



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY JUNE 25, 2025 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **June 11, 2025**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Meeting Open to the Public for Items Not on the Printed Agenda
- F.** Unfinished Business
- G.** Rezoning Applications
- H.** Community Impact Studies
- I.** Special Land Use Permits
 - 1. **479 S. Old Woodward – Birmingham Towers – Request for Special Land Use Permit to Modify Floor Plans and Seek Approval of a Parking Waiver Pursuant to Article 3, Section 3.04 (D)(3)(a) of the Zoning Ordinance.**
- J.** Site Plan & Design Reviews
 - 1. **479 S. Old Woodward – Birmingham Towers – Request for Final Site Plan & Design Review to Modify Floor Plans and Seek Approval of a Parking Waiver Pursuant to Article 3, Section 3.04 (D)(3)(a) of the Zoning Ordinance.**
- K.** Study Session
- L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - i. **35001 Woodward**
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **June 6, 2025 – June 20, 2025**
 - 4. Draft Agenda – **July 9, 2025**
 - 5. Action List – **2025**
 - 6. Other Business
- M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- N.** Adjournment

*Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

Link to Access Virtual Meeting: <https://zoom.us/j/111656967>

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

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City Of Birmingham
Regular Meeting Of The Planning Board
June 11, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 11, 2025. The meeting was convened at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein, Vice Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Members Duncan Currie (not voting), Nasseem Ramin (not voting)

Absent: Student Representatives Carter Anderson, Olivia Betanzos

Staff: Planning Director Dupuis; City Planner Blizinski, City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of May 28, 2025

06-38-25

Motion by Share

Seconded by Williams to move approval of May 28, 2025 with the two corrections noted.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

C. Chair's Comments

The Chair welcomed everyone to the meeting and reviewed the meeting's procedures.

D. Review Of The Agenda

E. Meeting Open to the Public for Items Not on the Printed Agenda

F. Unfinished Business

G. Rezoning Applications

H. Community Impact Study and Site Plan Review

I. Special Land Use Permits

J. Site Plan & Design Reviews

- 1. 168 W. Maple – Teuta – Final Site Plan & Design Review Request for New Outdoor Dining Facility in W. Maple Right-of-Way**

CP Blizinski presented the item and answered informational questions from the Board.

Board comment was as follows:

- These plans are lacking sufficient information, including information about dimensions, furniture, the parking layout, Dick O'Dow's outdoor dining, and other items. All of this information should be added.
- Moving the ADA space would result in conflict with the Public Right-of-Way Accessibility Guidelines, unless the applicant paid to move the ADA space when its outdoor dining deck was installed and removed every year.
- The lack of comment from the City Engineer was troubling.
- It also was questionable whether accessible spaces should be moved to accommodate dining decks at all.
- Given that the road has been narrowed and the sidewalks expanded along Maple, it would be more appropriate to locate the outdoor dining on the sidewalk. There would still be more than adequate clear space for pedestrians. It would also be less expensive for the applicant, and possibly preferable for customers.
- The applicant should work with staff to ensure any updated plans have all required information.
- The applicant's proposal of relocating the dining deck in the next parking space over could be explored. It would require the approval of the neighboring property owner, in this case, per the ordinance.
- The Planning Board was supportive of Teuta, and would like to find plans that would be mutually beneficial.

A representative for Teuta spoke on behalf of the request.

06-39-25

Motion by Williams

Seconded by Koseck to postpone consideration of the 168 W. Maple, Teuta, Final Site Plan & Design Review request.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

2. 295 Elm – Forest Townhomes – Request for Re-Approval of Expired Final Site Plan & Design Review Approval for Attached Single-Family Townhomes

CP Blizinski presented the item. John Marusich, architect, was present on behalf of the request. Both answered informational questions from the Board.

06-40-25

Motion by Williams

Seconded by Boyle to adopt the findings of the Planning Department in the report date June 11, 2025 related to the approval criteria outlined in Article 7, Section 7.27

of the Zoning Ordinance and approve the Final Site Plan for 295 Elm St. – Forest Townhomes – with the following conditions:

- 1. The applicant must comply with the requests of all City Departments.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

3. 283 Hamilton Row – Marrow – Final Site Plan & Design Review Request for New Outdoor Dining Facility in Hamilton Row Right-of-Way.

PD Dupuis presented the item. Ping Ho, owner, and Pauline Knighton-Prueter, VP of Operations, were present on behalf of the request. All answered informational questions from the Board.

Board comment was as follows:

- The proposal would extend beyond one parking space, into the non-parking X space to the east. This may make it inappropriately challenging for any driver trying to park in the next parking space to the east.
- If the applicant were willing to forego using the non-parking X space to the east, the table and chairs proposed for that area could be moved to an appropriate sidewalk location.
- The Board would be amenable to approving the outdoor dining in the parking space presently, and allowing the moved furniture from the non-parking X space to be administratively approved.
- The applicant should be mindful of the grade changes.

