wall openings that provide proportions and rhythm that are compatible with building upper story fenestration. The applicant has proposed a series of black metal louvers for the upper level parking facility that appears to be integrally designed with the architecture of the overall building.

4.2 Loading – Based on the habitable commercial space within the proposed development, the applicant is required to provide two off-street loading space with the following minimum dimensions: 40 feet long, 12 feet wide and 14 feet high. Article 4, Section 4.24(C)(4) requires that loading spaces be screened. The loading spaces are located within the interior elevations of the building and are screened by the front façade and garage door.

4.3 Vehicle Circulation & Access – The site plans indicate that the main vehicular access to the site will be from Hanyes Street on the east side of the property. The access drive is 24 feet wide and is regulated by a black anodized aluminum and glass overhead door. Vehicles may enter at the ground level parking lot and take the ramp to the second or third floor parking structure facility. The curb cut along Haynes Street also provides access to the ground level service shop.

Article 3, Section 3.09(A)(4) of the Zoning Ordinance does not allow garage doors on the front façade, however Architectural exemptions are available through the provisions of Article 3, Section 3.11 of the Zoning Ordinance. The Planning Board may wish to discuss the presence of an overhead door regulating access to on-site parking.

In regards to on-site vehicular circulation, the site plans indicate that employee parking will be on a portion of the the third level parking facility. A large portion of the second and third level parking facility will be used for vehicle inventory.

A second curb cut for vehicular ingress and egress is proposed on the northwest corner of the building facing Elm Street. The proposed curb cut will provide access to the interior of the building for the service shop. Access to the service area is also regulated by a black anodized and glass overhead door. A concern of City staff is that the proposed curb cut for vehicular ingress and egress is facing a pedestrian crosswalk connecting across Elm Street and Woodward Ave.

As discussed during the CIS & Preliminary Site Plan Review, the Triangle District Plan calls out the intersection of Elm Street, Bowers Street, and Woodward Ave as



an area unsafe for pedestrians and vehicle, and therefore recommends three different option for restructuring Elm Street.

On December 1<sup>st</sup>, 2022, the Multi-Modal Transportation Board (MMTB) reviewed the Triangle District Plan's recommendations for Elm Street in relation the applicant's proposed project. Upon discussion of the project and the three different options for Elm Street, the MMTB recommended option C2 which includes a bump out that cuts off Haynes Street from Elm Street and reduces Elm Street to one-way southbound. Option C2 also eliminates the right-turn action from northbound Woodward Ave onto Elm Street. The MMTB provided some commentary on the timeline of the project, however as an advisory board, that is not within their purview.

The applicant has provided two different concepts for updating the vehicular and pedetrian access to the intersection of Haynes Street, Elm Street, and Woodward Ave. One concept is option C2 from the Triangle District Plan as recommended by the MMTB. The other concept incorporates recommendations of option C1 of the Triangle District Plan where Elm Street remains a two-way street. The extended bumpout of option C1 would require northbound cars on Woodward Ave to slow down to complete the right turn onto northbound Elm Street.

It is also of note that City staff discussed the proposal of enhancing the intersection of Haynes Street, Elm Street, and Woodward Ave with MDOT. The representatives were in support of enhancing the intersection and indicated pulling a permit for review should only take 4-6 weeks.

**The Planning Division requests that the Planning Board recommend a preference for the Triangle District Plan's recommendations for Elm Street in relation to the proposed project and provide direction for the applicant regarding options C1 or C2 with Elm Street being a one way or two way street.**

- 4.4 Pedestrian Circulation & Access – The main pedestrian access to the building is at the corner of Elm Street, Woodward Ave, and Haynes Street which leads into the Porsche showroom. There are four additional pedestrian entrances to the site facing Haynes Street, and one facing Elm Street.

The updated site plan maintains a 12 foot sidewalk surrounding the entire frontage of the property. A concern of City staff is that there is an electrical pole in the sidewalk to the right of the proposed garage facing Elm Street. The Engineering Department comments from Preliminary Site Plan included requiring the applicant to move the electrical pole in the middle of the sidewalk. This concern has not been addressed in the updated site plans. **Therefore the applicant must provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property.**

As previously mentioned, a concern of City staff is that there is a pedestrian crosswalk in the Elm Street location where the applicant is proposing a curb cut for a garage to the service area. Options C1 & C2 of the Triangle District Plan attempt to address issues of the vehicular speeds and pedestrian crossings at this intersection. The Planning Division recommends that the Planning Board discuss their preference of options for Elm Street in order to enhance the pedestrian safety of crossing Elm Street near Woodward Ave.

## 5.0 Lighting

The applicant is proposing twelve exterior light fixtures. Eight lights are proposed to face the street frontage of Elm and Haynes Street, two exterior lights will face the eastern parking lot, and one exterior light is proposed in the exterior. The exterior light fixtures pictured on the elevations labeled AS-1 appear to be cut-off fixtures and are labeled as Bega exterior lighting fixtures, however the plans do not appear to provide a detailed specification sheet regarding the type of light fixture. Information such as the watts and lumens have been provided though. **The applicant must provide staff specifications of the exterior lights to verify they are cut off fixtures.**

The applicant has also provided a detailed photometric plan of the site. The lumens do not exceed 1.5 foot candles at any property line. **City staff request that the applicant update the photometric plan to provide a table showing the range of lumen values for the parking circulation area on the east side of the building to verify the lighting requirements for parking lot circulation areas have been met.**

## 6.0 Departmental Reports

1. **Engineering Division** – Comments from the Engineering Division will be provided by the Planning Board meeting of January 25<sup>th</sup>, 2023.
2. **Department of Public Services** – Comments from DPS will be provided by the Planning Board meeting of January 25<sup>th</sup>, 2023.
3. **Fire Department** – Please see the attached Fire Department comments.
4. **Police Department** – The Police Department have no concerns and think either option for Elm Street is better than what currently exists.
5. **Building Division** – Please see the attached Building Department comments.
6. **Parking Manager** – The Parking Manager has no concerns at this time.

## 7.0 Design Review

The proposed building has frontage along Elm Street and Haynes Street where the first floor façade predominantly consists of glazing. The showroom entrance has a metallic design above that appears to be modeled after the Porsche 911 rear window louvers. The curved architectural reveals will be illuminated by red lighting. The Western elevation has a large "PORSCHE" sign in red with silver metal composite spanning most of the façade above the first floor glazing.

The southern elevation has a long stretch of glazing for the first floor parts and storage rooms facing Haynes Street. Levels two and three consist of ribbed metal with metal louvers where the multi-level parking facility is. As previously mentioned, Article 3, Section 3.08(G)(4) of the Zoning Ordinance enables the Planning Board to allow a multi-level parking facility above the first floor to occupy the frontage provided that the façade of the parking structure is integrally designed with the architecture of the overall building, utilizes the same building materials, and has wall openings that provide proportions and rhythm that are compatible with with building upper story fenestration.

A portion of the first floor on the eastern elevation is exposed where the parking and charging kiosks are located. Behind the parking spaces are glass overhead doors for service station entry and access to the upper level parking facility. Levels two and three are exposed parking facility space with metal louvers and guard rail posts.

The northern elevation consists of architectural ribbed metal metal louvers and guard rail posts for the multi-level parking facility. There are no windows facing north along the 0' lot line.

In regards to ground floor glazing, the first floor of the Haynes Street elevation has a glazing percentage of 86.7% and the first floor of of Elm street has a glazing percentage of 87.2%. Both street facing elevations satisfy the glazing requirement of 70% minimum between 1-8 feet from ground level. The applicant must provide staff with glass specification sheets to verify that the glazing meets the requirements of 66% visual light transmittance and reflectivity of 15% or less.

In regards to Article 3, Section 3.09 *Commercial/Mixed Use Architectural Requirements* of the Triangle District Overlay, there are a few issues with the proposed design. Article 3, Section 3.09(D)(1) requires that all walls exposed to public view or parking area shall be constructed of not less than 60% brick, stone, or glass. The proposed building does not satisfy the building material requirements of the Triangle District Overlay given that the exterior is predominantly metal.

Article 3, Section 3.09(B)(2) requires the front entranceway to be inset 3 feet from the front building wall. The curving front entranceway of the Porsche dealership does not appear to satisfy this requirement though.

It is also of note that the applicant is proposing two overhead doors on their front façade, one facing Elm Street and another facing Haynes Street. The garage doors consist of black

anodized aluminum and glass. However, Article 3, Section 3.09(A)(4) states that garage doors shall not be permitted on a front façade.

Article 3, Section 3.11 of the Triangle District Overlay requirements enables the Planning Board to approve deviations to the architectural requirements of Section 3.09 in order to allow for creativity and flexibility in design with the following standards:

The Planning Board may approve deviations to the architectural requirements of Section [3.09](#) and Section [3.10](#) in order to allow for creativity and flexibility in design. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:

- A. Demonstrates innovation in architectural design, provided the building design shall be in keeping with the desired character of the Triangle Overlay District, as articulated in the Triangle District Urban Design Plan.
- B. The building is oriented towards the front sidewalk with a functioning entrance and enhances the continuity of the pedestrian oriented environment. A modification shall not result in an increased dominance of vehicular parking or garage doors along the front of the building.
- C. The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
- D. The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the Triangle Overlay District.
- E. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

**The Planning Division recommends that the Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block.**

#### Signage

The Elm Street elevation has a red Porsche backlit sign 102 SF in dimension. The curved entryway at the corner of Elm and Haynes Street has two pylon ground signs that are both 24 SF in dimension. The Haynes Street elevation has a sign reading "Fred Lavery" 24 SF in dimension. The total signage square footage is 174 SF, which is less than the nearly 500 feet of total street frontage of the property.

## 8.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Detailed and Scaled Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certified Land Survey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interior Floor Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscape Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Photometric Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Colored Elevations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material Specification Sheets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material Samples	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site & Aerial Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 9.0 Approval Criteria

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

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor 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.

In addition, Article 7, Section 7.36 requires applications for a Special Land Use Permit to meet the following criteria:

- (1) The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.

- (2) The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
- (3) The use is consistent with the public health, safety and welfare of the city.
- (4) The use is in compliance with all other requirements of this Zoning Ordinance.
- (5) The use will not be injurious to the surrounding neighborhood.
- (6) The use is in compliance with state and federal statutes.

## 10.0 Recommendation

Based on a review of the site plans submitted, the requirements outlined in Article 7, Section 7.27 of the Zoning Ordinance, and the SLUP requirements of Article 7, Section 7.36, the Planning Division recommends that the Planning Board recommend **APPROVAL** of the SLUP and Final Site Plan for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
2. The applicant provide option (C1 or C2) as indicated in the submitted proposals of the Triangle District Plan's recommendations for Elm Street to be included in the site plan and proposed survey before the public hearing with City Commission;
3. the applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
4. The applicant provide updating lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
5. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block; and
6. The applicant comply with all department requests.

## 11.0 Sample Motion Language

Motion to recommend **APPROVAL** to the City Commission of the Special Land Use Permit for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
2. The applicant provide option (C1 or C2) as indicated in the submitted proposals of the Triangle District Plan's recommendations for Elm Street to be included in the site plan and proposed survey before the public hearing with City Commission;
3. the applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
4. The applicant provide updating lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
5. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block; and
6. The applicant comply with all department requests.

**OR**

Motion to **POSTPONE** the Special Land Use Permit for 34350 Woodward Ave & 909-911 Haynes Street pending receipt of the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

Motion to recommend **DENIAL** to the City Commission of the Special Land Use Permit for 34350 Woodward Ave & 909-911 Haynes for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Motion to recommend **APPROVAL** to the City Commission of the Final Site Plan and Design Review for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

7. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;
8. The applicant provide option (C1 or C2) as indicated in the submitted proposals of the Triangle District Plan's recommendations for Elm Street to be included in the site plan and proposed survey before the public hearing with City Commission;
9. the applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;
10. The applicant provide updating lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;
11. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block; and
12. The applicant comply with all department requests.

**OR**

Motion to **POSTPONE** the Final Site Plan and Design Review for 34350 Woodward Ave & 909-911 Haynes Street pending receipt of the following:

4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**OR**

Motion to recommend **DENIAL** to the City Commission of the Final Site Plan and Design Review for 34350 Woodward Ave & 909-911 Haynes for the following reasons:

4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_



**Zoning Compliance Summary Sheet  
SLUP and Final Site Plan Review  
34350 Woodward Ave & 909-911 Haynes**

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**Existing Site:** 1 story auto sales agency & 2 story commercial building

**Zoning:** B2 (General Business) & MU-5/MU-7 (Triangle District Overlay)

**Land Use:** Retail/Office/ Auto Sales Agency

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

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Land Use</b>	Commercial/ Office	Commercial/ Retail	Commercial/ Office	Commercial
<b>Existing Zoning District</b>	B2 (General Business)	B2 (General Business)	B2 (General Business) & O2 (Office-Commercial)	B2 (General Business)
<b>Overlay Zoning District</b>	MU3	MU-7 & MU-5	MU-5	MU3

**Land Area:** Existing: 42,875 SF  
Proposed: 42,875 SF

**Dwelling Units:** Existing: 0 units  
Proposed: 0 units

**Minimum Lot Area/Unit:** Required: N/A  
Proposed: N/A

**Min. Floor Area /Unit:** Required: N/A  
Proposed: N/A

**Max. Total Floor Area:** Required: N/A  
Proposed: N/A

**Min. Open Space:** Required: N/A  
Proposed: N/A

**Max. Lot Coverage:** Required: N/A

	Proposed:	N/A
<b>Front Setback:</b>	Required:	0-5 ft. for a minimum of 75% of the street frontage length
	Proposed:	Within 0-5 feet of the front lot line for greater than 75% of the street frontage length.
<b>Side Setbacks</b>	Required:	0 ft. with walls facing side lot line w/ no windows 10 ft. for walls with windows
	Proposed:	0 ft.
<b>Rear Setback:</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Bldg. Height:</b>	Permitted:	66 ft., 5 stories (MU-5) 90 ft., 7 stories (MU-7)
	Proposed:	45 ft., 3 stories
<b>Min. Bldg. Height:</b>	Permitted:	34 ft., 3 stories (MU-5) 34 ft., 3 stories (MU-7)
	Proposed:	45 ft., 3 stories
<b>Floor-Floor Height:</b>	Required:	14 ft. minimum (1 <sup>st</sup> story)
	Proposed:	14 ft
<b>Front Entry:</b>	Required:	On frontage line
	Proposed:	On frontage line
<b>Absence of Bldg. Façade:</b>	Required:	N/A
	Proposed:	N/A
<b>Opening Width:</b>	Required:	N/A
	Proposed:	N/A
<b>Parking:</b>	Required:	35 off-street spaces
	Proposed:	47 off-street spaces available to workers and patrons 160 total on-site: accessible + inventory
<b>Min. Parking Space Size:</b>	Required:	180 sq. ft.
	Proposed:	180 sq. ft.
<b>Parking in Frontage:</b>	Required:	N/A
	Proposed:	N/A
<b>Loading Area:</b>	Required:	2 off-street loading space 40 ft. x 12 ft. x 14 ft.

**Screening:**

Proposed: 2 off-street loading space  
40 ft. x 12 ft. x 14 ft.

Parking: Required: 6 ft. masonry screen wall  
Proposed: Screened by building facade

Loading: Required: Screened from view  
Proposed: Interior loading area screened by building

Rooftop Mechanical: Required: Screened from view  
Proposed: 5 ft. screen wall

Elect. Transformer: Required: Obscured from public view  
Proposed: Screened by building facade

Dumpster: Required: Masonry screen wall with wood gates  
Proposed: Screened by building facade and masonry screen wall



# CITY OF BIRMINGHAM FIRE DEPARTMENT

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572 SOUTH ADAMS • BIRMINGHAM, MICHIGAN 48009 • 248.530.1900 FAX 248.530.1950

January 19th, 2023

RE: Final Site Plan Review Comments  
34350 Woodward, Fred Lavery

- Follow International Fire Code 2015 for submitted plans.
- Sec. 54-32. - Emergency Power Shutdown Device  
All commercial and residential structures/buildings constructed or having major renovations performed after the implementation of this ordinance shall provide a KNOX-VAULT 4500 Series Power Shutdown device, and installed as approved by the Fire Marshal, located on the exterior of the building. All required power shut down devices shall be installed and maintained at the building owner's expense. All required power shut down devices shall be installed by a qualified, licensed electrician.
- Knox Pad Locks required on construction fencing access gates
- Follow Chapter 33 of IFC 2015 edition "Fire Safety During Construction and Demolition"
- A Knox Box will be required
- Sprinkler System and Alarm Plans-Submit plans to AHJ for review and approval .
- CO Gas detection system and ventilation for parking garages as needed.
- FDC – facing the street within 100 feet of a Fire Hydrant.
- Construction phase of the project install a standpipe system with access to all floors
- Bi-Directional amplifier may be required. First responder radio signal strength will be assessed toward the end of the construction phase.
- All life safety requirements listed in International Fire Code and NFPA documents and standards shall be followed and enforced.

**CITY OF BIRMINGHAM**  
**Community Development – Building Department**  
**151 Martin Street, Birmingham, MI 48009**

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January 19, 2023

RE: Final Site Plan Review Comments  
34350 Woodward, Fred Lavery

As requested, the Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Design Review purposes and applicant consideration:

**Applicable Building Codes:**

- **2015 Michigan Building Code.** Applies to all buildings other than those regulated by the *Michigan Residential Code*.
- **2015 Michigan Mechanical Code.** (Residential requirements for mechanical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- **2018 Michigan Plumbing Code.** (Residential requirements for plumbing construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- **2017 National Electrical Code along with the Michigan Part 8 Rules.** (Residential requirements for electrical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)

**Review Comments: (These comments remain from our initial review)**

1. Exterior doors shall not open or project into the public right of way (Building Code Section 3202.2)
2. The proposed building is setback 0-feet from the north and east property lines. These walls will need to have a fire resistive rating in accordance with Table 601 of the MBC. Table 705.8 of the Building Code will not permit the proposed openings on the first floor and all parking levels.
3. The rooftop parking level will require access to two remote exit stairways (Building Code Section 406.5.7).

**CITY OF BIRMINGHAM**  
**Community Development – Building Department**  
**151 Martin Street, Birmingham, MI 48009**

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4. The N/E exit stair will need to be enclosed with fire barriers in accordance with Chapter 10 of the Building Code and comply with item 3 above.
5. The office/storage area on level 3 has access to only 1 exit stair. Access to two exits is required in accordance with Section 1006 of the Building Code.
6. The exit stairs on level 2 in the office area are not remotely separated as required by Section 1007.1.1 of the Building Code.



Inset of Worth Realignment

Circulation Recommendations

### Circulation

To supplement the streetscape and walkability improvements, there are a number of roadway improvements recommended through the Triangle District. Some will enhance traffic operations and safety, while others are intended to make the district more walkable.

**Maple Road (A).** Maple Road between Woodward and Adams should be converted from two lanes in each direction to an imbalanced roadway configuration, for example with two westbound lanes, one eastbound lane and a center turn lane, as depicted in A1. This configuration would improve access into the Triangle along Elm Street and to the businesses along Maple without widening. Additionally, intersection improvements should be made at Elm and Maple to better emphasize this entrance to the Triangle District.

**Hazel Street (B).** The segment of Hazel between Woodward and Elm could be closed to minimize the number of access points along Woodward Avenue and minimize cut-through traffic in the residential neighborhood. The new space could be used as open space or could be conferred to a property owner or developer in a beneficial exchange.

**Woodward/Elm (C).** There are a number of options for the short block of Elm Street between Bowers and Woodward Avenue (C). Because of the slight angle from Woodward Avenue, traffic on Woodward Avenue tends to enter Elm at high speeds. In addition, the intersection with Bowers has limited sight distance because of building placements and a narrow right-of-way. The intersection of Elm at Woodward should be reconfigured to require traffic entering the District at Elm to make a right turning movement rather than merely veering right (C1). This would slow traffic and improve safety for pedestrians and motorists. Additionally, this portion of Elm south of Bowers could be converted to southbound traffic only with the former northbound lanes converted to angled street parking (C2). Alternatively, this segment could be vacated altogether and used as open space or developable land for an adjacent parcel (C3).

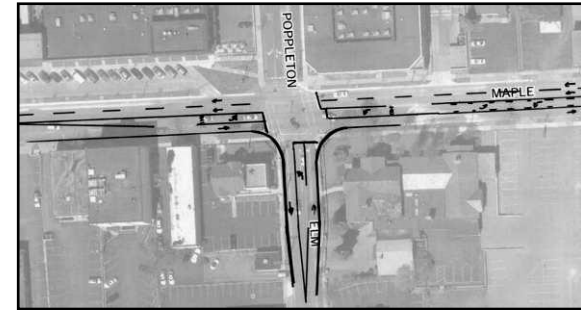


**Woodward/Worth (D).** The intersection of Worth Street at Woodward Avenue shares many of the same problems as Bowers discussed above. It is recommended that this intersection be reconfigured to form a right angle, greatly slowing traffic and creating the opportunity in the vacated right-of-way for a small greenspace with public art, landscaping, and wayfinding signs.

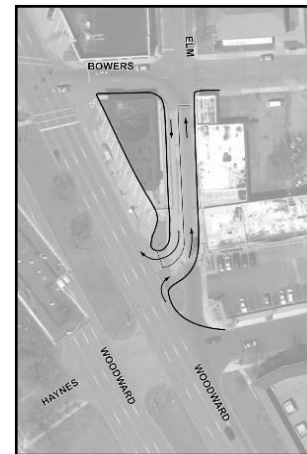
**Worth Street (E).** Currently Worth Street ends at Haynes Street. This prevents circulation between the Triangle District's northern and southern halves. Worth should be realigned parallel to Woodward Avenue and extended to Bowers. This will improve north/south interior connectivity within the Triangle District and better link the north and south halves of the District, which will help support redevelopment of this area. This road reconfiguration will also allow the creation of Worth Plaza in the heart of the Triangle District. The alignment of Worth Street will be through the rear of the Boarder's parking lot and buildings currently located between Bowers and Haynes. Therefore Worth Street realignment will need to be done in conjunction with the development of a parking structure and redevelopment of the properties on the north side of Haynes. The specific alignment shown on this plan is conceptual and could be varied, provided the ultimate alignment created Worth Plaza.

**Bowers Street (F).** Bowers Street should also be emphasized as an east/west connector corridor that connects the residential areas east of Adams to the Triangle District and Downtown.

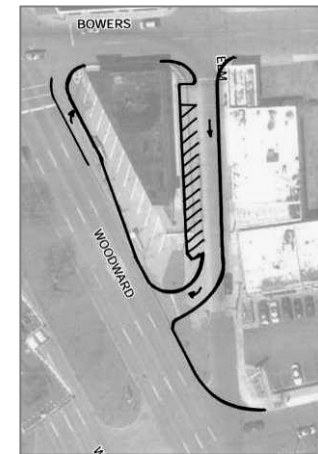
Additional traffic modeling and detailed geometric designs will need to be evaluated further by the City's traffic engineer prior to implementing these recommendations.



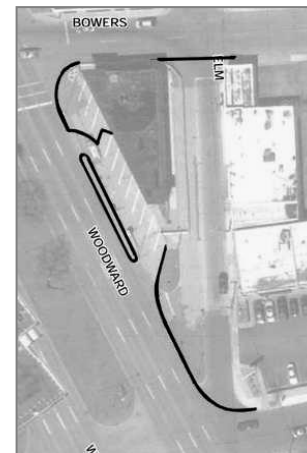
Maple Road (A1)



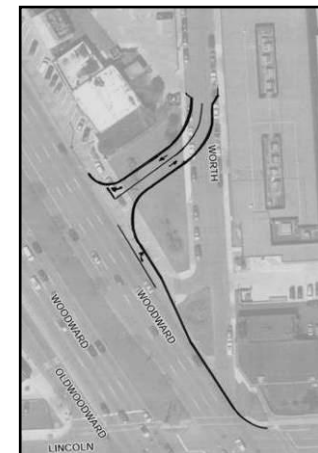
Woodward/Elm (C1)



Woodward/Elm (C2)



Woodward/Elm (C3)



Woodward/Worth (D1)





## **MEMORANDUM**

Department of Public Services

**DATE:** February 13, 2023

**TO:** Thomas M. Markus, City Manager

**FROM:** Mike Bernal, Public Services Manager

**APPROVED BY:** Scott Zielinski, Director of Public Services

**SUBJECT:** Truck & Trailer Specialties, Attenuator Purchase

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### **INTRODUCTION:**

As the City of Birmingham encourages safe work practices, and is continually looking for ways to increase the safety on the jobsite for our staff, the Department of Public Service recommends purchasing a trailer attenuator. This attenuator features a "crash cushion", adding a further layer of protection for our road workers. The attenuator will be purchased from Truck & Trailer Specialties, Inc., located at 900 Grand Oaks Drive, Howell, MI 48843, through the MiDeal Cooperative Purchase Agreement #071B7700086.

### **BACKGROUND:**

The Department of Public Service uses arrow boards while conducting road work and other activities. Although arrow boards are informative and useful on road projects, the current arrow board offers little to no protection to our workers. The recommended unit provides additional protection by reducing the impact forces and redirecting the impacting vehicle away from the deadly "coffin corners" at the rear of the truck.

### **LEGAL REVIEW:**

This purchase has been reviewed against the current purchasing guidelines and approved by the City Attorney.

### **FISCAL IMPACT:**

The cost for the trailer attenuator is \$32,275. Funds are available in the Auto Equipment Fund, account #661.0-441.006-971.0100. Environmental impacts were reviewed for this product and found to not apply as there are no EV options available.

### **PUBLIC COMMUNICATIONS:**

This does not apply to this purchase.

**SUMMARY:**

The Department of Public Service recommends purchasing a trailer attenuator that features a "crash cushion," adding a further layer of protection for our road workers.

**ATTACHMENTS:**

Attached to this report is the city agreement and the vendor quote, including specifications and warranty information.

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the purchase of a trailer attenuator from Truck & Trailer Specialties, Inc., located at 900 Grand Oaks Drive, Howell, MI 48843, through the MiDeal Cooperative Purchase Agreement #071B7700086, in the amount not to exceed \$32,275, in addition to authorize the Mayor and City Clerk to sign the agreement on behalf on the City. Funding for this purchase has been budgeted in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.

**AGREEMENT FOR EQUIPMENT PURCHASE BETWEEN THE CITY OF BIRMINGHAM &  
TRUCK & TRAILER SPECIALTIES, INC.**

**THIS AGREEMENT** is entered into this \_\_\_ day of \_\_\_\_\_, 2023, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and Truck & Trailer Specialties, Inc., located at 900 Grand Oaks Drive, Howell, MI 48843, (hereafter referred to as Vendor) and the foregoing shall collectively be referred to as the parties.

**WHEREAS**, the City desires to purchase, pursuant to the governmental cooperative purchasing agreement, (1) Scorpion II TL-3 MASH Trailer Attenuator, as more fully described in Attachment "A"; and

**WHEREAS**, Vendor has qualifications that meet the purchase requirements and has provided a response and cost proposal.

**NOW, THEREFORE**, in consideration of the foregoing preambles, the adequacy of which is acknowledged by and between the parties to this Agreement, the parties agree as follows:

**1. MUTUALLY AGREE:** It is mutually agreed by and between the parties that the Vendor's Quotation shall be incorporated herein by reference, shall become a part of this Agreement, and shall be binding upon both parties hereto. (Attached hereto as Attachment "A.") In the event of a conflict in any of the terms of this agreement and the Vendor's Quotation, the terms of this Agreement shall prevail.

**2. TERM:** This is an outright purchase and shall have no term.

**3. TERMS OF PAYMENT:** The Vendor will invoice the City for the sale. The City may, at its sole discretion demand review and the right to request at any time further detailed accounting information for any or all bills. The right to inspection of any bill and invoice shall never be at any cost or billings to the City, nor shall preparation of said invoices be billed to the City or against the general retainer. Payment terms will be net 30 days unless otherwise specified by the City.

**4.** Vendor shall employ personnel of good moral character and fitness in performing all services under this Agreement.

**5. CONFIDENTIAL AND OR PROPRIETARY INFORMATION:** While the City acknowledges it is unlikely, the Vendor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Vendor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Vendor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Vendor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Vendor further agrees to use such confidential or proprietary information



only for the purpose of performing services pursuant to this Agreement.

**6. INDEPENDENT VENDOR:** The Vendor and the City agree that the Vendor is acting as an independent contractor with respect to the Vendor role in providing products or services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Vendor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Vendor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Vendor shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

**7. COMPLIANCE WITH LAWS:** The Vendor agrees to fully and faithfully carry out the duties of set forth herein using its best efforts in accomplishing all assignments from the City, and further, in addition to upholding all federal, and state laws and applicable codes of professional conduct to which Vendor is subject, Vendor hereby agrees to be bound by all Federal, State, or City of Birmingham ordinances, rules, regulations and policies as are amended from time to time, and including without limitation the Fair Labor Standards Act, the Equal Employment Opportunity rules and regulations, the Transportation Safety Act and the Occupational Safety and Health Acts.

**8. INDEMNIFICATION:** To the fullest extent permitted by law, the Vendor and any entity or person for whom the Vendor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on their behalf against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on their behalf, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arise out of the acts, errors or omissions of the Vendor including its employees and agents, in the performance of this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City.

**9. WRITTEN NOTICES:** Written notices regarding this Agreement shall be addressed to the following:

City: City of Birmingham  
P.O. Box 3001  
Birmingham, Michigan 48012  
Attn: [Mike Bernal](#)



Truck & Trailer Specialties, Inc.  
900 Grand Oaks Drive | Howell, MI 48843  
Attn: Jon Luea

**10. AMENDMENTS:** No amendment, modification or supplement to this Agreement shall be binding unless it is in writing and signed by authorized representatives of the parties.

**11. WAIVER OF BREACH:** No waiver by either party of any breach of any of the terms, covenants or conditions herein contained by the other party shall be construed as a waiver of any succeeding breach of this same or of any other term, covenant or condition.

**12. COMPLETE AGREEMENT:** The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of Vendor agreement with the City of Birmingham. This Agreement supersedes all prior agreements or understandings between the parties. There are no promises, conditions or understandings other than those stated herein, and, that any prior negotiations, terms or conditions discussed between the City and the Vendor shall not constitute a part of this Agreement. The term "agreement" as used in this clause shall include any future written amendments, modifications, or supplements made in accordance herewith.

**13. FAILURE TO PERFORM.** If Vendor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.

**14. LEGAL PROCEEDINGS:** Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48<sup>th</sup> District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in a federal or state court with jurisdiction over Oakland County, Michigan.

**15. RESPONSE TO GOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT:** The Vendor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response to the City's Cooperative Purchasing Agreement, dated January 18, 2023. In the event of a conflict in any of the terms of this Agreement and the Vendor January 27, 2023 response, the terms of this Agreement shall prevail.

**16. FAIR PROCUREMENT OPPORTUNITY:** Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

**17. IN WITNESS WHEREOF,** the parties hereto agree to be bound by the above terms and conditions, and Vendor, by its authorized signature below, expressly accepts this Agreement upon the above provided terms and conditions contained in this Agreement as of the date first above written.

Truck & Trailer Specialties, Inc.

By: Mike Bowman

Its: Sales Manager

STATE OF MICHIGAN     )  
  ) ss:  
COUNTY OF LIVINGSTON)

On this 30<sup>th</sup> day of January, 2023, before me personally appeared Michael Bowman, who acknowledged that with authority on behalf of Truck & Trailer Spc to do so he/she signed this Agreement.

Beth Ann Meekhof  
Notary Public  
Kent County, Michigan  
Acting in Kent County, Michigan  
My commission expires: 1-10-2029



**CITY OF BIRMINGHAM:**

By: \_\_\_\_\_  
Therese Longe, Mayor

By: \_\_\_\_\_  
Alexandria D. Bingham, City Clerk

**APPROVED:**

\_\_\_\_\_  
Thomas M. Markus, City Manager  
(Approved as to substance)

\_\_\_\_\_  
Scott Zielinski, Director of Public Services  
(Approved as to substance)

\_\_\_\_\_  
Mary M. Kucharek, City Attorney  
(Approved as to form)

\_\_\_\_\_  
Mark A. Gerber, Finance Director  
(Approved as to Financial Obligation)

# ATTACHMENT A



# TRUCK & TRAILER *Specialties, Inc.*

900 Grand Oaks Drive | Howell, MI 48843 | [www.ttspec.com](http://www.ttspec.com) | ph: (517) 552-3855 | fx: (517) 552-3666

January 18, 2023

City of Birmingham  
851 South Eton, Birmingham, MI 48009  
Attn: Mike Bernal, ph: (248) 417-7645  
HQ0003181



State Contract Hyperlink No: [071B7700086](#)

Equipment Quotation utilizing the state contract awarded to Truck & Trailer Specialties, Inc.

**Supply** Scorpion II TL-3 MASH Trailer Attenuator including the following:  
MASH-tested, passed and eligible. FHWA Eligibility Letter, CC-138.  
Infinite weight tested and eligible allows the Scorpion II® Trailer to be used on heavy host vehicles (minimum 12,000 lbs.), with no upper weight limit.  
Scorpion II® remained attached to the host vehicle and pintle hook during all impact testing. Telescoping Anti-Rotational System (TARS) minimizes Scorpion II Trailer rotation during angled and offset impacts, preventing trailer separation from host vehicle.  
No additional hardware required for connection to host vehicle.  
The Scorpion II® proven modular design crushes in progressive stages allowing quick and economical replacement of damaged parts.  
LED Lights standard on all Scorpion II® Trailer Attenuators.  
The unique curved design gives full width protection to the back of the host vehicle and shields the deadly "coffin corners" of the truck.  
Rear axle placement improves trailer stability and prevents the tail from "bottoming out" on driveways and uneven surfaces.  
Includes Wanco 15-light arrowboard and manual upright installed.

**Supplied and delivered pricing: \$32,275.00 ea.**

Minimum full 1-year warranty on parts and labor on all equipment.

**Payment Terms:** Net 30 days. Pricing effective for 30 days, due to freight uncertainty.

**FOB:** City of Birmingham

**Delivery:** 40-60 days ARO

**Thank you for the opportunity to quote.**

Respectfully submitted by,  
Jon Luea/Brian Bouwman



## **MEMORANDUM**

City Clerk's Office

**DATE:** February 13, 2023

**TO:** Thomas M. Markus, City Manager

**FROM:** Alexandria Bingham, City Clerk

**SUBJECT:** Special Event Application: Birmingham Movie Nights

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### **INTRODUCTION:**

Birmingham Shopping District has submitted a Special Event application to hold the Birmingham Movie Nights Friday June 9, July 14, August 11, and September 8, 2023. Set up for the event is scheduled on event days from 12-6:30 p.m. The event begins at 6:30 p.m. and concludes at 10:00 p.m. Tear down is scheduled for end of movie – 11:00 p.m.

### **BACKGROUND:**

The necessary departments reviewed the proposed event details submitted in the application, department heads gave feedback on requirements and estimated costs. DPS, Planning, Building, Engineering, Police, and Fire have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

The location of Birmingham Movie Nights will be Booth Park.

The following events occur June-September in Birmingham, and do not pose a conflict for this event:

- Day on the Town 7/29 City Streets
- In the Park Concert Series 6/14 – 8/16 Shain Park
- Common Ground Art Fair 9/23 – 9/24 Shain Park & city streets
- Yoga in the Park 6/24 Shain Park

### **LEGAL REVIEW:**

The City Attorney has reviewed and has no concerns or objections.

**FISCAL IMPACT:**

All costs associated with this event will be paid by applicant.

**PUBLIC COMMUNICATIONS:**

Birmingham Shopping District notified residents and businesses about the details of this event by letter which was mailed at least two weeks prior to the Commission meeting. The addresses that were notified were within 300 feet of the event space.

**SUMMARY:**

The City Commission is being asked to approve a special event permit for Birmingham Movie Nights to be held Fridays June 9, July 14, August 11, and September 8, 2023, from 6:30 p.m. – 10:00 p.m. with set up 12:00 p.m. – 6:30 p.m. Tear down will begin at end of movie – 11:00 p.m.

**ATTACHMENTS:**

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area dated 1/23/2023. Notification addresses are on file in the Clerk's Office.
3. Department Approval page with comments and estimated costs

**SUGGESTED COMMISSION ACTION:**

To make a motion adopting a resolution to approve a special event permit as requested by the Birmingham Shopping District to hold Birmingham Movie Nights on June 9, July 14, August 11, and September 8, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

23-000 12104

Clerk's Office  
City of Birmingham, MI

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

JAN 24 2023

**IMPORTANT: EVENTS UTILIZING CITY SIDEWALKS AND/OR STREETS MUST MEET WITH POLICE DEPARTMENT SPECIAL EVENT OFFICE TO REVIEW PROPOSED EVENT DETAILS PRIOR TO SUBMITTING APPLICATION.**

RECEIVED

Police Department acknowledgement: [Signature]

**I. EVENT DETAILS**

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

<b>FEES:</b>	<b>FIRST TIME EVENT:</b>	<b>\$200.00</b>
	<b>ANNUAL APPLICATION FEE:</b>	<b>\$165.00</b>

(Please print clearly or type)

Date of Application January 3, 2023

Name of Event Birmingham Movie Nights

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_

We will be holding 4 outdoor Movie Nights. We plan to have pre-movie entertainment and sponsor booths. We will follow all applicable state, county, and local safety guidelines.

Location Booth Park

Date(s) of Event June 9, July 14, August 11, September 8, 2023 Hours of Event 6:30-10 p.m.

Date(s) of Set-up day of events Hours of Set-up 12-6:30 p.m. (port-a-potty may be earlier in the day)

**NOTE: No set-up to begin before 7:00 AM, per city ordinance.**

Date(s) of Tear-down day of events Hours of Tear-down end of movie - 11 p.m. (port-a-potty pick-up Monday morning)

Organization Sponsoring Event Birmingham Shopping District

Organization Address 151 Martin St., Birmingham, MI 48009

Organization Phone 248-530-1200

Contact Person Jaimi Brook

Contact Phone 248-530-1254 office 248-508-5518 cell

Contact Email jbrook@bhamgov.org

II. EVENT INFORMATION

1. Organization Type city - Birmingham Shopping District  
(city, non-profit, community group, etc.)

2. Additional sponsors or participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) TBD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. **\*The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so** \_\_\_\_\_  
We have invited non-profits like the Birmingham Bloomfield Community Coalition to have an informational table at the event in the past and plan to do so again this year.  
\_\_\_\_\_

4. Is the event a fundraiser? YES  NO   
List beneficiary \_\_\_\_\_  
List expected income \_\_\_\_\_ Attach information about the beneficiary.

5. First time event in Birmingham? YES  NO   
If no, describe This will be the 17th year for the event.  
\_\_\_\_\_

6. Total number of people expected to attend per day 400

7. The event will be held on the following City property: (Please list)  
 Street(s) \_\_\_\_\_  
 Sidewalk(s) \_\_\_\_\_  
 Park(s) Booth Park  
\_\_\_\_\_

8. Will street closures be required? YES  NO

**(Police Department acknowledgement prior to submission of application is required) (initial here) PK**

What parking arrangements will be necessary to accommodate attendance?

Describe Nearby parking deck and street parking will be sufficient.

9. Will staff be provided to assist with safety, security and maintenance? YES  NO

**If yes, please provide number of staff to be provided and any specialized training received.**

Describe BSD event staff will be on-site throughout the event.

10. Will the event require safety personnel (police, fire, paramedics)? YES  NO

**(Police Department acknowledgement prior to submission of application is required.) (initial here) KK**

Describe \_\_\_\_\_

11. Will alcoholic beverages be served? YES  NO

If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES  NO

x Live    x Amplification    \_\_\_\_\_    x Loudspeakers

Recorded Time music will begin 6:30 p.m.

Time music will end 10:30 p.m.

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES  NO

Number of signs/banners 1

Size of signs/banners 2 'x3' a-frame

Submit a photo/drawing of the sign(s). **A sign permit is required.**

14. Will food/beverages/merchandise be sold? YES  NO

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact [ehclerk@oakgov.com](mailto:ehclerk@oakgov.com) or 248-535-9612 to obtain Health Department approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

**LIST OF VENDORS/PEDDLERS**  
(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
TBD			



### III. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?  
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles		\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$350.00/per dumpster per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	# of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 400 square feet)	8	10'x10'
Portable Toilets	2	1-reg 1-handicap
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)	10 tables	6' each



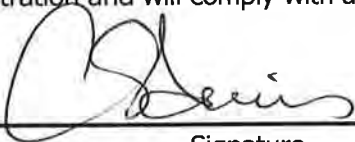
**SIGNATURE OF APPLICANT REQUIRED**

EVENT NAME Birmingham Movie Nights

EVENT DATE June 9, July 14, August 11, September 8, 2023 (rain dates 6/10, 7/15, 8/12, 9/9/2023)

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

  
\_\_\_\_\_  
Signature

1-23-23  
\_\_\_\_\_  
Date

*By providing your e-mail to the City, you agree to receive news and notifications from the City.  
If you do not wish to receive these messages, you may unsubscribe at any time.*

-----

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

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

## VII. . CHECKLIST

### **ATTACHMENTS TO INCLUDE WITH SPECIAL EVENT APPLICATION**

- ↗ Completed special event application
- ↗ Application fee (payable to "City of Birmingham")
- ↗ Map of event area detailing
  - street closures (**Police Department input required prior to submission of application**)
  - tents / canopies
  - tables
  - signs
  - trash receptacles / dumpsters
  - barricades
  - audio equipment / band
  - rides / inflatables
  - vendor booths
  - displays
  - portable toilets
  - layout of start/finish area (if on public property)
  - temporary structures or displays of any kind (picture required)
- ↗ Map of the route(s)
- ↗ Written route(s)
- ↗ Photo of display or temporary structure
- ↗ Sample of signs/banners – including size
- ↗ Hold Harmless Agreement (signed, on event sponsor's letterhead)
- ↗ Insurance certificate
- ↗ Letter to affected property owners (must include map of event area or route)\*
- ↗ List of addresses the letter was distributed (includes all residential and businesses in the event area, along the route, and affected by street closures)\*
- ↗ List of vendors
- ↗ If fundraiser: Information about the beneficiary

*\*Letter to affected property owners and list of addresses must be submitted to the clerk's office at least two weeks prior to the city commission meeting.*

---

#### **OFFICE USE ONLY**

Received \_\_\_\_\_ by \_\_\_\_\_

Date \_\_\_\_\_

License Number \_\_\_\_\_

The above highlighted items must be submitted by \_\_\_\_\_<sup>14</sup>

Date of Commission meeting \_\_\_\_\_

# Movie Night Sample



BOOTH PARK  
NOT TO SCALE

Sample 2' x 3' sign



**BIRMINGHAM**  
*Movie Night*

**Thank You To Our Sponsors**

**WELLS  
FARGO**

**ADVISORS**

**BANK OF ANN ARBOR – BIRMINGHAM • TDR ORTHODONTICS**

**KW DOMAIN • SAAD DENTAL**

**2021 SCHEDULE**

**July 16: Elf ("Christmas in July")**

**August 13: CARS**

Activities begin at 7:30 p.m. • Movie at dusk

**ALL IN**  
**BIRMINGHAM**  
*The Shopping District*

[www.ALLIN8Birmingham.com](http://www.ALLIN8Birmingham.com)





michigan municipal league

# Liability & Property Pool

## CERTIFICATE OF COVERAGE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED AS LISTED BELOW.

**Name and Address of Participant:**

City of Birmingham  
  
151 Martin St., PO Box 3001  
Birmingham, MI 48012-3001

**Coverage Afforded:**

Michigan Municipal League Liability and Property Pool  
1675 Green Road  
Ann Arbor, MI 48105-2530

**Name and Address of Service Provider:**

Meadowbrook, Inc.  
P O. Box 2054  
Southfield, MI 48037-2054

This is to certify that the coverage listed below has been issued to the participant named above and is in-force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded herein is subject to all the terms, exclusions and conditions of the Pool contract

Coverage	Contract Number	Expiration Date	Limits of Liability
<u>General Liability</u>	MML001444021	7/1/2023	\$10,000,000
<u>Automobile Liability</u>			Bodily Injury & Property Damage Combined Single Limit
<u>Other</u>			

**Description of Operations/Locations/Vehicles:**

Certificate Holder Additional Insured solely with respect to: Services provided on behalf of the City of Birmingham.

**CANCELLATION:** Should any of the above described coverages be canceled before the expiration date thereof, the administrator will endeavor to mail 60 days' written notice to the certificate holder named below, but failure to mail such notice shall impose no obligation or liability of any kind upon the Pool.

**Name and Address of Certificate Holder:**

Birmingham Principal Shopping District  
151 Martin St.  
Birmingham, MI 48009

Date Issued: 6/2/2022

By:   
Authorized Representative

RECEIVED JUN 09 2022

Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009



«parcel»  
«name»  
«name 2»  
«address»  
«city», «st» «zip»

BACK

### NOTIFICATION

DATE: January 23, 2023  
TO: Downtown Birmingham Business/Property Owner

**The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the city commission will consider our request so that an opportunity exists for comments prior to this approval.**

**NAME OF EVENT:** Birmingham Movie Nights  
**LOCATION:** Booth Park  
**DATES/TIMES:** Fridays—June 9, 2023; July 14, 2023; August 11, 2023, Sept. 8, 2023  
\*\*\*Rain dates—Saturdays—June 10, July 15, August 12, Sept. 9, 2023\*\*\*  
6:30 p.m.

**DATE/TIME OF CITY COMMISSION MEETING:** TBD

The City Commission will meet in the Municipal Building. Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655079760 . You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

**EVENT ORGANIZER:** Birmingham Shopping District  
**ADDRESS:** 151 Martin, Birmingham, MI 48009  
**PHONE:** 248-530-1200 day of event—248-508-5518

FRONT

## DEPARTMENT APPROVALS

EVENT NAME: Movie Nights

COMMISSION HEARING DATE: 02/13/23

DATE OF EVENT: 6/9, 7/14, 8/11, 9/8

LICENSE NUMBER # 23-00012104

NOTE TO STAFF: Please submit approval by 02/03/23

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> 101.0-000.000-636.0005 248.530.1855	TBC	No Cost No Comment		0	
<b>BUILDING</b> 101.0-000.000.636.0005 248.530.1850	MJM	No Department Involvement.		\$0	
<b>FIRE</b> 101.0-000.000-636.0004 248.530.1900	AS	Response for emergencies from stations. Cooking areas and food trucks require inspection. Fire extinguisher required for cooking areas. Crowd managers required 1/250 people ratio Provide wire bridges for extension cords Tents require flame retardant cert.		\$0	
<b>POLICE</b> 101.0-000.000.636.0003 248.530.1870	RK 1/26/23	On duty personnel to provide extra patrol.		\$0	\$0
<b>PUBLIC SERVICES</b> 101.0-000.000-636.0002 248.530.1642	CL 1/25/23	No stakes driven in the ground. Estimated costs include: Banner placement and removal. Barricade placement and removal for each event. Set up and clean up for each event even if the event is cancelled. Additional cost is possible if the event exceeds the typical scope for set up, and /or if extra clean up is necessary.		\$2,500	

<b>ENGINEERING</b> 101.0-000.000.636.0002 248.530.1839	KC 1/26/23		Obstruction	\$65	
<b>SP+ PARKING</b>	AF	N. Old Woodward Garage and metered spaces will be available at the posted rates		\$0	\$8
<b>INSURANCE</b> 248.530.1807		Need to submit COI no less than 2 weeks prior to event Need to submit Hold Harmless Agreement	None	\$0	\$0
<b>CLERK</b> 101.0-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than ____. Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than ____.	\$165	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>\$2730</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund\_\_\_\_\_





**DATE:** February 7, 2023

**FROM:** Alexandria Bingham, City Clerk

**SUBJECT:** Advisory Parking Committee resignation – Steven Kalczynski

---

**INTRODUCTION/BACKGROUND:**

Advisory Parking Committee member Kalczynski submitted his resignation from the board effective January 30, 2023. This creates a vacancy for the remainder of his three-year term to expire September 4, 2023.