06-41-25

Motion by Share

Seconded by Williams to adopt the findings of the Planning Department in the report dated June 11, 2025 related to the approval criteria outlined in Article 7, Section 7.27 of the Zoning Ordinance and APPROVE the Final Site Plan/Design Review application for 283 Hamilton Row – Marrow – subject to the following conditions:

- 1. The applicant revise the deck to eliminate the easternmost four-top table and the reduction of the deck accordingly;**
- 2. To the extent that any portion of the deck extends beyond the facade of the Marrow storefront, the applicant demonstrates the approval of the owner of the adjacent property;**
- 3. The applicant is authorized to seek administrative approval from the Planning Department of additional tables and chairs in compliance with the ordinance, either in the furnishing zone or adjacent to the building facade;**
- 4. The applicant must submit and maintain a valid outdoor dining permit; and,**
- 5. The applicant must comply with the requests of all City Departments.**

Board comments were as follows:

- **The drawings and submission were excellent.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

K. Study Session

1. Impervious Surface, Open Space & Lot Coverage – PUBLIC HEARING

PD Dupuis presented the item. There was no public question or comment.

Board comment was as follows:

- The language seemed to reflect the Board’s feedback.
- This matter was raised by a former Board member. There was hope expressed that these changes were more in-line with what said Board member had hoped to address in raising the issue.
- While these changes were not perfect, they would increase opportunities for low-impact design within the City. The changes would also bring the City’s practices further into alignment with national stormwater management practices.

06-42-25

Motion by Williams

Seconded by Share for the Planning Board to recommend that the City Commission approve the proposed ordinance amendments to Article 4, Section 4.30, Open Space Standards, to add Additional Open Space Standards for single-family residential zoned properties, Article 4, Section 4.31, Open Space Standards, to modify the Paved Surface Limitations in the R1, R1A, R2 and R3 Zoning Districts, and Article 9, Section 9.02, Definitions, to modify the definition for Impervious Surface.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

L. Miscellaneous Business and Communications

- 1. Pre-Application Discussions**
- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**

The Board approved of the proposed agenda for the upcoming joint Planning Board-City Commission meeting.

5. Action List

6. Other Business

The Board briefly discussed project updates and City street tree policy.

M. Planning Division Action Items

- 1. Staff Report on Previous Requests**
- 2. Additional Items from tonight's meeting**

N. Adjournment

No further business being evident, the meeting adjourned at 8:47 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Department

DATE: June 25, 2025

TO: Planning Board Members

FROM: Nick Dupuis, Planning Director

SUBJECT: 479 S. Old Woodward – Special Land Use Permit, Final Site Plan & Design Review

The subject site, 479 S. Old Woodward, is located at the south end of Downtown Birmingham in the B3 (Office-Residential) and D4 (Downtown Overlay) zoning districts. The site is currently under construction and is slated to be completed in 2026. The site is directly adjacent to the existing Birmingham Place mixed-use building to the north, and is across Hazel Street from the 555 mixed-use building to the south.

On June 24, 2020 ([Agenda – Minutes](#)), the Planning Board accepted the Community Impact Study and approved the Preliminary Site Plan for a new five story mixed-use building.

On September 23, 2020 ([Agenda – Minutes](#)), the applicant obtained Final Site Plan & Design Review approval from the Planning Board. The approved plans had 50 residential units, two levels of underground parking for residents, and ground level parking for ground level retailers for a total of 84 parking spaces on-site. During the hearing, the applicant indicated they would be applying to be within the Parking Assessment District. The subject property has since been denied such admittance. It was determined that all assessments for public parking structures have been paid and a retroactive fee may not be assessed given the City's 20-year timeline expiration from the initial assessment.

On January 12, 2021 ([Agenda – Minutes](#)), the applicant obtained a variance to allow 7 parking spaces within 20 feet of the ground level building frontage along Hazel Street and to have two loading spaces less than 40 feet long (35 feet) facing Woodward Avenue.

On August 25, 2021 ([Agenda – Minutes](#)), the Planning Board approved a request for a Final Site Plan extension.

On September 28, 2022 ([Agenda – Minutes](#)), the applicant appeared before the Planning Board for a revised Final Site Plan. The applicant indicated they could not construct two levels of

underground parking and revised the site plan to include one level of underground parking and no ground level parking. The revised plans were 74 parking spaces short of the Zoning Ordinance requirement. The Planning Board moved to deny the Final Site Plan by a vote of 4-2.

On November 8, 2022 ([Agenda](#) – [Minutes](#)), the applicant appeared before the Board of Zoning Appeals to request a variance of 74 parking spaces, claiming that they could not structurally provide two levels of underground parking. The applicant's request was denied by a vote of 6-1.

On September 28, 2022 ([Agenda](#) – [Minutes](#)), the applicant appeared before the Planning Board for an ordinance amendment to allow parking requirements of the D4 Overlay zoned properties outside of the former parking assessment districts to be waived through a SLUP. The applicant claimed they could not provide two levels of underground parking to accommodate required off-street parking, and therefore needed a waiver of requirements. The Planning Board recommended approval of the ordinance amendment to the City Commission by a vote of 4-2.