**LEGAL REVIEW:**

n/a

**FISCAL IMPACT:**

n/a

**PUBLIC COMMUNICATIONS:**

The City Clerk's office will publish a notice of intention to appoint to this position, post the vacancy on the "board and commission opportunities" portion of the city's website and include it in the city's digital news vehicles as publication schedules permit.

**SUMMARY:**

The City Commission is being asked to approve accept the resignation of Steven Kalczynski from the Advisory Parking Committee, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.

**ATTACHMENTS:**

1. Resignation email

**SUGGESTED COMMISSION ACTION:**

To make a motion to accept the resignation of Steven Kalczynski from the Advisory Parking Committee, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.

---

## Fwd: Resignation from Parking Advisory Committee

2 messages

---

**Aaron Ford** <aford@bhamgov.org>

To: Alex Bingham <abingham@bhamgov.org>, Christina Woods <cwoods@bhamgov.org>

Mon, Jan 30, 2023 at 8:38 AM

FYI -

The APC will have an open seat.

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

From: **Steven Kalczynski** <skalczynski@townsendhotel.com>

Date: Mon, Jan 30, 2023 at 7:37 AM

Subject: Resignation from Parking Advisory Committee

To: Aaron Ford <aford@bhamgov.org>

Good Day Aaron,

It is with deep regret that I must inform you that I am resigning from the Parking Advisory Committee for the City of Birmingham, effective immediately. I apologize that I will not have the opportunity to do it in person with you but as time is short of my stay here in Michigan, I thought you should know as soon as possible.

I have accepted a new executive position in Seattle, Washington so I will be leaving the area at the end of February. Should you require any additional information from me until that time please let me know.

I have enjoyed this opportunity supporting the City of Birmingham over the past ten years. The goals established by BPAC for the future will certainly be exciting and I am sorry I will not be a part of it.

I am truly grateful for the honor of being a member and wish you continued success in the months and years ahead.

Sincerely,

Steven

**5K**

**Steven Kalczynski**  
Managing Director  
The Townsend Hotel  
100 Townsend Street  
Birmingham, MI 48009  
P: 248-642-5396 | F: 248-540-8130  
skalczynski@townsendhotel.com  
www.townsendhotel.com



Visit The Townsend Hotel website <https://www.townsendhotel.com>  
**Forbes Four Star Rated (9 Years) , AAA Four Diamond Rated (32 Years)**  
The Rugby Grille is one of the only Forbes recommended restaurants in Michigan & a Recipient of the Wine Spectator Two-Glass Award (5 years)  
Trip Advisor Certificate of Excellence Winner  
Detroit Top Work Places 2018 & 2019: Detroit Free Press

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Aaron Ford  
Parking Systems Manager  
151 Martin Street  
Birmingham, MI 48009  
City of Birmingham  
248-530-1257

Alex Bingham <abingham@bhamgov.org>  
To: Christina Woods <cwoods@bhamgov.org>

Mon, Jan 30, 2023 at 8:47 AM

[Quoted text hidden]

Alexandria D. Bingham

City Clerk

City of Birmingham

151 Martin Street

Birmingham, MI 48009

(248) 530-1802 Office Direct

(248) 530-1080 Fax

[abingham@bhamgov.org](mailto:abingham@bhamgov.org)

**\*Important Note to Residents\***

5K



**DATE:** February 7, 2023

**FROM:** Alexandria Bingham, City Clerk

**SUBJECT:** Martha Baldwin Park Board resignation – Patrick Rock

---

**INTRODUCTION/BACKGROUND:**

Martha Baldwin Park member Patrick Rock submitted his resignation from the board effective February 2, 2023. This creates a vacancy for the remainder of his three-year term to expire May 1, 2024.

**LEGAL REVIEW:**

n/a

**FISCAL IMPACT:**

n/a

**PUBLIC COMMUNICATIONS:**

The City Clerk's office will publish a notice of intention to appoint to this position, post the vacancy on the "board and commission opportunities" portion of the city's website and include it in the city's digital news vehicles as publication schedules permit.

**SUMMARY:**

The City Commission is being asked to approve accept the resignation of Patrick Rock from the Martha Baldwin Park Board, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.

**ATTACHMENTS:**

1. Resignation email

**SUGGESTED COMMISSION ACTION:**

To make a motion to accept the resignation of Patrick Rock from the Martha Baldwin Park Board, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.



---

## Fwd: Checking Availability- Martha Baldwin Park Board Meeting

---

**Carrie Laird** <Claird@bhamgov.org>  
To: Clerks Office <ClerksOffice@bhamgov.org>

Thu, Feb 2, 2023 at 12:12 PM

Please see below from Patrick Rock. Thanks!

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

From: **Patrick Rock** <rock.patrick@gmail.com>  
Date: Thu, Feb 2, 2023 at 9:30 AM  
Subject: Re: Checking Availability- Martha Baldwin Park Board Meeting  
To: Carrie Laird <Claird@bhamgov.org>

Hi Carrie. I am regretfully going to have to resign from this position. My family is moving just over the border in Bloomfield which I believe disqualifies me.

On Wed, Feb 1, 2023 at 3:03 PM Carrie Laird <Claird@bhamgov.org> wrote:

Good afternoon all,

Let's plan to meet in March. Please use the link below to provide your availability between March 1 and March 16.

<https://doodle.com/meeting/participate/id/az6QvzOa>

Once everyone has completed the doodle poll, I will send another email with a date for our meeting!

Thank you!

---

Carrie A. Laird  
Parks & Recreation Manager  
[851 S. Eton](#)  
[Birmingham, MI 48009](#)  
248-530-1714

**\*Important Note to Residents\***  
Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at [www.bhamgov.org/citywideemail](http://www.bhamgov.org/citywideemail).

---

Carrie A. Laird  
Parks & Recreation Manager  
[851 S. Eton](#)  
[Birmingham, MI 48009](#)  
248-530-1714

**\*Important Note to Residents\***  
Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at [www.bhamgov.org/citywideemail](http://www.bhamgov.org/citywideemail).



## **MEMORANDUM**

Legal Department

**DATE:** February 13, 2023  
**TO:** Thomas M. Markus, City Manager and City Commission  
**FROM:** Mary M. Kucharek  
**SUBJECT:** Code of Conduct

---

### **INTRODUCTION:**

The purpose of this Code of Conduct is to define the minimum standards of conduct that are expected of the City Commission and the individual Commissioners as determined by the City Commission, in conjunction with its Ethics Ordinance, in order to collaborate and conduct efficient and productive meetings.

### **BACKGROUND:**

In January and February of 2022, the City Commission discussed the desire to draft and adopt a Code of Conduct for the City Commission in conjunction with the Rules of Procedure which have already been adopted. At a workshop, the City Commission discussed and reviewed potential language of a Code which was presented by Assistant City Manager, Jana Ecker. Staff drafted and presented a proposed Code of Conduct on July 11, 2022. Discussion occurred and suggestions were made by the City Commission. The City Manager now directs it is time once again to consider adopting a Code of Conduct.

### **LEGAL REVIEW:**

The City Attorney has collaboratively drafted the Code of Conduct for your consideration and recommends City Commission approval and adoption.

### **FISCAL IMPACT:**

The Code of Conduct is believed to foster more productive and efficient meetings of the Birmingham City Commission. Staff members also attend Birmingham City Commission meetings and whenever decisions are made and meetings are held that are more congenial and efficient then productivity is increased, which is always financially beneficial to the tax paying citizens.

**PUBLIC COMMUNICATIONS:**

Once approved, this Code of Conduct will be published on the City of Birmingham website along with the City Commission's Rules of Procedure.

**SUMMARY:**

The City Commission is asked to review and adopt this Code of Conduct to establish the defined conduct standards and expectations. This document will result in published and accepted expectations of the City Commission and individual Commissioners. This Code of Conduct is to be a self-regulatory policy.

**ATTACHMENTS:**

The City of Birmingham Code of Conduct.

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the City of Birmingham Code of Conduct and further direct staff to publish the Code of Conduct as adopted on the City of Birmingham website along with the Rules of Procedure of the Birmingham City Commission.



**City Commission  
Code of Conduct  
Resolution # \_\_\_\_\_**

**Sec. 1-1. – Purpose**

As elected leaders of the community, the City Commission is entrusted to collaborate, and work as a united team committed to the residents of the City of Birmingham. In order to be effective, City Commissioners must come to meetings with an open mind, think strategically about City issues, and conduct themselves in a respectful and professional manner at all times to maintain a culture of candor, trust, and respect.

**Sec. 1-2. – Role of City Commission**

- (1) The role of the City Commission is to:
  - (a) Make policy decisions.
  - (b) Hire & consult with the City Manager.
  - (c) Consider For Approval:
    - i. Budget and related work plan;
    - ii. Ordinances & policy decisions;
    - iii. Certain Development proposals; and
    - iv. Rezoning requests.
  - (d) Appoint representatives to advisory boards and committees.
- (2) Each City Commissioner is expected to:
  - (a) Act in accordance with the established and accepted Rules of Procedure.



- (b) Act in accordance with the City Charter and the City Code of Ordinances.
  - (c) Recognize the City Commission as a whole speaks through its motions and resolutions collaboratively.
- (3) In accordance with the City Charter and Code of Ordinances, the City Commission does not have authority to:
- (a) Hire and fire staff.
  - (b) Direct the activities of staff members, other than the City Manager.
  - (c) Individually direct the activities of boards, committees, subcommittees or other resident groups.
  - (d) Individually approve policies, projects, etc.
  - (e) Individually commit City resources or staff to specific causes.
  - (f) Individually enforce policies, City Code, etc.
  - (g) Individually speak or prepare official correspondence on behalf of the City unless authorized by the City Commission as a whole.
- (4) City Commissioners recognize it is the role of the City Manager to:
- (a) Provide best efforts & advice to the City Commission.
  - (b) Manage City operations & direct staff.
  - (c) Propose budget & policies.
  - (d) Implement City Commission decisions.
  - (e) Deliver services to the citizens.
  - (f) Equitably enforce codes & policies.
- (5) City Commissioners recognize it is the role of independent boards, committees, subcommittees & task forces to:
- (a) Provide the community's perspective.

- (b) Propose future projects and plans.
- (c) Advise the City Commission.
- (d) Hold hearings as directed by City Commission, the Charter and ordinances.

**Sec. 1-3. – City Commissioner Conduct with City Staff and Boards, Committees and Commissions**

- (1) To ensure the safe and efficient operation of City government, and to protect the best interest of the City, City Commissioners commit to:
  - (a) Respect staff as valued resources and members of the team.
  - (b) Treat all staff as professionals.
  - (c) Refrain from disrupting staff from their jobs.
  - (d) Support the maintenance of a positive and constructive workplace environment for City employees where individual members, City staff and the public are free to express their ideas and work to their full potential.
  - (e) Provide direction to the City Manager and not direct the work of individual staff members.
  - (f) Send to the City Manager all communications and questions for staff.
  - (g) When possible, notify the City Manager in advance of a City Commission meeting of questions or requests to pull agenda items from the consent agenda so the appropriate staff can compile the information needed.
  - (h) Agree that information individual Commissioners ask of the City Manager will be provided to all City Commission members.
  - (i) Refrain from soliciting political support from staff.
- (2) To protect the best interest of the City, City Commissioners commit the following to Board, Committee and Commission Members:
  - (a) View boards and committees as vitally important resources to support decision-making.

- (b) Communicate effectively in a public forum with boards and committees to ensure they have the tools to do their work.
- (c) Give clear direction as a body and take adequate time to review the result of a board's deliberations.
- (d) Refrain from using their position to influence the deliberations or outcomes of boards and committees because of the value of the independent advice of boards, committees and task forces to the public decision-making process.
- (e) Agree not to attend board, committee or task force meetings in person. However, City Commissioners may view meetings if doing so only as an anonymous observer via video or broadcast television, unless a City Commissioner is an appointed member of a board, committee or task force.

#### **Sec. 1-4. - City Commissioner Conduct with One Another**

The Birmingham City Commission is comprised of individuals with a wide variety of backgrounds, educational and work experiences, personalities, values, opinions and goals. All City Commissioners have chosen to serve in public office in order to preserve and protect the present and the future of Birmingham. As City Commissioners may "agree to disagree" on more controversial issues, each Commissioner agrees to abide by the following standards of conduct.

##### **(1) IN PUBLIC MEETINGS**

- (a) **Practice civility, professionalism and decorum in discussions and debate.**  
Difficult questions, tough challenges to a particular point of view, criticism of ideas and analysis of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, City Commissioners to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. City Commissioners should conduct themselves in a professional manner at all times.
- (b) **Use Respectful Behavior at All Times.**
  - i. **City Commissioners shall:**
    1. Treat people with courtesy, politeness and kindness.
    2. Encourage others to express their opinions and ideas.
    3. Listen to what others have to say.
    4. Use the ideas of others to improve decisions and outcomes.
    5. Recognize and respect differences.

6. Prepare for the issues at hand.
7. Focus on the business of the body.
8. Consider only legally germane information in decisions.
9. Act as a decision maker, not an advocate for any position or project.

ii. **City Commissioners shall not:**

1. Speak over or cut off another individual's comments.
2. Insult, disparage, or put down people or their ideas.
3. Bully others by displaying a pattern of belittling, demeaning, judgmental or patronizing comments.
4. Threaten or commit acts of violence.

(c) **Honor the role of the Mayor in maintaining order.**

It is the responsibility of the Mayor to keep the comments of City Commissioners on track during public meetings. City Commissioners should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure and the Rules of Procedure.

(d) **Avoid personal comments that could offend other City Commissioners.**

If a City Commissioner is personally offended by the remarks of another City Commissioner, the offended City Commissioner should make notes of the actual words used and call for a "point of personal privilege" that challenges the other City Commissioner to justify or apologize for the language used. The Mayor will maintain control of this discussion.

(e) **Demonstrate effective problem-solving approaches.**

City Commissioners should work together to resolve issues and act as public role models. City Commissioners have the opportunity to demonstrate how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(f) **Be punctual and keep comments relative to topics discussed.**

City Commissioners have made a commitment to attend meetings and partake in discussions. City Commissioners must be punctual to ensure meetings start on time. City Commissioners must keep discussions relative to the topic at hand in order to allow adequate time to fully discuss scheduled issues.

(2) **IN PRIVATE ENCOUNTERS**

(a) **Continue respectful behavior in private.**



The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations as elected officials recognize that as public officials, they are always on display and even private conversations can have a public presence.

(b) **Be aware of the insecurity of written notes, voicemail messages, and e-mail.**

Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

(3) **EX PARTE COMMUNICATION**

(a) **Ex Parte Contacts/Fair Hearings.**

City Commissioners shall exercise caution in receiving or seeking out information and evidence on any quasi-judicial matter while such matter is pending before the City Commission or any agency, board, or committee thereof, except at the public hearing.

(b) **Exposure to Information.**

A City Commissioner that is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, interested parties, the applicant, or through site visits must disclose all contacts, information and/or evidence acquired from such contacts, during the public hearing or meeting, and before the public comment period is opened. Self-reporting and disclosure is mandatory.

**Sec. 1-5. - Working with the Public**

(1) **Residents.**

City Commissioners are sometimes the first call for help from residents. The City Commission acknowledges if a resident receives conflicting information from different City Commissioners that it is difficult for the resident and could increase liability for the City. Therefore, City Commissioners agree to direct all residents to the City staff or GovPilot to address their concerns. If the City Manager determines that the question and response is of public importance, the Manager may remark, clarify, and share the information with the City Commission at a public meeting.

(2) **Business or other interests.**

The purpose of a City Commission meeting is to discuss information, review information, and decide upon issues in an open and transparent public process. City Commissioners should not meet with applicants outside of a public meeting to facilitate ideas about

proposals. The City Commission should be receiving all information as a whole Commission in a public meeting.

**(3) The City Commission's overarching principals for working with the community are:**

- (a) Do not grant any special consideration, treatment, or advantage to anyone.
- (b) Do not advocate for a personal or specific point of view outside of City Commission meetings with the public.
- (c) City Commissioners should not prejudge an issue before the whole City Commission has received the information in a public meeting. Due process of an item means all the information is put to the whole public body before a decision is made. Each City Commissioner agrees not to make a decision about an issue before the City Commission until the deliberation process occurs at a public meeting and Commissioners are called upon to cast their vote.
- (d) Each City Commissioner may discuss an issue the City Commission has already decided upon by explaining how the City Commission as a whole arrived at the decision, and supporting the decision of the entire body, even if in disagreement.

**Sec. 1-6. Enforcement/Sanctions**

This Code of Conduct is meant to be self-enforcing. City Commissioners should be familiar with its contents and support any training necessary to further its implementation.

If there is a complaint or question as to whether or not a member of the City Commission is in violation of this Code of Conduct, their actions should be referred to the Mayor, and it shall be the function of the City Commission to conduct a public hearing. The hearing shall be moderated by the Chair of the Ethics Board presiding over the hearing and managing testimony, physical evidence, discussion and any public comment.

The City Commission shall, within 14 days after any matter is brought to the attention of the Mayor, set a date certain for the public hearing. The Chair of the Ethics Board, at least 14 days before the hearing date, shall give notice of the hearing, and provide a concise statement of the alleged breach of the Code of Conduct to the accused Commissioner by certified mail, return receipt requested. All hearings of the alleged violation shall be subject to the Open Meetings Act. While the Chair of the Ethics Board will preside over the hearing to assure fairness and efficiency, the entire Commission shall vote with the majority present as the final decision makers of whether or not an alleged violation has occurred. If a member of the City Commission is found to be in violation of this Code of Conduct, they may be reprimanded or formally censured by the City Commission. The City Commission will also vote with the majority prevailing as to sanctions of the violator, which may include, but are not limited to, a formal written reprimand

up to a request for removal of the City Commissioner by the Governor if the Commissioner's conduct is so egregious that the majority of the Commissioners believe this to be necessary.

Adopted by Resolution on \_\_\_\_\_, 2023.

O:\Birmingham\CODE OF CONDUCT\2023.02.03 RESOLUTION 2023 - (CLEAN) CODE OF CONDUCT.docx

DRAFT



## MEMORANDUM

Planning Division

**DATE:** February 13, 2023

**TO:** Thomas M. Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public Hearing for 300 S. Old Woodward – RH – Special Land Use Permit Amendment, Final Site Plan & Design Review (**Request to Postpone**)

---

### INTRODUCTION:

The applicant has submitted a Special Land Use Permit Amendment, Final Site Plan & Design Review for a revised site plan and building design on a building currently under construction in Downtown Birmingham pursuant to Chapter 10, Section 10-84 of the Birmingham Code of Ordinances. The subject site is located on the west side of S. Old Woodward, between Brown and Daines.

### BACKGROUND:

On July 14, 2021 ([Agenda – Minutes](#)), the Planning Board moved to recommend approval to the City Commission a Special Land Use, Final Site Plan and Design Review application for the original proposal, which was subsequently approved by the City Commission on August 9, 2021 ([Agenda – Minutes](#)).

Prior to the original site plan approval process, the applicant had also applied and was approved for a rezoning from D3 (Downtown Overlay) to D4 (Downtown Overlay). The Planning Board recommended approval to the City Commission on April 28, 2021 ([Agenda – Minutes](#)), and the City Commission formally approved the rezoning on July 12, 2021 ([Agenda – Minutes](#)).

On December 14, 2022 ([Agenda – Minutes](#)), the Planning Board moved to recommend approval to the City Commission a Special Land Use Permit Amendment, Final Site Plan and Design Review application for a revised building design and minimal changes to the site. The approval conditions were as follows:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in the trash area;
3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;



4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The Planning Board approves the use of non-cutoff light fixtures;
6. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
7. The applicant must comply with the requests of all City Departments.

On January 10, 2023 ([Agenda](#)), the applicant was granted the four variances required to proceed with the design of the building as proposed. Three variances were for storefront glazing. Article 3, Section 3.04 (E)(4) of the Zoning Ordinance requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed RH design contains 62%, 60%, and 58% glazing on the Daines, S. Old Woodward, and Brown facades, respectively. The final variance was granted to permit RH to have building identification signage that is illuminated.

A complete set of updated site/design plans that address all of the conditions of approval from the Planning Board and departmental comments will be provided to the City Commission at the public hearing.

**LEGAL REVIEW:**

The City Attorney has reviewed this request and has no objections as to form and content.

**FISCAL IMPACT:**

There are no fiscal impacts for this agenda item.

**PUBLIC COMMUNICATIONS:**

As required for Special Land Use Permit and Final Site Plan Reviews, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the December 14, 2022 Planning Board meeting, and notices were sent out to all property owners and tenants within 300 ft. of the property. In addition, a second round of notices was sent out to advertise the public hearing at the City Commission meeting on February 13, 2023.

**SUMMARY:**

On January 9, 2023, the City Commission moved to set a public hearing date of February 13, 2023 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 300 S. Old Woodward – RH. The Planning Division requests that the City Commission consider postponing the public hearing to February 27, 2023 per the request of the applicant.

**ATTACHMENTS:**

Please see attached the following documents:

- Special Land Use Permit Resolution
- Postponement Request Letter from Saroki Architecture
- Current Site/Design Plans
- Planning Board Report

**SUGGESTED COMMISSION ACTION:**

Make a motion to postpone the public hearing and consideration of the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 300 S. Old Woodward – RH – to February 27, 2023.

**RH**  
**300 S. Old Woodward**  
**Special Land Use Permit Amendment 2023**

WHEREAS, A Special Land Use Permit Amendment, Final Site Plan & Design Review application was filed in November 2022 for approval of a new 4-story commercial building with a revised design and minor site changes to a property that was approved for an Economic Development Liquor License to be used for alcoholic beverage sales for on premise consumption at 300 S. Old Woodward;

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

WHEREAS, The land is zoned B2 and D4, which permits alcoholic beverage sales for on premise consumption with a Special Land Use Permit;

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

WHEREAS, The Planning Board on April 28, 2021 accepted the Community Impact Study and approved the Preliminary Site Plan Review for a new 4-story commercial building;

WHEREAS, The City Commission on July 12, 2021 approved a rezoning from D3 to D4 conditional upon the building being done pursuant to the site plan, as voluntarily given by the applicant, pursuant to a letter dated and accepted July 12, 2021 by attorney Richard Rattner;

WHEREAS, The City Commission on August 9, 2021 approved an application for a Special Land Use Permit Amendment, Final Site Plan and Design Review;

WHEREAS, The Planning Board on December 14, 2022 reviewed the application for a Special Land Use Permit Amendment, Final Site Plan and Design Review and recommended approval to the City Commission with the following conditions:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in the trash area;
3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;
4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The Planning Board approves the use of non-cutoff light fixtures;
6. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
7. The applicant must comply with the requests of all City Departments.

WHEREAS, The Board of Zoning Appeals on January 10, 2023 reviewed the plans for a

revised building design and minor site changes and granted the following variances:

1. Dimensional variance of 48 sq. ft. of clear glazing on the Daines storefront;
2. Dimensional variance of 112 sq. ft. of clear glazing on the S. Old Woodward storefront;
3. Dimensional variance of 76 sq. ft. of clear glazing on the Brown storefront;
4. Dimensional variance of 66 sq. ft. of illuminated building identification signage.

WHEREAS, The applicant has complied with the conditions of approval required by the Planning Board and all City Departments;

WHEREAS, The Birmingham City Commission has conducted a public hearing on February 27, 2023, and has reviewed RH's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that RH's application for a Special Land Use Permit Amendment, Final Site Plan and Design Review at 300 S. Old Woodward is hereby approved;

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

1. RH shall abide by all provisions of the Birmingham City Code;
2. RH shall comply with the conditions of approval assigned by the Planning Board and City Commission; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, RH and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of RH to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that RH is recommended for a new 4-story commercial building with a revised design and minor site changes with alcoholic beverage sales for on premise consumption, above all others, subject to final inspection.



I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 27, 2023.

---

**Alexandria Bingham**  
City Clerk

February 6, 2023

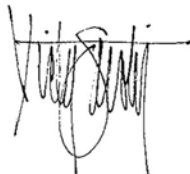
Nicholas Dupuis  
City of Birmingham Planner  
151 Martin Street  
Birmingham, MI 48009

Re: RH – Special Land Use Approval

Hello Nick,

RH has requested that the City Commission meeting for the revised RH, Special Land Use Approval be moved back 2 weeks, so they are on the February 27, 2023 agenda (instead of the February 13<sup>th</sup> meeting). They are still making some adjustments to the 4<sup>th</sup> floor café layout, and they just want to finalize it before it is reviewed by the City Commission. We trust this request is acceptable and we will be prepared to present the plan on February 27<sup>th</sup>.

Thank you, Nick.



Victor Saroki, FAIA













**SAROKI**  
ARCHITECTURE  
430 N. OLD WOODWARD  
BIRMINGHAM, MI 48009  
P. 248.258.5707  
F. 248.258.5515  
SarokiArchitecture.com

**Project:**  
RH / Mixed-Use  
300 S Old Woodward  
Birmingham, MI 48009

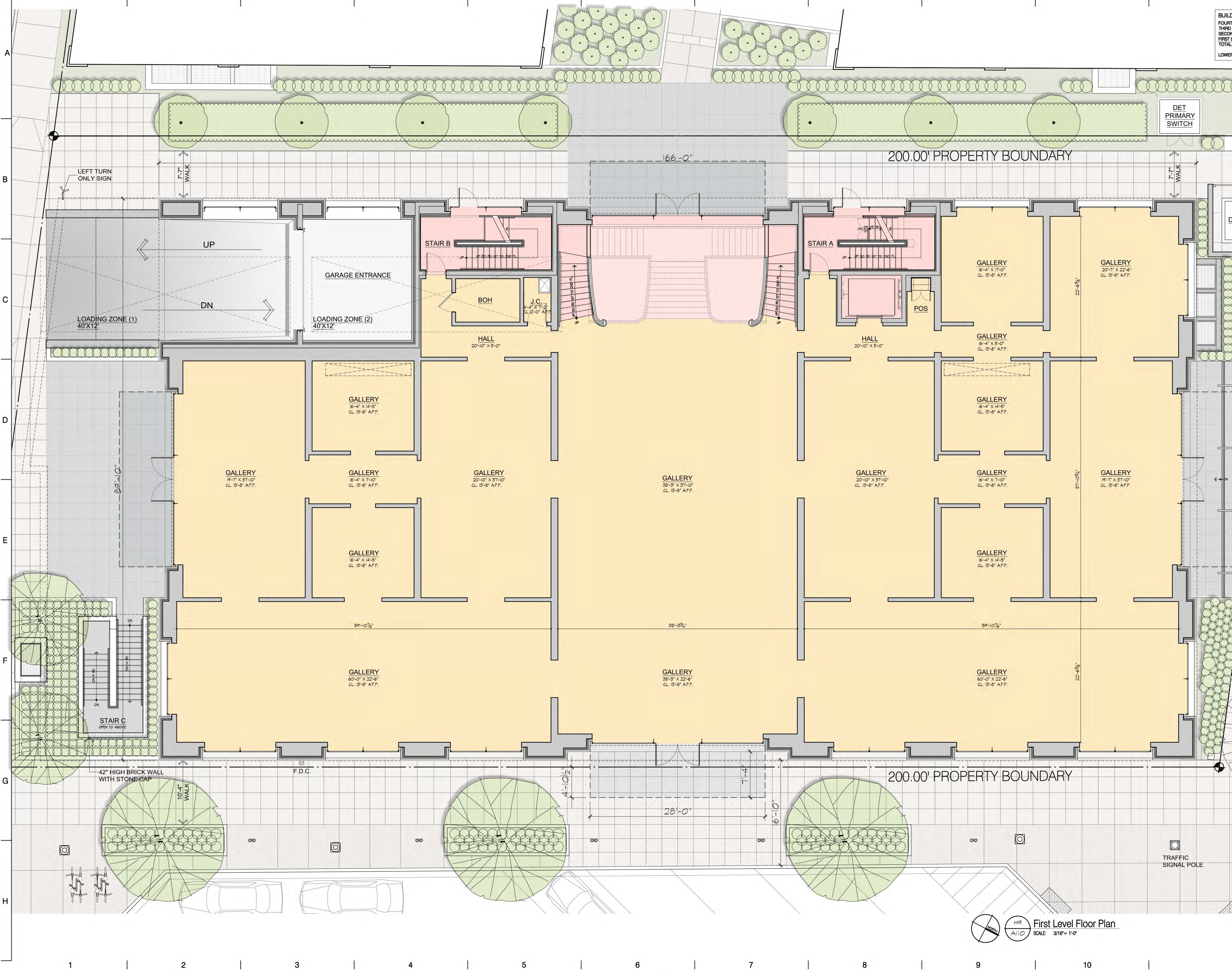
**Date:** 11-09-2022  
**Issued For:** Pre-App.  
11-18-2022 Final Site Plan Application

Lower Level Parking Garage Floor Plan  
SCALE: 3/16" = 1'-0"

**A100**  
Lower Level Parking Garage  
Floor Plan



BUILDING SQUARE FOOTAGE TOTALS	
FOURTH LEVEL:	8,704 SF (Seat Count - 188)
THIRD LEVEL:	13,692 SF
SECOND LEVEL:	13,692 SF
FIRST LEVEL:	13,817 SF
TOTAL:	48,815 SF
LOWER LEVEL:	16,531 SF (26 Parking Spaces)



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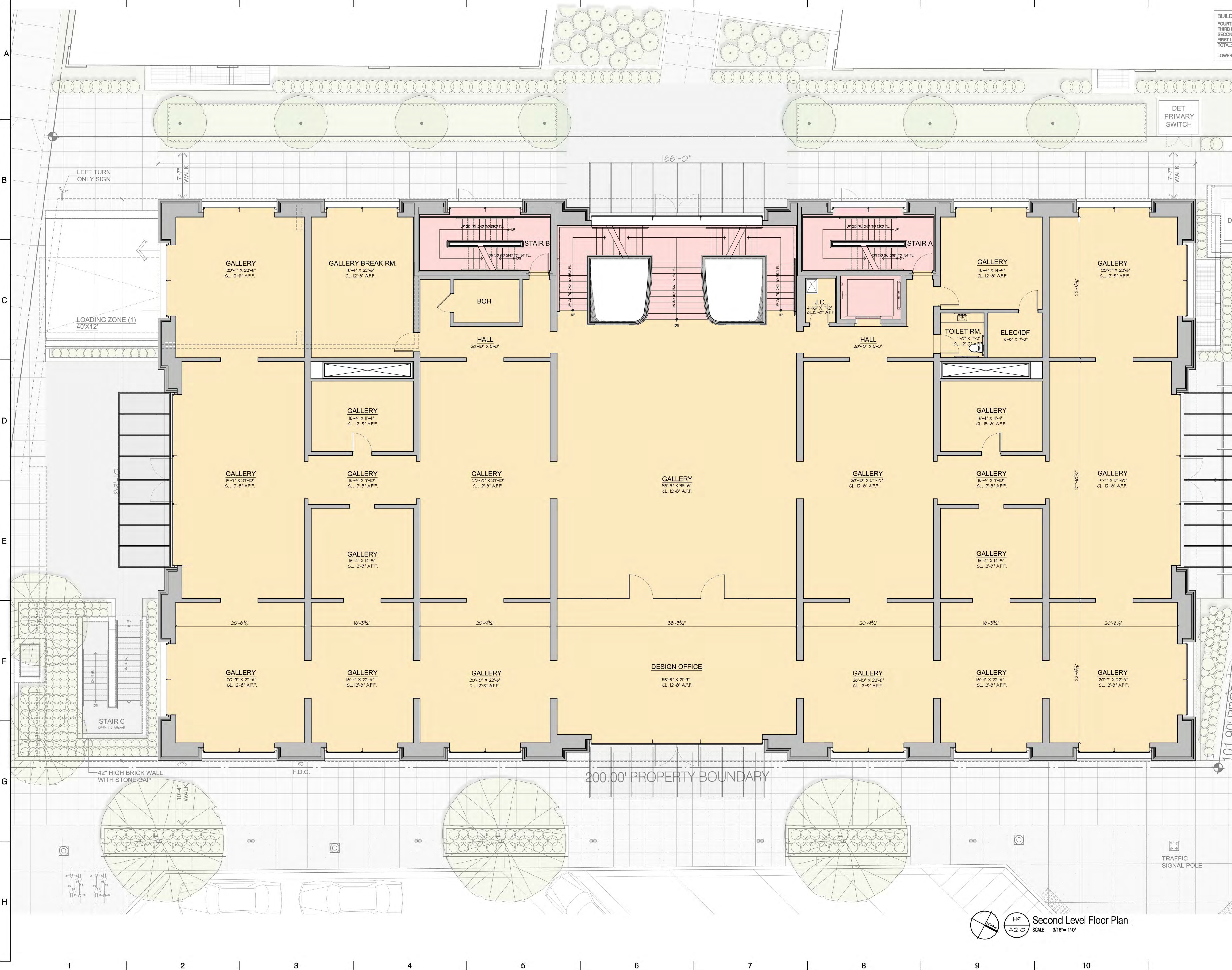
**Date:** 11-08-2022  
**Issued For:** Pre-App.  
11-18-2022 Final Site Plan Application

First Level Floor Plan  
SCALE: 3/16" = 1'-0"

**A110**  
First Level Floor Plan



BUILDING SQUARE FOOTAGE TOTALS	
FOURTH LEVEL:	8,704 SF (Gest Count - 188)
THIRD LEVEL:	13,502 SF
SECOND LEVEL:	13,692 SF
FIRST LEVEL:	13,817 SF
TOTAL:	49,615 SF
LOWER LEVEL:	16,531 SF (26 Parking Spaces)



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Birmingham, MI 48009

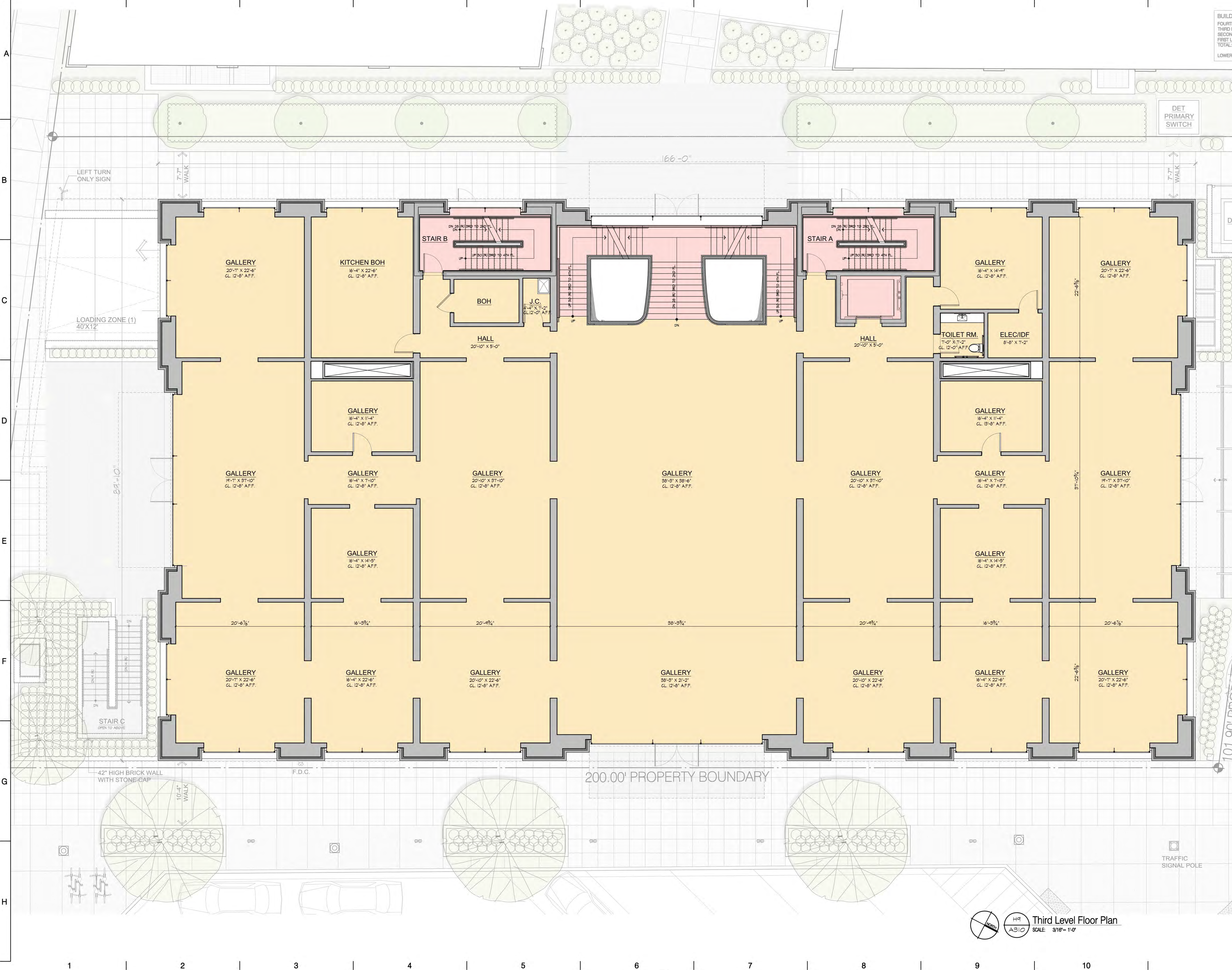
**Date:** 11-08-2022 Pre-App.  
**Issued For:** 11-18-2022 Final Site Plan Application

H9  
A210  
Second Level Floor Plan  
SCALE: 3/16" = 1'-0"

**A210**  
Second Level Floor Plan



BUILDING SQUARE FOOTAGE TOTALS	
FOURTH LEVEL:	8,704 SF (Best Count - 188)
THIRD LEVEL:	13,592 SF
SECOND LEVEL:	13,892 SF
FIRST LEVEL:	13,817 SF
TOTAL:	49,815 SF
LOWER LEVEL:	16,531 SF (28 Parking Spaces)



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**Project:**  
RH / Mixed-Use  
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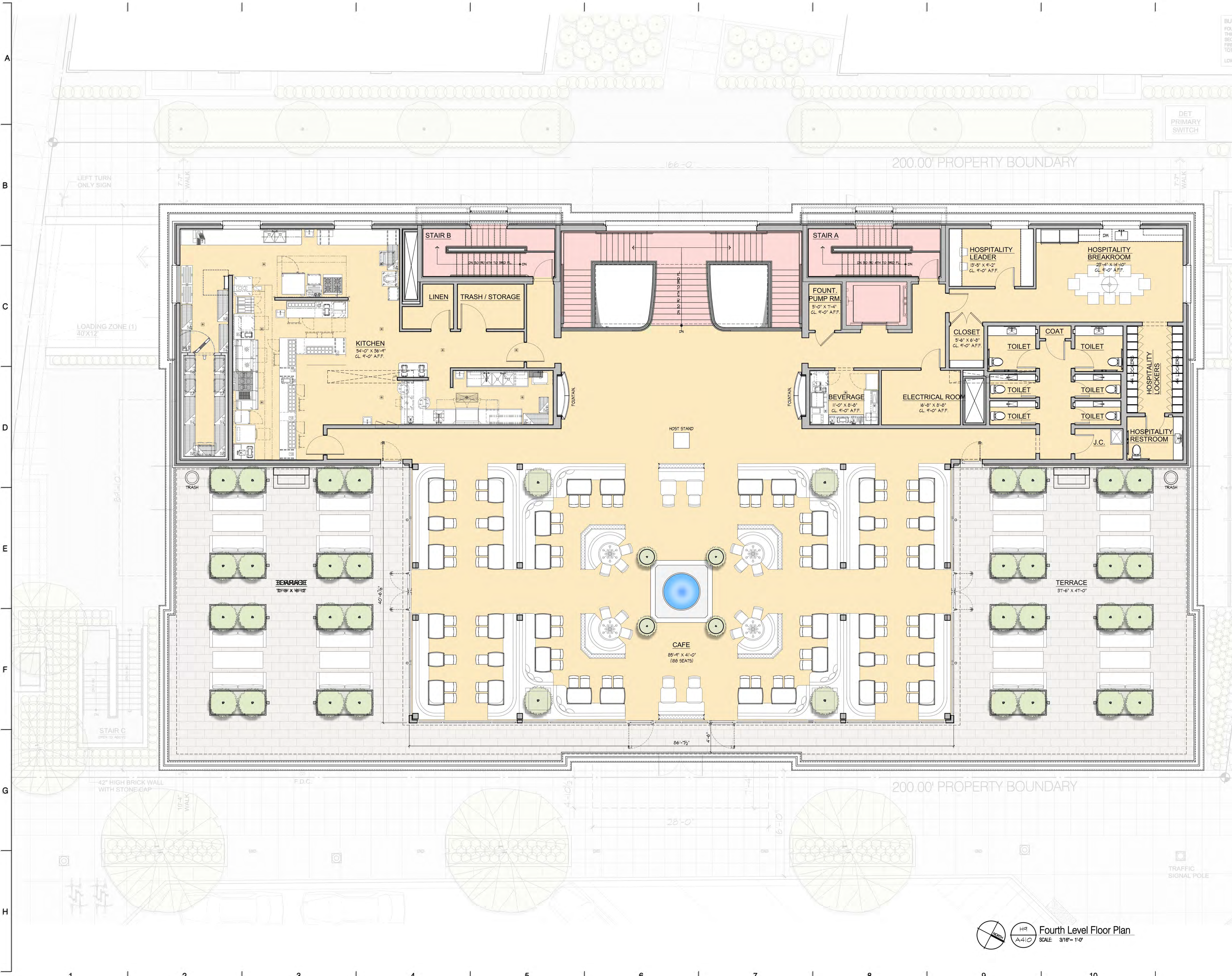
**Date:** 11-08-2022 Pre-App.  
**Issued For:** 11-18-2022 Final Site Plan Application

H9  
A310  
Third Level Floor Plan  
SCALE: 3/16" = 1'-0"

**A310**  
Third Level Floor Plan



BUILDING SQUARE FOOTAGE TOTALS	
FOURTH LEVEL:	8,704 SF (Best Count - 188)
THIRD LEVEL:	13,522 SF
SECOND LEVEL:	13,522 SF
FIRST LEVEL:	13,517 SF
TOTAL:	49,265 SF
LOWER LEVEL:	16,581 SF (26 Parking Spaces)



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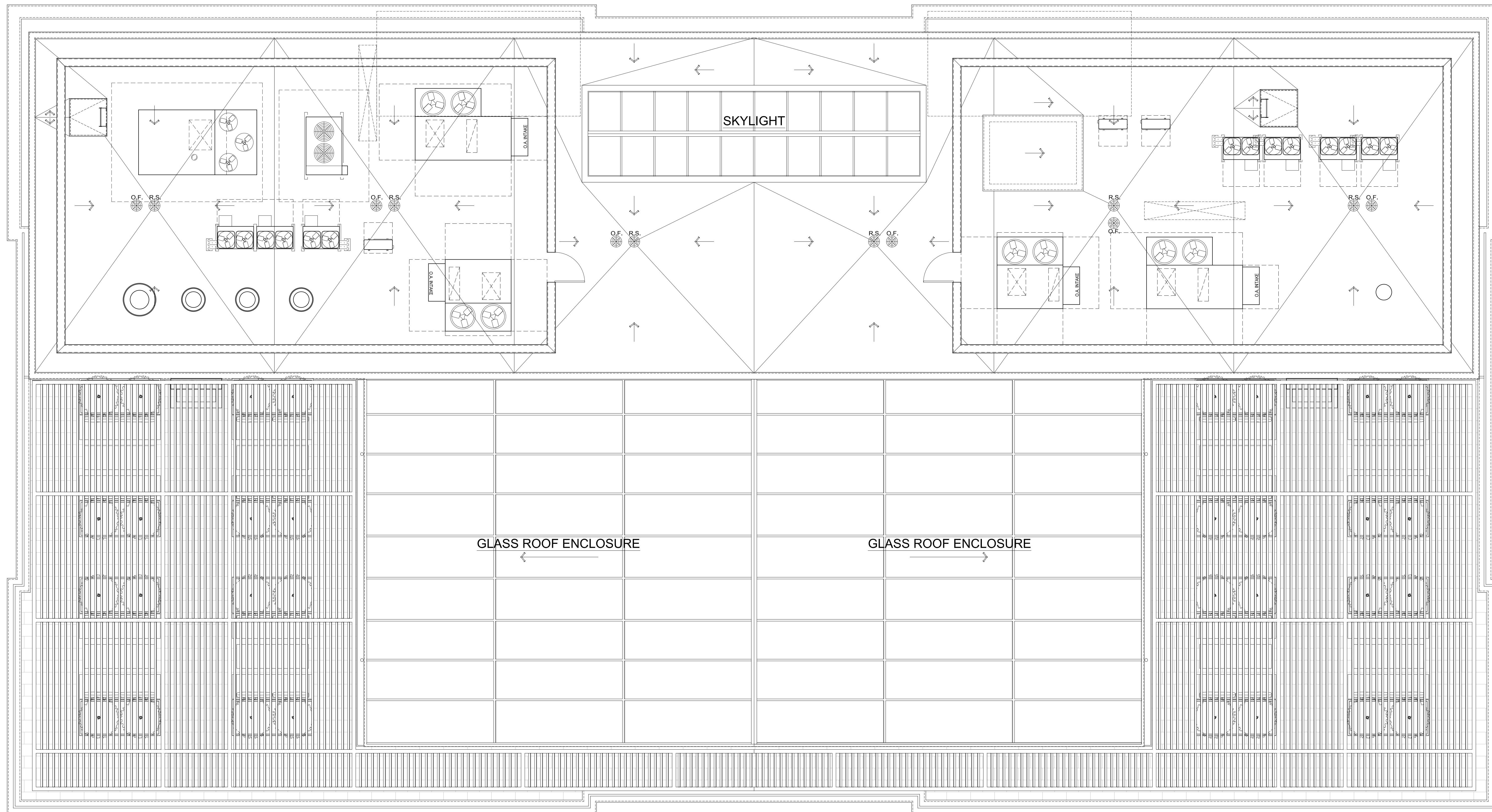
**Date:** 11-09-2022  
**Issued For:** Pre-App.  
11-18-2022 Final Site Plan Application

North Arrow  
H9  
A410  
**Fourth Level Floor Plan**  
SCALE: 3/16" = 1'-0"

**A410**  
Fourth Level Floor Plan



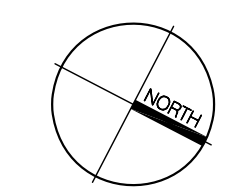
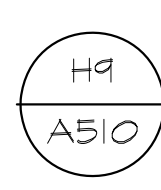
A  
B  
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H



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300 S Old Woodward  
Birmingham, MI 48009

**Date:** 11-09-2022  
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  **Roof Level Floor Plan**  
SCALE: 3/16" = 1'-0"

**A510**  
Roof Plan

1 2 3 4 5 6 7 8 9 10



A  
B  
C  
D  
E  
F  
G  
H



TOP OF SHEDDING ROOF AND 80% SCHEDULED  
EL. + 84'-0"

FOURTH LEVEL - ROOF SLAB  
EL. + 83'-0"

FOURTH LEVEL - FIN. CEILING  
EL. + 82'-0"

FOURTH LEVEL - FIN. FLOOR  
EL. + 81'-0"

FOURTH LEVEL - TERR. SLAB  
EL. + 80'-0"

THIRD LEVEL - FIN. CEILING  
EL. + 79'-0"

THIRD LEVEL - FIN. FLOOR  
EL. + 78'-0"

SECOND LEVEL - FIN. CEILING  
EL. + 77'-0"

SECOND LEVEL - FIN. FLOOR  
EL. + 76'-0"

FIRST LEVEL - FIN. CEILING  
EL. + 75'-0"

FIRST LEVEL - FIN. FLOOR  
EL. + 74'-0"

GRADE LEVEL - FIN. FLOOR  
EL. + 73'-0"

BRICK WALL FINISH

BRICK WALL FINISH

GLASS AND STEEL CAFFE' ATRIUM

TERRACE PENNSOLA SYSTEM

TOP. GLASS GUARD RAIL

STONE WALL CAP

BRICK WALL FINISH

METAL WINDOWS

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Birmingham, MI 48009

**Date:** 11-08-2022 **Issued For:** Pre-App.  
11-18-2022 Final Site Plan Application

East Exterior Elevation (Old Woodward Ave.)  
SCALE: 1/8" = 1'-0"

**A200**  
EAST EXTERIOR ELEVATION

1 | 2 | 3 | 4 | 5 | 6 **7A** | 7 | 8 | 9 | 10



A  
B  
C  
D  
E  
F  
G  
H



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RH / Mixed-Use  
300 S Old Woodward  
Birmingham, MI 48009

**Date:** 11-08-2022 **Issued For:** Pre-App.  
11-18-2022 Final Site Plan Application

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H10  
A201  
North Exterior Elevation (Brown Street)  
SCALE: 1/8" = 1'-0"

**A201**  
NORTH EXTERIOR ELEVATION

1 | 2 | 3 | 4 | 5 | 6 | 7A | 7 | 8 | 9 | 10



A  
B  
C  
D  
E  
F  
G  
H



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Project:  
RH / Mixed-Use  
300 S Old Woodward  
Birmingham, MI 48009

Date: Issued For:  
11-08-2022 Pre-App.  
11-18-2022 Final Site Plan Application

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HIO  
A202  
West Exterior Elevation  
SCALE: 1/8" = 1'-0"

**A202**  
WEST EXTERIOR ELEVATION

1 | 2 | 3 | 4 | 5 | 6 7A | 7 | 8 | 9 | 10



A  
B  
C  
D  
E  
F  
G  
H



**SAROKI**  
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**Project:**  
RH / Mixed-Use  
300 S Old Woodward  
Birmingham, MI 48009

**Date:** 11-08-2022 **Issued For:** Pre-App.  
11-18-2022 Final Site Plan Application

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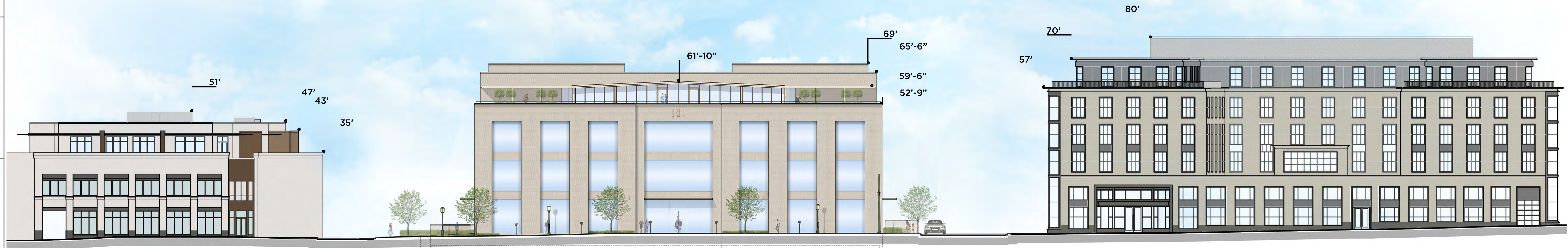
H10  
A203  
South Exterior Elevation  
SCALE: 1/8" = 1'-0"

**A203**  
SOUTH EXTERIOR ELEVATION

1 | 2 | 3 | 4 | 5 | 6 7A | 7 | 8 | 9 | 10



A  
B  
C  
D  
E  
F  
G  
H



H9  
A204  
StreetView Elevation  
SCALE: 1/16" = 1'-0"

**SAROKI**  
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Project:  
RH / Mixed-Use  
300 S Old Woodward  
Birmingham, MI 48009

Date: Issued For:  
11-09-2022 Pre-App.  
11-18-2022 Final Site Plan Application

Sheet No.:  
**A204**  
EXTERIOR ELEVATION

1 | 2 | 3 | 4 | 5 | 6 7A | 7 | 8 | 9 | 10





BLUESTONE PAVER



DECOMPOSED GRANITE



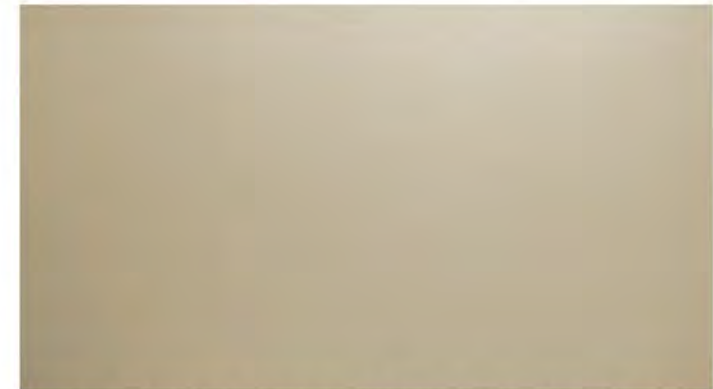
OUTDOOR FURNITURE



STEEL AND GLASS ROOFTOP RESTAURANT



ARCHITECTURAL BRICK



STEEL CANOPY, PERGOLA AND CONSERVATORY



OUTDOOR FURNITURE

RH

RH DETROIT  
300 S Old Woodward  
Birmingham, MI 48009

MATERIAL BOARD





7A





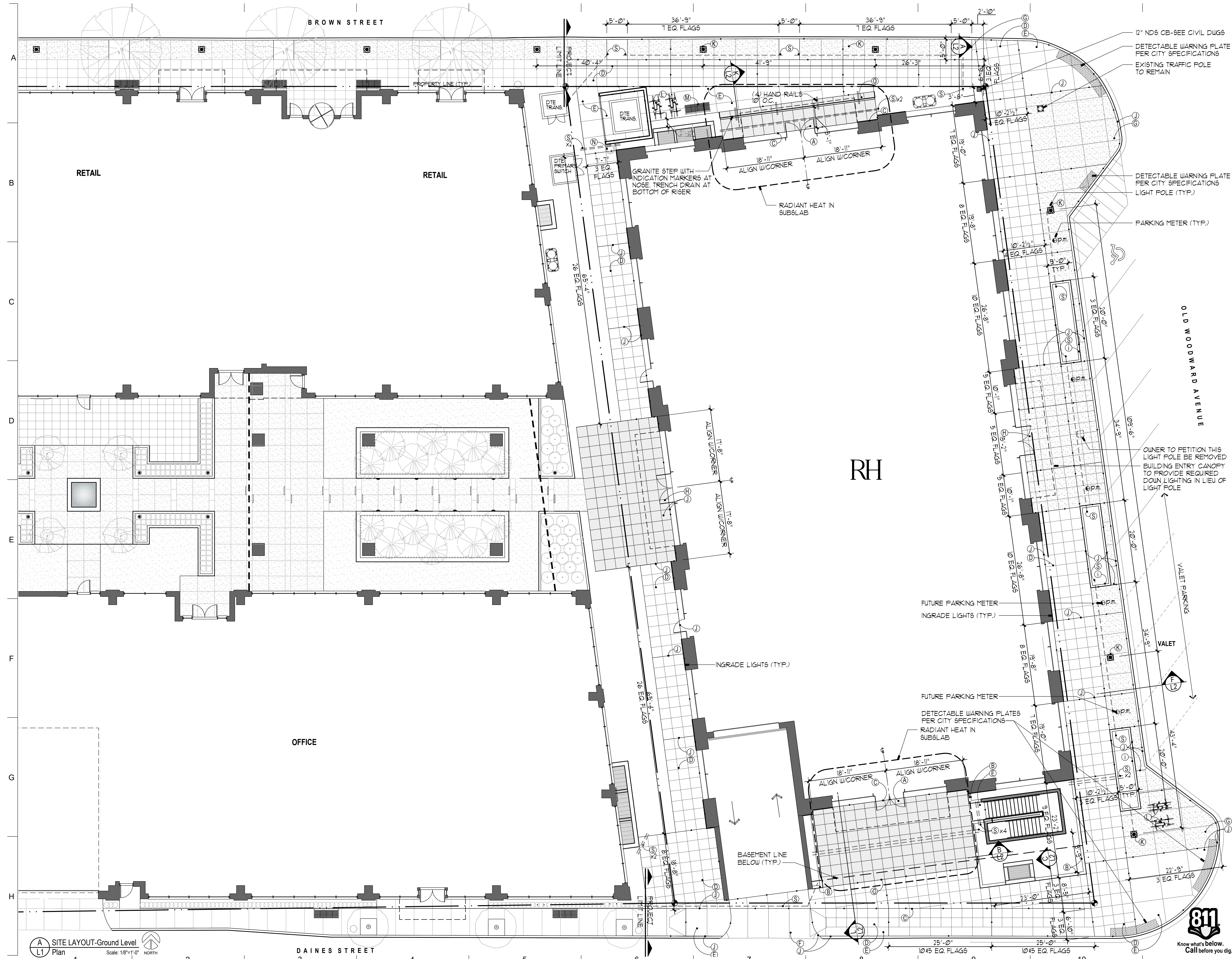
7A





7A





**RH**  
 RH DETROIT  
 300 S Old Woodward  
 Birmingham, MI 48009

LANDSCAPE  
 ARCHITECTURE  
**MICHAEL J. DUL**  
 & ASSOCIATES, INC

212 DAINES STREET  
 BIRMINGHAM  
 MICHIGAN 48009  
 P 248 644 3410  
 F 248 644 0819



**SAROKI**  
 ARCHITECTURE  
 430 N. OLD WOODWARD  
 BIRMINGHAM, MI  
 4 8 0 0 9  
 P. 248.258.5707  
 F. 248.258.5515  
 SarokiArchitecture.com

Project:  
**RH / Mixed-Use**  
 300 S Old Woodward  
 Birmingham, MI 48009  
 Date: 11-18-2022  
 Issued For: Final Site Plan Submittal

Sheet No.:  
**L1**  
 SITE LAYOUT-Ground Level



**A**  
**L1**  
 SITE LAYOUT-Ground Level  
 Plan  
 Scale: 1/8"=1'-0"  
 NORTH





SYM.	QTY.	ITEM/DESCRIPTION	PATTERN	COLOR
(A)	300 SF 300 SF CONC.	2" THICK x 30" SQUARE COLD SPRING GRANITE FLATWORK 1/4" UD. JOINTS, SET ON 1" MORTAR SETTING BED OVER MIN. 4" THICK REIN. CONCRETE BASE ON MIN. 6" COMPACTED 21AA LIMESTONE AGGREGATE. INCLUDE 2" RIGID FOAM INSULATION AND REBAR CHAIRS TO SUSPEND W/UM. 4 CONNECT RADIANT HEAT TUBES	STACKED BOND	SIERRA WHITE THERMAL FINISH
(B)	88 LF. 88 LF. CONC.	6" THICK x 8" WIDE x 36" LONG COLD SPRING GRANITE SOLID CURB SET ON 1" MORTAR SETTING BED OVER MIN. 12" WIDE x 12" DEEP REIN. CONCRETE FLOATING FOOTING-COMPLETE WITH CONT. CONCRETE RETAINING EDGE	RUNNING CURB	SIERRA WHITE THERMAL FINISH
(C)	31 LF.	2" THICK x 18" WIDE x 30" LONG COLD SPRING GRANITE TREADS WITH (2) ANTI-SLIP GROOVES x 3/8" HIGH COLD SPRING GRANITE RISERS ON MIN. 1" MORTAR SETTING BED-ALONG RISER/TREAD JOINTS (1/4" UD.)	STACKED BOND	SIERRA WHITE THERMAL FINISH INCL. EXPOSED EDGES
(D)	214 LF.	1/4" WIDE PREMOULDED EXPANSION JOINT COMPLETE WITH SNAP CAP AND DOW CORNINGS 150 CALK (SANDED TO MATCH MORTAR)		GRAY
(E)	160 LF.	4" SCH. 40 P.V.C. SLEEVES (4)-BURY A MIN. 12" EXTEND A MIN. 12" BEYOND PAVING EDGES, CAP ENDS, STAKE LOCATIONS		

CONCRETE: ALL FLATWORK SHALL BE A MIN. 4000 P.S.I. AFTER 28 DAYS, WITH 5-8% AIR ENTRAINMENT, REINFORCED WITH 6"x6" U2.9 x U2.9 W/UM. INSTALLED ON COMPACTED SAND OR AGGREGATE (SEE DETAILS). POWERWASH AND SEAL ALL EXPOSED AGGREGATE WITH EUCLID CHEMICAL CO. SUPER DIAMOND CLEAR 350 SEALER PER MANUFACTURER'S SPECIFICATIONS.

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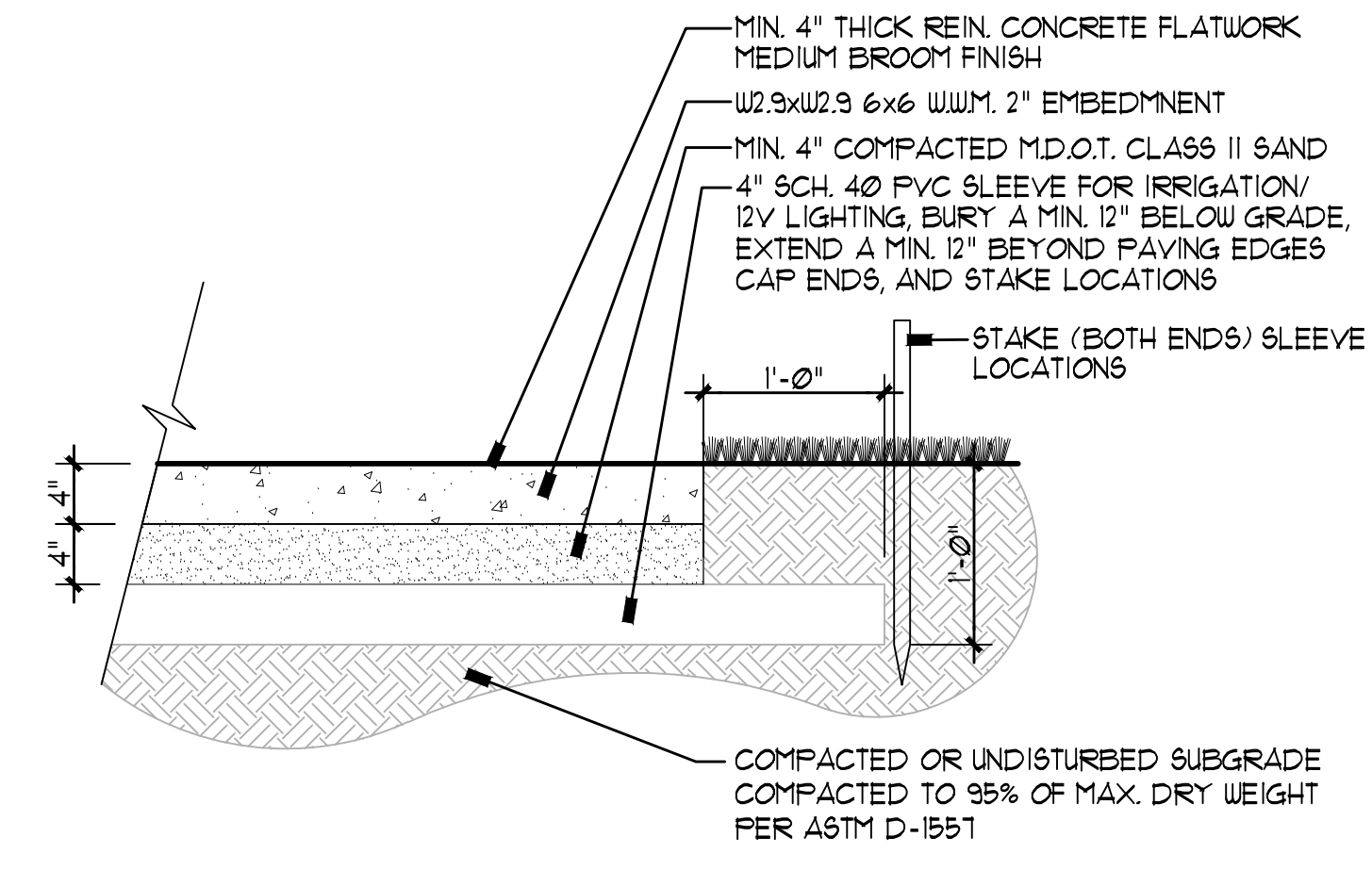
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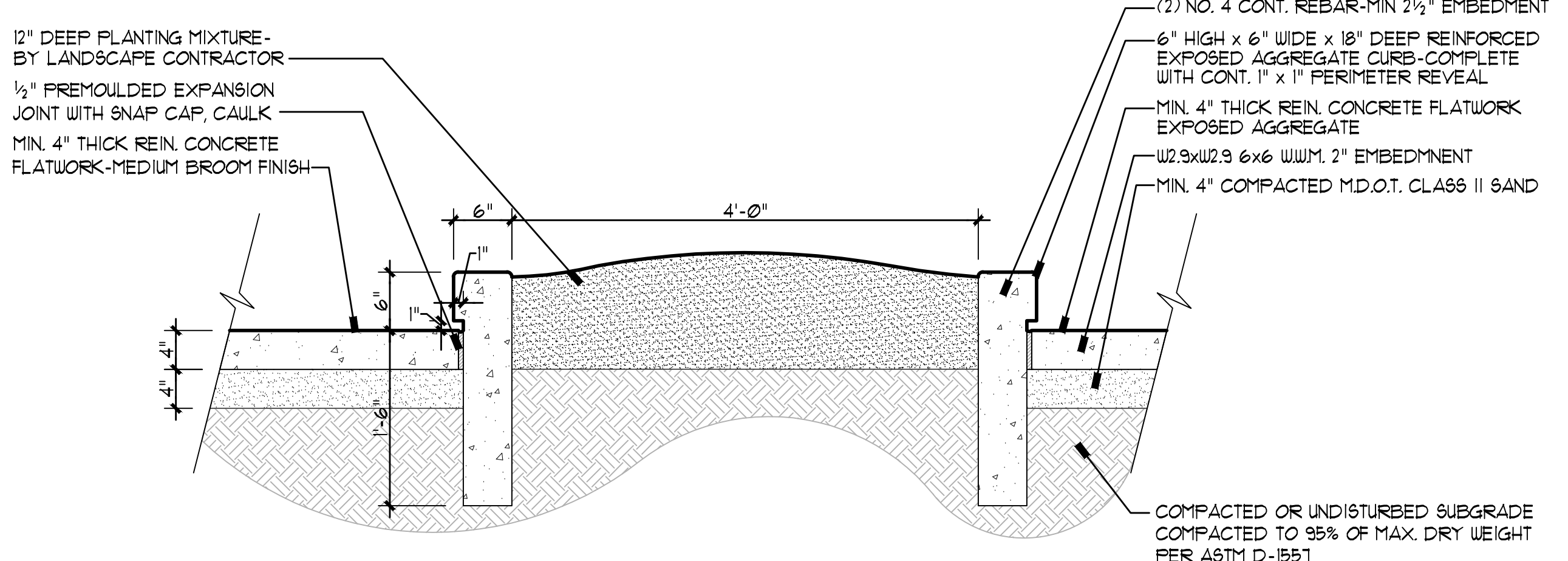
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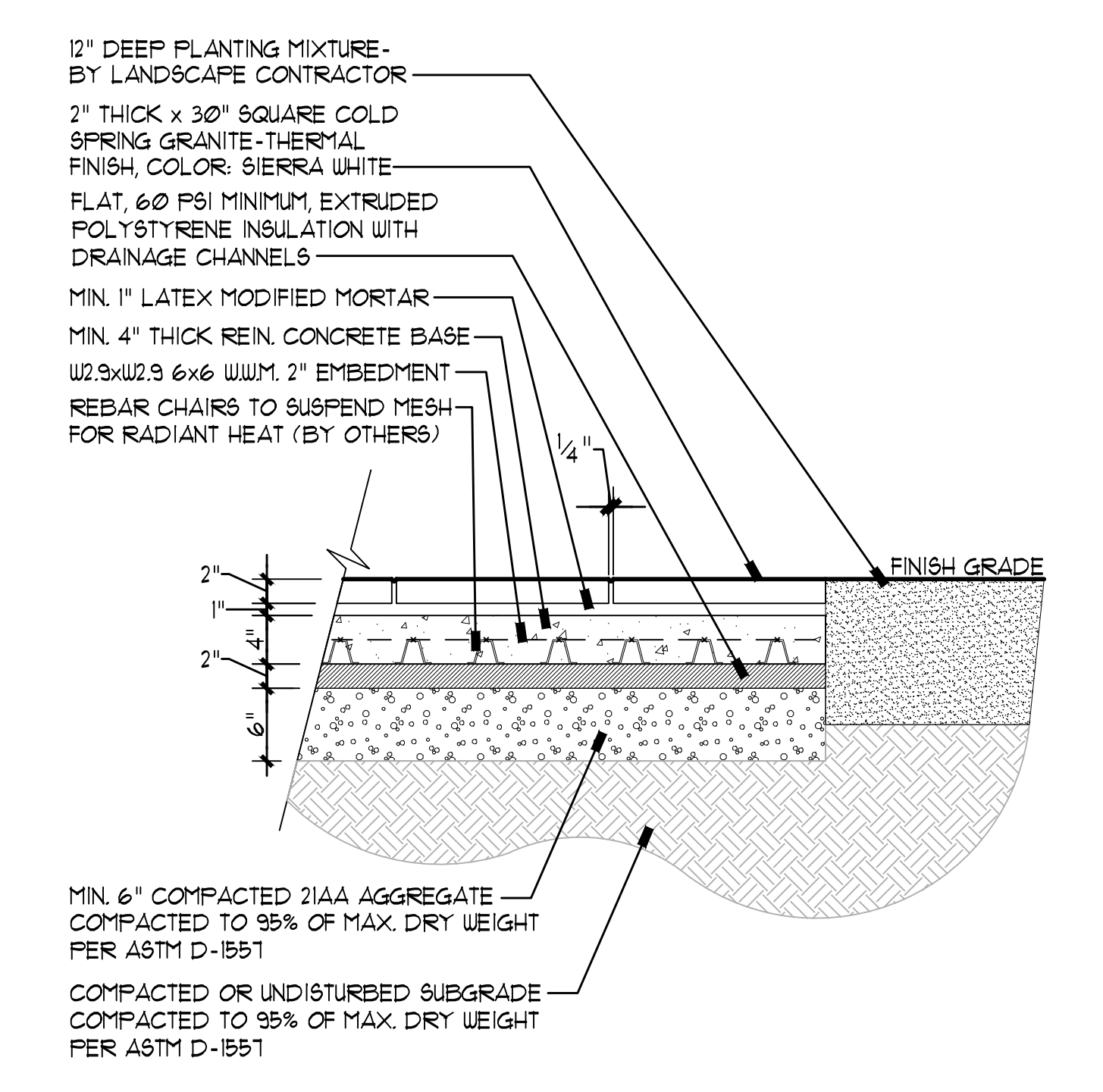
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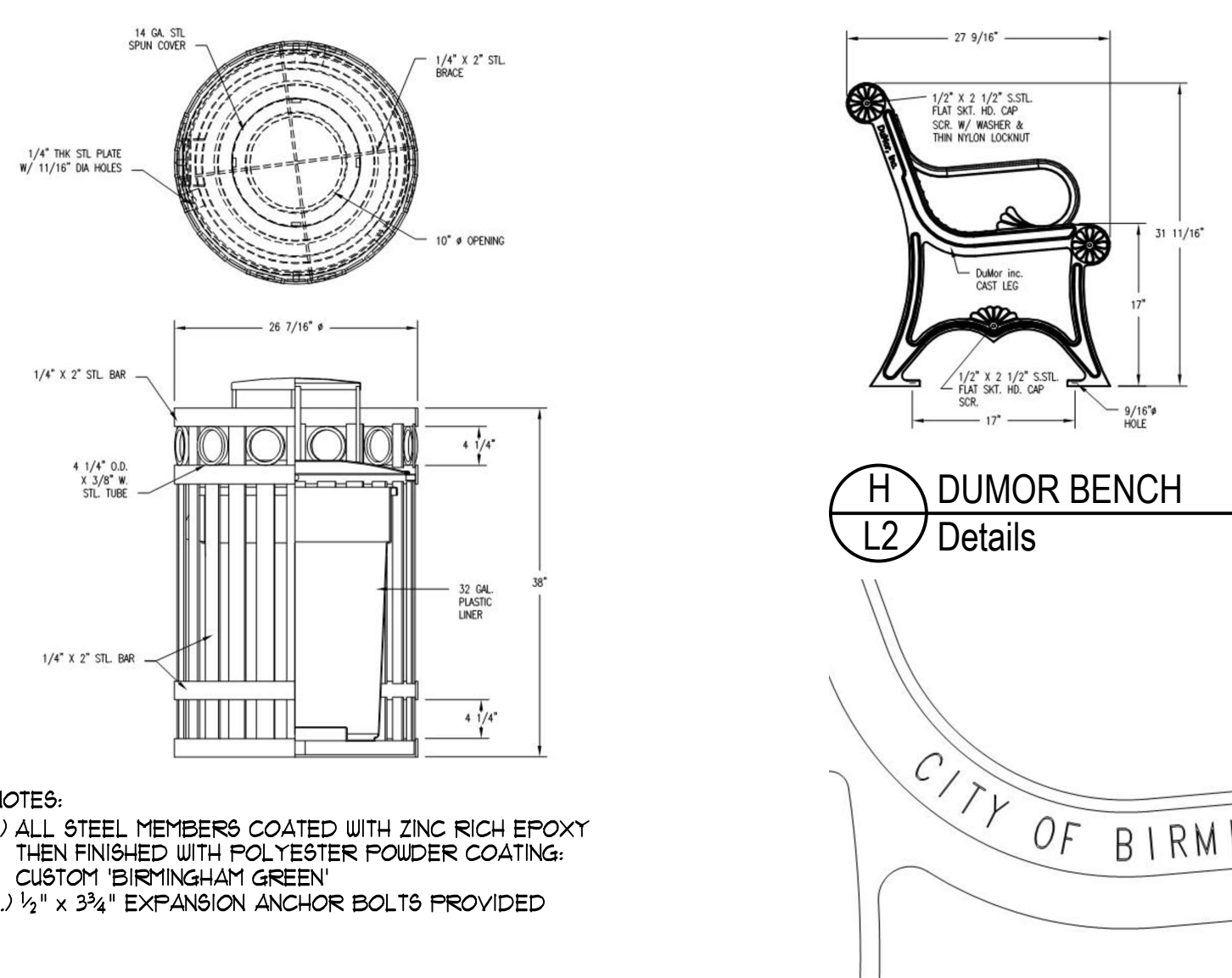
(A) PEDESTRIAN WALK/SLEEVE DETAIL  
Section Scale: 1"=1'-0"



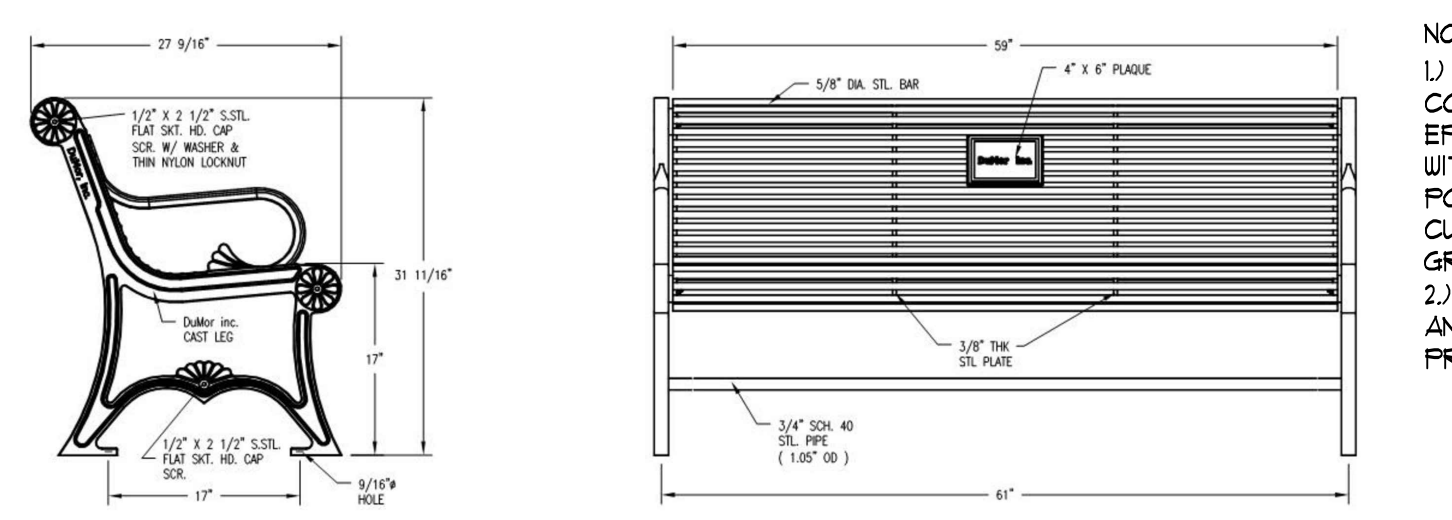
(F) PLANTER CURB DETAIL  
Section Scale: 1"=1'-0"



(B) BLUESTONE ENTRANCE DETAILS  
Section Scale: 1"=1'-0"



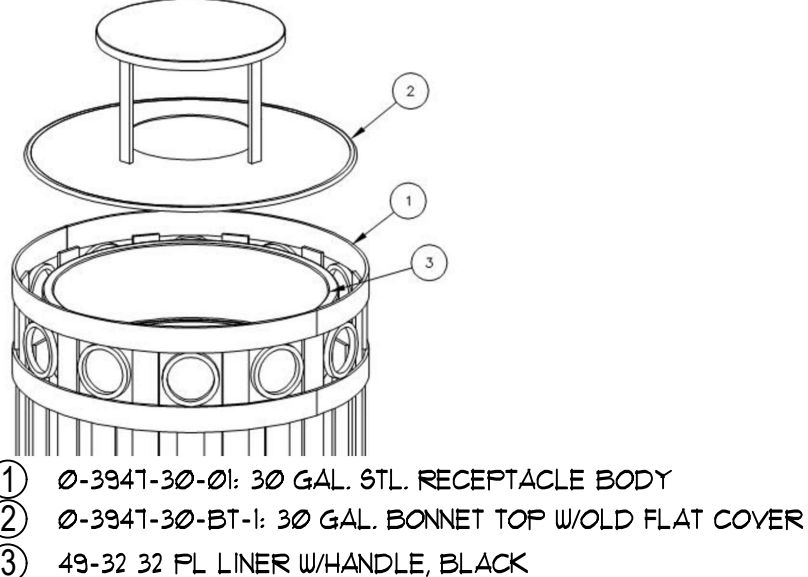
(G) DUMOR TRASH RECEPTACLE  
Details No Scale



(H) DUMOR BENCH  
Details No Scale



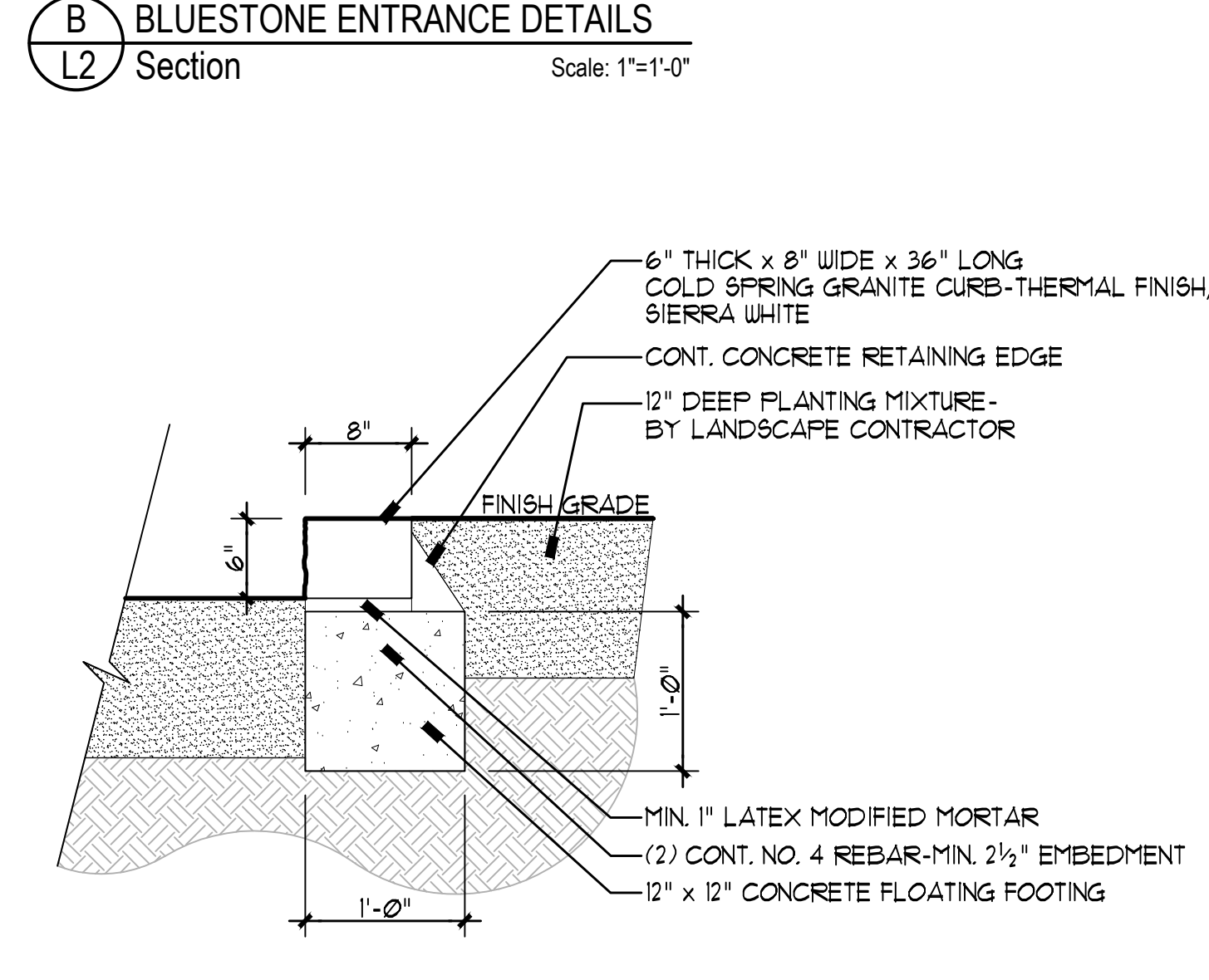
(I) CUSTOM BENCH LETTERING  
Details No Scale



(J) TRASH BONNET TOP  
Details No Scale

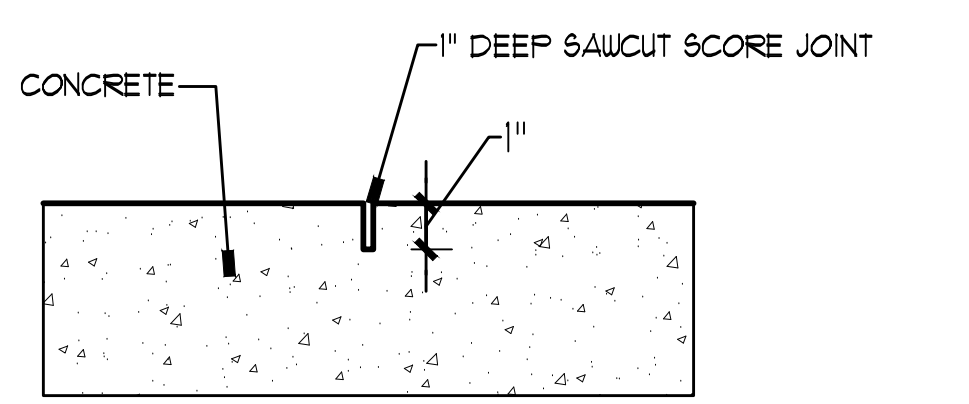
GENERAL NOTES

- CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT AND GENERAL CONTRACTOR PRIOR TO SUBMITTING BID PROPOSAL OR BEGINNING ANY WORK.
- EXCEPT AS OTHERWISE SHOWN OR STIPULATED, THIS CONTRACT SHALL INCLUDE THE DEMOLITION OF EVERY DESCRIPTION NECESSARY TO SUCCESSFULLY COMPLETE THE WORK UNDER THIS CONTRACT TO THE LINES AND GRADES SHOWN ON THESE PLANS WITHIN THE LIMIT OF WORK.
- THE CONTRACTOR SHALL LEGALLY DISPOSE OF ALL ITEMS TO BE REMOVED THAT ARE NOT TURNED OVER TO THE OWNER OR STOCKPILED FOR REUSE.
- THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE INSIDE AND OUTSIDE LIMIT OF WORK DUE TO CONTRACT OPERATIONS.
- DO NOT DISTURB EXISTING UTILITIES THAT SERVE AREAS SURROUNDING LIMIT OF WORK. IF SUCH UTILITIES ARE ENCOUNTERED NOTIFY PROPER UTILITY COMPANY BEFORE PROCEEDING.
- THE CONTRACTOR SHALL CONTACT THE PROPER LOCAL AUTHORITIES TO CONFIRM THE LOCATION OF EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE DUE TO FAILURE TO CONTACT THE PROPER AUTHORITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL THOROUGHLY REVIEW ALL THE DRAWINGS AND SPECIFICATIONS FOR SPECIFIC COORDINATION REQUIREMENTS PRIOR TO COMMENCING CONSTRUCTION.
- CONTRACTOR SHALL PROVIDE UNIT PRICES FOR ALL AREAS OF WORK.
- PLANS ARE NOT VALID WITH APPROVAL AND PERMIT BY THE CITY OF BIRMINGHAM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL REQUIRED PERMITS. THE CONTRACTOR SHALL SCHEDULE ALL REQUIRED INSPECTIONS.
- MASONRY CONSTRUCTION:  
1) ALL PROPOSED AND FINISHED MASONRY ELEMENTS SHALL BE THOROUGHLY WASHED WITH AN ACID BASED CLEANER (SURE-CLEAN 600) PER MANUFACTURER'S SPECIFICATIONS. NO ACID BASED CHEMICALS SHOULD CONTACT INDIANA LIMESTONE.  
2) THE CONTRACTOR IS RESPONSIBLE FOR ALL REQUIRED EARTHWORK AND EXCAVATIONS TO PERFORM SCHEDULED WORK. ALL EXCAVATED MATERIALS SHALL BE LEGALLY DISPOSED (OFF-SITE) INCLUDED IN THE SUBMITTED PROPOSAL & UNIT PRICES.  
3) THE CONTRACTOR SHALL INSTALL ALL PROPOSED WORK ON COMPACTED OR UNDISTURBED SUBGRADE.  
4) ALL GRANITE FLATWORK JOINTS SHALL BE ALIGNED (STACKED BOND PATTERN). CONTRACTOR SHALL SQUARE EACH PIECE OF STONE PRIOR TO INSTALLATION TO MAINTAIN A CONSISTENT AND MAX. JOINT WIDTH OF 1/4" WIDE.  
5) ALL PROPOSED STONE FLATWORK SHALL BE SET ON A MIN. 1" THICK LATEX MODIFIED MORTAR SETTING BED, APPLY LATICRETE 254 PLATINUM THIN-SET TO THE BOTTOM OF EACH STONE AND TO THE CONCRETE BASE.
- CONCRETE CONSTRUCTION:  
1) THE CONTRACTOR SHALL LAYOUT PROPOSED EXPANSION JOINTS FOR THE LANDSCAPE ARCHITECT'S OR CONSTRUCTION MANAGER'S APPROVAL PRIOR TO INSTALLATION.  
2) THE LANDSCAPE ARCHITECT OR CONSTRUCTION MANAGER SHALL APPROVE FINAL CONTRACTOR FORM WORK IN THE FIELD PRIOR TO POURING CONCRETE.  
3) ALL EXPANSION JOINTS SHALL BE PREMOULDED 1/4" WIDE AND INCLUDE EXPANSION JOINT MATERIAL. INCLUDE PREFABRICATED SNAP CAP. PROVIDE EXPANSION JOINTS EVERY 400 SF. MAX.  
4) EXPANSION JOINT MATERIAL: RESILIENT, NON-EXTRUDING TYPE PREMOULDED BITUMINOUS IMPREGATED FIBERBOARD.  
5) ALL EXPANSION JOINTS SHALL BE CALKED WITH DOW CORNING 150 SILICONE SEALANT (COLOR: LIGHT GRAY). CONTRACTOR SHALL REMOVE AND DISPOSE SNAP CAP PRIOR TO CALKING AND PROTECT/BARRICADE ALL CALK JOINTS FROM TRAFFIC DURING CURING TIME.  
6) MEDIUM BROOM FINISH ALL BROOM-FINISH CONCRETE-FULL BROOM ACROSS FRESHLY FLOATED CONCRETE TO PRODUCE MEDIUM TEXTURE IN STRAIGHT LINES PERPENDICULAR TO MAIN LINE OF TRAFFIC. DO NOT DAMPEN BROOMS. BROOMING DIRECTION SHOULD BE MAINTAINED IN THE SAME DIRECTION FOR EACH CONCRETE POUR.  
7) ALL CONTROL JOINTS SHALL BE MACHINE SAUCUT MIN. 1" DEEP, 2" DEEP EVERY 100 SF. (NO HAND SAU PERMITTED). CONTROL JOINT LAYOUT SHALL BE EQUAL FLAGS, DIVIDE LENGTH EQUALLY BETWEEN EXPANSION JOINTS-SEE DRAWINGS FOR LAYOUT.  
8) CONCRETE STRENGTH: ALL PROPOSED CONCRETE FLATWORK SHALL BE MIN. 4000 PSI AND MIN. 3500 PSI CONCRETE FOR ALL BROOM FINISH CONCRETE AT 28 DAYS, WITH A 4-6% AIR ENTRAINMENT MIX DESIGN SHALL NOT HAVE LESS THAN 6.25 BAGS OF CEMENT PER CUBIC YARD.  
9) ALL PROPOSED SLEEVES SHALL BE SCHEDULE 40 P.V.C. EXTEND A MIN. 12" BEYOND PROPOSED PAVING EDGES BURY A MIN. 12" BELOW PROPOSED FINISH GRADE, CAP ENDS, AND STAKE LOCATIONS (BOTH ENDS). CONTRACTOR SHALL SUPPLY LANDSCAPE ARCHITECT WITH AN AS-BUILT DRAWING ILLUSTRATING LOCATION OF ALL SLEEVES.  
10) ALL CONCRETE FLATWORK SHALL BE REINFORCED AS SPECIFIED, MIN. 2" EMBEDMENT.  
11) THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED EARTHWORK AND EXCAVATIONS TO PERFORM SCHEDULED WORK. ALL EXCAVATED MATERIALS SHALL BE GRADED IN PLACE (ON-SITE) IN PARK AS DIRECTED BY LANDSCAPE ARCHITECT, INCLUDED IN THE SUBMITTED BID PROPOSAL.  
12) THE CONTRACTOR SHALL INSTALL ALL PROPOSED WORK ON COMPACTED OR UNDISTURBED SUBGRADE.  
13) THE CONTRACTOR SHALL FORM ALL PROPOSED CONCRETE BASE WORK AND FOOTINGS TO MINIMIZE OVERPOURS. ALL FORMS SHALL BE REMOVED AND LEGALLY DISPOSED OFF-SITE.  
14) THE CONTRACTOR SHALL PROTECT AND COVER ALL STORM CATCH BASINS WITH 8 OZ. NON-WOVEN GEOTEXTILE FILTER FABRIC PRIOR TO POURING EXPOSED AGGREGATE CONCRETE TO INSURE CEMENT CREAM AND SAND DO NOT ENTER BASINS.  
15) ALL EXPOSED AGGREGATE CONCRETE SHALL BE POWERWASHED AFTER INITIAL CURE TO REMOVE ANY HAZE AND SEAL WITH EUCLID CHEMICAL CO. SUPER DIAMOND CLEAR 350 SEALER PER MANUFACTURER'S SPECIFICATION. CONTRACTOR SHALL PROTECT/BARRICADE ALL SEALED AREAS FROM PEDESTRIAN AND VEHICULAR TRAFFIC DURING CURE TIME.  
16) CONCRETE MIX DESIGNS:  
A) BROOM FINISH CONCRETE:  
SAND: 2NS SAND, ASTM C-33 1380 LBS  
COURSE AGGREGATE: 4AA LIMESTONE PRESQUE ISLE ASTM C-33 1680 LBS  
CEMENT: TYPE I, ASTM C50 588 LBS  
WATER: CITY TAP WATER 319 GALS.  
ADMITTURE: ASTM C260 DAREX AEA BY W.R. GRACE CO. 1130Z/CLY. YD.  
B) EXPOSED AGGREGATE CONCRETE:  
SAND: 2NS SAND, ASTM C-33 1280 LBS  
COURSE AGGREGATE: 1AA ASTM C-33 1380 LBS  
CEMENT: TYPE I, ASTM C50 588 LBS  
WATER: CITY TAP WATER 319 GALS.  
ADMITTURE: ASTM C260 DAREX AEA BY W.R. GRACE CO. 1130Z/CLY. YD.  
17) FOR ALL EXPOSED AGGREGATE CONCRETE SURFACE SHALL BE EXPOSED BY USE OF SURFACE RETARDANT (PRECO EAC-9) OR APPROVED EQUAL. CONCRETE SHALL BE PLACED, LEVELED AND FLOATED IN A NORMAL FASHION (SEEDING WILL NOT BE PERMITTED). IMMEDIATELY AFTER THE SLAB HAS BEEN SCREENED AND D-CURED, THE AGGREGATE SHALL BE WASHED IN A UNIFORM MANNER UNTIL ALL AGGREGATE IS LEFT JUST ABOVE THE SURFACE, LEAVING NO HOLES OR OPENINGS IN THE SURFACE. THE SURFACE SHALL THEN BE BRUSHED AND WASHED UNTIL ALL AGGREGATE IS EXPOSED AND FREE OF CEMENT FILM. AFTER INITIAL CURING APPLY SPECIFIED SEALER.



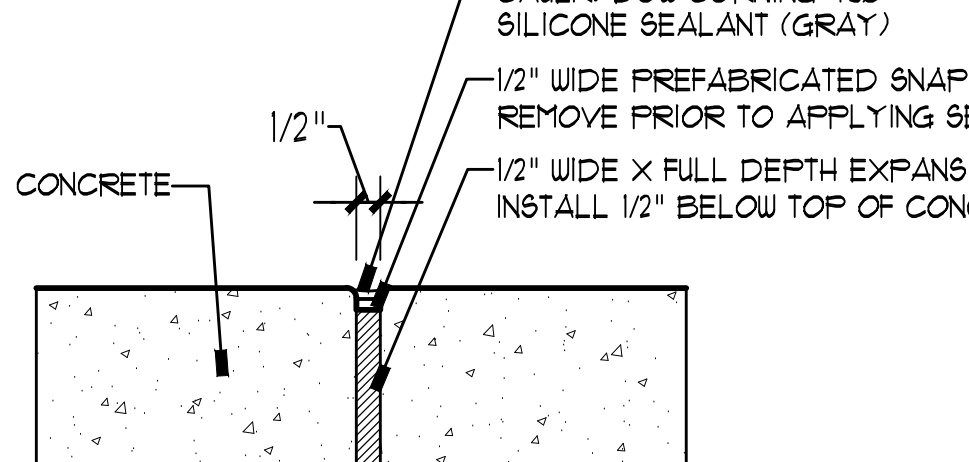
(C) GRANITE CURB DETAIL  
Section Scale: 1"=1'-0"

MACHINE CUT ALL JOINTS, HAND SAU MILL WILL NOT BE PERMITTED  
SAUCUT CONTROL JOINTS AT 2" DEPTH EVERY 200 SF. MAX.  
CONTROL JOINTS SHALL BE SPACED AS SHOWN ON PLANS  
SEE SH. 11: CONSTRUCTION SITE PLAN



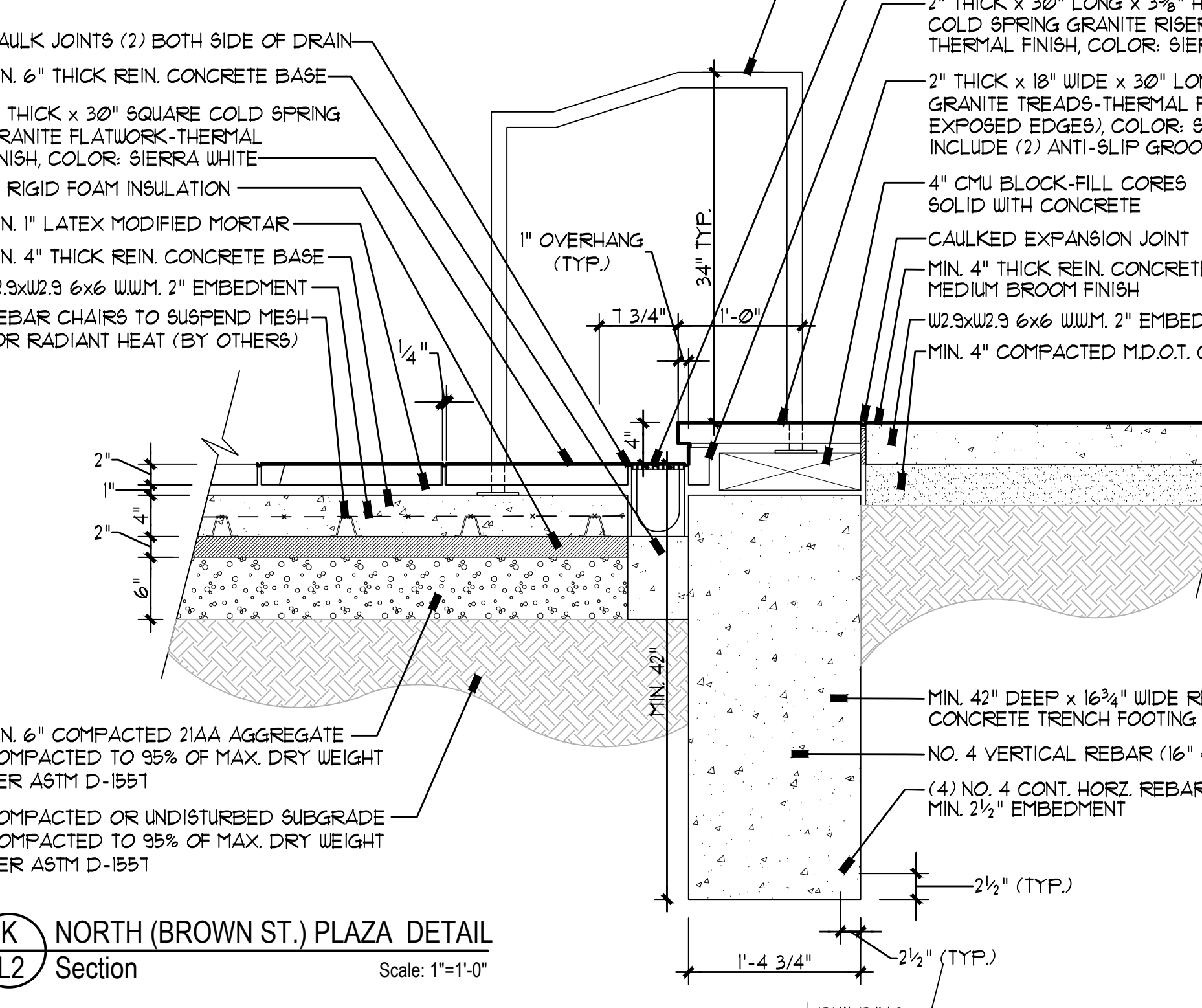
(D) CONTROL JOINT DETAIL  
Section Scale: 3/4"=1'-0"

EXPANSION JOINTS SHALL BE INSTALLED WHERE CONCRETE ABUTS A STRUCTURE, SPACED A MAX. 400 SF.

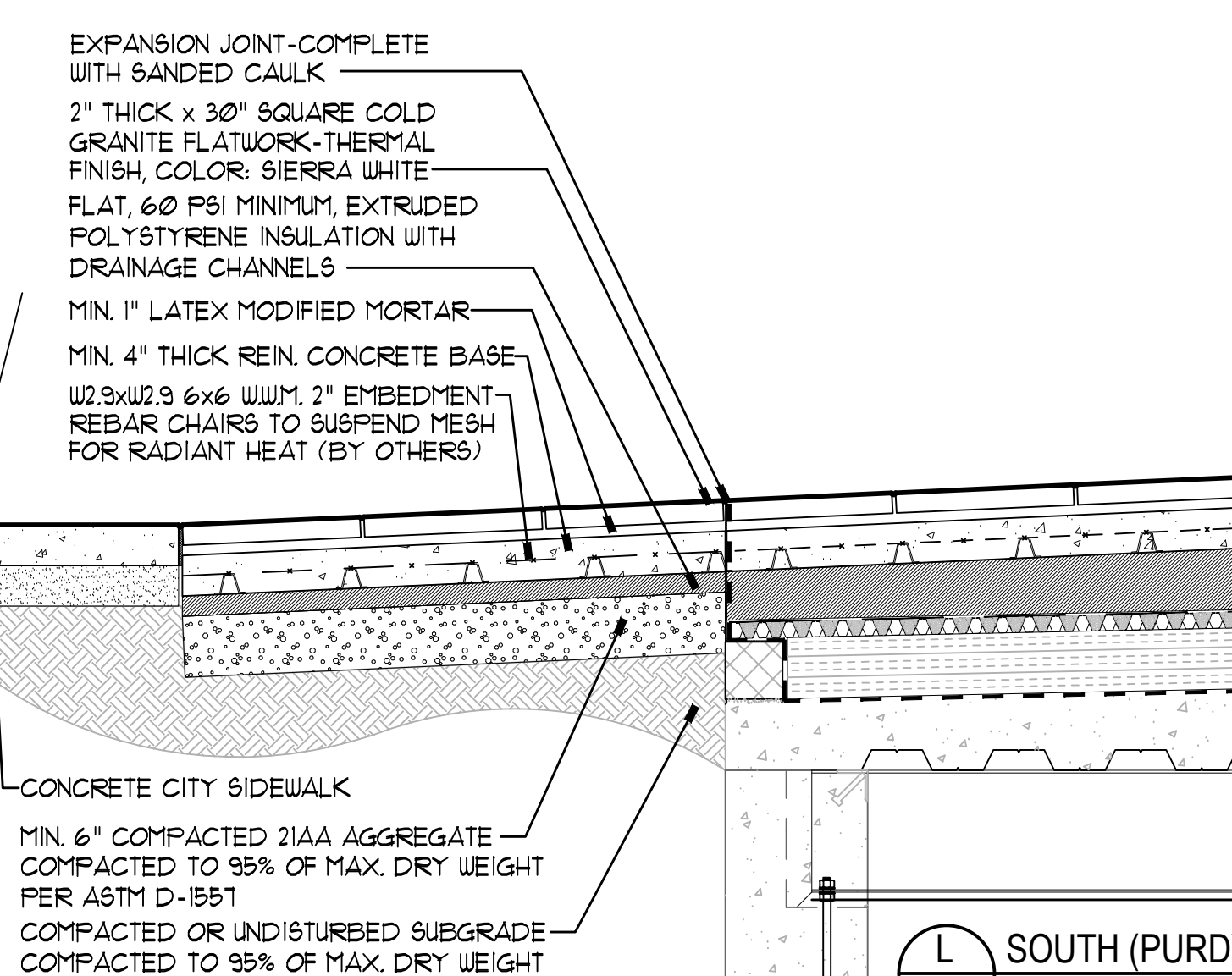


(E) EXPANSION JOINT DETAIL  
Section Scale: 3/4"=1'-0"

NOTE: ENTIRE NORTH (BROWN ST.) PLAZA  
FLATWORK AND STAIRCASE TREAD SHALL  
HAVE RADIANT HEAT SYSTEM EMBEDDED  
IN CONCRETE-INCLUDE UNDER TRENCH DRAIN



(K) NORTH (BROWN ST.) PLAZA DETAIL  
Section Scale: 1"=1'-0"

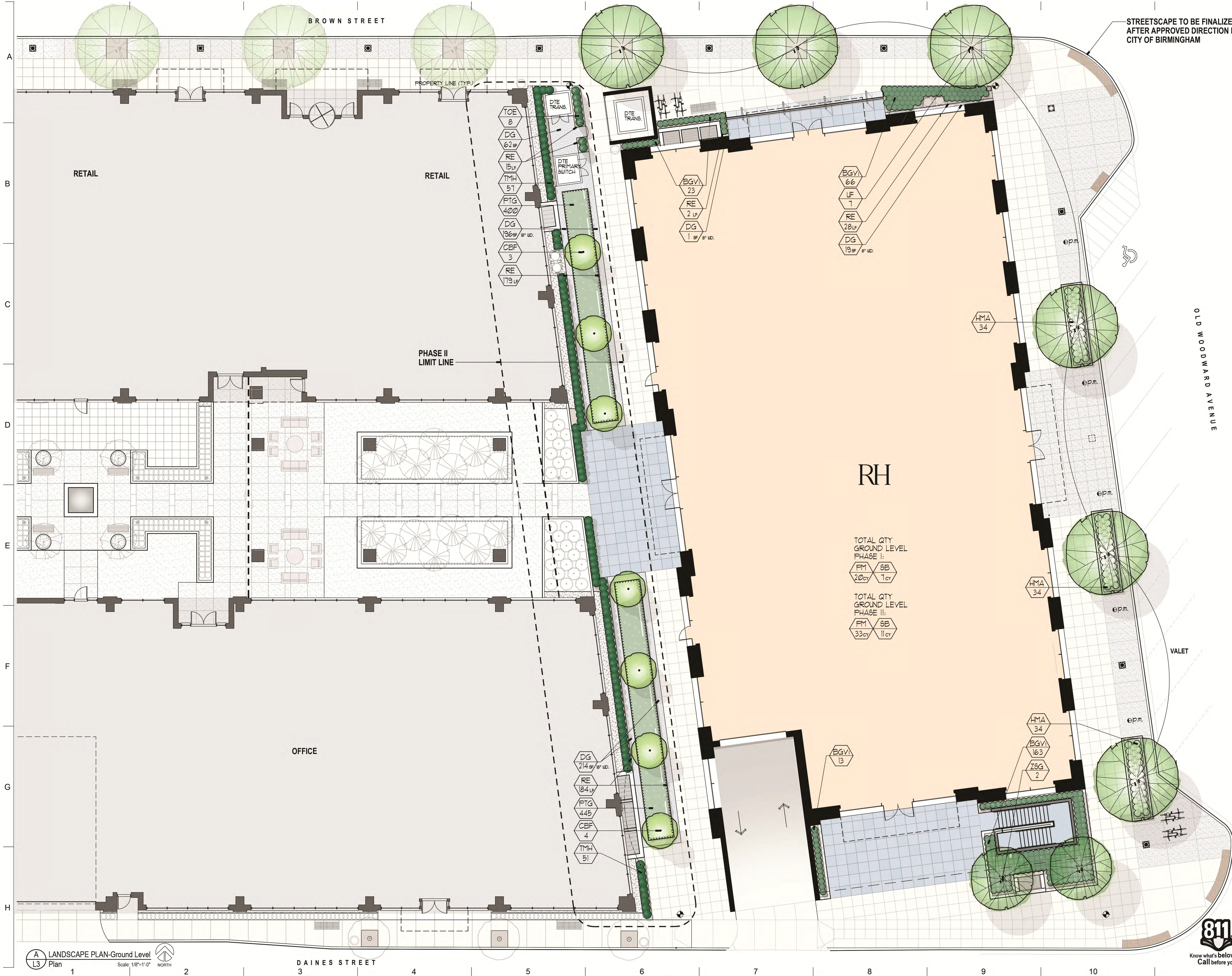


(L) SOUTH (PURDY ST.) PLAZA DETAIL  
Section Scale: 3/4"=1'-0"

NOTE: CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TAKE-OFFS AND NO ADJUSTMENTS WILL BE MADE TO THE CONTRACT PRICE BASED ON ACTUAL QUANTITIES USED. SUBJECT TO CHANGES APPROVED BY THE LANDSCAPE ARCHITECT AND UNIT PRICE SCHEDULE.







STREETSCAPE TO BE FINALIZED AFTER APPROVED DIRECTION BY CITY OF BIRMINGHAM

**RH**  
 RH DETROIT  
 300 S Old Woodward  
 Birmingham, MI 48009

LANDSCAPE ARCHITECTURE  
**MICHAEL J. DUL & ASSOCIATES, INC.**

212 DAINES STREET  
 BIRMINGHAM MICHIGAN 48009  
 P 248 644 3410  
 F 248 644 0819



**SAROKI ARCHITECTURE**  
 430 N. OLD WOODWARD  
 BIRMINGHAM, MI 48009  
 P 248.258.5707  
 F 248.258.5515  
 SarokiArchitecture.com

Project:  
**RH / Mixed-Use**  
 300 S Old Woodward  
 Birmingham, MI 48009  
 Date: 11-18-2022  
 Issued For: Final Site Plan Submittal

Sheet No.:  
**L3.1**  
 LANDSCAPE PLAN-  
 Ground Level



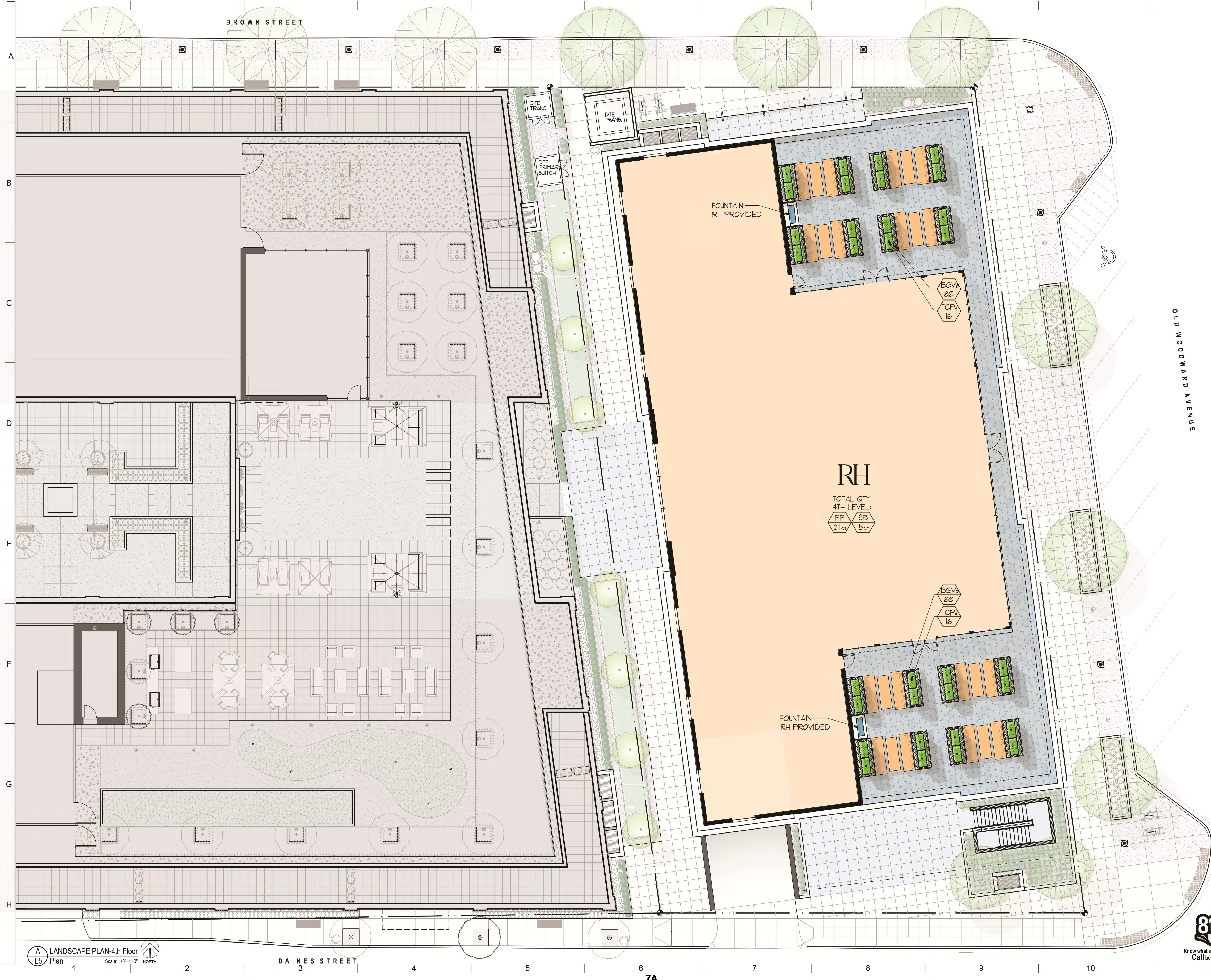
TOTAL QTY GROUND LEVEL  
 PHASE I:  
 FM 20cr SB 7cr  
 TOTAL QTY GROUND LEVEL  
 PHASE II:  
 FM 33cr SB 11cr

A L3 LANDSCAPE PLAN-Ground Level  
 Plan Scale: 1/8"=1'-0" NORTH

DAINES STREET

7A





**RH**

RH DETROIT  
300 S Old Woodward  
Birmingham, MI 48009

LANDSCAPE  
ARCHITECTURE

**MICHAEL J. DUL**  
& ASSOCIATES, INC

212 DAINES STREET  
BIRMINGHAM  
MICHIGAN 48009

P 248 644 3410  
F 248 644 0819



OLD WOODWARD AVENUE

**RH**

TOTAL QTY  
4TH LEVEL:  
PP 27cr GB 5cr

EGY 20  
TCA 16

EGY 20  
TCA 16

FOUNTAIN  
RH PROVIDED

FOUNTAIN  
RH PROVIDED

A  
L5  
LANDSCAPE PLAN-4th Floor  
Plan  
Scale: 1/8"=1'-0"  
NORTH

DAINES STREET

7A



**SAROKI**  
ARCHITECTURE  
430 N. OLD WOODWARD  
BIRMINGHAM, MI  
4 8 0 0 9  
P. 248.258.5707  
F. 248.258.5515  
SarokiArchitecture.com

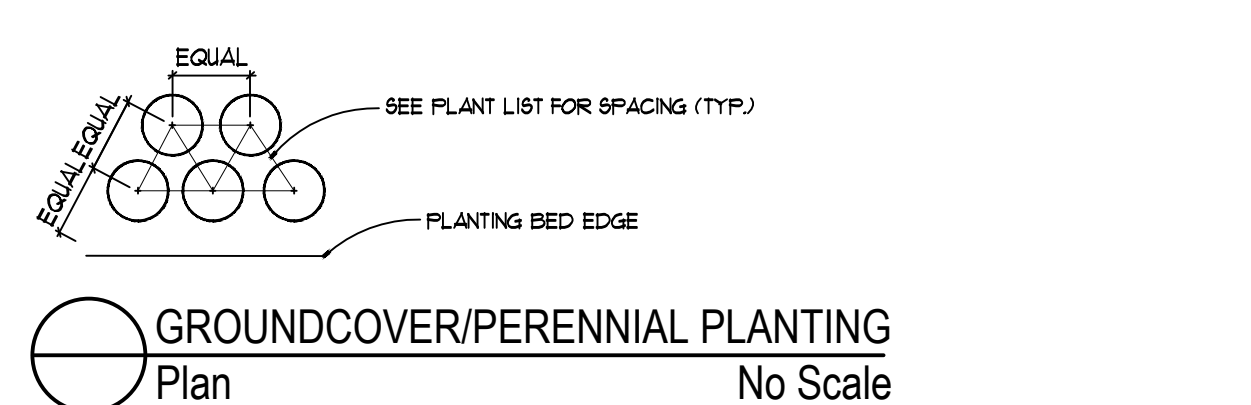
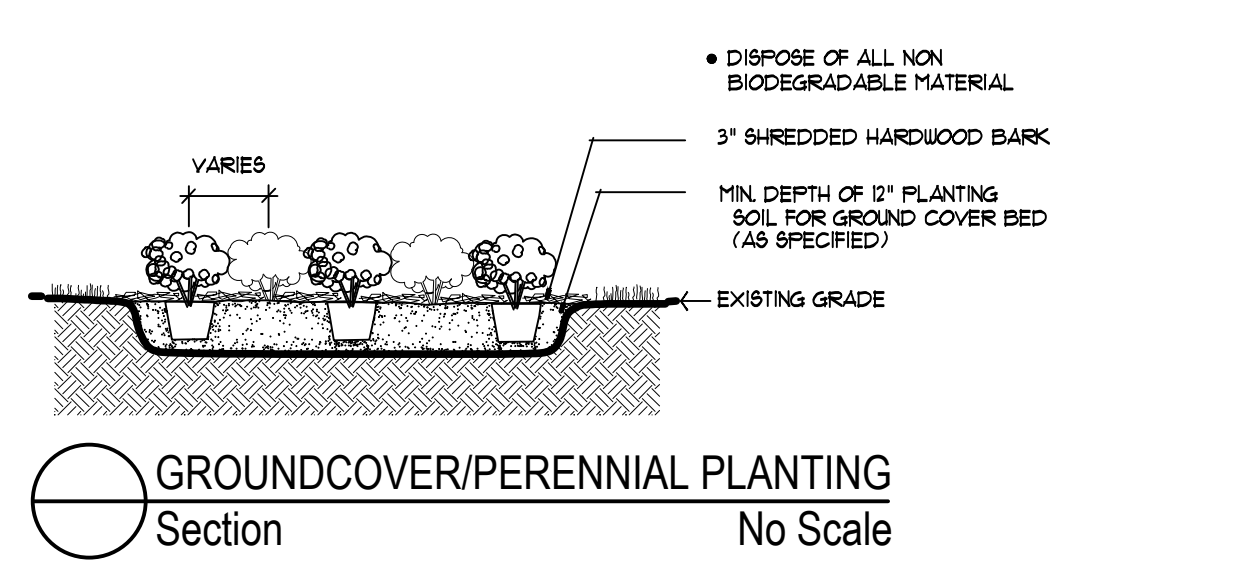
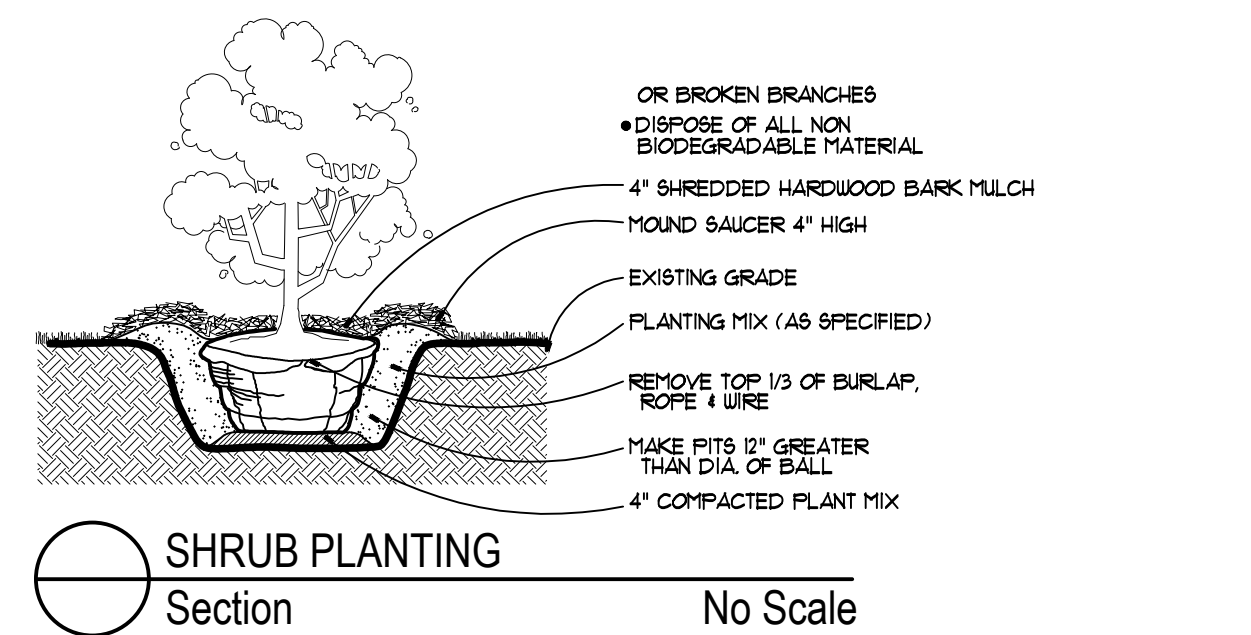
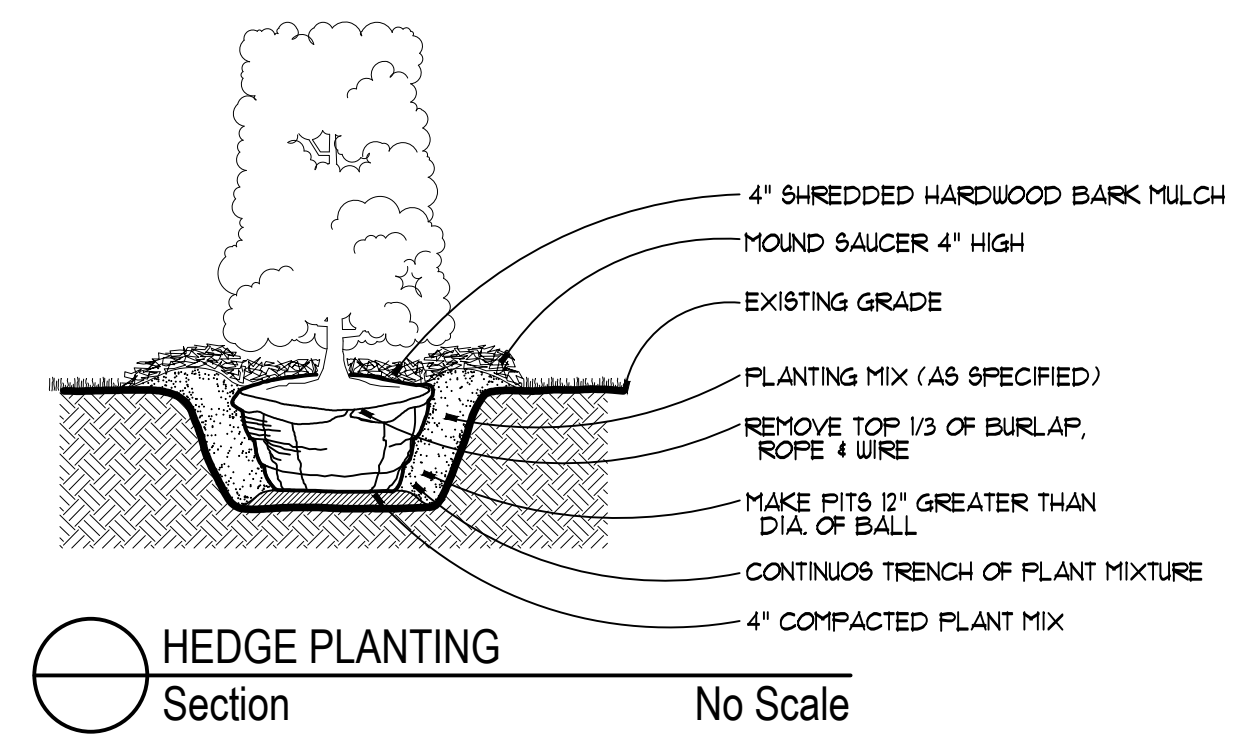
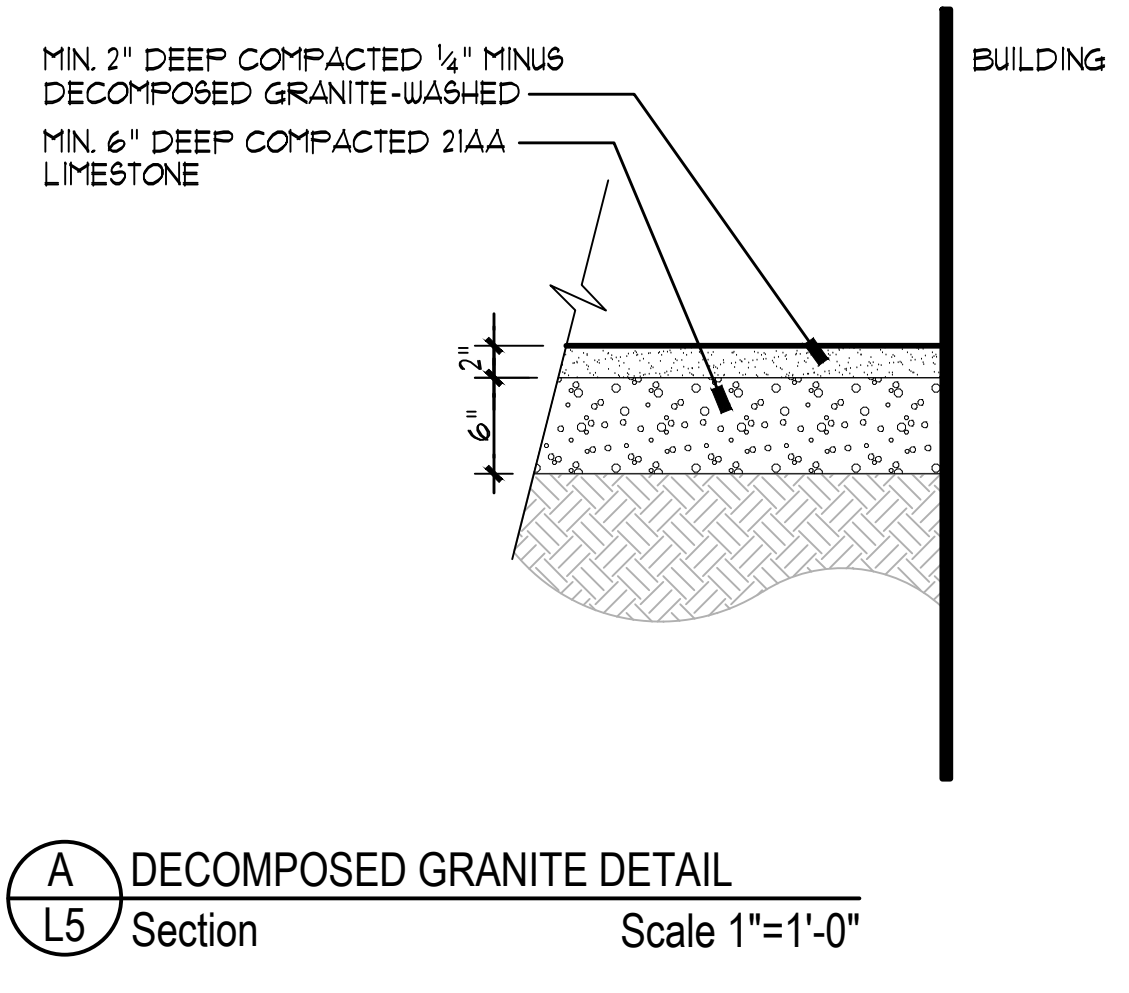
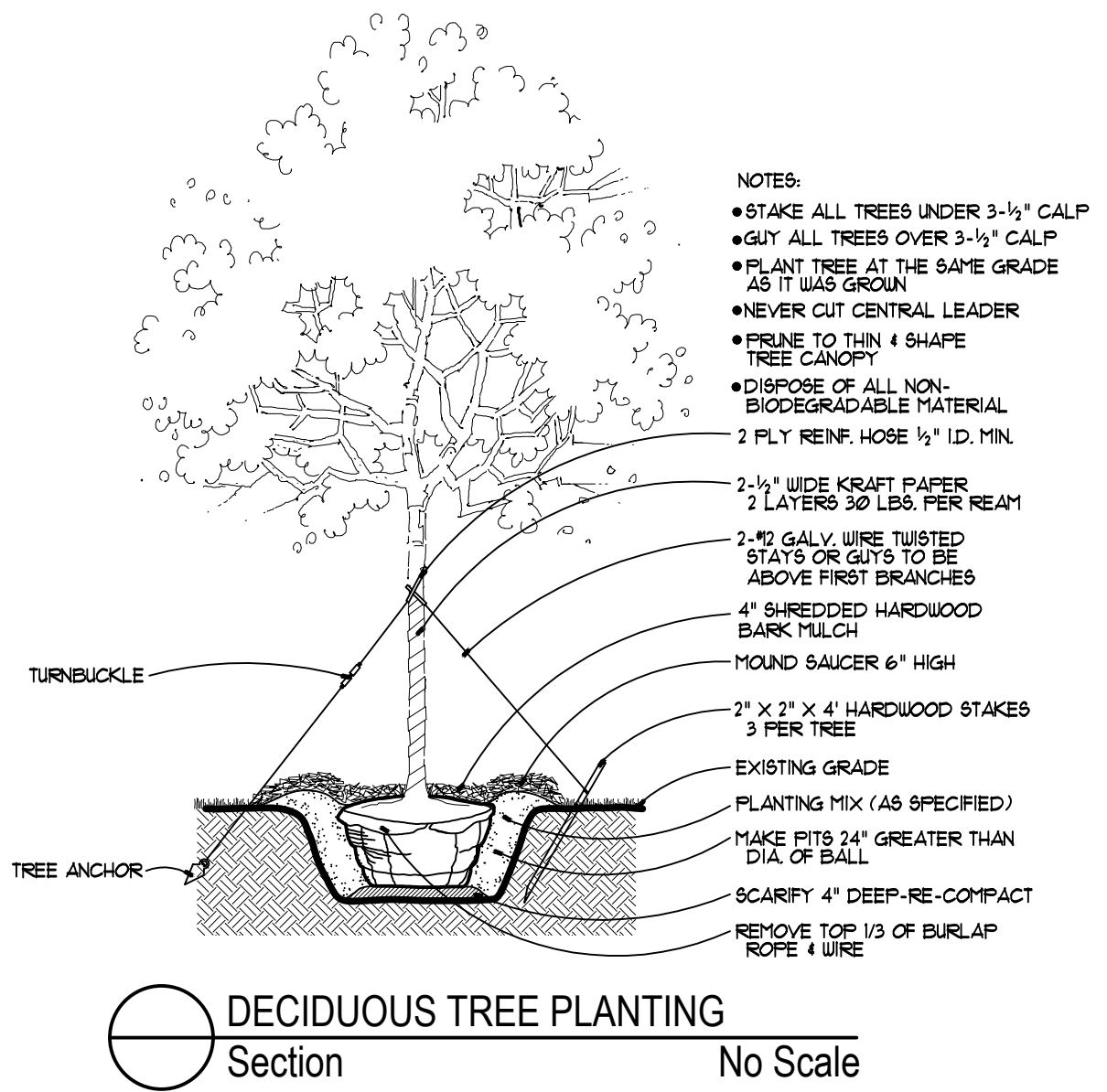
Project:  
RH / Mixed-Use  
300 S Old Woodward  
Birmingham, MI 48009  
Date: 11-18-2022  
Issued For:  
Final Site Plan Submittal

Sheet No.:  
**L4.1**  
LANDSCAPE PLAN-  
4th Floor





Sym.	Qty.	Botanical Name	Common Name	Size	Root	Comments
<b>GROUND LEVEL-PHASE I</b>						
Deciduous Trees						
UF	1	Ulmus carpinifolia x parvifolia 'Frontier'	Frontier Hybrid Elm	3 1/2"-4" cal.	B4B	MATCHED SPECIMENS-Full heads
Z5G	2	Zelkovia serrata 'Green Vase'	Green Vase Japanese Zelkovia	3 1/2"-4" cal.	B4B	MATCHED SPECIMENS-Full heads
Shrubs						
BGV1	26T	Buxus x microphylla 'Green Velvet'	Green Velvet Boxwood	18-24"	B4B	Space 15" o.c., maintain as clipped mass
Perennials/Groundcovers						
HMA	102	Hakonechloa macro 'All Gold'	All Gold Japanese Forest Grass	1 gal.	Can	Space 15" o.c.
Materials						
DG	20 sf	1/4" minus Decomposed Granite-2" compacted depth and washed on a min. 6" deep 21AA Limestone aggregate on 4 oz. non-woven filter fabric				
RE	30 lf	3/16" x 4" J.D. Russell Steel Edging (BLACK)-install per manufacturer's specifications				
SB	1 cy	Shredded hardwood bark mulch (seasoned, dark brown), 3" deep in perennial and groundcover beds, 4" depth in shrub/tree beds.				
FM	20 cy	Planting mix - 3 parts well drained screened imported topsoil, to 1 part clean sand, to 1 part Canadian sphagnum peat moss, to 1 part natural compost (weed-free), and 10% poultry manure, install 12" deep in all planting beds				
<b>GROUND LEVEL-PHASE II</b>						
Deciduous Trees						
CBF	1	Carpinus betulus 'Frans Fontaine'	Frans Fontaine Hornbeam	3-3 1/2" cal.	B4B	MATCHED SPECIMENS-Single stem
Shrubs						
TMH	108	Taxus x media 'Hatfield' or 'Moon'	Hatfield or Moon Yew	30-36"	B4B	Space 18" o.c., clip into hedge
TOE	8	Thuja occidentalis 'Emerald'	Emerald Green Arborvitae	6-7' ht.	B4B	Space 18" o.c., clip into hedge
Perennials/Groundcovers						
PTG	845	Pachysandra terminalis 'Green Carpet'	Green Carpet Pachysandra	1 gal.	Can	Space 12" o.c., acidify soil
Materials						
DG	472 sf	1/4" minus Decomposed Granite-2" compacted depth and washed on a min. 6" deep 21AA Limestone aggregate on 4 oz. non-woven filter fabric				
RE	378 lf	3/16" x 4" J.D. Russell Steel Edging (BLACK)-install per manufacturer's specifications				
SB	11 cy	Shredded hardwood bark mulch (seasoned, dark brown), 3" deep in perennial and groundcover beds, 4" depth in shrub/tree beds.				
FM	33 cy	Planting mix - 3 parts well drained screened imported topsoil, to 1 part clean sand, to 1 part Canadian sphagnum peat moss, to 1 part natural compost (weed-free), and 10% poultry manure, install 12" deep in all planting beds				
<b>4TH LEVEL</b>						
Deciduous Trees (All Pleached Trees shall be contract grown William F Hammell Nurseries 610-942-8733. All Pleached Trees tagged by RH)						
TCP	32	Tilia cordata-PLEACHED	PLEACHED Littleleaf Linden	3-4" cal.	B4B	MATCHED SPECIMENS-Single stem Consistent 60" branch height, 24" wd. x 48" lg. x 78" high canopies, Space 48" o.c.
Shrubs						
BGV	160	Buxus x microphylla 'Green Velvet'	Green Velvet Boxwood	18-24"	B4B	Cubed at 18" x 20" plants-space 18" o.c. east to west and 20" north to south
Materials						
SB	5 cy	Shredded hardwood bark mulch (seasoned, dark brown), 3" deep in perennial and groundcover beds, 4" depth in shrub/tree beds.				
FP	27 cy	Planter mix - PRO-MIX 'BRK' Planter Soil Mix-install full depth in all planters (ave. 26" deep), 9.61 bags (28 cf.) per cy. (262 bags required)				
	5 cy	Include 4 oz. non-woven filter fabric soil separator-wrap sides of planter and irrigation sleeves.				
	5 cy	Include min. 3" deep 6A Limestone drainage aggregate at base				



**LANDSCAPE DEVELOPMENT NOTES**

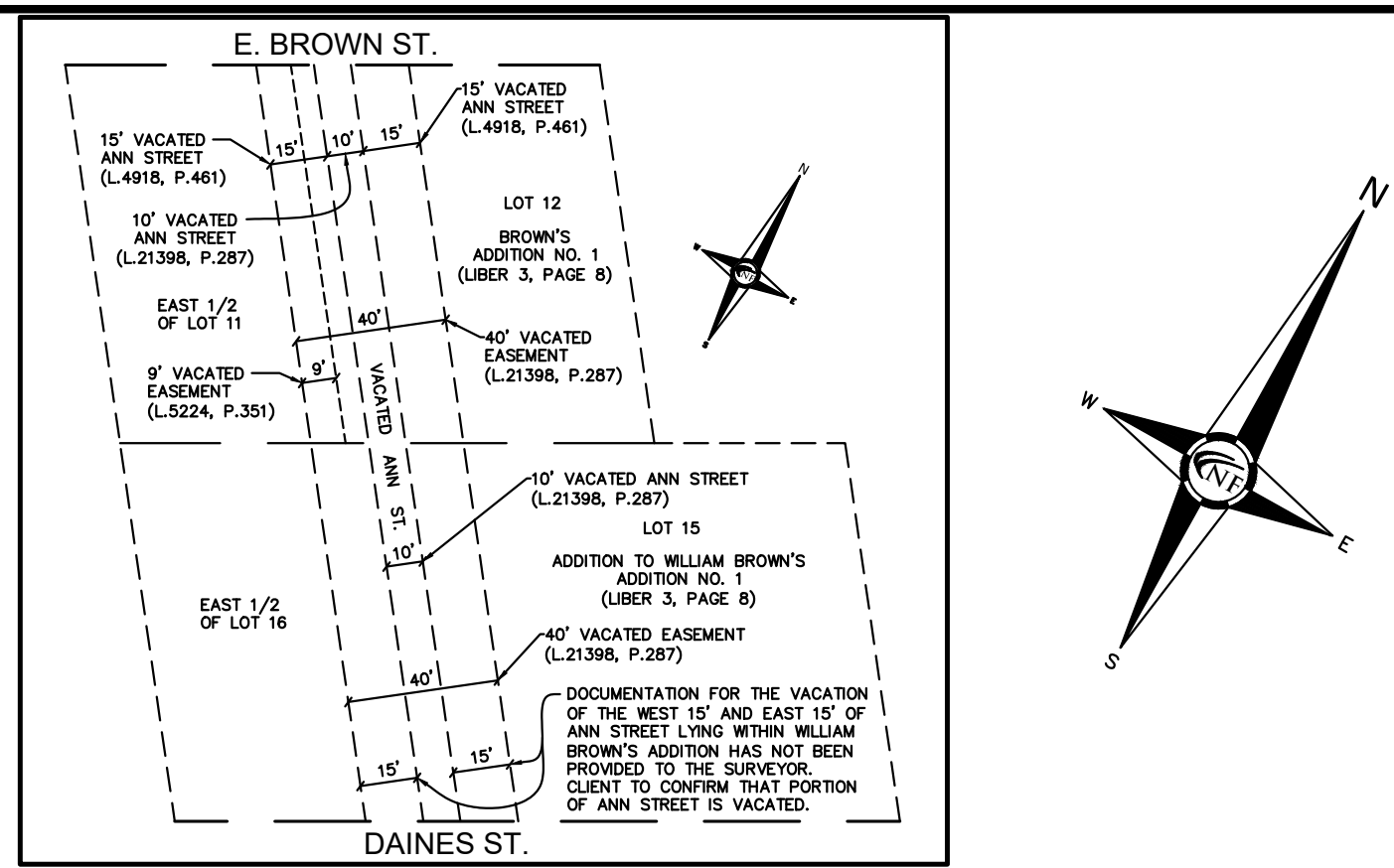
- ALL EXISTING AND/OR PROPOSED SITE UTILITIES SHALL BE FIELD LOCATED, FLAGGED, AND VERIFIED PRIOR TO ANY LANDSCAPE OR IRRIGATION CONSTRUCTION.
- ALL SPECIFIED AND INSTALLED PLANT MATERIAL SHALL BE IN FULL AND STRICT ACCORDANCE WITH AMERICAN NURSERYMAN STANDARDS (LATEST EDITION) AND BE:
  - NURSERY GROWN.
  - STATE DEPARTMENT OF AGRICULTURE INSPECTED AND APPROVED.
  - NO. 1 GRADE WITH STRAIGHT, UNSCARRED TRUNKS & WELL-DEVELOPED UNIFORM CROWNS ON TREES.
  - WARRANTED FOR A MIN. 1 YEAR FROM DATE OF ACCEPTANCE.
- SPECIFIED PLANTING SOIL MIXTURE FOR ALL SPECIFIED BEDS & PLANTS SHALL BE THREE (3) PARTS IMPORTED WELL-DRAINED, SCREENED ORGANIC TOPSOIL, TO ONE (1) PART IMPORTED CLEAN SAND, TO ONE (1) PART CANADIAN SPHAGNUM PEAT MOSS, TO ONE (1) PART NATURAL COMPOST (WEED-FREE)-COMPLETE WITH 10% NATURAL POULTRY MANURE. INSTALL 12" MINIMUM DEPTH IN ALL PERENNIAL, GROUNDCOVER, ANNUAL, AND SHRUB BEDS. ALL BEDS MUST BE EXCAVATED, REMOVE AND DISPOSE (OFF-SITE) EXISTING EARTH/SOIL TO ACCEPT PROPOSED PLANT MIXTURE.
- PROPOSED SHREDDED HARDWOOD BARK MULCH SHALL BE SEASONED FOR A MINIMUM 6 MONTHS, DARK BROWN IN COLOR, AND INSTALLED 4" DEEP UNDER ALL PROPOSED TREES (INCLUDED IN UNIT COST), 4" DEEP IN ALL SHRUB AND TREE BEDS, AND 3" DEEP IN ALL PERENNIAL AND GROUNDCOVER BEDS.
- ALL PROPOSED LAWN AND LANDSCAPE AREAS SHALL BE WATERED BY AN AUTOMATICALLY OPERATED SPRINKLER IRRIGATION SYSTEM, SEE IRRIGATION PLAN(S).
- ALL PROPOSED "SPECIMEN" PLANT MATERIAL MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION AND/OR DELIVERY TO THE SITE.
- THE LANDSCAPE CONTRACTOR SHALL KEEP THE STREET AND DRIVE CLEAN AND FREE OF DIRT AND DEBRIS AT ALL TIMES, AND SHALL THOROUGHLY SWEEP AND/OR WASH THE DRIVE AT THE END OF EACH WORK DAY.
- THE LANDSCAPE CONTRACTOR SHALL STAKE THE LOCATION OF ALL PROPOSED TREES FOR THE LANDSCAPE ARCHITECT TO APPROVE PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ALSO SET ON-SITE ALL SHRUBS, PERENNIALS, ORNAMENTAL GRASSES, VINES, AND GROUNDCOVERS AS PER PLAN FOR THE LANDSCAPE ARCHITECT TO APPROVE PRIOR TO PLANTING.
- ALL DEAD AND UNACCEPTABLE PLANT MATERIALS SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR DURING THE WARRANTY PERIOD. THE WARRANTY PERIOD SHALL BE ONE (1) YEAR FROM THE ACCEPTANCE OF INSTALLATION ISSUED BY THE LANDSCAPE ARCHITECT.
- PROPOSED SOD LAWN AREAS: FINE GRADE EXISTING TOPSOIL, REMOVE AND DISPOSE (OFF-SITE) EXISTING ROOTS, ROCKS, AND DEBRIS, INCLUDE IMPORTING A MIN. 3" (AVE.) IMPORTED SCREENED TOPSOIL TO FINE GRADE ALL AREAS
- FERTILIZE-MIN. 1 APPLICATION: STARTER FERTILIZER (13-26-12) WITH 50% SLOW RELEASE NITROGEN AT INITIAL INSTALLATION OF 5 LB5. PER 1000 SF. OR 218 LB5. PER ACRE

NOTE: CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TAKE-OFFS AND NO ADJUSTMENTS WILL BE MADE TO THE CONTRACT PRICE BASED ON ACTUAL QUANTITIES USED (SUBJECT TO CHANGES APPROVED BY THE LANDSCAPE ARCHITECT AND UNIT PRICE SCHEDULE.)



A  
B  
C  
D  
E  
F  
G  
H





**FLOOD HAZARD NOTE**

THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NO. 26125C0537F BEARING AN EFFECTIVE DATE OF 09-29-2006.

**MISS DIG / UTILITY DISCLAIMER NOTE**

A MISS DIG TICKET NUMBER A003240501, PURSUANT TO MICHIGAN PUBLIC ACT 174 WAS ENTERED FOR THE SURVEYED PROPERTY. DUE TO THE EXTENDED REPORTING PERIOD FOR UNDERGROUND FACILITY OWNERS TO PROVIDE THEIR RECORDS, THE SURVEY MAY NOT REFLECT ALL THE UTILITIES AT THE TIME THE SURVEY WAS ISSUED ON DECEMBER 20, 2020. THE SURVEY ONLY REFLECTS THOSE UTILITIES WHICH COULD BE OBSERVED BY THE SURVEYOR IN THE FIELD OR AS DEPICTED BY THE UTILITY COMPANY RECORDS FURNISHED PRIOR TO THE DATE THIS SURVEY WAS ISSUED. THE CLIENT AND/OR THEIR AUTHORIZED AGENT SHALL VERIFY WITH THE UTILITY OWNERS AND/OR THEIR AUTHORIZED AGENTS, THE COMPLETENESS AND EXACTNESS OF THE UTILITIES LOCATION.

**TOPOGRAPHIC SURVEY NOTES**

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.  
UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

**ALTA SURVEY NOTES**

THERE IS NO VISIBLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADJUSTIONS.  
THERE IS NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES AND THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.  
THERE IS NO VISIBLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.  
THERE IS NO VISIBLE EVIDENCE OF ANY WETLAND AREAS.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE PROPERTY AS DETERMINED BY OBSERVED EVIDENCE OR EVIDENCE FROM PLANS REQUESTED BY THE SURVEYOR AND OBTAINED FROM UTILITY COMPANIES.

THE SUBJECT PROPERTY HAS ACCESS TO S. OLD WOODWARD AVENUE, E. BROWN STREET AND DAINES STREET, ALL BEING A PUBLICLY DEDICATED ROAD.

**BASIS OF BEARING NOTE**

ALL BEARINGS ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED SOUTH RIGHT-OF-WAY LINE OF STREET (60' WIDE) (NOW KNOWN AS BROWN STREET) OF BROWN'S ADDITION AS RECORDED IN LIBER 3 OF PLATS, PAGE 8, OAKLAND COUNTY RECORDS. (N.62E.)

**DATUM NOTE**

ALL ELEVATIONS SHOWN HEREON ARE ON THE CITY OF BIRMINGHAM'S VERTICAL DATUM. REFERRED TO HEREON, IS ONE (1.00) FOOT HIGHER THAN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88).

**SURVEY DATA**

**SITE AREA:**  
PARCEL 1: 13,818.22 SQUARE FEET OR 0.317 ACRES  
PARCEL 2: 18,892.06 SQUARE FEET OR 0.433 ACRES  
PARCEL 3: 13,204.93 SQUARE FEET OR 0.303 ACRES  
PARCEL 3: 8,137.75 SQUARE FEET OR 0.187 ACRES  
**TOTAL:** 54,052.96 SQUARE FEET OR 1.24 ACRES

**ZONED:**  
B2, GENERAL BUSINESS DISTRICT

**PARKING SPACES:**  
PARCEL 1: 9 REGULAR SPACES  
PARCEL 2: 40 REGULAR SPACES AND 3 BARRIER-FREE SPACES  
PARCEL 3: 20 REGULAR SPACES AND 1 BARRIER-FREE SPACE  
PARCEL 3: NO ON-SITE PARKING SPACES

A SURVEYOR CANNOT MAKE A CERTIFICATION ON THE BASIS OF AN INTERPRETATION OR OPINION OF ANOTHER PARTY. A ZONING ENDORSEMENT LETTER SHOULD BE OBTAINED FROM THE CITY OF BIRMINGHAM TO INSURE CONFORMITY AS WELL AS MAKE A FINAL DETERMINATION OF THE REQUIRED BUILDING SETBACK REQUIREMENTS.

**DTE DISCLAIMER NOTE**

PLEASE NOTE THAT DTE HAS NEW REGULATIONS THAT MAY IMPACT DEVELOPMENT OUTSIDE THEIR EASEMENT OR THE PUBLIC RIGHT OF WAY. CLIENT SHALL CONTACT DTE TO DETERMINE THE "NEW STRUCTURES AND POWER LINE" REQUIREMENTS AS THEY MAY APPLY TO ANY FUTURE BUILDING OR RENOVATION OF A STRUCTURE. DTE ENERGY CAN BE CONTACTED AT 800-477-4747

**LEGAL DESCRIPTION - PARCEL 2 (PER TITLE COMMITMENT)**

LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:  
THE EASTERLY 50 FEET OF LOT 12, AND THE WESTERLY PART OF LOT 13, MEASURING 82.45 FEET ON THE NORTH LOT LINE AND 82.48 FEET ON THE SOUTH LOT LINE OF BROWN'S ADDITION SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS.  
ADDRESS: 300 S. OLD WOODWARD AVENUE, BIRMINGHAM, MI 48009  
TAX ID NUMBER: 19-36-204-006

**TITLE REPORT NOTES - PARCEL 2**

REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY FILE NUMBER: 910055. COMMITMENT DATE: DECEMBER 21, 2020. REVISION B.  
SCHEDULE B, PART II, EXCEPTIONS:  
EXCEPTIONS: 1, 4, 5, 6, 7, 8, 10, 11, 14 AND 15 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.  
2. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF OF THE LAND.  
3. EASEMENTS, ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.  
9. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 8715, PAGE 137. (NO EASEMENTS OR RESTRICTIONS WITHIN SAID DOCUMENT, NOT PLOTTED)  
12. INTEREST, IF ANY, OF THE UNITED STATES, STATE OF MICHIGAN, OR ANY POLITICAL SUBDIVISION THEREOF, IN THE OIL, GAS AND MINERALS IN AND UNDER AND THAT MAY BE PRODUCED FROM THE CAPTIONED LAND.  
13. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED LEASES.

**LEGAL DESCRIPTION - PARCEL 3 (PER TITLE COMMITMENT)**

LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:  
LOT(S) 14, EXCEPT THAT PART TAKEN FOR WIDENING WOODWARD AVENUE OF ADDITION TO WILLIAM BROWN'S ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS.  
ADDRESS: 394 S. OLD WOODWARD AVENUE, BIRMINGHAM, MI 48009  
TAX ID NUMBER: 19-36-204-014

**TITLE REPORT NOTES - PARCEL 3**

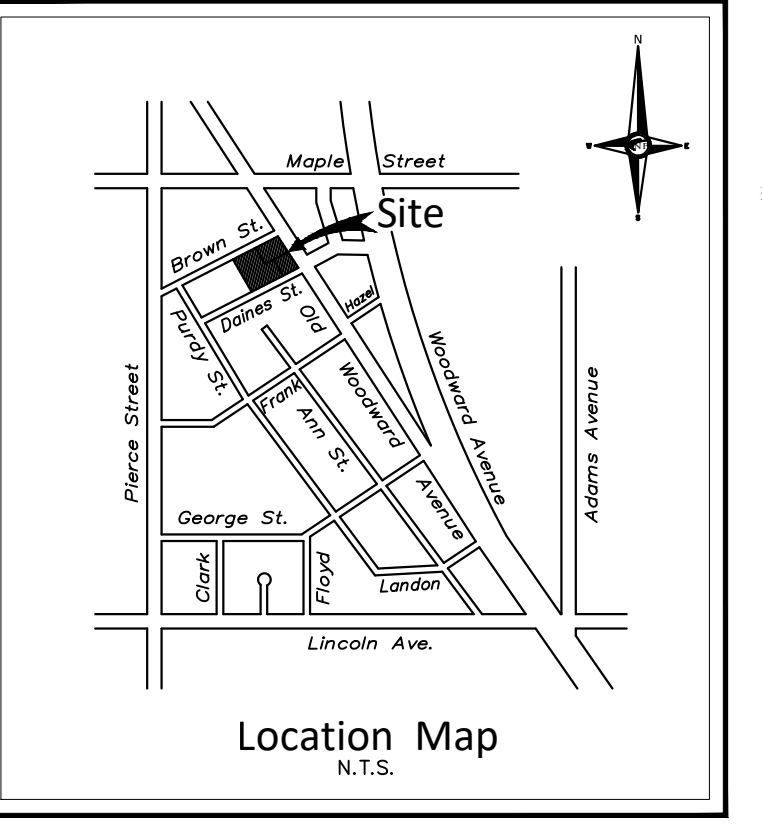
REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY FILE NUMBER: 910455. COMMITMENT DATE: DECEMBER 21, 2020. REVISION A.  
SCHEDULE B, PART II, EXCEPTIONS:  
EXCEPTIONS: 1, 4, 5, 6, 7, 9, 10, 13 AND 14 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.  
2. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF OF THE LAND.  
3. EASEMENTS, ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.  
8. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 8715, PAGE 137. (NO EASEMENTS OR RESTRICTIONS WITHIN SAID DOCUMENT, NOT PLOTTED)  
11. INTEREST, IF ANY, OF THE UNITED STATES, STATE OF MICHIGAN, OR ANY POLITICAL SUBDIVISION THEREOF, IN THE OIL, GAS AND MINERALS IN AND UNDER AND THAT MAY BE PRODUCED FROM THE CAPTIONED LAND.  
12. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED LEASES.

**CERTIFICATE OF SURVEY**

CERTIFIED TO:  
-PURCHASER'S ASSIGNEE  
-TROT PROPERTIES 294, LLC, A MICHIGAN LIMITED LIABILITY COMPANY, AS TO PARCEL 1  
-BRB EQUITIES, LLC, AS TO PARCEL 2  
-FRANK T. KONJAREVICH OR LOIS H. KONJAREVICH (OR SUCCESSOR TRUSTEES) AS THE TRUSTEE FOR THE FRANK T. KONJAREVICH REVOCABLE LIVING TRUST DATED MAY 22, 1995, AS TO PARCEL 3  
-FIRST AMERICAN TITLE INSURANCE COMPANY AND EACH OF THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NPS/LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NPS, AND INCLUDE ITEMS 1, 2, 3, 4, 6(a), 7(c), 7(b)(1), 7(c), 8, 9, 11, 13, 14, 16, 17, 18 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 16, 2020.

KEVIN NAVAROLI, P.S. No. 4001053503 DATE 1-24-2021



**LEGAL DESCRIPTION - PARCELS I & II (PER TITLE COMMITMENT)**

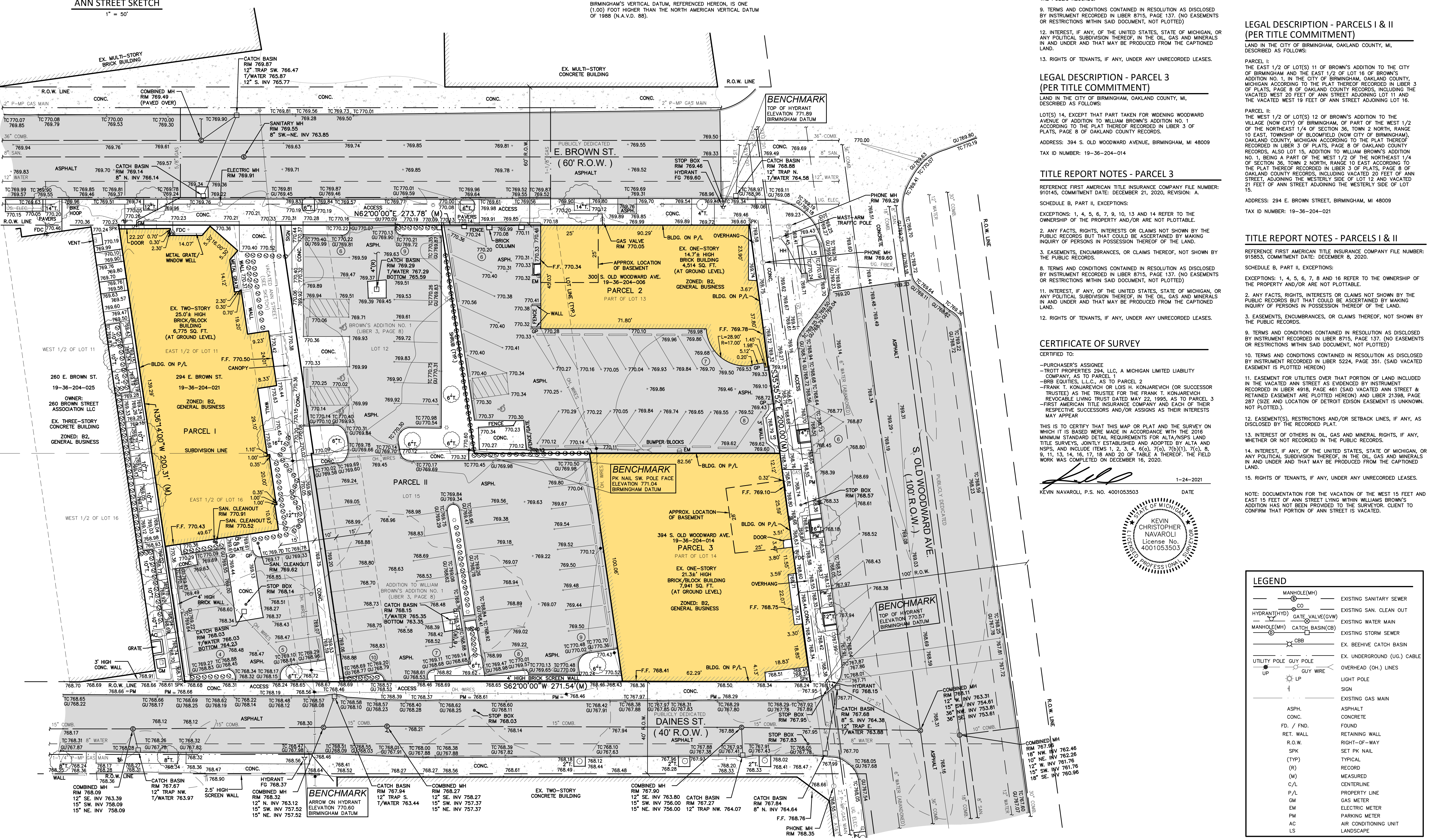
LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:  
PARCEL I:  
THE EAST 1/2 OF LOT(S) 11 OF BROWN'S ADDITION TO THE CITY OF BIRMINGHAM AND THE EAST 1/2 OF LOT 16 OF BROWN'S ADDITION NO. 1, IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS, INCLUDING THE VACATED WEST 20 FEET OF ANN STREET ADJOINING LOT 11 AND THE VACATED WEST 19 FEET OF ANN STREET ADJOINING LOT 16.  
PARCEL II:  
THE WEST 1/2 OF LOT(S) 12 OF BROWN'S ADDITION TO THE VILLAGE (NOW CITY) OF BIRMINGHAM, OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, TOWNSHIP OF BLOOMFIELD (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS, INCLUDING THE VACATED WEST 20 FEET OF ANN STREET ADJOINING LOT 11 AND THE VACATED WEST 19 FEET OF ANN STREET ADJOINING LOT 16.

ADDRESS: 294 E. BROWN STREET, BIRMINGHAM, MI 48009  
TAX ID NUMBER: 19-36-204-021

**TITLE REPORT NOTES - PARCELS I & II**

REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY FILE NUMBER: 915853. COMMITMENT DATE: DECEMBER 8, 2020.  
SCHEDULE B, PART II, EXCEPTIONS:  
EXCEPTIONS: 1, 4, 5, 6, 7, 8 AND 16 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.  
2. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF OF THE LAND.  
3. EASEMENTS, ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.  
9. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 8715, PAGE 137. (NO EASEMENTS OR RESTRICTIONS WITHIN SAID DOCUMENT, NOT PLOTTED)  
11. INTEREST, IF ANY, OF THE UNITED STATES, STATE OF MICHIGAN, OR ANY POLITICAL SUBDIVISION THEREOF, IN THE OIL, GAS AND MINERALS IN AND UNDER AND THAT MAY BE PRODUCED FROM THE CAPTIONED LAND.  
12. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED LEASES.

NOTE: DOCUMENTATION FOR THE VACATION OF THE WEST 15 FEET AND EAST 15 FEET OF ANN STREET WITHIN WILLIAM BROWN'S ADDITION HAS NOT BEEN PROVIDED TO THE SURVEYOR. CLIENT TO CONFIRM THAT PORTION OF ANN STREET IS VACATED.



**LEGEND**

MANHOLE(MH)	EXISTING SANITARY SEWER
HYDRANT(HYD)	EXISTING SANITARY CLEAN OUT
MANHOLE(MH)	EXISTING WATER MAIN
CBB	EXISTING STORM SEWER
CBB	EX. BEEHIVE CATCH BASIN
UTILITY POLE GUY POLE	EX. UNDERGROUND (UG) CABLE
UP	OVERHEAD (OH) LINES
LP	LIGHT POLE
+	SIGN
+	EXISTING GAS MAIN
ASPH.	ASPHALT
CONC.	CONCRETE
FD. / FND.	FOUND
RET. WALL	RETAINING WALL
R.O.W.	RIGHT-OF-WAY
SPK	SET PK NAIL
(TYP)	TYPICAL
(R)	RECORD
(M)	MEASURED
C/L	CENTERLINE
P/L	PROPERTY LINE
GM	GAS METER
EM	ELECTRIC METER
PM	PARKING METER
AC	AIR CONDITIONING UNIT
LS	LANDSCAPE

**DRAWN BY:**  
M. Carnaghi

**DESIGNED BY:**  
K. Navaroli

**APPROVED BY:**  
K. Navaroli

**DATE:**  
November 18, 2022

**SCALE:** 1" = 20'

**NFE JOB NO.** M106 **SHEET NO.** SP-1

**NF ENGINEERS**  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

**NOWAK & FRAUS ENGINEERS**  
4677 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257  
WWW.NOWAKFRAUS.COM

**PROJECT**  
Restoration Hardware  
Birmingham, MI

**CLIENT**  
Saroki Architecture  
430 N. Old Woodward Ave.  
Birmingham, MI 48009

**Contact: Victor Saroki**  
Phone: 248.258.5707

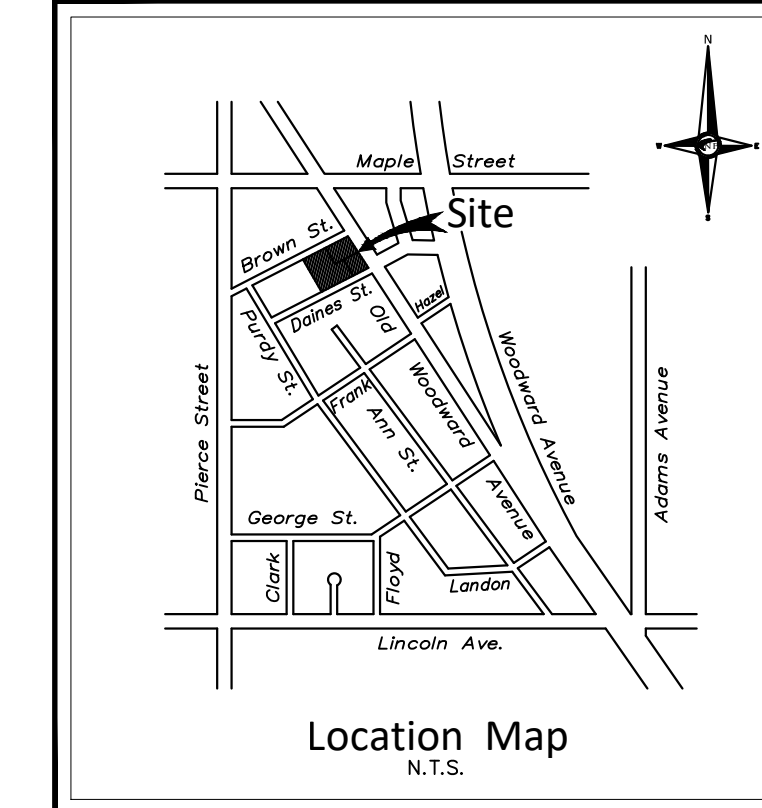
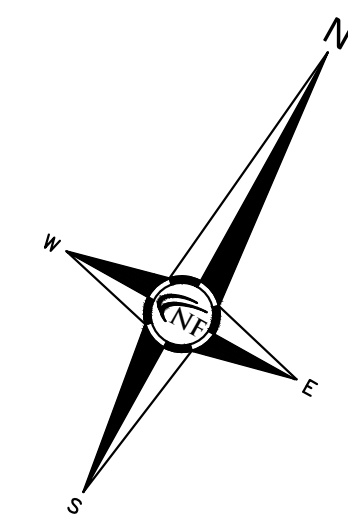
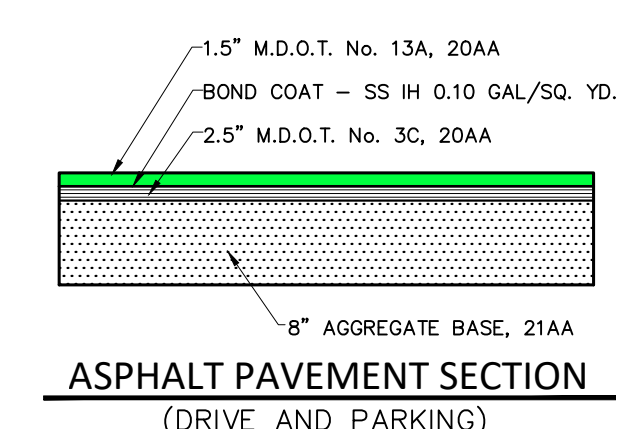
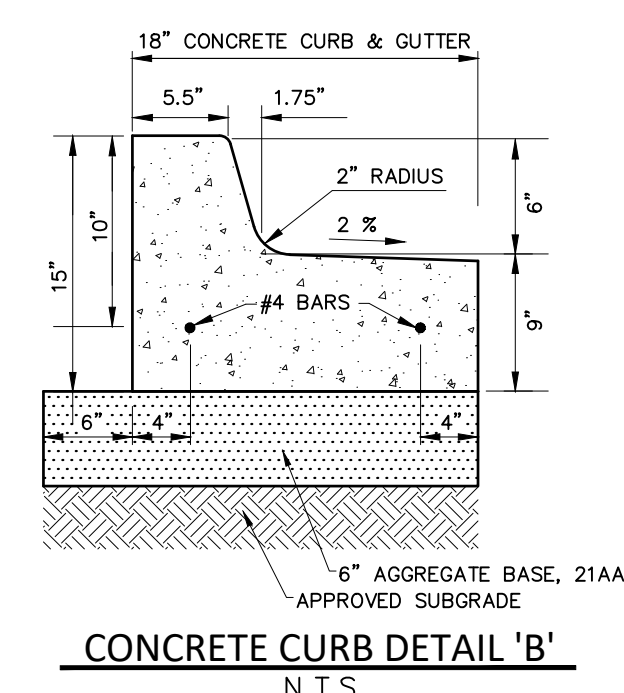
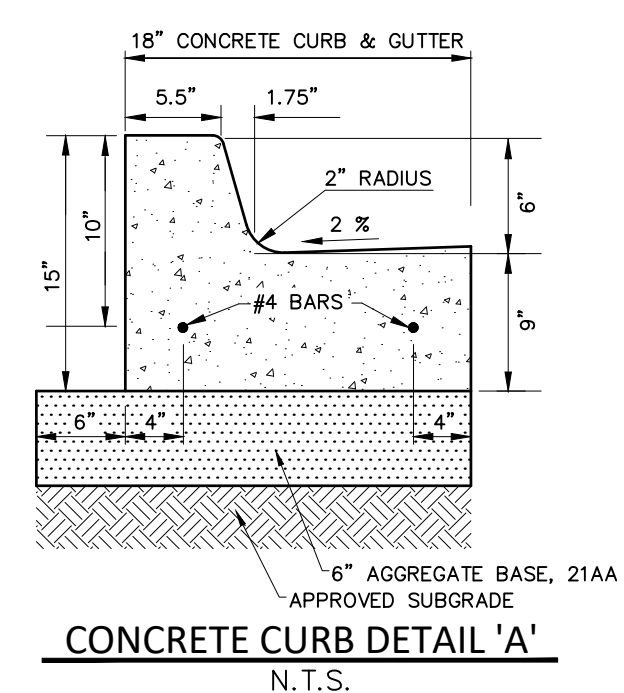
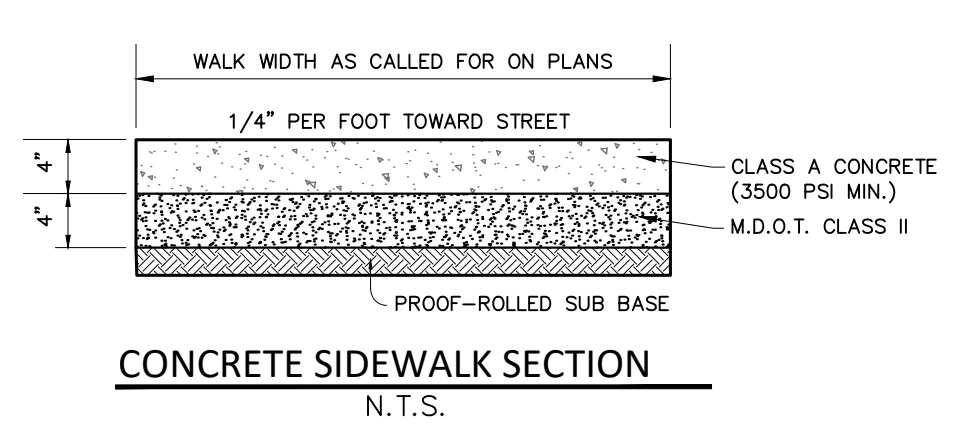
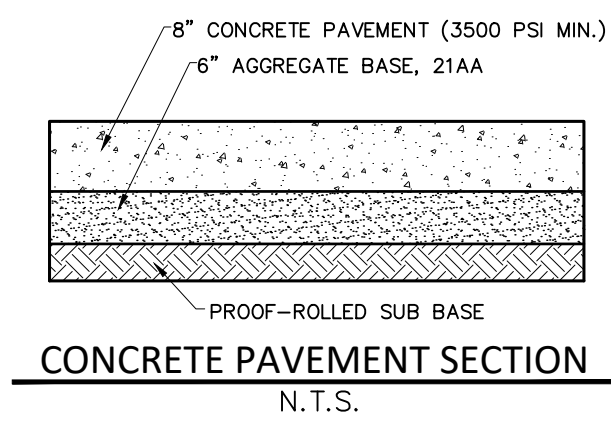
**PROJECT LOCATION**  
Part of the NE 1/4  
of Section 36  
T.2N., R.10E.,  
City of Birmingham,  
Oakland County, Michigan

**SHEET**  
ALTA/NPS Land Title /  
Topographic Survey

**811**  
Know what's below  
Call before you dig.

**DATE ISSUED/REVISD**  
11-18-2022 FINAL SITE PLAN SUBMITTAL





**NF ENGINEERS**  
 CIVIL ENGINEERS  
 LAND SURVEYORS  
 LAND PLANNERS

NOWAK & FRAUS ENGINEERS  
 46777 WOODWARD AVE.  
 PONTIAC, MI 48342-5032  
 TEL. (248) 332-7931  
 FAX. (248) 332-8257  
 WWW.NOWAKFRAUS.COM

**GENERAL PAVING NOTES**

PAVEMENT SHALL BE OF THE TYPE, THICKNESS AND CROSS SECTION AS INDICATED ON THE PLANS AND AS FOLLOWS:

**CONCRETE:** PORTLAND CEMENT TYPE IA (AIR-ENTRAINED) WITH A MINIMUM CEMENT CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES.

**ASPHALT:** BASE COURSE - MDOT BITUMINOUS MIXTURE NO. 110L, 20AA; SURFACE COURSE - MDOT BITUMINOUS MIXTURE NO. 110T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85-100, BOND COAT - MDOT SS-1H EMULSION AT 0.10 GALLON PER SQUARE YARD; MINIMUM 2 INCH LIFT.

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB-BASE SHALL BE PROOF-ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY.

ALL CONCRETE PAVEMENT, DRIVEWAYS, CURB & GUTTER, ETC., SHALL BE SPRAY CURED WITH WHITE MEMBRANE CURING COMPOUND IMMEDIATELY FOLLOWING FINISHING OPERATION.

ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT Poured RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION SS-5164.

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION.

ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS OTHERWISE NOTED.

ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY.

FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL INSPECTION.

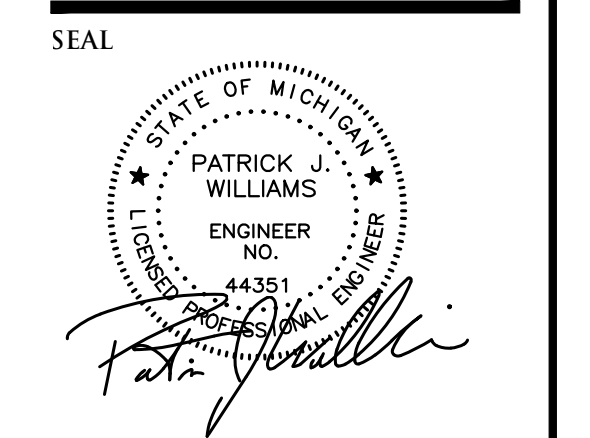
EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS.

EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII.

SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS INDICATED ON THE PLANS.

ALL PAVEMENT AREAS SHALL BE PROOF-ROLLED UNDER THE SUPERVISION OF A GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING MATERIALS.

FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.



**PROJECT**  
 Restoration Hardware  
 Birmingham, MI

**CLIENT**  
 Saroki Architecture  
 430 N. Old Woodward Ave.  
 Birmingham, MI 48009

Contact: Victor Saroki  
 Phone: 248.258.5707

**PROJECT LOCATION**  
 Part of the NE 1/4  
 of Section 36  
 T.2N., R.10E.,  
 City of Birmingham,  
 Oakland County, Michigan

**SHEET**  
 Engineering Site Plan



**DATE ISSUED/REVISED**  
 11-18-2022 FINAL SITE PLAN SUBMITTAL

**DRAWN BY:**  
 A. Eizember  
**DESIGNED BY:**  
 A. Eizember  
**APPROVED BY:**  
 P. Williams

**DATE:**  
 November 18, 2022

**SCALE:** 1" = 20'  
 20 10 0 10 20 30

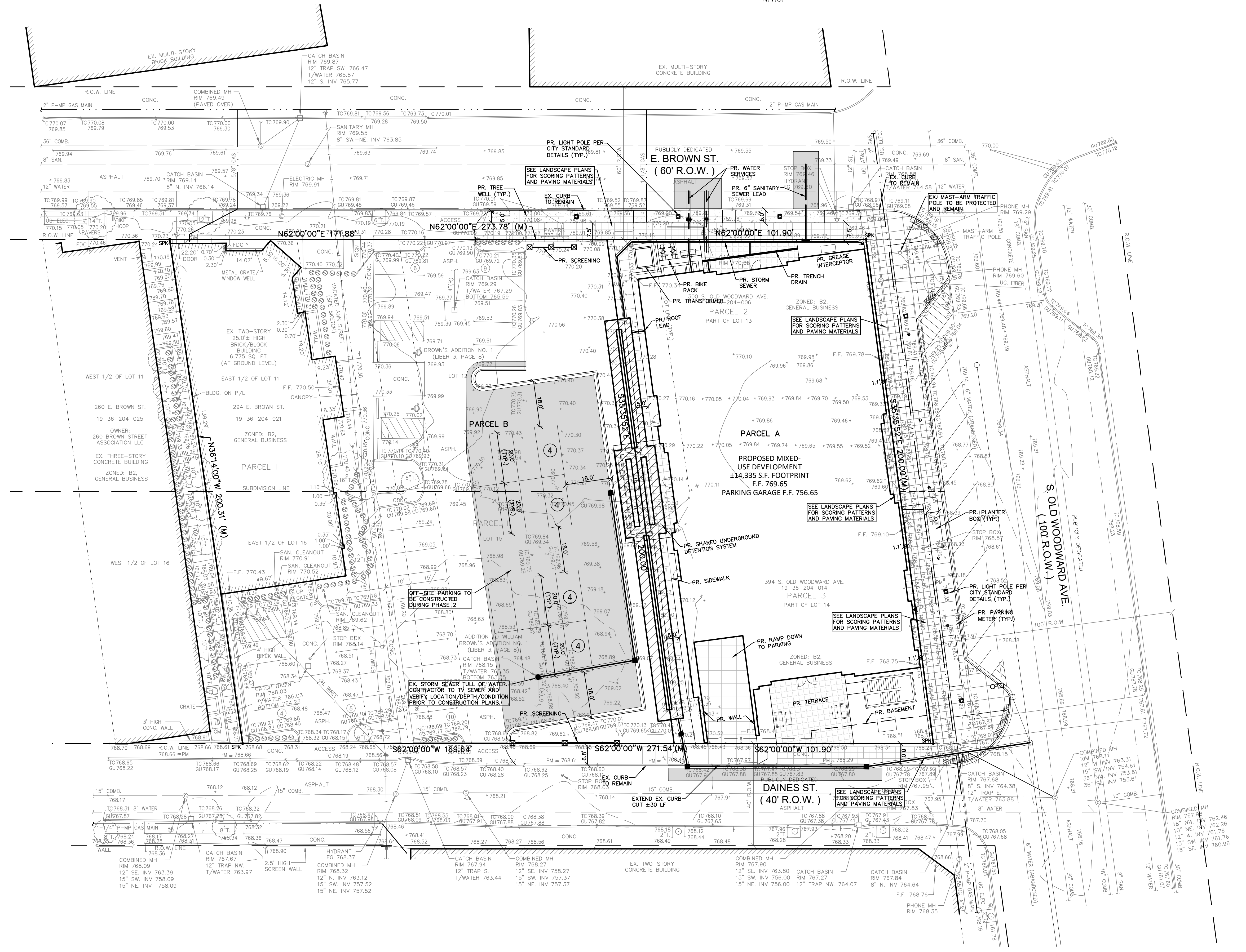
**NFE JOB NO.** M106 **SHEET NO.** SP-2

**PAVING LEGEND**

	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT PAVEMENT

**LEGEND**

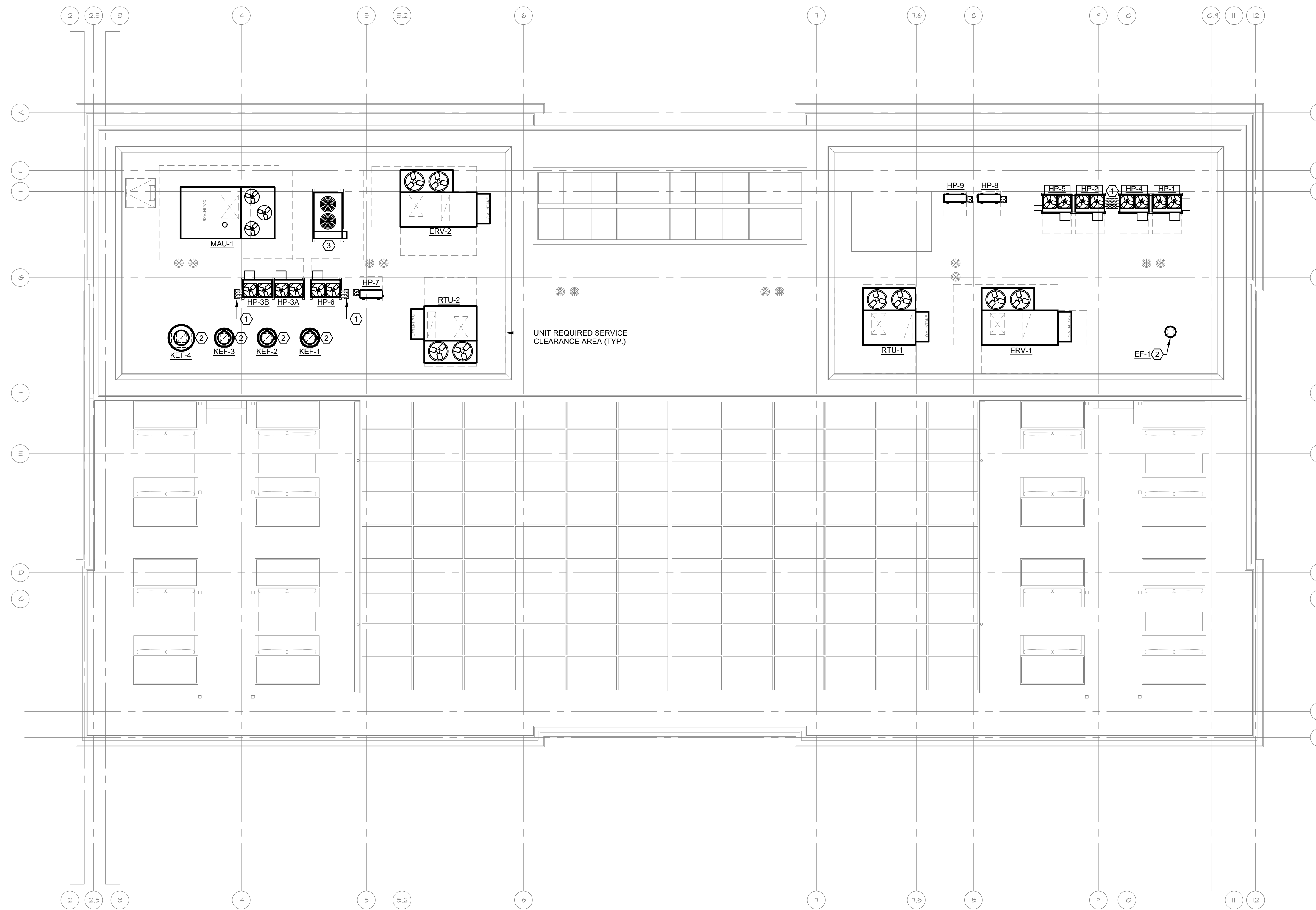
	MANHOLE		EXISTING SANITARY SEWER
	HYDRANT		GATE VALVE
	MANHOLE CATCH BASIN		EXISTING STORM SEWER
	UTILITY POLE		EXISTING BURIED CABLES
	GUY POLE		OVERHEAD LINES
	LIGHT POLE		SIGN
	EXISTING GAS MAIN		C.O. MANHOLE
	EXISTING SANITARY SEWER		HYDRANT
	EXISTING WATER MAIN		INLET
	EXISTING STORM SEWER		MANHOLE
	EXISTING R.Y. CATCH BASIN		PROPOSED LIGHT POLE





**KEYED NOTES:** (1)

- ROUTE REFRIGERANT PIPING DOWN TROUGH ROOF.
- INSTALL EXHAUST FAN A MINIMUM OF 10'-0" AWAY FROM ANY HVAC UNITS' OUTDOOR AIR INTAKE OPENING.
- KITCHEN REFRIGERATION SYSTEM CONDENSING UNIT. UNIT PROVIDED BY KITCHEN EQUIPMENT CONTRACTOR AND INSTALLED BY THE MECHANICAL CONTRACTOR. MOUNT ON PATE EQUIPMENT RAILS A MINIMUM OF 12" ABOVE THE ROOF LEVEL.



1  
M115 SCALE: 1/8" = 1'-0"  
Roof - Mechanical HVAC Plan

mechanical electrical  
engineering consultants  
pc  
1448 Sheldon Rd. Ste. 300  
Plymouth, MI 48170  
P 734-464-5515  
F 734-464-5517  
MEEC JOB # 210146  
THIS DRAWING IS DIAGNOSTIC AND SHOULD BE USED TO DETERMINE THE DESIGN INTENT. THE CONTRACTOR SHALL FIELD VERIFY ALL WORK AND SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DOCUMENTS BEFORE PROCEEDING. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR TAKING FULL RESPONSIBILITY AND LIABILITY FOR ANY DISCREPANCIES. NOTICE: THIS DRAWING AND THE DESIGN ARE THE PROPERTY OF MECHANICAL ELECTRICAL ENGINEERING CONSULTANTS, PC AND NO PARTS THEREOF OR ANY TRANSFER OF WORK ARE PERMITTED WITHOUT WRITTEN APPROVAL AS GRANTED BY MECHANICAL ELECTRICAL ENGINEERING CONSULTANTS, PC.

**SAROKI ARCHITECTURE**

430 N. OLD WOODWARD  
BIRMINGHAM, MI 48009

P. 248.258.5707

F. 248.258.5515

SarokiArchitecture.com

Project:  
RH / Mixed-Use  
300 S Old Woodward  
Birmingham, MI 48009

Date: Issued For:

03-28-22 Core&Shell Building Permit

05-02-22 Bid / Construction

11-18-22 Final Site Plan Submittal

Sheet No.:

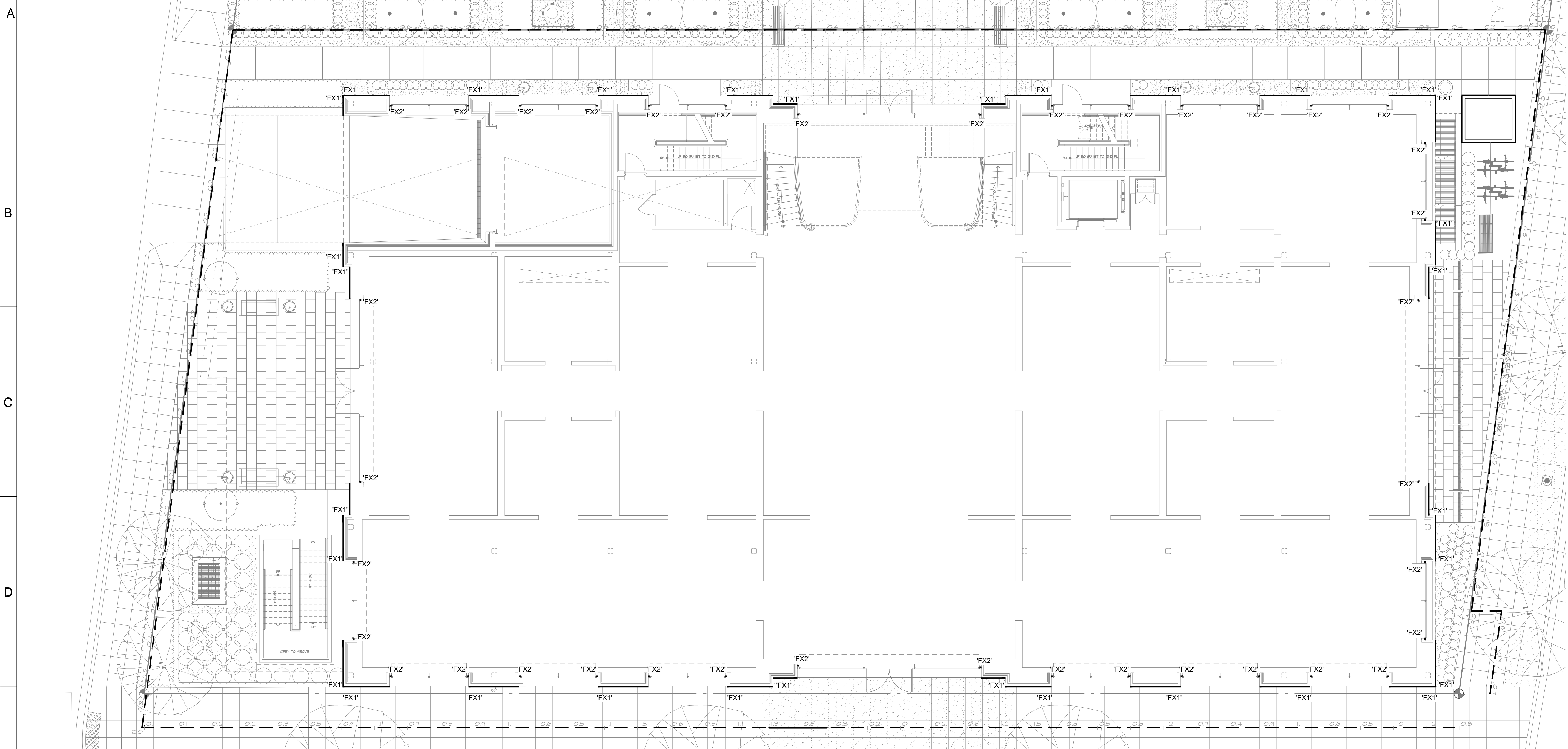
**M115**

ROOF - MECHANICAL HVAC PLAN



**GENERAL NOTES:**

1. THE INTENSITY OF LIGHT ON THE SITE DOES NOT EXCEED ONE AND ONE HALF (1.5) MAINTAINED FOOT-CANDLES AT ANY PROPERTY LINE FOR ANY NON-RESIDENTIAL ZONED PROPERTY. THE LIGHT INTENSITY IS MEASURED AT 6FT ABOVE THE GROUND LEVEL ON A VERTICAL PLANE, NOTED ALONG THE BOLD DASHED LINE.
2. THE INTENSITY OF LIGHT ON A SITE WHICH PROVIDES A FRONT SETBACK OF LESS THAN 5FT SHALL BE MEASURED FROM 5FT BEYOND THE FRONT PROPERTY LINE, NOTED ALONG THE BOLD DASHED LINE.
3. THE PROPOSED FX1 FIXTURES HAVE BEEN CALCULATED AT A DIMMED LUMEN INTENSITY OF 50% WITH A LIGHT LOSS FACTOR OF 0.85.
4. THE PROPOSED FX2 FIXTURE INTENT IS TO PROVIDE A DECORATIVE GLOW EFFECT AROUND THE WINDOWS WITH NO LUMEN OUTPUT EXTENDING BEYOND THE WINDOWS AND THEREFORE DO NOT PROVIDE A PHOTOMETRIC CONTRIBUTION TO THE PROPERTY LINE.



**Exteriors - Electrical Site Lighting Photometric Plan**  
ESLP111 SCALE: 1/8" = 1'-0"

mechanical electrical engineering consultants pc  
1448 Sheldon Rd. Ste. 500  
Plymouth, MI 48170  
P 734-454-5515  
F 734-454-5517  
MEEC JOB # 210146  
THIS DRAWING IS DIAGNOSTIC AND SHOULD BE USED TO DETERMINE THE DESIGN INTENT. THE CONTRACTOR SHALL VERIFY ALL WORK AND SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DOCUMENTS BEFORE PROCEEDING. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR BEING RESPONSIBLE FOR ANY DISCREPANCIES. NOTICE: THIS DRAWING AND THE DESIGN ARE THE PROPERTY OF MECHANICAL ELECTRICAL ENGINEERING CONSULTANTS, PC AND NO WARRANTIES OR TRANSFERS OF WORK ARE PERMITTED UNLESS WRITTEN APPROVAL IS GRANTED BY MECHANICAL ELECTRICAL ENGINEERING CONSULTANTS, PC.

**Specification Sheet** **lumenfacade nano**  
LOGN  
WHITE AND STATIC COLORS

Project Name: \_\_\_\_\_ City: \_\_\_\_\_  
Type: \_\_\_\_\_ Catalog / Part Number: \_\_\_\_\_

Size	Delivered output (lm)	Intensity (peak cd)
8"x8"	2,173	58,720
10"x10"	2,102	45,812
10"x30"	2,038	17,259
10"x60"	2,026	5,911
10"x90"	2,031	3,622
30"x10"	2,043	12,919
30"x30"	2,085	9,824
30"x60"	2,855	4,362
30"x90"	2,917	3,152
60"x10"	2,025	8,010
60"x60"	2,924	3,162
60"x90"	2,905	2,603
90"x90"	2,856	1,766
W (120")	1,225	602
WW	2,164	10,498

**Options:** Corrosion-resistant coating for hostile environments, 3G ANSI C136.31 2010 Vibration Rating for bridge applications

**Warranty:** 5-year limited warranty

**Performance:**  
Maximum Delivered Output: 884 lm (2 W/ft, 48 in fixture, 4000K CRI 80+ 30° x 30°, NO control), 1,747 lm (4 W/ft, 48 in fixture, 4000K CRI 80+ 30° x 30°, NO control), 2,786 lm (7 W/ft, 48 in fixture, 4000K CRI 80+ 30° x 30°, NO control)  
Maximum Delivered Intensity: 20,476 cd at nadir (2 W/ft, 48 in fixture, 4000K CRI 80+ 8° x 8°, NO control), 41,352 cd at nadir (4 W/ft, 48 in fixture, 4000K CRI 80+ 8° x 8°, NO control), 58,720 cd at nadir (7 W/ft, 48 in fixture, 4000K CRI 80+ 8° x 8°, NO control)

**lumenpulse**  
1200 Maple-Victoria Blvd., Longmeadow, MA 01106, USA | 1-800-368-3333 | 413-253-3333 | 413-253-3333  
www.lumenpulse.com

**2** FIXTURE TYPE 'FX1' CUTSHEET  
ESLP114 SCALE: N.T.S.

**lumium** **120V LED STRIP LIGHT**  
STANDARD (BEST SELLER) SERIES - HIGH VOLTAGE - DIMMABLE

**MODEL: LUM-120505-XXXXX**

Lumium® Standard Series Line Voltage (120V) Single Color LED Strip Light requires no power adapters or drivers, instead it uses a power plug rectifier that converts AC into DC current. The light source in the LED strip consists of 3,300 equally distributed high brightness SMD 5050 chips per reel, which comes in 164ft. with cut marks every 12 inches (1ft.). The light output is incredibly bright with a CRI > 90 (Color Rendering Index) and available in multiple color temperatures. This Single Color LED Strip Light is ETL Listed and dimmable, using conventional dimmers. The entire 164ft. of high voltage strip can be used without the risk of voltage drop. This product is IP65 rated for indoor and outdoor use. This strip can be installed using various methods.

**3** FIXTURE TYPE 'FX2' CUTSHEET  
ESLP114 SCALE: N.T.S.

**SAROKI ARCHITECTURE**

430 N. OLD WOODWARD  
BIRMINGHAM, MI 48009  
P. 248.258.5707  
F. 248.258.5515  
SarokiArchitecture.com

Project:  
RH / Mixed-Use  
300 S Old Woodward  
Birmingham, MI 48009

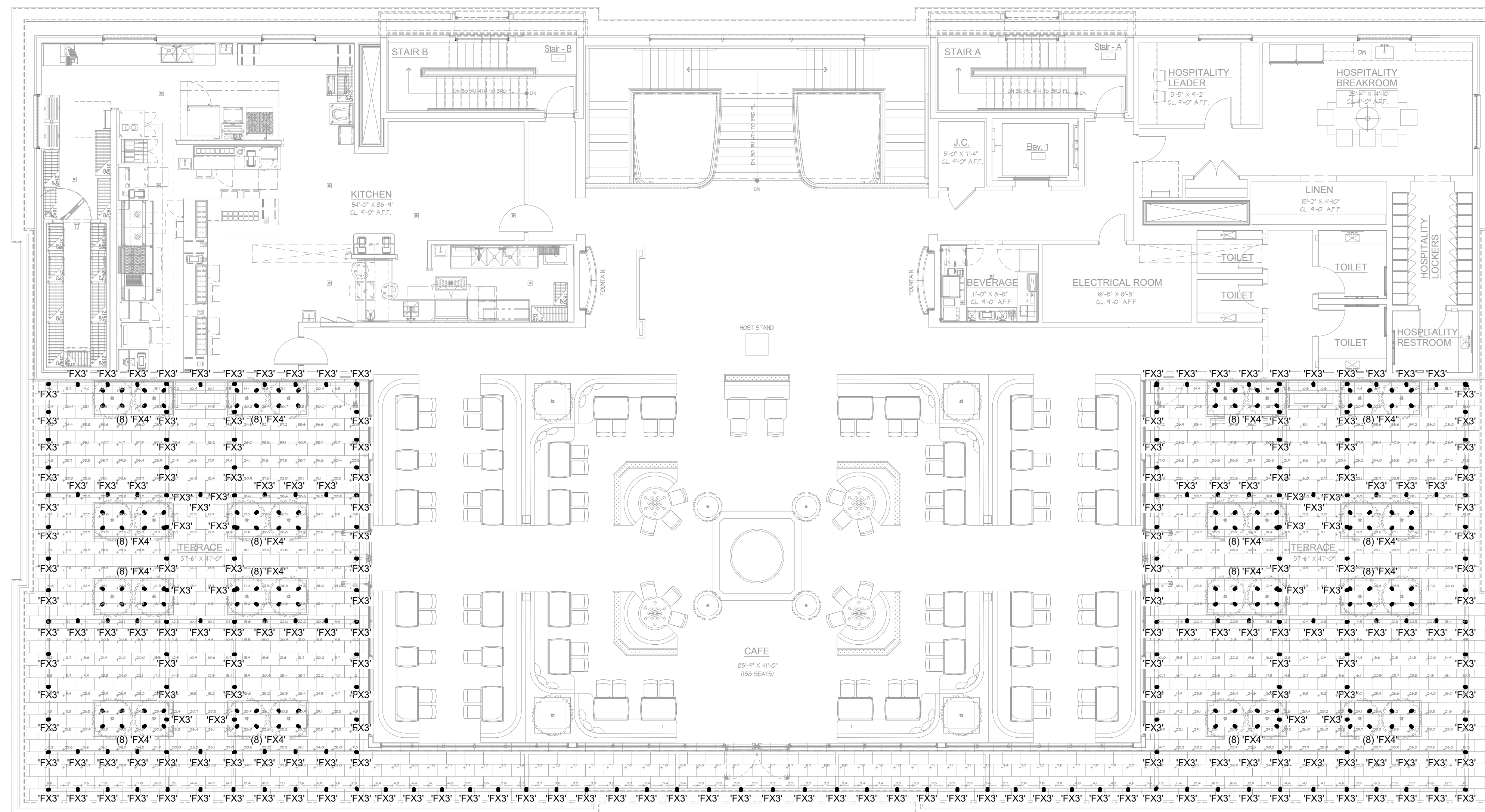
Date: 11-18-2022 Issued For: Final Site Plan Submittal

Sheet No.:  
**ESLP111**  
ELECTRICAL SITE LIGHTING  
PHOTOMETRIC PLAN



**GENERAL NOTES:**

1. THE PROPOSED PHOTOMETRICS ARE BASED ON LIGHT FIXTURE FX3 TO BE MOUNTED AT THE UNDERSIDE OF THE PROPOSED PERGOLA AIMING TOWARDS THE GROUND AND FX4 TREE LIGHTING. THAT IS TO BE STAKE MOUNTED WITH GLARE SHIELD AT EACH PLANTER. THESE FIXTURES DOES NOT EXPEL UNLUE AMBIENT LIGHT INTO THE NIGHTTIME ENVIRONMENT.
2. THE AVERAGE FOOTCANDLE AT 0 FEET, FOR THE EXTERIOR TERRACE IS 20.1FC. THE MAXIMUM FOOTCANDLE IS 41.7FC.
3. THE PROPOSED FX3 FIXTURES HAVE BEEN CALCULATED AT A DIMMED LUMEN INTENSITY OF 80% WITH A LIGHT LOSS FACTOR OF 0.9.
4. THE PROPOSED FX4 FIXTURES HAVE BEEN CALCULATED AT A DIMMED LUMEN INTENSITY OF 80% WITH A LIGHT LOSS FACTOR OF 0.9.



**Exteriors - Electrical 4th Level Lighting Photometric Plan**  
ESLP114 SCALE: 1/8" = 1'-0"

ARTISTAR LED (REMOTE DRIVER) IP66 RATED	
DATE:	PROJECT:
CATALOG NUMBER LOGIC:	
<b>CATALOG NUMBER LOGIC</b> Example: B - AR - LED - RM - x54 - FL - POL - 12 - 11 - B - 6 - WM	
<b>MATERIAL</b> (Blank) Aluminum B - Brass S - Stainless Steel	
<b>SERIES</b> AR - ArtStar	
<b>SOURCE</b> LED - Chip on Board Technology	
<b>HOUSING</b> RM - Remote Driver	
<b>LED TYPE</b> x52 - 10W LED/2700K x54 - 10W LED/4000K x53 - 10W LED/3000K	
<b>OPTICS</b> SP - Spot (20°) FL - Flood (40°) WFL - Wide Flood (60°)	
<b>FINISH (See page 2 for full-color swatches)</b> Standard Finishes (BZP, BZW, BLP, BLW, WHF, WHW, SAP, VER) Premium Finish (ABP, AMG, AQW, BCM, BOE, BPP, CAP, CMG, CR, CRM, HUG, MDS, NBP, OCP, RMG, SDS, SMG, TFX, WCP, WHF) Also available in RAL Finishes Brass Finishes (MAC, POL, MIT) Stainless Steel Finishes (MAC, POL)	
<b>LENS TYPE</b> S - Clear (Standard) 12 - Soft Focus 13 - Rectilinear	
<b>SHIELDING</b> T1 - Honeycomb Baffle	
<b>CAP STYLE</b> A - 40° B - 90° C - Flush D - 40° Less Weephole (Interior use only) E - 90° Less Weephole (Interior use only) F - 90° with Flush Lens	
<b>BASE HEIGHT</b> 3" (Standard), 6", 12", 16", & 24" with Anchor Base	
<b>MOUNTING OPTIONS</b> PP - 1/2" Power Pipe Stake Mount SF - Stability Flange (For use with Power Pipe) WM - Wall or Ceiling Mount with 5" dia. Machined Canopy**	
<p>*Base height limited to 6" max. with Brass and Stainless Steel Canopy.</p>	
<p><b>B-K LIGHTING</b> MADE IN THE USA 555-438-5800   INFO@BKLIGHTING.COM   BKLIGHTING.COM</p> <p><small>THIS DOCUMENT CONTAINS PROPRIETARY INFORMATION OF B-K LIGHTING, INC. AND ITS RECEIPT OR POSSESSION DOES NOT CONVEY ANY RIGHTS TO REPRODUCE, DISCLOSE ITS CONTENT, OR TO MANUFACTURE, USE OR SELL ANYTHING IT MAY DESCRIBE. REPRODUCTION, DISCLOSURE OR USE WITHOUT SPECIFIC WRITTEN AUTHORIZATION OF B-K LIGHTING, INC. IS STRICTLY FORBIDDEN. 01/16/2020 044-018 SUB 208-00</small></p>	

**2** FIXTURE TYPE 'FX3' CUTSHEET  
ESLP114 SCALE: N.T.S.

MICRO NITE STAR LED IP66 RATED	
DATE:	PROJECT:
CATALOG NUMBER LOGIC:	
<b>CATALOG NUMBER LOGIC</b> Example: B - MN - LED - e68 - SP - WHP - 12 - 11 - A - 360SL	
<b>MATERIAL</b> (Blank) Aluminum B - Brass	
<b>SERIES</b> MN - Micro Nite Star	
<b>SOURCE</b> LED - with Integral Dimming Driver (25W min. load when dimmed)*	
<b>LED TYPE</b> e67 - 7W LED/2700K e69 - 7W LED/4000K e68 - 7W LED/3000K e76 - 7W LED/Ambler	
<b>OPTICS</b> SP - Spot (17°) MFL - Medium Flood (25°) FL - Flood (30°)	
<b>FINISH (See page 2 for full-color swatches)</b> Standard Finishes (BZP, BZW, BLP, BLW, WHF, WHW, SAP, VER) Premium Finish (ABP, AMG, AQW, BCM, BOE, BPP, CAP, CMG, CR, CRM, HUG, MDS, NBP, OCP, RMG, SDS, SMG, TFX, WCP, WHF) Also available in RAL Finishes Brass Finishes (MAC, POL, MIT)	
<b>LENS TYPE</b> 12 - Soft Focus 13 - Rectilinear	
<b>SHIELDING</b> T1 - Honeycomb Baffle	
<b>CAP STYLE</b> A - 45° B - 90° C - Flush Lens D - 40° Less Weephole (Interior use only) E - 90° Less Weephole (Interior use only)	
<b>OPTIONS</b> 360SL - Knuckle Mounting System**	
<p>*Designed for use with LED transformer. Requires magnetic low-voltage driver. **The 360SL cost is already included in the price of UPM LPM dual and Power Canopy.</p>	
<p><b>B-K LIGHTING</b> MADE IN THE USA 555-438-5800   INFO@BKLIGHTING.COM   BKLIGHTING.COM</p> <p><small>THIS DOCUMENT CONTAINS PROPRIETARY INFORMATION OF B-K LIGHTING, INC. AND ITS RECEIPT OR POSSESSION DOES NOT CONVEY ANY RIGHTS TO REPRODUCE, DISCLOSE ITS CONTENT, OR TO MANUFACTURE, USE OR SELL ANYTHING IT MAY DESCRIBE. REPRODUCTION, DISCLOSURE OR USE WITHOUT SPECIFIC WRITTEN AUTHORIZATION OF B-K LIGHTING, INC. IS STRICTLY FORBIDDEN. 01/16/2020 044-018 SUB 208-00</small></p>	

**3** FIXTURE TYPE 'FX4' CUTSHEET  
ESLP114 SCALE: N.T.S.

mechanical electrical engineering consultants  
**MEEC**  
14488 Sheldon Rd. Ste. 300  
Plymouth, MI 48170  
P 734-464-9515  
F 734-464-9517  
MEEC JOB # 210146

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**SAROKI ARCHITECTURE**

430 N. OLD WOODWARD  
BIRMINGHAM, MI 48009

P. 248.258.5707  
F. 248.258.5515

SarokiArchitecture.com

Project:  
RH / Mixed-Use  
300 S Old Woodward  
Birmingham, MI 48009

Date: 11-18-2022 Issued For: Final Site Plan Submittal

11-18-2022 Final Site Plan Submittal

Sheet No.:

**ESLP114**  
ELECTRICAL EXTERIOR 4TH LEVEL  
PHOTOMETRIC PLAN





## MEMORANDUM

Planning Division

**DATE:** December 14, 2022

**TO:** Planning Board Members

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** 300 S. Old Woodward – Revised Special Land Use Permit, Final Site Plan & Design Review

---

The applicant has submitted an application for Revised Special Land Use Permit, Final Site Plan and Design Review for the construction of a new 4-story commercial building in the B2 (General Business) and D4 (Downtown Overlay) zoning districts. The proposed development is located On S. Old Woodward between Brown and Daines. The subject site is currently under construction, which was paused to accommodate the change in design that will be presented herein. The new, revised development would introduce a new 4-story commercial building oriented towards Old Woodward, internal parking, and landscaping improvements to the site.

As for prior approvals, on July 14, 2021 ([Agenda – Minutes](#)), the Planning Board moved to recommend approval to the City Commission a Special Land Use, Final Site Plan and Design Review application for the original proposal, which was subsequently approved by the City Commission on August 9, 2021 ([Agenda – Minutes](#)).

Prior to the site plan approval process, the applicant had also applied and was approved for a rezoning from D3 (Downtown Overlay) to D4 (Downtown Overlay). The Planning Board recommended approval to the City Commission on April 28, 2021 ([Agenda – Minutes](#)), and the City Commission formally approved the rezoning on July 12, 2021 ([Agenda – Minutes](#)). Importantly, the motion from the City Commission was as follows:

“To approve the rezoning of the new parcel encompassing 300 – 394 S. Old Woodward and portions of 294 E. Brown from B-2 (General Business) and D-3 (Downtown Overlay) to B-2 (General Business) and D-4 (Downtown Overlay) conditional upon the building being done pursuant to the site plan, as voluntarily given by the applicant, pursuant to a letter dated and accepted July 12, 2021 by attorney Richard Rattner.”

The Planning Division is reviewing the motion with the City Attorney to determine the next steps in regards to the rezoning and its approval, and will report the determination to the Planning Board.



Overall, the plans submitted for the proposed Revised Special Land Use Permit, Final Site Plan and Design Review application demonstrate minor changes to the site. In general, the site circulation, bulk, area and height considerations, and parking is not proposed to change. The bulk of the changes are in the layout of the floor plans and the exterior of the building (materials/design). In the forthcoming report, the Planning Division will provide general summaries for those items that are not proposed to change, and will follow those summaries with “**(No changes proposed)**” for emphasis. For all new elements, the Planning Division has provided a full review.

## 1.0 Land Use & Zoning

- 1.1 **Existing Land Use** – The existing land use on the site was commercial. The site is currently under construction, which has been paused to accommodate a redesign of the building.
- 1.2 **Zoning** – The subject site is zoned B2 (General Business) and D4 (Downtown Overlay).
- 1.3 **Summary of Adjacent Land Use & Zoning** – The following chart summarizes existing land use and zoning classifications of the adjacent and/or nearby properties:

	North	South	East	West
<b>Existing Land Use</b>	Mixed-Use	Mixed-Use	Commercial	Commercial
<b>Existing Zoning District</b>	B4	B2B	B3	B2
<b>Overlay Zoning District</b>	D4	D2	D3 & D5	D3

## 2.0 Setback & Height Requirements

The attached zoning compliance summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant appears to meet the bulk, area and placement requirements of the B2 and D4 zones. **(No changes proposed)**

In addition to the general placement and height standards, the applicant is also subject to the encroachment into right-of-way standards outlined in Article 4, Section 4.74 (D)(4)(c)(i), which states that removable architectural elements such as awnings, canopies, marquees may be approved by the Planning Board to project into the right of way provided that they are constructed to support applicable loads without any ground mounted supports on public property. Encroachments with less than 15 ft. of clearance above the sidewalk shall not extend into or occupy more than two-thirds of the width of the sidewalk or 5 ft., whichever is less, and must not interfere with any existing or planned



streetscape elements or infrastructure. The applicant is proposing a canopy at the entrance along S. Old Woodward which projects 4 ft. 10.5 in. into the right-of-way, and measures 13 ft. 8 in. above grade. The proposed meets the requirements of Article 4, Section 4.74 and may be approved by the Planning Board.

### 3.0 Screening & Landscaping

- 3.1 Dumpster Screening – Although the placement of the trash area has changed with the reconfiguration of the floor layout, the trash receptacles are within the building envelope and are fully screened by the building façade. The applicant had previously proposed a trash area on the first floor, but has revised the plans to include a larger trash area in the lower level. **The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area.**
- 3.2 Parking Lot Screening – The entirety of the parking proposed on site will be in the lower level, thus fully screened by the building. **(No changes proposed)**
- 3.3 Mechanical Equipment Screening – There are several mechanical units proposed on the roof of the development, which will be screened by a 6 ft. brick screen wall. The proposed units are located in enclosures that flank the greenhouse roof, as was approved in the previous design. The RTU's proposed consist of exhaust fans, heat pumps, make up air, and other units that all measure within the extent of the 6 ft. screen wall.

In addition to the units on the rooftop, there are three pieces of ground-mounted electrical equipment proposed at the northwest corner of the site. The pieces of equipment are labeled as DTE transformers and a DTE primary switch box. One smaller transformer and the primary switch box are proposed to be screened by 6 ft. arborvitae, while the larger transformer is proposed to be screened by a 5 ft. 2 in. capped masonry screen wall with metal gates. Article 4, Section 4.54 of the Zoning Ordinance requires ground-mounted mechanical or electrical equipment to be screened by a masonry screen wall with wood gates. The screen wall shall match the material of the principal building.

However, the same section states that flexibility in the materials, size, height and placement of walls is permitted in order to allow architectural harmony and usable open space and to accomplish a unified design. **The Planning Board should discuss the proposed arborvitae screening and metal gate and determine if the materials provide an appropriate screen wall.**

- 3.4 Landscaping – The proposed landscaping plan shows landscaping in the same general areas as was approved in 2021. However, the planting materials and quantities have changed. The following plantings are proposed:



Planting Type	Location
Green Vase Japanese Zelkovia	Southeast corner, near egress stairs
Green Velvet Boxwood	North side of building, southeast planting area
Franz Fontaine Hornbeam	West side along pedestrian passage
Hatfield or Moon Yew	West side along pedestrian passage
Emerald Green Arborvitae	Northwest corner adjacent to ground units
Green Carpet Pachysandra	Planter boxes along pedestrian passage
Pleached Little Leaf Linden	4 <sup>th</sup> floor planters
Green Velvet Boxwood	4 <sup>th</sup> floor planters

Although the applicant is proposing the above plantings, the Zoning Ordinance does not require the proposed planting materials on the site. It is worth noting that the proposed plantings do not appear to contain many native species, nor is there much in terms of variety (colors or species). The proposed plantings will provide some benefits, but do not offer much for pollinators, storm water retention, or aesthetics.

- 3.5 Streetscape Elements – The applicant is proposing to build the streetscape as agreed to in the streetscape agreement approved by the City Commission on April 25, 2022 ([Agenda](#) – [Minutes](#)). The streetscape consists of 6 street trees, planter boxes, bike racks, and street lights.

#### 4.0 Parking, Loading & Circulation

- 4.1 Parking – The subject site is located within the former Parking Assessment District, thus no parking is required for the commercial use proposed. The lower level plan demonstrates a proposed 26 off-street parking spaces, including 2 accessible spaces, which is an increase from the 24 that were approved in 2021.
- 4.2 Loading – The applicant is proposing two loading zones as required for commercial uses in between 20,001 and 50,000 sq. ft. The loading spaces measure the minimum 40 x 12 x 14, and are located along the entry ramp to the lower level parking facility. **(No changes proposed)**
- 4.3 Vehicle Circulation & Access – The primary entrance for vehicles remains on the southwest corner of the property along Daines. Access will be provided through an overhead garage door, and will be used by valet and public alike. **(No changes proposed)**
- 4.4 Pedestrian Circulation & Access – Pedestrian circulation and access will remain on all four sides of the building with entry doors centered on each façade. In addition, the pedestrian passage behind the building is maintained. **(No changes proposed)**

It is worth noting that the area on the south side of the building that was formerly a pedestrian plaza with seating and other amenities has been changed to an exterior staircase to accommodate an additional means of egress for the lower level parking facility. This does not dramatically change the pedestrian circulation



on the site however, as the previous form of egress from the lower level was also stairs, which were located inside of the building.

## 5.0 Lighting

The applicant is proposing to install several in-ground LED fixtures around the entire building that are intended to wash the brick with soft lighting to accentuate the buildings vertical elements. These LED strips were approved to be placed in the public right-of-way along S. Old Woodward through the same streetscape agreement noted above. Because these fixtures are not cutoff, the Planning Board would need to grant an exception to Article 4, Section 4.21 (D) based on any of the following criteria:

- a. The distribution of upward light is controlled by means of refractors or shielding to the effect that it be used solely for the purpose of decorative enhancement of the luminaire itself and does not expel undue ambient light into the nighttime environment.
- b. The luminaire is neither obtrusive nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety, with appropriate methods used to eliminate undesirable glare and/or reflections.
- c. The luminaire is consistent with the intent of the Master Plan, Urban Design Plan(s), Triangle district plan, Rail District plan and/or Downtown Birmingham 2016 Report, as applicable.
- d. The scale, color, design or material of the luminaire will enhance the site on which it is located, as well as be compatible with the surrounding buildings or neighborhood.
- e. Lighting designed for architectural enhancement of building features (i.e. architectural enhancement lighting). Appropriate methods shall be used to minimize reflection and glare.
- f. The site lighting meets all requirements set forth in this ordinance including, but not limited to, light trespass and nuisance violations.

In addition to the in-ground LED fixtures, the applicant is proposing LED strip lighting located within a channel system around the windows to provide accent lighting along the edges of the window openings. The location of these LED strips in channels at the sides of the windows appears to render them fully cutoff.

On the 4<sup>th</sup> floor, the applicant is proposing a significant number (hundreds) of small LED spotlights that are placed in the planting beds and the perimeter of the outdoor seating areas on the 4<sup>th</sup> floor. It is somewhat unclear as to where these fixtures will be placed (on the pergola, on the ground, a combination of both?). These fixtures are also not considered cutoff, and the Planning Board would have to grant exceptions to the same zoning ordinance regulation as quoted above. Although the lights are small, and are beneath a louvered pergola structure, **the Planning Board may wish to consider requiring the applicant to reduce the sheer number of fixtures proposed to promote the purpose and intent of the Lighting Standards and to promote a dark sky approach to lighting.**



A photometric plan was submitted for the site that demonstrates a light intensity that does not exceed 1.5 maintained foot candles at the property line, or 5 ft. beyond the front façade, meeting the requirements of the Zoning Ordinance.

## 6.0 Departmental Reports

- 6.1 Engineering Department – Please see the attached Engineering Department Comments dated December 6, 2022.
- 6.2 Department of Public Services – The Department of Public Services has no concerns at this time.
- 6.3 Fire Department – Please see the attached Fire Department comments.
- 6.4 Police Department – The Police Department has no concerns at this time.
- 6.5 Building Department – Please see the attached Building Department comments dated December 6, 2022.
- 6.6 Parking Manager – The Parking Manager has no concerns at this time.

## 7.0 Design Review

As noted above, the majority of the changes proposed to the building are in regards to the exterior and its material composition. The former building was approved with a palate that consisted of grey architectural brick, modeled stucco, dark window frames and clear glass. This building met all of the architectural requirements outlined in Article 3, Section 3.04 of the Zoning Ordinance including all of the glazing requirements for each floor. The new proposal is similar in that the bulk of the building will be comprised of a tan architectural brick and clear glazing. There are additional elements proposed as well including steel canopies and a metal pergola system on the 4<sup>th</sup> floor.

In terms of the architectural standards noted above, the applicant still meets all of the requirements with the exception of first floor glazing. As noted in this section, ground floor facades in between 1 ft. and 8 ft. must be comprised of a minimum of 70% clear glazing. Due to the redesigned facades and the focus on symmetry, the first floor glazing was calculated to be 62% on the south (Daines) façade, 60% on the east (S. Old Woodward) façade, and 58% on the north (Brown) façade. It is worth noting that the west façade along the pedestrian passage is also proposed with a significant amount of glazing, but is not required to be 70%. In addition, the applicant has not submitted specification sheets demonstrating the Visual Light Transmittance (VLT) or reflectance figures to ensure the glass meets the City's definition of Clear Glazing. Thus, **the applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals.**

In regards to the rooftop restaurant, the seating located under the pergola would be considered outdoor dining and is subject to the Outdoor Dining Standards outlined in Article 4, Section 4.44 of the Zoning Ordinance. Because the outdoor dining is located on



private property on the 4<sup>th</sup> floor, only the following standards apply to the proposed outdoor dining facility:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business.
3. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.

The site plans indicate trash receptacles on both sides of the outdoor dining facility, and the applicant has submitted examples of the furniture RH utilizes in their restaurants, which is constructed of a high quality material that may be accepted by the Planning Board.

Finally, the applicant is proposing several signs as a part of the redesigned building. A total of 4 signs are proposed, one on each façade of the building. The signs are centered on each façade and read "RH", one of which is illuminated. There are no dimensions or details provided for the proposed signs. In addition, the location of these signs would render them Building Identification signs. Article 1, Section 1.05 of the Sign Ordinance permits *non-illuminated* signs identifying the entire structure by a building name (Building Identification Signs) to be placed above the first floor. Although the principal building frontage is not labeled on the plans, it is apparent that the building has a large available combined sign area to work with. In summation, **the applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals.**

### 8.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Detailed and Scaled Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certified Land Survey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interior Floor Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscape Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Photometric Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Colored Elevations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material Specification Sheets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material Samples	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site & Aerial Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 9.0 Approval Criteria

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



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

In addition, Article 7, Section 7.36 of the Zoning Ordinance estates that the City Commission shall not approve of any requests for a special land use permit unless it determines that the following standards are met:

1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.
2. The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
3. The use is consistent with the public health, safety and welfare of the city.
4. The use is in compliance with all other requirements of this Zoning Ordinance.
5. The use will not be injurious to the surrounding neighborhood.
6. The use is in compliance with state and federal statutes.

## 10.0 Recommendation

Based on a review of the site plans submitted and the requirements outlined in Article 7, Sections 7.27 and 7.36 of the Zoning Ordinance, the Planning Division recommends that the Planning Board **APPROVE** the Revised Special Land Use Permit, Final Site Plan and Design Review for 300 S. Old Woodward – RH – with the following conditions:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area;
3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;
4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
6. The applicant must comply with the requests of all City Departments.



**11.0 Sample Motion Language (*Special Land Use Permit*)**

Motion to recommend to the City Commission **APPROVAL** of the Special Land Use Permit for 300 S. Old Woodward – RH – with the following conditions:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area;
3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;
4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
6. The applicant must comply with the requests of all City Departments.

**OR**

Motion to **POSTPONE** the Special Land Use Permit for 300 S. Old Woodward – RH – pending receipt of the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

Motion to recommend to the City Commission **DENIAL** of the Special Land Use Permit for 300 S. Old Woodward – RH – for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**12.0 Sample Motion Language (*Final Site Plan & Design Review*)**

Motion to recommend to the City Commission **APPROVAL** of the Final Site Plan and Design Review for 300 S. Old Woodward – RH – with the following conditions:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area;



3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;
4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
6. The applicant must comply with the requests of all City Departments.

**OR**

Motion to **POSTPONE** the Final Site Plan and Design Review for 300 S. Old Woodward – RH – pending receipt of the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

Motion to recommend to the City Commission **DENIAL** of the Final Site Plan and Design Review for 300 S. Old Woodward – RH – for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_



**Zoning Compliance Summary Sheet**  
**Revised Special Land Use Permit, Final Site Plan & Design Review**  
**300 S. Old Woodward - RH**

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**Existing Site:** Vacant site under construction

Zoning: B2 (General Business) and D4 (Downtown Overlay)

Land Use: Commercial

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

	North	South	East	West
<b>Existing Land Use</b>	Mixed-Use	Mixed-Use	Commercial	Commercial
<b>Existing Zoning District</b>	B4	B2B	B3	B2
<b>Overlay Zoning District</b>	D4	D2	D3 & D5	D3

<b>Land Area:</b>	Existing:	0.46 ac.
	Proposed:	0.46 ac.
<b>Dwelling Units:</b>	Existing:	0 units
	Proposed:	0 units
<b>Minimum Lot Area/Unit:</b>	Required:	1,000 sq ft (single story hotel or motel) 500 sq ft (two/three-story hotel or motel) 1,280 sq ft (multiple-family)
	Proposed:	N/A
<b>Min. Floor Area /Unit:</b>	Required:	300 sq ft (single story hotel or motel) 600 sq ft (efficiency and one bedroom) 800 sq ft (two or more bedroom)
	Proposed:	N/A
<b>Max. Total Floor Area:</b>	Required:	N/A
	Proposed:	N/A
<b>Min. Open Space:</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Lot Coverage:</b>	Required:	N/A



	Proposed:	N/A
<b>Front Setback:</b>	Required:	0 ft.
	Proposed:	0 ft.
<b>Side Setbacks</b>	Required:	N/A
	Proposed:	
<b>Rear Setback:</b>	Required:	10 ft.
	Proposed:	10 ft.
<b>Min. Front+Rear Setback</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Bldg. Height:</b>	Permitted:	70 ft., 4 stories (based on rezoning requirements)
	Proposed:	69 ft., 4 stories
<b>Min. Eave Height:</b>	Required:	N/A
	Proposed:	N/A
<b>Floor-Celing Height:</b>	Required:	N/A
	Proposed:	N/A
<b>Front Entry:</b>	Required:	On frontage line
	Proposed:	On frontage line
<b>Absence of Bldg. Façade:</b>	Required:	N/A
	Proposed:	N/A
<b>Opening Width:</b>	Required:	N/A
	Proposed:	N/A
<b>Parking:</b>	Required:	N/A
	Proposed:	26 spaces
<b>Min. Parking Space Size:</b>	Required:	180 sq. ft.
	Proposed:	180 sq. ft.
<b>Parking in Frontage:</b>	Required:	Not permitted
	Proposed:	None proposed
<b>Loading Area:</b>	Required:	2 spaces, 40 x 12 x 14
	Proposed:	2 spaces, 4- x 12 x 14



**Screening:**

Parking: Required: 32 in. capped masonry  
Proposed: Fully screened by building façade

Loading: Required: 6 ft. minimum  
Proposed: Screened by building

Rooftop Mechanical: Required: Obscured from public view  
Proposed: 6 ft. brick screen wall

Elect. Transformer: Required: Masonry screen wall with wood gates  
Proposed: Masonry and arborvitae

Dumpster: Required: 6 ft. masonry screen wall  
Proposed: Within building envelope





## MEMORANDUM

Planning Division

**DATE:** February 13, 2023

**TO:** Thomas M. Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public Hearing to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards

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### INTRODUCTION:

As a result of the temporary COVID-19 outdoor dining expansion resolution and continuing issues with outdoor dining patios encroaching onto required clear paths, and adding unapproved equipment/fixtures, heaters, and structures, the City Commission directed a review of outdoor dining requirements to evaluate potential changes that may clarify and/or enhance the outdoor dining environment within the City. At this time, the Planning Board has drafted revised regulations that are consistent, enforceable, and offer more clarity to outdoor dining establishments.

### BACKGROUND:

On December 14, 2023 ([Agenda – Minutes](#)), the Planning Board held a public hearing to review the proposed ordinance amendments and moved to recommend approval to the City Commission amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

A complete background of the outdoor dining ordinance study including dates, summaries, and links to previous agendas can be found in the attached Planning Board report.

Two items of note were discussed heavily at the Planning Board. One such item was the placement of outdoor dining facilities and whether or not an operator would be permitted to have outdoor dining on the sidewalk and the furnishing zone, or whether only one placement would be permitted. Ultimately, the Planning Board settled on language that permits outdoor dining on a sidewalk or furnishing zone, and both in limited exceptions made by the Planning Board where the streetscape conditions demonstrate sufficient space to permit adequate pedestrian passage.

Secondly, the Planning Board moved the proposed language forward without a sunset or amortization clause.



**LEGAL REVIEW:**

The City Attorney has reviewed the documentation as to form and substance and has no objections.

**FISCAL IMPACT:**

There are no direct fiscal impacts for this agenda item. However, the proposed ordinance language has the potential to affect rental income through the leasing of public space for outdoor dining facilities.

**PUBLIC COMMUNICATIONS:**

As required for proposed Zoning Ordinance amendments, a legal ad was placed in a newspaper of local circulation to advertise the public hearing at the City Commission meeting on February 13, 2023.

**SUMMARY:**

The Planning Division requests that the City Commission consider ordinance amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

**ATTACHMENTS:**

Please see the following attached documents:

- Proposed Ordinance Language
- Final Planning Board Report

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting an ordinance to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.



CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO SUPPORT PUBLIC HEALTH, ACTIVATE PUBLIC SPACE, FOSTER ECONOMIC DEVELOPMENT, SAFEGUARD THE USE OF PUBLIC PROPERTY, AND PROVIDE FLEXIBILITY FOR CURRENT TRENDS AND FUTURE DEMANDS FOR OUTDOOR DINING.

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**Article 4, Section 4.44 – Outdoor Dining Standards**

This Outdoor Dining Standards section applies to the following districts:



The following outdoor dining standards apply:

A. ~~Outdoor Dining:~~ Outdoor dining is permitted immediately next to the [principal use](#), subject to Site Plan Review, and the following conditions:

- ~~1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.~~
- ~~2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.~~
- ~~3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.~~
- ~~4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License.~~
- ~~5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.~~
- ~~6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.~~
- ~~7. For outdoor dining located in the public right of way:~~



- ~~a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.~~
  - ~~b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.~~
  - ~~c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.~~
  - ~~d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.~~
  - ~~e. An elevated, ADA compliant platform may be erected on the street in front of an eating establishment to create an outdoor dining area only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
  - ~~f. No such facility shall erect or install permanent fixtures in the public right-of-way.~~
- ~~8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per [building](#); no elevated enclosed platforms on the street are permitted in a B1 District.~~

The following outdoor dining standards apply:

- A. Purpose and Intent: The purpose of this section is to provide harmonious outdoor dining design in order to support public health, activate public space, foster economic development, safeguard the use of public property, and provide flexibility for current trends and future demands for outdoor dining.**
- B. Outdoor Dining – General: Outdoor dining is permitted immediately adjacent to and abutting the principal use, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, and the conditions below. For the purposes of this section, outdoor dining facility shall include outdoor dining patios and/or outdoor dining platforms.**

1. All outdoor activity including cleaning, maintenance and closing procedures must cease at the close of business or as noted in subsection 2.
2. When an outdoor dining facility is immediately adjacent to and abutting any single-family or multiple-family zoned residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
3. Reviews of outdoor dining facilities shall include, but are not limited to, the following elements: tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, awnings, canopies, lighting, host/hostess stands, entertainment, valet operations, and any other adjacent neighboring outdoor dining facilities.
4. Outdoor dining facilities may be permitted to extend in front of neighboring properties or tenant spaces with the written permission of the property owners(s) affected and with Planning Board approval. Written permission must be renewed annually and submitted with the Outdoor Dining Permit application(s) for each outdoor dining facility affected.
5. Outdoor dining facilities may be permitted on public property only with a valid annual Outdoor Dining License, provided that the following conditions are met:
  - i. Approval of an Outdoor Dining License shall be contingent upon compliance with all current city codes and ordinances, including any conditions required by the City or the Planning Board in conjunction with Site Plan approval.
  - ii. Operators of outdoor dining facilities shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with the regulations of the Department of Public Services.
  - iii. All outdoor dining facility elements such as railings, planters, tables, chairs, heaters, umbrellas, and the like must be stored indoors each night between January 1 and March 31 to allow for complete snow and ice removal.
  - iv. Outdoor dining patios located in an alley or passage that has vehicular traffic are only permitted April 1 through December 31.
  - v. An ADA compliant platform may be erected in the on-street parking space(s) immediately in front of a food or drink establishment to create an outdoor dining facility from April 1 through December 31, subject to an additional review by the Advisory Parking Committee.



6. All outdoor facilities shall be designed to meet the requirements of this section, as well as all applicable building and fire codes.

**C. Outdoor Dining – Design: All outdoor dining facilities are subject to the following design standards:**

1. All outdoor dining elements, fixtures and furnishings must be constructed of high quality and durable materials that are compatible with the establishment and the environment in which the outdoor dining facility is located.
2. Outdoor dining facilities shall provide and service refuse containers within the outdoor dining facility and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.
3. Outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.
4. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 ft.
5. Placement of outdoor dining patios shall be limited to either the area immediately adjacent to the building in which an establishment resides, or in the furnishing zone, but not both. Limited exceptions to the placement of outdoor dining patios as noted in this subsection may be made by the Planning Board where the streetscape conditions demonstrate sufficient space to permit adequate pedestrian passage, and as permitted in Article 4, Section 4.44(B)(4).
6. Outdoor dining platforms within the adjacent street or parking space(s) shall be designed to be flush with the curb, and may not extend beyond the curb into the furnishing zone except to accommodate accessibility requirements.
7. No such establishment shall erect or install permanent fixtures in the public right-of-way.
8. Overhead weather protection such as umbrellas, awnings or canopies are subject to the following conditions:
  - i. Overhead weather protection shall not impede sight lines into a retail establishment, obstruct pedestrian flow within the outdoor dining facility, obstruct pedestrian or vehicular traffic flow outside the outdoor dining facility, or contain signage or advertising.

- ii. Overhead weather protection on outdoor dining platforms must measure a minimum of 8 ft. from the finished floor of an outdoor dining platform, and shall not exceed 10 ft. in overall height;
9. Barriers defining outdoor dining facilities shall be constructed of quality and durable materials, and shall be maintained and placed in a consistent and organized fashion. Barriers may not exceed 42 inches in height measured from grade or the finished floor of an outdoor dining platform.
  10. Windbreaks are permitted within outdoor dining facilities and shall be affixed to, or integrally designed within a barrier. The total combined height of a barrier and windbreak shall not exceed 42 inches as measured from grade or the finished floor of an outdoor dining platform. Windbreaks must be constructed of a clear, rigid and durable material such as Plexiglas, glass or acrylic. Eisenglass and other vinyl-based materials are prohibited.
  11. Portable heating elements must be maintained and kept in an orderly fashion and in accordance with all applicable fire codes. Propane or other fuels may not be stored on public property, and are subject to the Storage and Display Standards outlined in Article 4, Section 4.67 of the Zoning Ordinance.
  12. All service functions and ancillary elements including, but not limited to, trash receptacles, service stations or host/hostess stands must be located within the approved outdoor dining facility, contained, and kept in a neat and orderly fashion. Service stations and host/hostess stands may not exceed 4 feet in height. The storage of dirty dishware is prohibited.

**D. Nonconforming Outdoor Dining Facilities:** Any outdoor dining facility existing at the time of the enactment of this ordinance, or any amendments thereto, that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions, provided the facilities remain in compliance with the approved site plan and maintain a valid annual Outdoor Dining License:

1. If a nonconforming outdoor dining facility is destroyed, it shall be repaired, reconstructed or replaced, in conformity with all the provisions of the current applicable codes and ordinances, and any remnants of the former outdoor dining facility shall be removed from the property.
2. At the time that a non-conforming outdoor dining facility is replaced, renovated, or otherwise changed, the facility must be brought into compliance with the requirements of the current applicable codes and



**ordinances. Routine maintenance, including changing chairs and tables, umbrellas, waste receptacles, or other non-integral features is permitted for all existing outdoor dining facilities.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023 to become effective 7 days after publication.

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Therese Longe, Mayor

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Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.04 (C), SPECIFIC STANDARDS, TO REDUCE REDUNDANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS.

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**Article 3, Section 3.04 – Specific Standards (Downtown Overlay District)**

C. Building Use: Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...

10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:

- a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
- c. No dance area is provided;
- d. Only low key entertainment is permitted;
- e. Bistros must have tables located ~~in~~ **within** the storefront space lining any street, or pedestrian passage;
- f. **All outdoor dining facilities are subject to the requirements located in Article 4, Section 4.44 of this Ordinance;**
- g. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
- h. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and



- ~~i.~~ Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. **If there is not sufficient space to permit such dining on the street or passage adjacent to the bistro, alternative outdoor dining facility placement may be considered by the Planning Board.** ~~an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
- ~~j.~~ Enclosures facilitating year round dining outdoors are not permitted.
- ~~k.~~ Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
- ~~l.~~ Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023 to become effective 7 days after publication.

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Therese Longe, Mayor

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Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.16, SPECIFIC STANDARDS, TO REDUCE REDUNDANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS, AND TO PERMIT OUTDOOR DINING IN ALL VIAS.

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**Article 3, Section 3.16 – Specific Standards (Via Activation Overlay District)**

- A. Permitted and Prohibited Uses: To enhance the amenity and character of vias, **and** to enhance visual interest and encourage surveillance of urban spaces, active uses should be provided at the ground floor level along the majority of the edges of buildings located adjacent to vias. While buildings should accommodate these uses, care must be taken to avoid conflict with pedestrian movement in the via. To specifically encourage the activation of vias, the following uses are permitted within Active, Connecting, and Destination Vias:

1. Retail sales and display;
2. Public plazas and informal gathering spaces;
- 3. Outdoor Dining;**
4. Art display; and
5. Community Gardens.

In addition, the following ~~uses are~~ **use is** also permitted within Connecting and Destination Vias:

- ~~1. Outdoor dining; and~~
2. Special Events.

The following are specifically prohibited in all vias:

1. Automatic food and drink vending machines outdoors;
2. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services;
3. Unscreened trash receptacles; and
4. Unscreened outdoor storage.



B. ...

C. ...

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023 to become effective 7 days after publication.

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Therese Longe, Mayor

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Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR ENCLOSURE, OUTDOOR DINING PATIO, AND PERMANENT FIXTURE.

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**Article 9, Section 9.02 – Definitions**

**Enclosure (outdoor dining):** A vertical wall, panel, or other material that extends above 42 in. in height which provides extended relief from weather and impedes physical and/or visual access to the outdoor dining space. For the purposes of this definition, enclosure does not include exterior building walls.

**Furnishing Zone:** The area between the sidewalk and the curb where streetscape amenities such as planter boxes, streetlights, and tree wells are typically located.

~~**Outdoor Café:** An outdoor area accessory to an existing restaurant operation designated for consumption of food prepared within the restaurant and subject to the provisions of this ordinance.~~

**Outdoor Dining Patio:** A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment and subject to the provisions of this ordinance.

**Outdoor Dining Platform:** A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment that is located in a parking space and/or street and subject to the provisions of this ordinance.

**Permanent Fixture (outdoor dining):** Any element within an outdoor dining patio containing a foundation or other rigid attachment that prevents removal or that which requires extensive modifications to the public right-of-way.

**Windbreaks:** Temporary, seasonal elements in an outdoor dining facility provided to reduce the effect of harsh weather conditions for seated patrons.



ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023 to become effective 7 days after publication.

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Therese Longe, Mayor

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Alex Bingham, City Clerk



## MEMORANDUM

Planning Division

**DATE:** December 14, 2022

**TO:** Planning Board Members

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Outdoor Dining Ordinance – Public Hearing #2

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On December 7, 2020 ([Agenda – Minutes](#)), the City Commission discussed amending the Zoning Ordinance to consider allowing the enclosure of outdoor dining areas during the winter months. The City Commission asked the Planning Board to consider this issue, and any regulations they may recommend should outdoor dining enclosures be permitted.

On June 21, 2021 ([Agenda – Minutes](#)), the City Commission and Planning Board met at a joint meeting to further discuss outdoor dining, and to get a clear direction as to what elements of outdoor dining should be addressed. In general, the City Commission and Planning Board discussed several topics spanning from enclosures to private vs. public space, but ultimately asked the Planning Board to take a comprehensive look at the entire outdoor dining ordinance.

On June 23, 2021 ([Agenda – Minutes](#)), the Planning Board discussed outdoor dining in further detail based on the joint meeting two days prior. The Planning Board settled on a list of goals that they would like to focus on in the ordinance review process, which includes the following:

- Incentivize outdoor off-season dining;
- Review the placement of decks and enclosures;
- Ensure that additional outdoor off-season dining does not become an extension of the indoor space;
- Solicit feedback from restaurateurs of all types in the City;
- Seek possible ideas from local, national and international examples;
- Review the current ordinance for issues;
- Review tickets that were given out to temporary outdoor dining operations;
- Review photos of the variety of temporary outdoor dining structures that were used around the City;



- Explore options for maintaining permanent aspects of outdoor dining structures even if the parts of the structures come down in different seasons;
- Discuss potential differences in policy for outdoor dining on public versus private property;
- Solicit feedback from Public Services and the BSD;
- Review agreements from temporary outdoor dining to see if any of the temporary policies might be worth integrating;
- Consider aspects like sidewalk widths and snow clearing in writing the policy;
- Maintain the current seating allowances for differently-sized establishments and maintain the differences for establishments holding different kinds of licenses for alcoholic beverage service; and,
- Recommend a permanent solution so that restaurateurs do not have to continue to adapt to changing policies.

### **Study Session #1 Summary**

On July 14, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed a high-level report on outdoor dining to guide future discussion. The topics included observations as to what constitutes “good” outdoor dining with national and local examples, as well as a local ordinance review for outdoor dining. The Planning Board discussed next steps and emphasized the need to (1) hear from different City Departments (code issues, retail neighbor conflicts, streetscape), (2) review available codes and ordinances from other areas of the country (enclosures, public vs. private, year-round), and (3) analyze information from national downtown associations or other related organizations (trends, social districts, success stories).

### **Study Session #2 Summary**

On August 11, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed another high-level report in which the Planning Division presented various departmental comments on outdoor dining, a national outdoor dining ordinance review, conversations with local cities, and a study of national organization input and trends. The Planning Division also provided some public feedback from Engage Birmingham, which surveyed the public for their opinion of the COVID-19 temporary outdoor dining expansions, which were overwhelmingly positive. Moving forward, the Planning Board expressed interest in getting into more detail on seasonal/year round dining and its effect on street activation, public versus public space, the potential for regulating different restaurants/licenses differently, and defining and establishing a purpose of outdoor dining in the City.

### **Study Session #3 Summary**

On September 9, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board discussed a report which contained comments from the Advisory Parking Committee, common issues with outdoor dining patios, information on the temporary COVID-19 patios, and also discussed the purpose of outdoor dining. In addition, the Planning Board was able to review an example of how the outdoor dining ordinance could look based on comments up to that point. Ultimately, the conversation started to get more granular with specific ordinance-related ideas ranging from an official stance on

enclosures to material guidelines to patio placement. There were several other requests for information including a review of Michigan Liquor Control Commission guidelines for outdoor dining, a review of the concept of windbreak versus wall, and the possibility of regulating outdoor dining by zones.

#### **Study Session #4 Summary**

On September 23, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board discussed the MLCC rules for outdoor dining patios, the concept of a windbreak and whether or not they should be permitted, and also explored the different zoning districts in which outdoor dining is permitted. These topics led to more conversation about how overhead weather protection will interact with said overhead coverings, and what typed of overhead protection the Planning Board should permit. The Planning Board expressed an interest in taking a deeper dive into overhead weather protection and reviewing different options.

#### **Study Session #5 Summary**

On October 27, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board focused much their conversation on overhead weather protection and which types may be considered within the new ordinance language, and what different issues might arise with the different styles. In addition, the Birmingham Fire Chief Paul Wells gave a brief overview of the fire code as it relates to overhead weather protection, and offered some guidance to the Planning Board regarding fire suppression and other aspects of outdoor dining. In addition to overhead weather protection, the Planning Board provided some clear direction on the subjects of windbreaks, year-round dining, and the role of outdoor dining decks.

#### **Study Session #6 Summary**

On December 8, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed comments regarding outdoor dining from the Birmingham Shopping District (BSD). In addition to the BSD comments, the Planning Board also reviewed some updated comments from the Fire Department based on their additional research into the Fire Code. To round out the meeting, the Planning Board outlined several items that they feel need further discussion/decision moving forward:

- Whether establishments with liquor licenses and establishments without liquor licenses should be handled differently;
- Whether there should be on-season and off-season dates for outdoor dining, and what should happen to furniture and other equipment on public property if there are different 'seasons';
- Whether establishments should be permitted outdoor dining on both a sidewalk and a deck if requested, and if not, what the City wants to incentivize instead;
- What types of coverings and equipment should be allowed, and how specific the standards should be in terms of material, location, and other considerations;
- Whether outdoor dining should be permitted to extend beyond the storefront of an establishment, and if so, what the limitations should be;



- Whether outdoor dining decks should be limited to a certain number per block; and,
- Whether outdoor dining in public space and outdoor dining in private space should be regulated differently.

### **Study Session #7 Summary**

On January 12, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board discussed the several questions posed in the previous study session and came to a conclusion on most of them. In general, the Planning Board decided on a short extension to the regular outdoor dining season, treating all outdoor dining establishments alike, enhanced material and appearance standards, and allowing expansion of patios with neighbor consent. During this study session, the Planning Board also reviewed seating data for the different outdoor dining establishments, and was provided a map of all outdoor dining in the City, which is heavily concentrated downtown. Ultimately, the Planning Board asked Staff to take their comments and work them into a new revised set of ordinance amendments to review on February 9, 2022.

### **Study Session #8 Summary**

On February 9, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board worked on fine-tuning a set of ordinance amendments to try to finalize a few of their discussion points, and make sure the intent of the original direction of the City Commission was met. The Planning Board made several revision requests that were aimed at clarifying different aspects of the proposed ordinance, but especially relating to the barriers and enclosure regulations. In addition, the Planning Board made some requests to review various site plans from approved outdoor dining patios in the City to help guide the final discussions on the placement of patios, and other design limitations.

### **Study Session #9 Summary**

On March 9, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board took another long look at the proposed ordinance language and offered several minor changes to the text in an attempt to offer further clarity and consistency throughout the ordinance. In addition, the Planning Board discussed the remaining issues that were in need of direction. In short, the Planning Board decided that they did not wish to restrict outdoor dining patios to one contiguous patio, but did express interest in restricting platform dining to the street with no impingement on the furniture zone. Additionally, the majority of the Planning Board did not feel as though fixed awnings were appropriate over outdoor dining platforms, and sought additional language to restrict overhead weather protection to umbrellas on platforms. Finally, the Planning Board did not feel as though the numbers of platforms per block should be restricted.

### **Public Hearing #1 Summary**

On March 9, 2022, the Planning Board moved to set a public hearing date of April 13, 2022 for a final review and recommendation to be forwarded to the City Commission. Due to a noticing issue, the Planning Board reset the public hearing to May 11, 2022 ([Agenda](#) – [Minutes](#)). At the public hearing, the Planning Division provided finalized ordinance language based on Planning Board comments, but also re-circulated the language to each department, as well as the City

Attorney to ensure that the language addressed their concerns, and would provide consistent and enforceable regulation. Ultimately, a motion to recommend approval to the City Commission failed 3-4. The driving factors behind the failed vote were concerns over the impact of the amended ordinance language on existing establishments, and some lingering design questions

### **Joint Meeting Summary**

On June 20, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board and City Commission held a joint meeting to discuss a few remaining policy considerations related to the overall outdoor dining study, as well as give the Commission a progress report. Three main questions were posed to the group:

1. Does the Commission wish to engage in any additional public input on the outdoor dining ordinance?
2. Does the Commission wish to consider a cap on the number of outdoor dining platforms permitted in the public rights-of-way by block, by area, or overall?
3. Should the Planning Board require additional documents and plans regarding the integration of valet operations and outdoor dining?

During the meeting, there was consensus that the City should use its constant contact email service to help inform the public of the upcoming outdoor dining study session. In addition, the group was in agreement that a non-conformity or sunset provision would be appropriate based on the nature of some of the larger changes proposed. Finally, it was unanimously accepted that a valet operations plan be included wherever outdoor dining facilities and valet operations coexist.

### **Study Session #10 Summary**

On July 13, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board discussed at length the final major design considerations that were unresolved, which included outdoor dining facilities in the furnishing zone, overhead weather protection, and windbreaks.

### **Study Session #11 Summary**

On August 10, 2022 ([Agenda](#) – [Minutes](#)), the Planning reviewed revised ordinance language to reflect an adjustment to outdoor dining facility placement, the allowance of canopies and awnings on platforms, and other minor improvements.

### **Study Session #12 Summary**

On September 14, 2022 ([Agenda](#) – [Minutes](#)), the Planning Division provided the minor revisions requested from the Planning Board from the previous meeting. The Planning Board discussed each section and provided staff with comments and requests for minor changes. At that time, the Planning Board indicated that the nonconforming section of the ordinance is the final hurdle, and provided commentary on what type of language best suited the outdoor dining ordinance based on the number of outdoor dining facilities and the time horizon for changes.



### **Study Session #13 Summary**

On November 9, 2022 ([Agenda](#)) the Planning Board reviewed a document that contained all of the requested changes from the Planning Board, which was also reviewed by the City Attorney. The Planning Board fielded a large amount of public comment regarding the proposed “sunset” language in the nonconformity section, which the Planning board agreed to remove for the public hearing.

### **Public Hearing #2**

The Planning Division has provided final ordinance language that considered the feedback received from the Planning Board at the last study session, as well as sample motion language below.

### **Sample Motion Language:**

Motion to recommend to the City Commission APPROVAL of the amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide more clear and enforceable outdoor dining ordinances.

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO SUPPORT PUBLIC HEALTH, ACTIVATE PUBLIC SPACE, FOSTER ECONOMIC DEVELOPMENT, SAFEGUARD THE USE OF PUBLIC PROPERTY, AND PROVIDE FLEXIBILITY FOR CURRENT TRENDS AND FUTURE DEMANDS FOR OUTDOOR DINING.

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**Article 4, Section 4.44 – Outdoor Dining Standards**

This Outdoor Dining Standards section applies to the following districts:



The following outdoor dining standards apply:

~~A. Outdoor Dining: Outdoor dining is permitted immediately next to the principal use, subject to Site Plan Review, and the following conditions:~~

- ~~1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.~~
- ~~2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.~~
- ~~3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.~~
- ~~4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License.~~
- ~~5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.~~
- ~~6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.~~
- ~~7. For outdoor dining located in the public right of way:~~



- ~~a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.~~
  - ~~b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.~~
  - ~~c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.~~
  - ~~d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.~~
  - ~~e. An elevated, ADA compliant platform may be erected on the street in front of an eating establishment to create an outdoor dining area only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
  - ~~f. No such facility shall erect or install permanent fixtures in the public right-of-way.~~
- ~~8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.~~

The following outdoor dining standards apply:

- A. Purpose and Intent: The purpose of this section is to provide harmonious outdoor dining design in order to support public health, activate public space, foster economic development, safeguard the use of public property, and provide flexibility for current trends and future demands for outdoor dining.
- B. Outdoor Dining – General: Outdoor dining is permitted immediately adjacent to and abutting the principal use, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, and the conditions below. For the purposes of this section, outdoor dining facility shall mean patios and/or platforms.
  - 1. All outdoor activity including cleaning, maintenance and closing procedures must cease at the close of business or as noted in subsection 2.

2. When an outdoor dining facility is immediately adjacent to and abutting any single-family or multiple-family zoned residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
  3. Reviews of outdoor dining facilities shall include, but are not limited to, the following elements: tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, awnings, canopies, lighting, host/hostess stands, entertainment, valet operations, and any other adjacent neighboring outdoor dining facilities.
  4. Outdoor dining facilities may be permitted to extend in front of neighboring properties or tenant spaces with the written permission of the property owners(s) affected and with Planning Board approval. Written permission must be renewed annually and submitted with the Outdoor Dining Permit application(s) for each outdoor dining facility affected.
  5. Outdoor dining facilities may be permitted on public property only with a valid annual Outdoor Dining License, provided that the following conditions are met:
    - i. Approval of an Outdoor Dining License shall be contingent upon compliance with all current city codes and ordinances, including any conditions required by the City or the Planning Board in conjunction with Site Plan approval.
    - ii. Operators of outdoor dining facilities shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with the regulations of the Department of Public Services.
    - iii. All outdoor dining facility elements such as railings, planters, tables, chairs, heaters, umbrellas, and the like must be stored indoors each night between January 1 and March 31 to allow for complete snow and ice removal.
    - iv. Outdoor dining patios located in an alley or passage that has vehicular traffic are only permitted April 1 through December 31.
    - v. An ADA compliant platform may be erected in the on-street parking space(s) immediately in front of a food or drink establishment to create an outdoor dining facility from April 1 through December 31, subject to an additional review by the Advisory Parking Committee.
  6. All outdoor facilities shall be designed to meet the requirements of this section, as well as all applicable building and fire codes.
- C. Outdoor Dining – Design: All outdoor dining facilities are subject to the following design standards:
1. All outdoor dining elements, fixtures and furnishings must be constructed of high quality and durable materials that are compatible with the establishment and the environment in which the outdoor dining facility is located.



2. Outdoor dining facilities shall provide and service refuse containers within the outdoor dining facility and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.
3. Outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.
4. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 ft.
5. Placement of outdoor dining patios shall be limited to either the area immediately adjacent to the building in which an establishment resides, or in the furnishing zone, but not both. Limited exceptions to the placement of outdoor dining patios as noted in this subsection may be made by the Planning Board where the streetscape conditions demonstrate sufficient space to permit adequate pedestrian passage, and as permitted in Article 4, Section 4.44(B)(4).
6. Outdoor dining platforms within the adjacent street or parking space(s) shall be designed to be flush with the curb, and may not extend beyond the curb into the furnishing zone except to accommodate accessibility requirements.
7. No such establishment shall erect or install permanent fixtures in the public right-of-way.
8. Overhead weather protection such as umbrellas, awnings or canopies are subject to the following conditions:
  - i. Overhead weather protection shall not impede sight lines into a retail establishment, obstruct pedestrian flow within the outdoor dining facility, obstruct pedestrian or vehicular traffic flow outside the outdoor dining facility, or contain signage or advertising.
  - ii. Overhead weather protection on outdoor dining platforms must measure a minimum of 8 ft. from the finished floor of an outdoor dining platform, and shall not exceed 10 ft. in overall height;
9. Barriers defining outdoor dining facilities shall be constructed of a quality and durable material, and shall be maintained and placed in a consistent and organized fashion. Barriers may not exceed 42 inches in height measured from grade or the finished floor of an outdoor dining platform.
10. Windbreaks are permitted within outdoor dining facilities and shall be affixed to, or integrally designed within a barrier. The total combined height of a barrier and windbreak shall not exceed 42 inches as measured from grade or the finished floor of an outdoor dining platform. Windbreaks must be constructed of a clear, rigid and durable material such as Plexiglas, glass or acrylic. Eisenglass and other vinyl-based materials are prohibited.
11. Portable heating elements must be maintained and kept in an orderly fashion and in accordance with all applicable fire codes. Propane or other fuels may not be

stored on public property, and are subject to the Storage and Display Standards outlined in Article 4, Section 4.67 of the Zoning Ordinance.

12. All service functions and ancillary elements including, but not limited to, trash receptacles, service stations or host/hostess stands must be located within the approved outdoor dining facility, contained, and kept in a neat and orderly fashion. Service stations and host/hostess stands may not exceed 4 feet in height. The storage of dirty dishware is prohibited.

D. Nonconforming Outdoor Dining Facilities: Any outdoor dining facility existing at the time of the enactment of this ordinance, or any amendments thereto, that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions, provided the facilities remain in compliance with the approved site plan and maintain a valid annual Outdoor Dining License:

1. If a nonconforming outdoor dining facility is destroyed, it shall be repaired, reconstructed or replaced, in conformity with all the provisions of the current applicable codes and ordinances, and any remnants of the former outdoor dining facility shall be removed from the property.
2. At the time that a non-conforming outdoor dining facility is replaced, moved, renovated, or otherwise changed, the facility must be brought into compliance with the requirements of the current applicable codes and ordinances. Routine maintenance, including changing chairs and tables, umbrellas, waste receptacles, or other non-integral features is permitted for all existing outdoor dining facilities.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023 to become effective 7 days after publication.

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Therese Longe, Mayor

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Alex Bingham, City Clerk

CITY OF BIRMINGHAM



THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.04 (C), SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS.

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**Article 3, Section 3.04 – Specific Standards (Downtown Overlay District)**

C. Building Use: Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...

10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:

- a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
- c. No dance area is provided;
- d. Only low key entertainment is permitted;
- e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage. **If the storefront area is not feasible for outdoor dining, alternative outdoor dining facility placement may be considered by the Planning Board;**
- f. **All outdoor dining facilities are subject to the requirements located in Article 4, Section 4.44 of this Ordinance;**
- g. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height; **and**
- h. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro. ~~and~~

- ~~i. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
- ~~j. Enclosures facilitating year round dining outdoors are not permitted.~~
- ~~k. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.~~
- ~~l. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.~~

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023 to become effective 7 days after publication.

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Therese Longe, Mayor

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Alex Bingham, City Clerk



CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.16, SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS, AND TO PERMIT OUTDOOR DINING IN ACTIVE VIAS.

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**Article 3, Section 3.16 – Specific Standards (Via Activation Overlay District**

- A. Permitted and Prohibited Uses: To enhance the amenity and character of vias, **and** to enhance visual interest and encourage surveillance of urban spaces, active uses should be provided at the ground floor level along the majority of the edges of buildings located adjacent to vias. While buildings should accommodate these uses, care must be taken to avoid conflict with pedestrian movement in the via. To specifically encourage the activation of vias, the following uses are permitted within Active, Connecting, and Destination Vias:

1. Retail sales and display;
2. Public plazas and informal gathering spaces;
- 3. Outdoor Dining;**
4. Art display; and
5. Community Gardens.

In addition, the following ~~uses are~~ **use is** also permitted within Connecting and Destination Vias:

- ~~1. Outdoor dining; and~~
2. Special Events.

The following are specifically prohibited in all vias:

1. Automatic food and drink vending machines outdoors;
2. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services;
3. Unscreened trash receptacles; and
4. Unscreened outdoor storage.

B. ...

C. ...

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023 to become effective 7 days after publication.

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Therese Longe, Mayor

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Alex Bingham, City Clerk



CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR ENCLOSURE, OUTDOOR DINING PATIO, AND PERMANENT FIXTURE.

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**Article 9, Section 9.02 – Definitions**

**Enclosure (outdoor dining):** A vertical wall, panel, or other material that extends above 60 in. in height which provides extended relief from weather and impedes physical and/or visual access to the outdoor dining space. For the purposes of this definition, enclosure does not include exterior building walls.

**Furnishing Zone:** The area between the sidewalk and the curb where streetscape amenities such as planter boxes, streetlights, and tree wells are typically located.

~~**Outdoor Café:** An outdoor area accessory to an existing restaurant operation designated for consumption of food prepared within the restaurant and subject to the provisions of this ordinance.~~

**Outdoor Dining Patio:** A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment and subject to the provisions of this ordinance.

**Outdoor Dining Platform:** A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment that is located in a parking space and/or street and subject to the provisions of this ordinance.

**Permanent Fixture (outdoor dining):** Any element within an outdoor dining patio containing a foundation or other rigid attachment that prevents removal or that which requires extensive modifications to the public right-of-way.

**Windbreaks:** Temporary, seasonal elements in an outdoor dining facility provided to reduce the effect of harsh weather conditions for seated patrons.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023 to become effective 7 days after publication.

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Therese Longe, Mayor

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Alex Bingham, City Clerk





## **MEMORANDUM**

Legal Department

**DATE:** February 13, 2023  
**TO:** Thomas M. Markus, City Manager and City Commission  
**FROM:** Mary M. Kucharek  
**SUBJECT:** Request for Closed Session Under MCL § 15.268 Sec. 8(d) of the Open Meetings Act

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### INTRODUCTION:

- This matter concerns the potential purchase of land, which can be discussed in closed session.

### LEGAL REVIEW:

- We are requesting closed session on February 13, 2023 pursuant to MCL § 15.268 Sec. 8(d) to discuss the potential purchase of land.

### FISCAL IMPACT:

- To be discussed in closed session.

### PUBLIC COMMUNICATIONS:

- None.

ATTACHMENTS:

- Open Meetings Act (Excerpt) Act 267 of 1976, MCL § 15.268 Closed sessions; permissible purposes, Sec. 8(d).

SUGGESTED COMMISSION ACTION:

- To make a motion adopting a resolution to meet in closed session to discuss the potential purchase of land pursuant to MCL § 15.268 Sec. 8(d) of the Open Meetings Act.



and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

### **15.268 Closed sessions; permissible purposes; applicability to independent citizens redistricting commission.**

Sec. 8. (1) Except as otherwise provided in subsection (2), a public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office must be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(i) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number does not constitute a quorum of the governing board. However, the search committee must not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(ii) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

(k) For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff. As used in this subdivision, "school board" means any of the following:

(i) That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

(ii) An intermediate school board as that term is defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.



**NOTICE OF INTENTION TO APPOINT TO  
ARCHITECTURAL REVIEW COMMITTEE**

At the meeting of Monday, May 13, 2023, the Birmingham City Commission intends to appoint to the Architectural Review Committee one regular member to serve a three-year term to expire April 11, 2026, and one regular member to serve the remainder of a three-year term to expire April 11, 2025. Members of this Committee will be appointed by the Commission. The Committee shall consist of three Michigan licensed architects who reside in the City of Birmingham.

The purpose of this committee is to review certain public improvement projects initiated by the City and referred to the committee by the City Manager or his/her designee. The Committee is expected to offer opinions as to what physical alterations or enhancements could be made to these projects in order to improve the aesthetic quality of the project and the City's overall physical environment.

Interested citizens may submit an application available at the City Clerk's Office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 8, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

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

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Michigan Licensed Architect & Resident of the City of Birmingham	3/8/2023	3/13/2023





**NOTICE OF INTENTION TO APPOINT TO  
PLANNING BOARD**

At the regular meeting of Monday, March 27, 2023, the Birmingham City Commission intends to appoint three regular members to serve a three-year term to expire March 28, 2026. Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk’s office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk’s office on or before noon on Wednesday, March 22, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

PLANNING BOARD DUTIES

The Planning Board consists of seven regular and two alternate members who serve three-year terms without compensation. The board meets at 7:30 P.M. on the second and fourth Wednesdays of each month to hear design reviews, zoning ordinance text amendments and any other matters which bear relation to the physical development or growth of the city.

Specifically, the duties of the Planning Board are as follows:

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

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Building owner in central business or Shain Park Historic district. Attorney. Other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Resident of the City of Birmingham.	3/22/2023	3/27/2023

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



**NOTICE OF INTENTION TO APPOINT TO THE  
ADVISORY PARKING COMMITTEE**

At the regular meeting of Monday, March 27, 2023, the Birmingham City Commission intends to appoint one regular member to the Advisory Parking Committee to serve the remainder of a three year term expiring September 4, 2023 as a large retail owner.

Interested citizens may submit an application available at the City Clerk’s Office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk’s Office on or before noon on Wednesday, March 22, 2023. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and voter on appointments.

Committee Duties

The Advisory Parking Committee shall provide guidance to the City Commission in the management of Birmingham’s Auto Parking System. The Committee shall recognize parking requirements of the Central Business District (CBD) and fairly assess the costs to users. It will provide for attractive, maintained and safe facilities.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
The majority of the members shall be residents. <ul style="list-style-type: none"> <li>One regular member who is a restaurant owner to serve the remainder of a 3 year term to expire on 9/4/2023</li> </ul>	03/22/2023	03/27/2023

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





**NOTICE OF INTENTION TO APPOINT TO THE  
MARTHA BALDWIN PARK BOARD**

At the regular meeting of Monday, March 27, 2023 the Birmingham City Commission intends to appoint one regular member to the Martha Baldwin Park Board to serve the remainder of a three year term expiring May 1, 2024. Member must be electors of the City of Birmingham.

Interested citizens may submit an application available at the city clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, March 22, 2023. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

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

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members must be electors in the City of Birmingham.	03/22/2023	03/27/2023



**NOTICE OF INTENTION TO APPOINT TO  
AD HOC ENVIRONMENTAL SUSTAINABILITY COMMITTEE**

At the regular meeting of Monday, March 27, 2023, the Birmingham City Commission intends to appoint to the Ad Hoc Environmental Sustainability Committee (ESC) nine regular members for an 18-month term to expire September 27, 2024.

Interested citizens may submit an application available at the City Clerk’s office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk’s office on or before noon on Wednesday, March 22, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

The ESC consists of nine regular members appointed by the City Commission. A majority of the members shall have a clearly demonstrated knowledge of environmental sustainability. When available, preferred qualifications/areas of professional expertise include: energy, equity, civil/construction engineering, water quality, environmental engineering/consulting/law, recycling and solid waste. Staff from the Manager’s Office, Department of Public Services, Engineering and Planning Departments will serve as ex-officio members of the committee.

The function of the Ad Hoc Environmental Sustainability Committee (ESC) is to jumpstart sustainability planning in the City of Birmingham by helping to formulate the City’s goals and objectives as it relates to a sustainability and climate action plan. The work of the ESC will include a greenhouse gas emissions inventory to set a baseline and develop greenhouse gas emission reduction targets for 2030 and 2050, as well as to oversee the creation of a sustainability and climate action plan.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Preferred qualifications/areas of professional expertise include: energy, equity, civil/construction engineering, water quality, environmental engineering/consulting/law, recycling and solid waste	3/22/2023	3/27/2023

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





## MEMORANDUM

City Manager's Office

**DATE:** February 8, 2023  
**TO:** Thomas M. Markus, City Manager  
**FROM:** Jana L. Ecker, Assistant City Manager  
**SUBJECT:** Ongoing Communication with MDOT

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In 2022, the City Commission completed a strategic planning process and identified its priorities for strategic goals as community and sustainability.

The first strategic goal adopted was to create an engaged and connected community, and the first priority outlined was to work to bridge the divide that Woodward Avenue creates in the city, and transform the Woodward environment. The recommended action associated with this goal was to create a coalition with Woodward corridor communities, seek partnerships with community groups and elected officials, and advocate the Michigan Department of Transportation ("MDOT") for a transformational road diet.

In furtherance of this strategic goal, I am pleased to advise that a coalition of community leaders from Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley, Birmingham, Bloomfield Hills and Pontiac has been established and meeting regularly to discuss our collective goals for the Woodward corridor. In addition, representatives from both SEMCOG and Oakland County have also attended to support the Woodward communities. The coalition swiftly agreed that the first step in improving the Woodward corridor was to engage with MDOT officials.

On January 27, 2023, the Woodward coalition invited the newly appointed Interim Director of MDOT, Brad Wieferich, Gorette Yung, Metro Region Engineer (who oversees the entire Metro Detroit region for MDOT) and Lori Swanson, Manager (who oversees the Oakland County TSC) to meet with us in Pleasant Ridge. Attendees included myself, and the following officials:

- Melanie Piana, Mayor of Ferndale
- Joseph Gacioch, Ferndale
- Matthew Baumgarten, Berkley City Manager
- Jim Bruekman, Pleasant Ridge City Manager
- Bret Scott, Mayor of Pleasant Ridge
- Sam Krassenstein, Detroit
- Brett Rasegan, Oakland County
- David Woodward, Oakland County Commissioner
- Michele Fedorowicz, SEMCOG
- Kevin Vettraino, SEMCOG

The purpose of the meeting was to share our concerns and ideas on how the Woodward communities can collaborate with MDOT to implement both short term and long term changes to transform the corridor.

Specifically, coalition members conducted a PowerPoint presentation (attached) to convey the following:

- Woodward is a key corridor for Metro Detroit, and it segments several historic downtowns, acting as “Main Street” in numerous communities
- There is a sense of urgency to transform Woodward, not just to plan, but to implement changes
- Many plans have been completed for Woodward by cities both independently and working together for the corridor as a whole (non-MDOT plans)
- Prior plans for complete streets and other local plans done by others are not considered by MDOT in their planning process, and this should change
- Woodward communities want to work together on a corridor plan, but want it to move faster, include prior plan concepts, and be action-oriented
- Woodward communities would like any plan to use best practices in multi-modal transportation and urban planning, and to consider a complete road diet analysis for the entire corridor understanding that Woodward is a main street, not a highway
- Woodward communities request that MDOT shift transportation analysis away from current vehicle centric, vehicle level of service analysis to a comprehensive multi-modal analysis for Woodward Avenue and other road projects in urban areas
- MDOT consider incorporating the new SEMCOG multi-modal analysis tool into transportation planning process for Woodward
- MDOT honor user prioritization for multi-modal modes if desired by each community
- Use an equitable and inclusive process for a Woodward corridor study
- Consider sustainability and environmental goals in transportation planning (such as State carbon neutral goals)
- Woodward communities would like to collaborate with MDOT to prepare a corridor plan for Woodward that is innovative and can be used as a model for future urban corridor studies

The Woodward coalition intends to continue collaborating with MDOT on the next steps towards incorporating multi-modal performance measures into transportation planning, preparing a scope of work for a Woodward corridor study that will address the vision and needs of the Woodward communities and that will lay out a plan for transforming the entire Woodward corridor.

The next meeting of the coalition is expected to be held in early March.





WOODWARD AVENUE COMMUNITIES FOR

# A Safer, Multi-Modal Climate-Resilient Future

Presentation for MDOT Director: January 27, 2023

# AGENDA

- 1 I n t r o d u c t i o n s
- 2 W o o d w a r d P r o g r e s s
- 3 P a s t P l a n n i n g E f f o r t s
- 4 O n g o i n g C h a l l e n g e s
- 5 C o m m u n i t y R e q u e s t s
- 6 D i s c u s s i o n



# Woodward Communities Have a Sense of Urgency

## MDOT Needs a Shift in Planning Philosophy for Multi-Modal Corridors

Safety Focus & Shift Toward Biking, Walking, and Transit  
Economic Competitiveness  
Equitable and Inclusive  
State Carbon Neutral Goals



Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley,  
Birmingham, Bloomfield Hills, Pontiac **10E1**

# COMMUNITY VISION PROGRESS



## PONTIAC LOOP

One Way Loop Revmoval



## WOODWARD MOVES

Lane Reduction & Safety  
Improvements



## BIRMINGHAM CROSSWALK

Pedestrian Safety & Road  
Diet Check List



Detroit, Highland Park, Ferndale Pleasant Ridge, Huntington Woods, Royal Oak, Berkley,  
Birmingham, Bloomfield Hills, Pontiac

**10E1**



# COMMUNITY VISION PROGRESS



## DETROIT TRANSIT ONLY LANES

Transit Frequency & Service  
Improvements



## MDOT CORRIDOR PLAN

Long -Term Reconstruction  
Goals



Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley,  
Birmingham, Bloomfield Hills, Pontiac





10E1

## Where We Are Now

MDOT Level of Service favors car speeds over walking, biking, and transit.

Current community visions conflicts with MDOT Practice

## Where We Want to Be

Balanced planning for all modes of transportation

Action-Oriented

Community partners with MDOT



# Along the Woodward Corridor

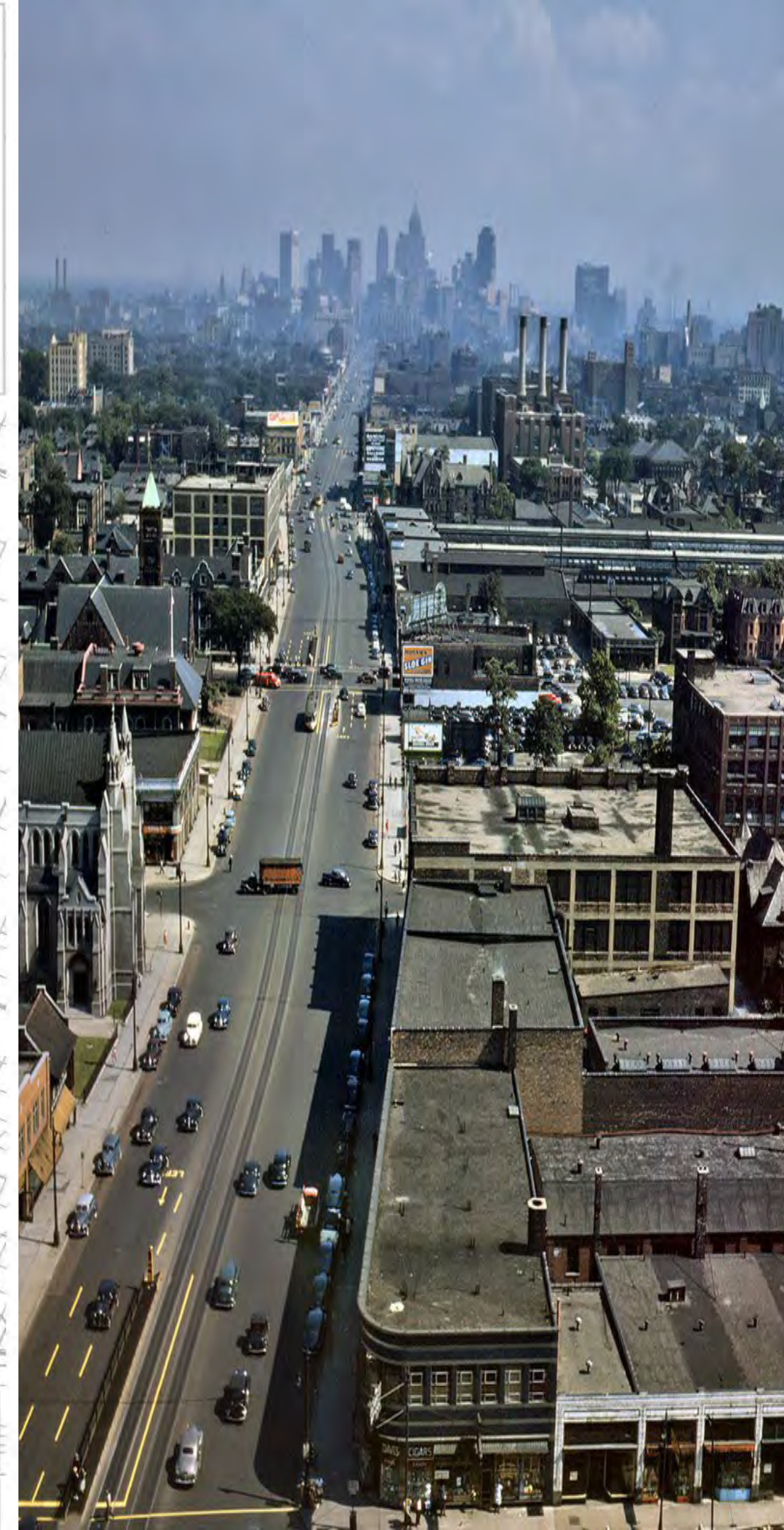
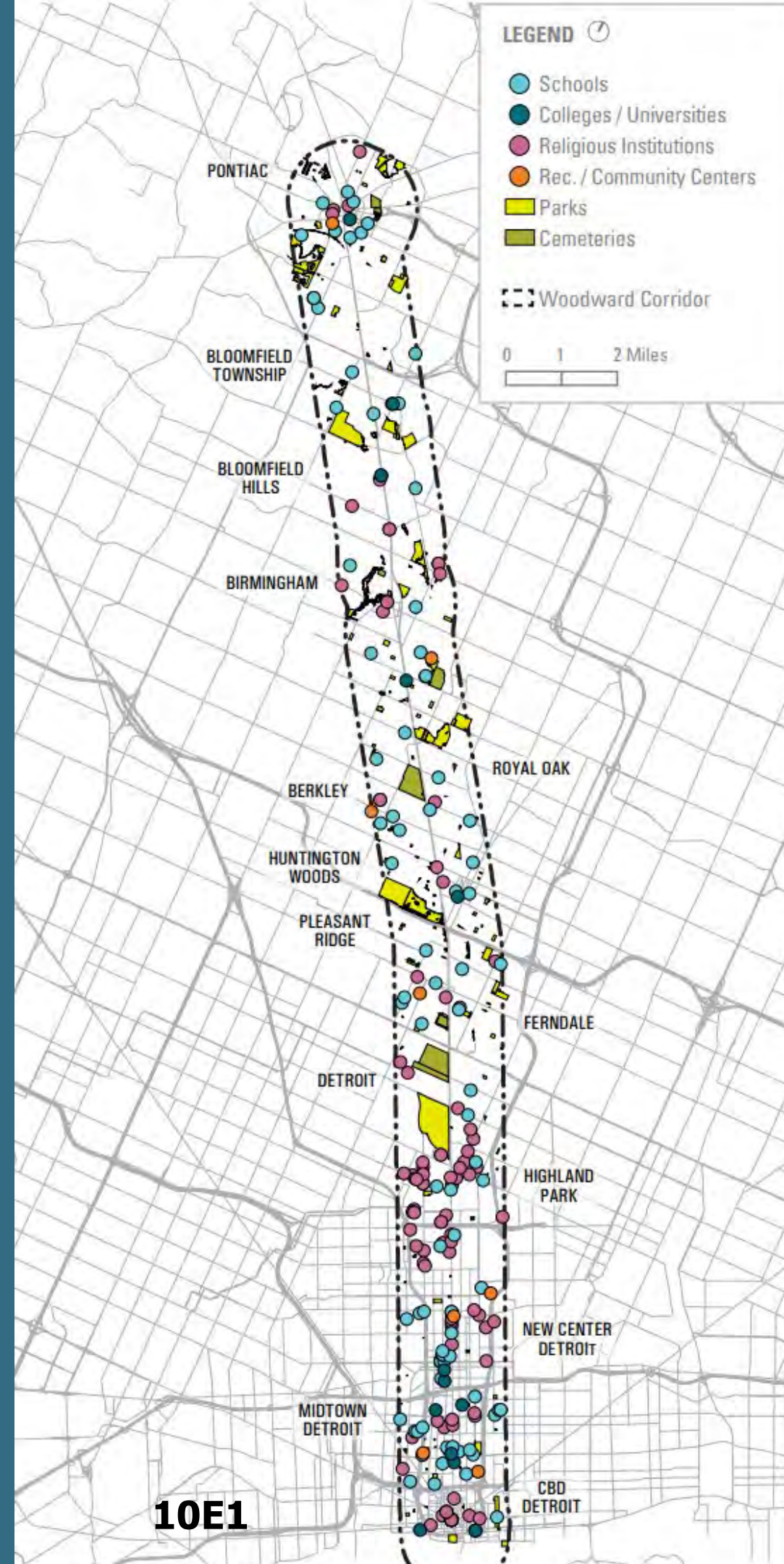
500,000 Population

200,000 Housing Units

300,000 Jobs

35,000 Businesses

5% State's Pop.





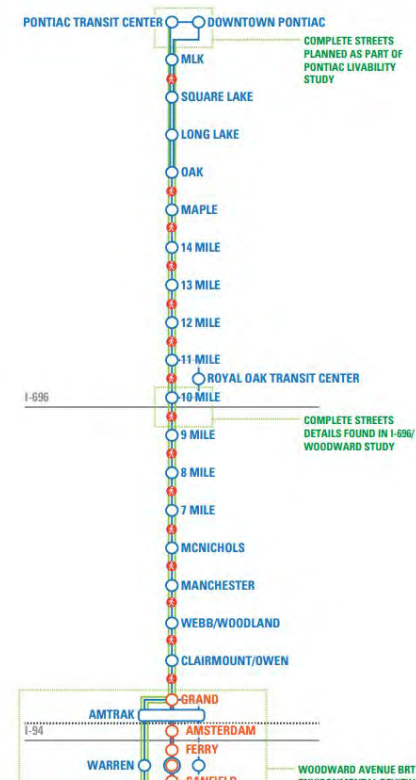
# Past Planning Efforts

## Woodward Avenue COMPLETE STREETS

### WOODWARD AT A GLANCE...

Woodward Avenue is an iconic urban scenic byway and the spine of the Detroit metropolitan region that traverses eleven communities from Downtown Detroit to the City of Pontiac. Woodward Avenue is perhaps the most critical corridor in the region and state as 1 in 10 Michiganders live along Woodward Avenue. It also represents the "Main Street" of many corridor communities, including Detroit, Highland Park, Ferndale, and Pontiac.

The future Woodward Avenue vision paints a picture of a livable, walkable, pedestrian, and transit-friendly multi-modal corridor. Building upon the future rapid transit, it aims to create a different future for Woodward Avenue that focuses on being a safe, secure, stable, well-linked, and economically stimulated place for its communities.



## COMPLETE STREETS RECOMMENDED ELEMENTS FOR WOODWARD AVENUE

**VISION**  
Woodward Avenue will be a complete street that provides safe and efficient means of travel for all users; creates excellent quality of place that benefits local residents; builds value for property; and inspires visitors to return.

**MISSION**  
All stakeholders shall work together to create a cohesive corridor plan that balances the needs and benefits of all users, neighborhoods, and communities that is significantly completed by 2025.

**Street Trees**  
A consistent layout of street planting will bring order to Woodward Avenue and create spaces that will improve each neighborhood's identity. The proper design of irrigation and establishment of landscape maintenance protocols will help street trees to reach maturity. Mature plantings in ordered, urban streetscapes exude a sense of calm and stability. Street trees will also provide environmental benefits and assist in calming traffic.

**Pedestrian Zone**  
Providing ample space within the pedestrian zone will synthesize a variety of activities, including the movement of pedestrians and outdoor dining/retail operations. Enhanced pedestrian crossings with curb extensions and pedestrian refuge islands (where feasible) at mid-block locations and major intersections will improve connectivity and safety for pedestrians throughout the corridor.

**On-Street Parking**  
Maintaining on-street parking spaces (where feasible) will increase the viability of business along the corridor and will have a traffic calming effect on adjacent general purpose lanes.

**Branding**  
Building on the brand established by the Woodward Avenue Action Association (WAA) will provide consistency and recognition throughout the corridor, further enhancing its sense of place. This brand can be applied to signage, wayfinding, kiosks, and many other elements.

**Cycle Tracks**  
Raised cycle tracks will be constructed adjacent to sidewalks but will be delineated from pedestrian zones by unique paving colors or materials. Raised bicycle facilities will foster a greater sense of safety for less advanced cyclists and also reduce maintenance challenges.

**Stormwater Management**  
Streetscape vegetation will be designed and programmed to filter stormwater from impervious surfaces. These elements improve the aesthetics of the street and will act as buffers between different modes of travel.

**Mixed-Use Development**  
Complete streets will produce greater volumes of all types of travel, providing the foundation for intensified private development that combines uses. Ground floor retail with a high percentage of windows can help activate the street.

**Furnishing**  
Streetscape elements, such as lighting, benches, trash receptacles, informational kiosks, bike share facilities, and many others, will have a powerful effect on the identity of the corridor if designed as a unified brand.

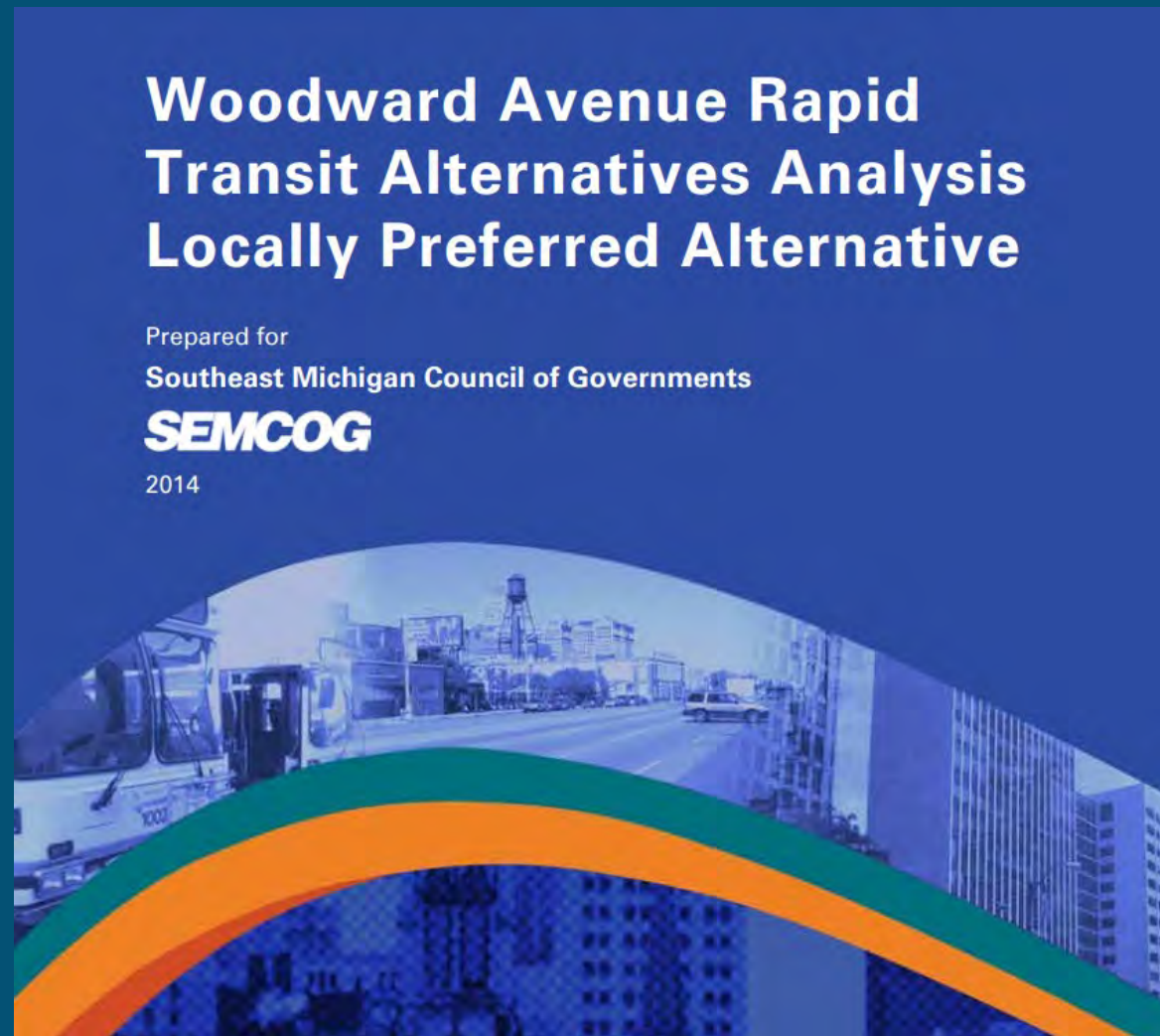
**Rapid Transit**  
Two rapid transit systems, M-1 Rail (in construction) and Woodward Avenue bus rapid transit (BRT) (planned), will provide premium transit service throughout the corridor and are projected to serve over 40,000 users each day.



Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley, Birmingham, Bloomfield Hills, Pontiac



# Past Planning Efforts



Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley,  
Birmingham, Bloomfield Hills, Pontiac





# SEMCOG Multi-Modal Tool



**SEMCOG**

**MDOT**



Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley, Birmingham, Bloomfield Hills, Pontiac



# SEMCOG Multi-Modal Tool

## CURRENT PRACTICE

**Existing**

### Summary

	Priority	Tier	Score	Average Score	Performance Objective Met?
Pedestrian	1	1	4	1.93	
Bike	5	3	4	3.40	
Transit	2	1	1	1.00	
Auto	3	1	1	1.00	
Freight	4	1	2	1.50	

## SHARED PRACTICE

**Proposed**

### Summary

	Priority	Tier	Score	Average Score	Performance Objective Met?
Pedestrian	1	1	3	1.36	
Bike	2	1	2	1.25	
Transit	3	1	1	1.00	
Auto	4	1	1	1.00	
Freight	5	1	2	1.50	

Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley,  
Birmingham, Bloomfield Hills, Pontiac



# ONGOING CHALLENGES

## COMMUNITY PLANS NOT ACCEPTED

City mobility plans, safety studies, visions omitted from MDOT current resurfacing projects, or long -term planning

## MAJOR MDOT DISCONNECT

MDOT POLICIES ARE LIMITED IN IMPLEMENTATION BECAUSE OF LEVEL OF SERVICE MEASUREMENT TOOLS

## TRAFFIC FORECASTS

Vehicle throughput and congestion mitigation still drive the need and design

## NONMOTORIZED PERFORMANCE

Lack of integrated non -motorized performance measures



# Design Study That Creates Best Practice for Urban Corridors

A New Process for MDOT to Collaborate on Urban Corridors

## STUDY TIMEFRAME

Reduce study from 18 months to 12

## ACTION ORIENTED

The plan must produce short-term project actions for implementation that builds toward higher-level vision

## PILOT RESEARCH

Testing Level of Service paired with multi-modal modeling.  
Bring in a national group

## RFP Plan Scope

Complete Road Diet Checklist for each city to truncate process and pilot alternatives



Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley, Birmingham, Bloomfield Hills, Pontiac

# FRESH, NEW APPROACH

## MAKE SEAMLESS CONNECTIONS & INCREASE COLLABORATION

Many cross -platform and intermodal challenges must align better now

Cities desire safety fixes now, not in 3 -5 years.

## HONOR USER PRIORITIZATION

Establish prioritization of nonmotorized users upfront in the study

Align MDOT measurement practices with MDOT policy

## CLASS OF ACTION NEPA CHECKLIST

Corridor study includes all positions to complete NEPA categories

Identify where we have exposure

Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley,  
Birmingham, Bloomfield Hills, Pontiac





# TURNING THE TIDE ON TRANSPORTATION GHGs

"PARTNER WITH LOCAL COMMUNITIES TO DEVELOP AND DEMONSTRATE EFFECTIVE, EQUITABLE, AND SCALABLE LOCAL OR REGIONAL LAND-USE AND PLANNING SOLUTIONS TO INCREASE CONVENIENCE AND REDUCE EMISSIONS BY MAKING IT POSSIBLE FOR PEOPLE TO TAKE FEWER OR SHORTER TRIPS PROVIDE BEST PRACTICES, DATA, TOOLS, AND TECHNICAL ASSISTANCE ON SYSTEM-LEVEL DESIGN SOLUTIONS TO INCREASE CONVENIENCE AND REDUCE EMISSIONS"

US NATIONAL BLUEPRINT FOR  
TRANSPORTATION DECARBONIZATION



Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley, Birmingham, Bloomfield Hills, Pontiac **10E1**



# Woodward Moves Everybody

Our Shared Future

Thank You



Detroit, Highland Park, Ferndale, Pleasant Ridge, Huntington Woods, Royal Oak, Berkley,  
Birmingham, Bloomfield Hills, Pontiac

**10E1**





Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009  
248-530-1200  
ALLINBirmingham.com

## MEMORANDUM

**DATE:** February 8, 2023  
**TO:** City Manager Thomas Markus and Birmingham City Commission  
**FROM:** Cristina Sheppard-Decius, CMSM, BSD Executive Director  
**SUBJECT:** BSD 2022 Year in Review

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The Birmingham Shopping District recently published and distributed its 2022 Year in Review to all property and business owners within the BSD. The Year in Review highlights the successes, services, programs and new businesses this past year.

With a 96% retail occupancy and the addition of 17 new businesses, the BSD is economically strong and continues to grow. Over 7 million visitors came to Downtown Birmingham this past year based upon mobile data provided by Oakland County with an average two-hour stay, which is an increase from the previous year and trending to grow as society moves back to normalcy post-pandemic.

There are many great facts and key indicators that show the work of the BSD and City to maintain a vibrant downtown is working. These key indicators will be used as a benchmark for year over year comparisons moving forward. Attached you will find a copy for your reference.



*A message from the*  
**Executive Director**

This past year has been a year of changes and growth in Downtown Birmingham. From the changing landscape with the advent of future developments to the extension of streetscape continuity, new brand marketing, and new faces around town. One of the newest faces is my own, bringing forth years of downtown management experience, as well as fresh perspectives and best practices. I am honored to be able to lead the Birmingham Shopping District (BSD) along with a dedicated and engaged Board of Directors, volunteers and staff.

Downtown Birmingham continues to be a sought after community, and the statistics and stories below show why. Key economic indicators show that this momentum will continue in 2023. Since 1993, the BSD has been helping to make downtown a stellar standout in Michigan with its advertising, marketing, events, capital improvements, maintenance, beautification and business development programs. We will continue to provide superior service and support for our businesses and property owners, while elevating the sense of community and place for our residents and visitors alike this year.

## Quick Statistics

### BUSINESS DEVELOPMENT



**+17 NEW BUSINESSES**  
AND 6 MORE IN EARLY 2023!



### SHOPPING, DINING & EVENTS



### MARKETING & ADVERTISING



### DISTRICT MAINTENANCE





# Welcome New Businesses

- @properties
- Brilliant Earth
- Circa Lighting
- Cosmo Salon Studios
- EM
- Faherty
- Majda Diamond Vault
- O2PT
- Paris Baguette
- Swift Home Loans
- sweetgreen
- Rotate Boutique
- The Apap Realty Group
- Serena & Lily
- Waymaker Salon
- Zahra
- Zana



Faherty, 128 S. Old Woodward Ave.

## District Highlights

### CAPITAL IMPROVEMENT AND ECONOMIC DEVELOPMENT PROJECTS

Signs, signs, everywhere are signs. Signs of exciting things happening in Downtown Birmingham. In the Fall of 2022, the City of Birmingham completed the South Old Woodward Reconstruction project building upon the walkable continuity of the community showcasing why it is ranked as the "5th Most Successful Walkable Suburb" by the Wall Street Journal. While construction impacted local businesses in the short-term, the long-term gain will be realized very quickly. This third phase of downtown infrastructure improvements addressed aging infrastructure from Brown Street to Landon Street replacing existing water mains and sewer lines, and enhancing the aesthetics and functionality.

A number of new developments are underway, including five mixed-use developments with commercial, office and housing ranging from four-to-six stories. Downtown Birmingham is also attracting national retailers with the much anticipated opening of CB2 at the corner of Maple and Old Woodward in the first quarter of 2023. RH Gallery is setting up shop temporarily in the old post office building in the first quarter of 2023 while they are under construction on their new four-story, almost 50,000 sq.ft. development on South Old Woodward, tentatively planned to open in 2024.

*Recognized as* **"TOP 10 SIX-FIGURE TOWNS IN AMERICA"**  
by CNN Money Magazine

### 2023 EVENT CALENDAR

- April 15 – Spring Stroll
- May 7 – 21st Annual Opening Day - Farmers Market
- May 7- October 29 - Every Sunday - Farmers Market
- June 9 – Movie Night
- June 25 – Super Farmer Day – Farmers Market
- July 14 – Movie Night
- July 29 – Day on the Town
- August 6 – Corn Festival – Farmers Market
- August 11 – Movie Night
- August 19 – Birmingham Cruise Event
- September 8 – Movie Night
- September 10 – Harvest Festival – Farmers Market
- October 12 – Art Walk
- October 29 – End of Season Celebration – Farmers Market
- November 25 – Small Business Saturday
- November 25 – Santa Walk – Santa House opens & Carriage Rides
- December 1 – Holiday Tree Lighting
- December 1 – 3 – Winter Markt
- December Weekends – Santa House & Carriage Rides





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**Facility Assessment Committee Meeting #3**  
**February 6, 2023**



INFORMATION ONLY



# Agenda

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- **Follow-up from Meeting #2**
  - **Recap of BPS Early Childhood Center Program**
  - **Recap of Lincoln Street Alternative Program**
  - **Recap of Birmingham NEXT Program**
- **Review of BPS Special Education Programs**
- **Breakout Sessions**
  - **Short Term Considerations**
  - **Mid-Term Considerations**
  - **Long Term Considerations**
- **Next Steps / Meeting Dates**
- **Questions/Answers**

INFORMATION ONLY

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# **BPS Special Education Programs**

INFORMATION ONLY



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# Follow-up from January 24, 2023 Meeting

INFORMATION ONLY

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# **BPS Early Childhood Center Programs**

INFORMATION ONLY

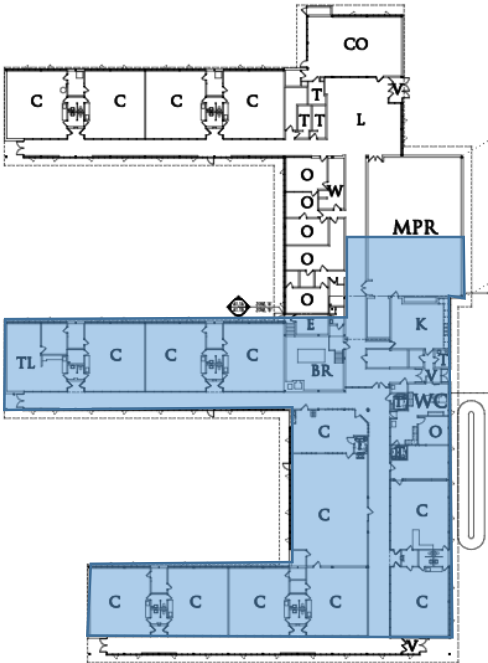


# BPS Early Childhood Center Program

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- ❑ BPS ECC provides programs for approximately 120 kids (between Ages 3-4)
  - (2) Center Based Programs
    - Midvale: 8 classrooms
    - Wee Care (Groves HS): 3 classrooms (also offer daycare for +6 weeks old)
  - (8) Other Program locations
    - Elementary level locations ranging from 1-2 classrooms per building
    - Great Start Readiness Program (GSRP) located at Bingham Farms
  - Revenue per “student” ranges from \$140,000 to \$160,000 per year
- ❑ Considerations
  - +200 kids are the “waitlist”
  - Announcement of “Pre-K for all”
  - Capacity at the existing elementary and middle schools
  - Expansion of spaces at existing center-based programs (Midvale/Groves)

# Midvale

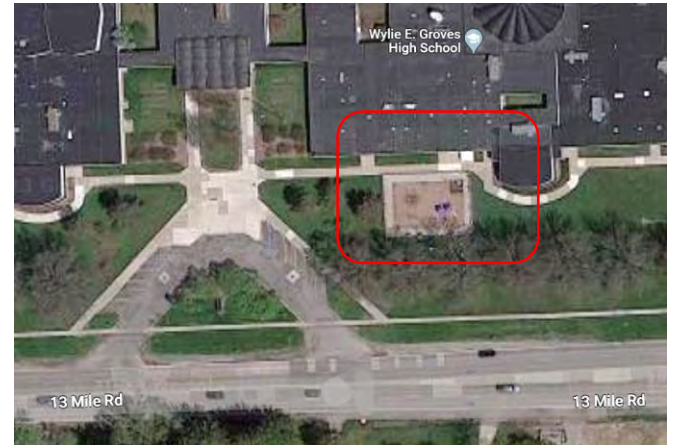
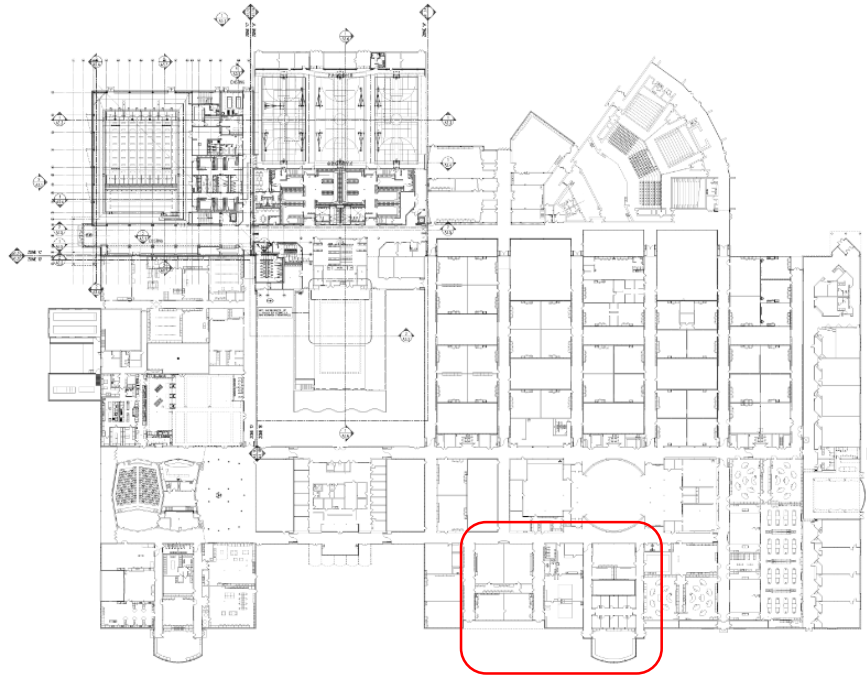


(ECC program shaded in blue)





# Wee Care (at Groves HS)



INFORMATION ONLY

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# **BPS Lincoln Street Alternative Program**

INFORMATION ONLY

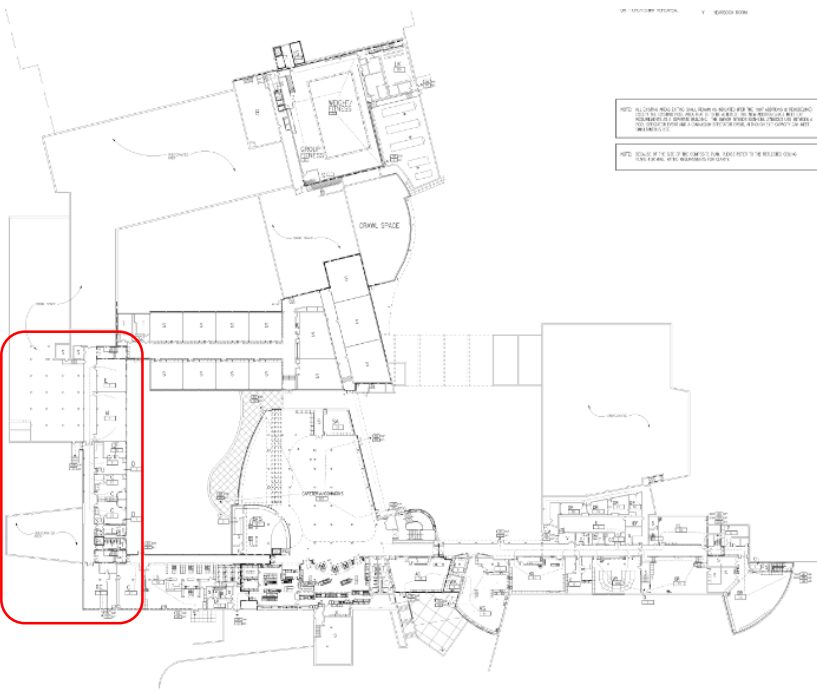


# BPS Lincoln Street Alternative Program

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- ❑ **BPS Lincoln Street Alternative provides programs for approximately 60 students**
  - Located in the “garden” level of Seaholm HS
  - Utilizes 10 classroom areas
  - Staffed by (4) teachers, (2) paraprofessionals, and (1) principal
  - Allows students to participate in other education activities (electives)
  
- ❑ **Considerations**
  - Maintain current location or review other options
    - Groves, Middle Schools, Elementary Schools
    - New Construction
  - Renaming of School
  - Opportunities for “new” look
  - Opportunities for CTE/Art/STEAM programs

# Lincoln Street Alternative (at Seaholm HS)



INFORMATION ONLY



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# Birmingham NEXT Program

INFORMATION ONLY

# Birmingham NEXT Program

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## ❑ Birmingham NEXT provides programs for 50+ population

- Funded by (4) municipalities and serves residents from;
  - Birmingham, Beverly Hills, Bingham Farms, and Franklin
- 2,200 members
- 1,500 weekly visits
- Located in a portion of Midvale
- Allows BPS students to participate in activities

## ❑ Considerations

- Maintain current location or review other options
  - Other BPS facilities
  - Other facilities (municipalities, non-profits, etc.)
- Review funding sources (grants, sponsorships, etc.)
- Review operational expenses (rent, staff, utilities/maintenance)





# Next Steps / Meeting Dates

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- ❑ Activities and “findings” for next meeting from the following;
  - Early Childhood Care – current and future considerations
  - Lincoln Street Alternative – current and future considerations
  - Birmingham NEXT – current and future considerations
  - Other Programs (Special Education, other K-12 programs, etc.)
  
- ❑ Key Meeting Dates – all meetings are at the EAC and start at 6:00 p.m.
  - February 27 – Formalize considerations for Facility Assessment Planning
  - March 14 – Board Update/Feedback
  - March 27 – Refine consideration for Facility Assessment Planning
  - April 3 – Finalize considerations for BoE review



# Questions....

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INFORMATION ONLY

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## Fwd: Update - Facility Assessment Committee Meeting includes Presentation from Jan. 24

1 message

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**Tom Markus** <tmarkus@bhamgov.org>  
To: Alex Bingham <abingham@bhamgov.org>

Thu, Jan 26, 2023 at 3:46 PM

Please add to info only for next agenda

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

From: **Joan Crampton** <JCrampton@birmingham.k12.mi.us>

Date: Thu, Jan 26, 2023 at 2:41 PM

Subject: Update - Facility Assessment Committee Meeting includes Presentation from Jan. 24

To: Joan Crampton <JCrampton@birmingham.k12.mi.us>

One more note,

Attached is the information that was shared with the committee at the Tuesday, January 24<sup>th</sup> meeting.

Joan

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**From:** Joan Crampton  
**Sent:** Thursday, January 26, 2023 1:57 PM  
**To:** Joan Crampton <JCrampton@birmingham.k12.mi.us>  
**Subject:** Update - Facility Assessment Committee Meeting

Hello,

A new date has been selected to replace the March 27<sup>th</sup> meeting. A calendar invitation was sent this morning from our office for **Tuesday, March 14** at the BPS Education and Administration Center, 6-8 p.m. Please let me know if you have any questions.

Kindest regards,

Joan Crampton

Executive Assistant to the Superintendent,

Board of Education & Scholar

[jcrampton@birmingham.k12.mi.us](mailto:jcrampton@birmingham.k12.mi.us)

248.203.3004 / Fax 248.203.3009

INFORMATION ONLY





*Kindness is the greatest wisdom ~ Author unknown*

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**From:** Joan Crampton <[JCrampton@birmingham.k12.mi.us](mailto:JCrampton@birmingham.k12.mi.us)>  
**Sent:** Monday, January 9, 2023 12:57 PM  
**To:** Joan Crampton <[JCrampton@birmingham.k12.mi.us](mailto:JCrampton@birmingham.k12.mi.us)>  
**Subject:** Facility Assessment Committee Meeting

Good afternoon,

Our first meeting will be Tuesday, January 10 from 6-8 p.m. at the Birmingham Public Schools Education and Administration Center. Note the schedule below for all upcoming meetings, and that the March 27 meeting will be rescheduled due to the fact the district will be on spring recess. Dr. Roberson's attached letter shares an overview of the study. Other committee members will include students, staff, and community members.

The list of meeting dates are below:

- January 10
- January 24
- February 6
- February 27
- March 6
- **March 27** will be rescheduled to **March 14 (Tuesday)**
- April 3

A light meal will be available to enjoy during the meeting. Please let me know if you have any questions.

Kindest regards,

Joan Crampton

Executive Assistant to the Superintendent,

**INFORMATION ONLY**

Board of Education & Scholar

[jcrampton@birmingham.k12.mi.us](mailto:jcrampton@birmingham.k12.mi.us)

248.203.3004 / Fax 248.203.3009



*Kindness is the greatest wisdom ~ Author unknown*

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**2 attachments**



**Facility Study Letter.pdf**

166K



**BPS Facility Assessment Committee Meeting 01-24-2023.pdf**

978K

INFORMATION ONLY



Dr. Embekka Roberson  
Superintendent

31301 Evergreen Road, Beverly Hills MI, 48025  
Office: (248) 203-3004 Fax: (248) 203-3009

December 15, 2022

Dear Birmingham Public Schools' Community,

As Birmingham Public Schools (BPS) reviews its current and future educational and financial goals, the District will be undertaking a Facility Utilization Study.

This study will include the establishment of an (advisory/steering) committee to which you or your representative is being personally invited. This committee will assist in creating a long-range plan for facility usage in the District, focusing on providing various educational options for students.

The outcomes of the process related to the work of this committee will be focused on the following programs:

- Expanding Early Childcare/Learning
- Location for Lincoln Street Alternative program
- Potential space to house a county-wide program
- Maximization of district infrastructure
- Possible location for Birmingham NEXT – Senior Center

The committee will meet once or twice a month beginning on January 10, 2022, and will meet approximately eight to ten times over the next six months. The result of this work will be a report with recommendations and options for the Board of Education to consider for facility usage in a district-wide comprehensive approach.

Before the meeting, I welcome any comments or questions you may have. On behalf of BPS, I appreciate your support and look forward to working with each of you.

Sincerely,



Dr. Embekka Roberson  
Superintendent  
[eroberson@birmingham.k12.mi.us](mailto:eroberson@birmingham.k12.mi.us)

*In partnership with parents and the community, Birmingham Public Schools will provide educational excellence that empowers students to cultivate their individual brilliance and positively impact their world.*

**INFORMATION ONLY**



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**Facility Assessment Committee Meeting #2**  
**January 24, 2023**



INFORMATION ONLY



# Agenda

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- **Follow-up from Meeting #1**
  - **Updated Facility Utilization and Capacity based on 2022 Enrollment**
  - **Capital Funding Considerations**
- **BPS Early Childhood Center Programs**
- **BPS Lincoln Street Alternative Program**
- **Birmingham NEXT Program**
- **Next Steps / Meeting Dates**
- **Questions/Answers**

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# Follow-up from January 10, 2023 Meeting

INFORMATION ONLY



# Facility Utilization and Capacity

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## ☐ Review of School Enrollment Capacities:

- Per Classroom by Grade Level – review two densities
  - State qualification standard recommendation (85% utilization)
  - BPS educational approach (22 pupils at ES, 24 at MS, 26 at HS)

## ☐ Enrollment Capacities do NOT include:

- Gym and Multipurpose Room
- Art Room
- Music Room
- Computer Lab / STEM Lab
- Special Ed., Preschool, and other dedicated special purpose classrooms

# Follow-up from January 10, 2023 Meeting

## □ Facility Utilization and Capacity Analysis

BIRMINGHAM PUBLIC SCHOOLS - FACILITY SUMMARY TABLE										BUILDING CAPACITY (TARGET CLASS SIZE)		
Facility Name	Acres	Building Type	General Education Classrooms (A)	Dedicated "Classrooms" (Art, Music, Comp.) (B)	Special Education /Support Rooms (Full-sized Classrooms used for: ECSE, ASD, Literacy, Etc.) (C)	Vacant/Non-Programmed Classrooms (D)	Total: All Classrooms (A+B+C+D)	Total Classrooms (General Ed. + Non-Programmed Classrooms) (A+D = E)	Student Enrollment (FTE) (as of Fall 2022) (F)	Building Capacity [(Colm. A) *Class Size] (Target) (G)	Excess Capacity (Target) (G-F) (H)	Utilization % (Target = F/G) (I)
<b>SCHOOLS:</b>										22 Pupils at K-5 24 Pupils at 6-8 26 Pupils at 9-12		
<b>ELEMENTARY:</b>	89.85		173	21	13	0	207	173	2,864	3,806	942	75%
Beverly Elementary	11.46	K-5	18	2	2	0	18	18	284	396	112	72%
Bingham Farms Elementary	9.6	K-5	19	3	1	0	19	19	328	418	90	78%
Greenfield Elementary	10.67	K-5	17	3	2	0	17	17	262	374	112	70%
Harlan Elementary	9.74	K-5	22	2	2	0	22	22	373	484	111	77%
Pembroke Elementary	11.16	K-5	20	2	1	0	20	20	295	440	145	67%
Pierce Elementary	11.73	K-5	26	2	2	0	26	26	477	572	95	83%
Qarton Elementary	6.43	K-5	23	3	1	0	23	23	332	506	174	66%
West Maple Elementary	19.06	K-5	28	4	2	0	28	28	513	616	103	83%

INFORMATION ONLY



# Follow-up from January 10, 2023 Meeting

## □ Facility Utilization and Capacity Analysis

BIRMINGHAM PUBLIC SCHOOLS - FACILITY SUMMARY TABLE										BUILDING CAPACITY (TARGET CLASS SIZE)		
Facility Name	Acres	Building Type	General Education Classrooms (A)	Dedicated "Classrooms" (Art, Music, Comp.) (B)	Special Education /Support Rooms (Full-sized Classrooms used for: ECSE, ASD, Literacy, Etc.) (C)	Vacant/Non-Programmed Classrooms (D)	Total: All Classrooms (A+B+C+D)	Total Classrooms (General Ed. + Non-Programmed Classrooms) (A+D = E)	Student Enrollment (FTE) (as of Fall 2022) (F)	Building Capacity [(Colm. A) * Class Size] (Target) (G)	Excess Capacity (Target) (G-F) (H)	Utilization % (Target = F/G) (I)
<b>SCHOOLS:</b>										22 Pupils at K-5 24 Pupils at 6-8 26 Pupils at 9-12		
<b>MIDDLE:</b>	66.77		95	17	6	0	95	95	1,918	2,280	362	85%
Birmingham Covington	20.86	3-8	32	7	3	0	32	32	637	768	131	83%
Berkshire Middle	23.59	6-8	29	4	1	0	29	29	654	696	42	94%
Derby Middle	22.32	6-8	34	6	2	0	34	34	627	816	189	77%
<b>HIGH:</b>	90.51		120	18	6	0	138	120	2,548	3,120	572	82%
Groves High	48.67	9-12	61	10	4	0	71	61	1,216	1,586	370	77%
Seaholm High	41.84	9-12	59	8	2	0	67	59	1,332	1,534	202	87%
Annex Building												
<b>OTHER:</b>	11.31		4	0	0	0	4	4	63	63	0	100%
Midvale ECSE	4.5	PK	4	0	0	0	4	4	63	63	0	100%
Facilities	0.96	Support										
Transportation	5.85	Support										
EAC		Support										
<b>SUBTOTAL:</b>	258.44		392	56	25	0	444	392	7,393	9,269	1,876	80%
<b>BPS TOTAL:</b>	258.44		392	56	25	0	444	392	7,393	9,269	1,876	73%

# Follow-up from January 10, 2023 Meeting

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## ☐ Capital Funding Considerations

### ☐ Voted School Bond Issue

- Voters must authorize the school district to issue a not-to-exceed dollar amount of bonds to pay for improvements identified in the ballot proposal.
- School district levies on taxable property whatever mills are necessary to pay the annual principal and interest payments. Debt service is paid by the debt levy, not the General Fund.

### ☐ Sinking Fund

- Voters must authorize the school district to levy approved millage
- Maximum millage is 3 mills for a maximum of 10 years
- For sinking funds voted in 2017 or later, permitted uses may include instructional technology and security equipment
- Interest free funding
- Sinking fund millage subject to Headlee Rollback if the annual growth for existing property is greater than the lesser of 5% or the current rate of inflation

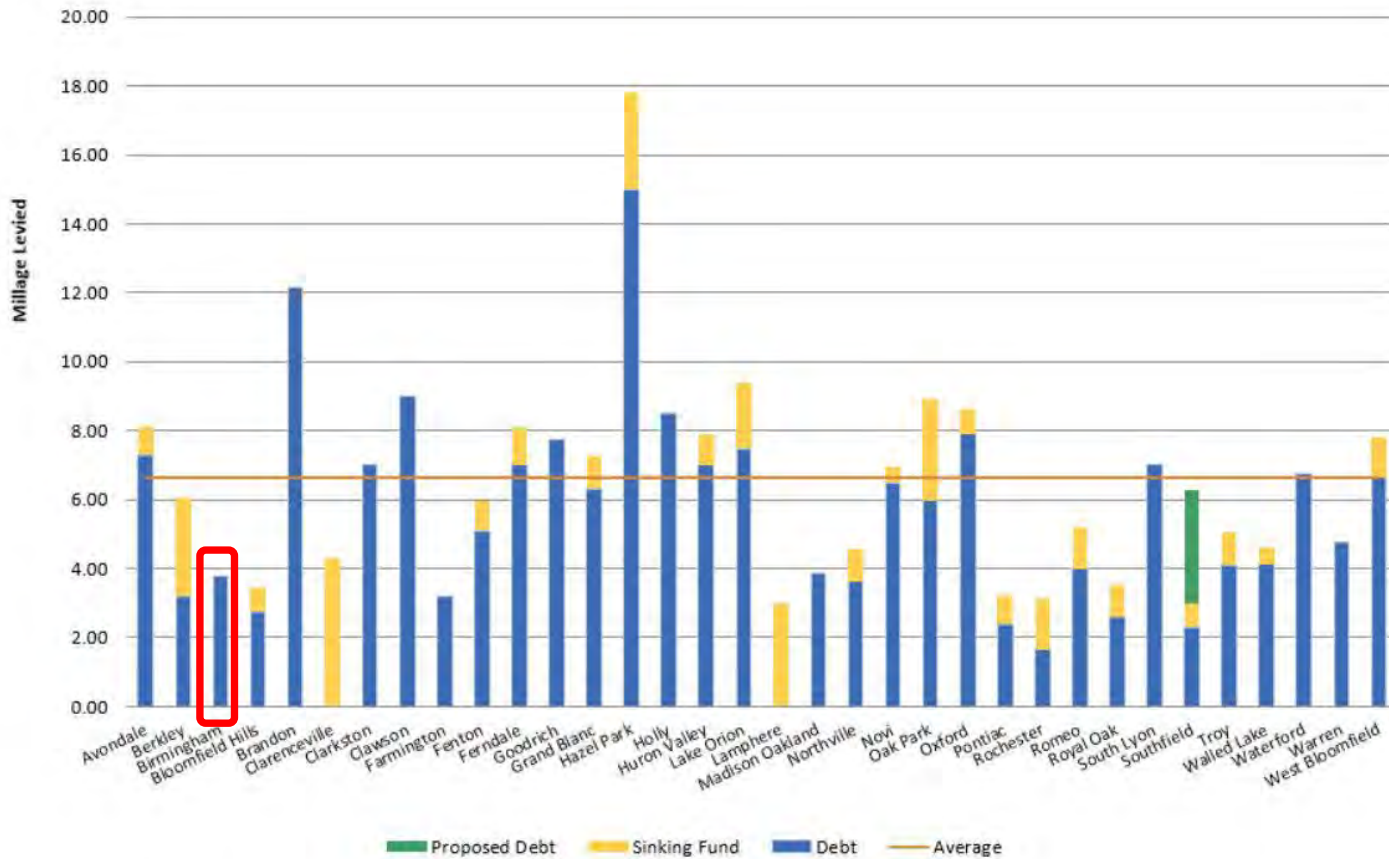


# Follow-up from January 10, 2023 Meeting

## Capital Funding Considerations



2021 Debt and Sinking Fund Mills Levied Within Oakland County



INFORMATION ONLY

Source: Oakland County Equalization Department and Individual School Districts

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# **BPS Early Childhood Center Programs**

INFORMATION ONLY



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# **BPS Lincoln Street Alternative Program**

INFORMATION ONLY

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# Birmingham NEXT Program

INFORMATION ONLY



# Next Steps / Meeting Dates

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- ❑ Activities and “homework” for next meeting from the following;
  - Early Childhood Care – current and future considerations
  - Lincoln Street Alternative – current and future considerations
  - Birmingham NEXT – current and future considerations
  - Other Programs
  
- ❑ Key Meeting Dates – all meetings are at the EAC and start at 6:00 p.m.
  - January 10
  - January 24
  - February 6
  - February 27
  - March 14 (tentative)
  - March 27
  - April 3

# Questions....

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INFORMATION ONLY





Alex Bingham &lt;abingham@bhamgov.org&gt;

## Fwd: RELEASE: Gov. Whitmer Signs Executive Order to Build and Refurbish More Affordable Housing Faster

Tom Markus <tmarkus@bhamgov.org>  
To: Alex Bingham <abingham@bhamgov.org>

Mon, Feb 6, 2023 at 3:36 PM

Pending please

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

From: **Michigan Executive Office of the Governor** <mieog@govsubscriptions.michigan.gov>

Date: Mon, Feb 6, 2023 at 3:20 PM

Subject: RELEASE: Gov. Whitmer Signs Executive Order to Build and Refurbish More Affordable Housing Faster

To: &lt;tmarkus@bhamgov.org&gt;



### FOR IMMEDIATE RELEASE

February 6, 2023

Contact: [Press@michigan.gov](mailto:Press@michigan.gov)

## Gov. Whitmer Signs Executive Order to Build and Refurbish More Affordable Housing Faster

*Reorganization shifts administration of critical housing grant to state housing agency, spurs growth, helps achieve goals of the Michigan Statewide Housing Plan*

**GRAND RAPIDS, Mich.** – Today, at the Grand Rapids Economic Club, Governor Gretchen Whitmer signed an executive order to put the Michigan State Housing Development Authority (MSHDA) in charge of more housing resources. This change will allow more flexible funding to promote housing innovation and ensure the state can get funds out the door more quickly to build more housing faster.

“We need to build more housing in Michigan as efficiently and effectively as possible,” said **Governor Whitmer**. “Today, I am proud to sign an executive order to bring more housing resources under the authority of our state’s housing and development authority. Getting this done will help us move faster on housing projects so we can help more Michiganders have a safe, affordable place to call home.”

### Housing Executive Order

Governor Whitmer’s executive order reorganizes the way the State of Michigan funds and builds housing. It shifts administration of the Community Development Block Grant (CDBG) from the Michigan Strategic Fund to MSHDA. This change will make sure the state’s housing agency oversees important issues related to housing, allow more flexible funding to promote housing innovation, and help get dollars out the door faster, kickstarting projects and moving dirt.

**INFORMATION ONLY**

To view the executive order, click [here](#).

### Supplemental

On January 31, Governor Whitmer signed a \$1 billion [supplemental](#), which included critical investments in housing and community development.

- **\$150 million** into the Housing and Community Development Fund, which can be used to leverage a further \$380 million in private funding to build or rehab 2,000 units, house 6,000 people, and create 1,600 jobs.
- **\$100 million** in Revitalization and Placemaking Grants, or R-A-P grants. These grants make towns more vibrant, converting underutilized property—like old factories or schools—into housing, small businesses, or community spaces.
- **\$50 million** in the Missing Middle program, which specifically builds housing for middle-class families. There are also some key changes to the program to expand eligibility, increase the kinds of developers the state can use, and cut construction costs and time.

### Michigan Housing Stats

- **50%** of renters and **25%** of homeowners spend more than **30%** of their paycheck just to keep a roof over their heads.
- The state's housing stock is old: **47%** was built before 1970.
- Median income in the state can afford a home priced around **\$175,000**, but new homes cost **\$307,000** on average.
- Millennials with college debt need **12 years** to save enough to buy a house.

### Michigan's Statewide Housing Plan

Last September, Governor Whitmer and MSHDA released the state's first-ever Statewide Housing Plan. It proposed specific goals to meet the state's housing challenges:

- Build or rehabilitate **75,000 housing units**.
- Stabilize housing for **100,000 families**.
- Weatherize and improve energy efficiency for **15,000 homes**.
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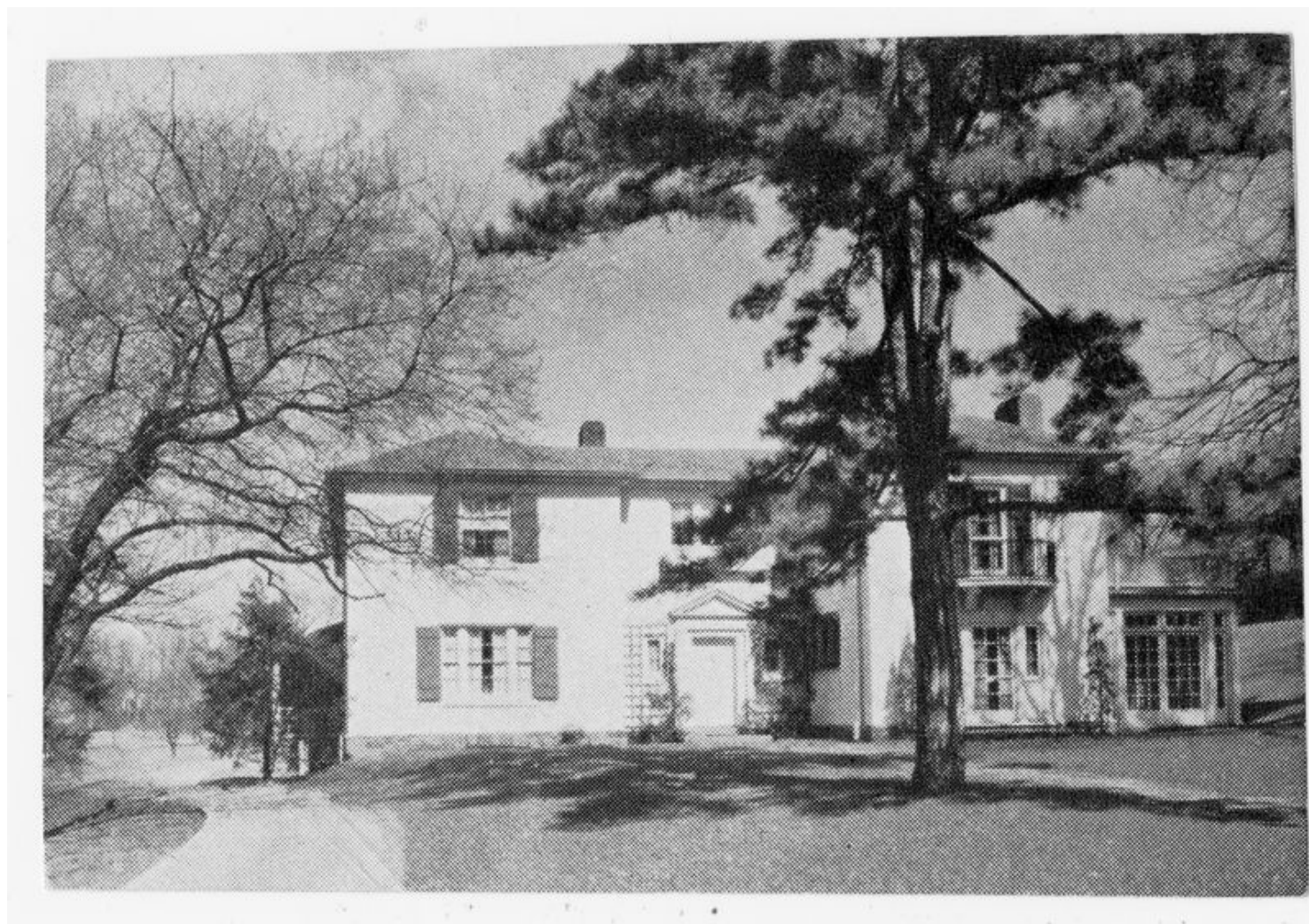
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Housing

## Biden Revives Housing Rule That Trump Derided as ‘Abolishing the Suburbs’

A civil rights-era fair housing policy is back, with new tweaks aimed at making it easier to snuff out segregation.



A two-story house in the Roland Park/Guilford neighborhood of Baltimore, Maryland, in 1910. The streetcar suburb was one of the first planned communities in the US and is considered an early example of the enforcement of racial segregation through the use of restricted covenants. *Source: JHU Sheridan Libraries/Gado/Archive Photos/Getty Images*

By [Kriston Capps](#)

January 19, 2023 at 5:30 AM EST

The Biden administration is restoring a rule that will require cities, counties and states that receive federal housing funds to examine patterns of residential segregation within their borders and take steps to uproot them, a mandate that was first established by civil rights-era legislation but has proved almost impossible to enact.

President Donald Trump ripped up the previous standard, known as the Affirmatively Furthering Fair Housing rule, which he condemned as a federal push to “[abolish the suburbs](#)” in the run-up to the presidential election in 2020. Soon after taking office, President Joe Biden [pledged](#) to reverse Trump’s decisions on AFFH and once again take steps toward an elusive goal of erasing color lines in American neighborhoods.

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The new Biden rule resembles the AFFH guidance set forth by the US Department of Housing and Urban Development in 2015, but officials say this new version establishes a more streamlined process for identifying civil rights concerns and reporting progress toward desegregation under the rubric of “equity plans.” Officials say this framework will be easier for localities of different sizes to follow, and harder for them to ignore.

Communities that fail to comply with the new fair housing rule could lose access to billions of dollars of federal funding.

“We are done with communities that do not serve people,” Housing Secretary Marcia L. Fudge said at a press conference on Wednesday. “We are going to hold responsible those that we give resources to. We no longer as a federal government can continue to fail the very people we need to help.”

For some 55 years, the Affirmatively Furthering Fair Housing mandate has served up a dilemma: How can federal officials enforce an obligation for local leaders to proactively and voluntarily undo segregation? From the very beginning the measure was controversial: George Romney, who served as housing secretary after the Fair Housing Act was passed, ordered HUD to reject applications for federal funding from jurisdictions that promoted segregation, but he was reeled in by President Richard Nixon.

In subsequent decades, standards for enforcing this mandate fell so low that a trope emerged in the 1990s: If a municipality encouraged schoolchildren to draw posters about fair housing, that was good enough to check off the box.

A rule promulgated under the Obama administration in 2015 delivered formal guidance for how localities could comply with the federal mandate, along with the message that they needed to start taking it seriously. This AFFH rule required cities, counties, states and public housing agencies to draw up detailed fair housing assessments; HUD also launched a tool designed to help small communities in particular fill out the report. Some jurisdictions complained that the process was too burdensome, and that it asked for a perspective that no single agency was able to provide.

Ben Carson, on the other hand, compared the federal fair housing mandate to “social engineering.” Even as hundreds of these assessments were underway, Trump’s housing secretary first postponed the deadline for communities to comply in 2018, and then scrapped the assessment tool a few months later. While Carson promised to introduce a new rule that would require local governments to lift exclusionary zoning codes that prevent development, Trump publicly intervened, canceling the rule altogether (and without following administrative procedure) in an effort to win over voters beholden to a “suburban lifestyle dream.”

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Biden’s proposed rule – which will be published imminently in the *Federal Register* and subject to public comment – will swap out fair housing assessments for equity plans. Local and county governments, state governments and public housing agencies will need to produce equity plans every five years, with larger governments on the hook first. Instead of requiring detailed responses to questionnaires, housing officials said, the questions will be built into the rule itself, and local jurisdictions will have greater latitude in how they frame their response.

“There are far fewer questions being asked of program participants in this particular proposal than previously,” said Demetria McCain, principal deputy assistant secretary for fair housing and equal opportunity at HUD. “What are the fair housing issues, and what are you going to do about them?”

In another deviation from the Obama-era rule, Biden officials plan to publish the equity plans themselves and make them available for comment, an effort to provide transparency and distribute accountability to the communities themselves – communities, after all, that are much more knowledgeable about their own goals and shortcomings than officials in Washington.

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Such transparency raises the specter of procedural compromise or political backlash, however, since efforts to dial back US segregation of housing and schools are often met with fierce resistance. The same local community participation that Biden administration officials tout as a feature of the new process for designing equity plans can also be a bug, since affluent and white homeowners disproportionately drive neighborhood participation in local government.

Then there's the challenge of compelling jurisdictions that do not want to take steps to desegregate their neighborhoods – a challenge that local and state governments are struggling to meet. Stripping federal funds from jurisdictions will be a high bar, according to officials.

“If they are not in compliance, we have the tools to make sure that they either use them properly, or they’re going to have to answer to what we want to do going forward,” Fudge says.



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**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**  
**NOTICE OF HEARING**  
**FOR THE CUSTOMERS OF CONSUMERS ENERGY COMPANY**  
**CASE NO. U-21269**


- Consumers Energy Company requests Michigan Public Service Commission's approval of a gas cost recovery plan and authorization of gas cost recovery factors for the 12 months ending March 31, 2024.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, 517-788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company or on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets).
- A pre-hearing will be held:

**DATE/TIME:** Tuesday, February 14, 2023 at 9:00 AM

**BEFORE:** Administrative Law Judge Sharon Feldman

**LOCATION:** Video/Teleconferencing

**PARTICIPATION:** Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) in advance of the hearing

\*\*\*\*\*AUTO\*\*ALL FOR AADC 480  
 Clerk, City of BIRMINGHAM  
 PO Box 3001  
 Birmingham MI 48012-3001  




The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's (Consumers Energy) December 27, 2022 Application requesting the Commission to: 1) authorize monthly Gas Cost Recovery (GCR) factors for the period April 2023 through March 2024 consisting of the sum of two parts: (a) a base factor of \$5.2773 per Mcf, plus, (b) additional amounts contingent upon future events, determined using the GCR Factor Ceiling Price Adjustment (Contingency) Mechanism, as proposed, or such higher factors as may be lawful and reasonable; 2) review Consumers Energy's plans and projections through March 2028, find that the five-year plan is reasonable and determine that there are no cost items which the Commission would be unlikely to permit Consumers Energy to recover from its customers in the future; and 3) grant Consumers Energy such other and further relief as is lawful and appropriate, including approval of higher GCR factors than requested in Consumers Energy's initial filing if circumstances warrant.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](https://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by February 7, 2023. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

The prehearing is scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. U-21269. Statements may be emailed to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

**CONSUMERS ENERGY COMPANY HAS REQUESTED THE GAS COST RECOVERY FACTORS DESCRIBED IN THIS NOTICE. THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT OR AMEND THE FACTORS AND OTHER PROPOSALS.**

2302-G

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THE COMMUNITY HOUSE OF BIRMINGHAM  
PROUDLY INTRODUCES



## THE ULTIMATE DINING EXPERIENCE

Table1 is a new series of **intimate luxury wine and spirits pairing dinners** at The Community House of Birmingham. The next event in the series is the **Shady Lane Wine Dinner** on **March 9th**.

This elegant five-course fare will be personally prepared and presented by our two award-winning chefs and carefully paired with a fine selection of wines from Shady Lane Cellars to enhance the evening.



# Shady Lane Wine Dinner

### FIRST COURSE

#### **Aguachile**

Scallop / Grapefruit / Orange / Hibiscus / Pickled Raisins / Serrano

*Paired with: Pomeranz*

### SECOND COURSE

#### **Taco**

Mole / Black Bean / Tortilla / Escabeche / Pomegranate Arils

*Paired with: Cab Franc*

### THIRD COURSE

#### **Tamarind Glazed Pork Belly**

Bao / Carrot / Daikonn

*Paired with: Pinot Noir*

### FOURTH COURSE

#### **Dry Aged NY Strip**

Blackberry Risotto / Pickled Blackberries / Oregano / Peppercorn Demi

*Paired with: Blau Frankisch*

### FIFTH COURSE

#### **Honeydew Flan**

Apple Crisp / Matcha / Honeydews

*Paired with: Pinot Gris*

This is a ticketed event with 20 seats available. Tickets are \$175 per person. Make your reservation soon by calling **248.554.6583**.

Menu & Pairings have been carefully selected by our executive chef and wine steward.

THE  
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BIRMINGHAM

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