On December 5, 2022 ([Agenda](#) – [Minutes](#)), the applicant appeared before the City Commission for their ordinance amendment to allow parking requirements of D4 Overlay zoned properties outside of the former parking assessment districts to be waived through a SLUP. The City Commission approved the ordinance amendment by a vote of 5-2. Therefore, it is now possible for the applicant to have parking requirements waived by City Commission through the provisions of a SLUP.

On January 25, 2023 ([Agenda](#) – [Minutes](#)), the applicant appeared before the Planning Board for Final Site Plan & SLUP review to request a waiver of 58 parking spaces. The proposed site plan and SLUP included ground level retail and restaurant, office on the second floor, and residential uses on floors three, four, and five. The site plan had one level of underground parking with 37 parking spaces, creating a shortage of 58 spaces. The Planning Board moved to postpone the hearing and requested that the applicant amend the site plans to support a less intensive use and reduce the shortage of parking.

On March 22, 2023 ([Agenda](#) – [Minutes](#)), the Planning Board moved to approve the Final Site Plan and Design Review for a modified site plan that contained retail and restaurant on the first floor, office on the second and third floor, and residential uses on the fourth and fifth floor. In addition, the site plans contained two levels of underground parking that would accommodate 64 spaces with ground level parking containing 12 spaces with 11 lifts, totaling 87 spaces for the site.

On May 9, 2023 ([Agenda](#) – [Minutes](#)), the Board of Zoning Appeals moved to grant a variance of 11 off-street parking spaces. The BZA also tied the variance to the plans.

On March 26, 2025 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed a new Final Site Plan & Design Review application to modify the previously approved floor plans. The newly proposed floor plans would contain commercial/retail uses on floors 1 and 2, office on floors 3 and 4, and residential on the 5th floor. Due to the change in floor plans, the required on-site parking changed considerably. Ultimately, the Planning Board moved to postpone the application seeking clarification regarding the parking strategy and neighboring ownership/access for the potential shared parking strategy that was proposed.

On May 28, 2025 ([Agenda](#)), the Planning Board moved to postpone consideration of a new application for Special Land Use Permit, Final Site Plan & Design Review to provide new notices to the community with more detail as to the nature of the hearing.

At this time, the applicant has submitted a Special Land Use Permit, Final Site Plan and Design Review application request to continue to seek the modification of the approved floor plans. The proposed floor plans would contain commercial/retail uses on floors 1 and 2, office on floors 3 and 4, and residential on the 5th floor. No other changes would occur to the façade or general site. Due to the change in floor plans, the required on-site parking has changed considerably. As a part of this site plan review, the applicant has submitted a petition seeking a waiver pursuant to Article 3, Section 3.04 (D)(3)(a). A detailed parking analysis is provided in the relevant section below.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing land use is commercial.
- 1.2 Zoning – The subject site exists within the B3 (Office-Residential) and D4 (Downtown Overlay) Zoning Districts.
- 1.3 Summary of Adjacent Land Use and Zoning – The following chart summarizes existing land use and zoning classifications of the adjacent and/or nearby properties:

	North	South	East	West
Existing Land Use	Mixed-Use	Mixed-Use	Commercial	Commercial
Existing Zoning District	B3 (Office-Residential)	B3 (Office-Residential)	B2 (General Business)	B2B (General Business)
Overlay Zoning District	D5	D5	MU5	D2

2.0 Setback, Bulk and Height Requirements

There are **no changes** proposed to the setback, bulk, or height of the building.

3.0 Screening and Landscaping

- 3.1 Dumpster Screening – There are **no changes** proposed to the dumpster conditions on site.
- 3.2 Parking Lot Screening – There are **no changes** proposed to the on-site parking facilities.
- 3.3 Mechanical Equipment Screening – There are **no changes** proposed to the mechanical equipment on site.

- 3.4 Landscaping – There are **no changes** proposed to the landscaping on site.
- 3.5 Streetscape – There are **no changes** proposed to any proposed streetscape elements on site. The Planning Department maintains that the applicant coordinates with City staff to provide the required city standard streetscape elements including street trees, tree grates, street lights, benches and bike racks

4.0 Parking, Loading and Circulation

- 4.1 Parking – The subject site contains a mix of commercial and residential uses that has shifted around a great deal during the different iterations of site plans that have been submitted to the City. The current proposal now contains commercial uses on floors 1-4 and residential units on the 5th floor, which is a departure from the previously approved plans that contained commercial/office uses on floors 1-3 and residential units on the 4th and 5th floors. Overall, the proposed mix of uses is permitted with one important caveat – office use in the D4 zoning district is limited to a maximum of 2 stories when the Planning Board permits a 5th story:

[Article 3, Section 3.04 \(C\)\(9\)](#) – “Office use is limited to one story, except:

- a. In any D3 Zone or D4 Zone, a two-story building dedicated to office use is permissible; and
- b. In a D4 Zone, two stories may be dedicated to office use when the Planning Board permits a fifth story.”

The Planning Department has discussed this provision extensively with the applicant and suggests that the Planning Board require the applicant confirm that they understand the provision above and that the building may only contain two floors of office use at any time.

Similar to previously approved plans, the off-street parking facility for the site is spread across three levels: ground level parking (21 spaces, 10 of which contain lifts that double the capacity), and two underground levels (67 spaces) for a total of 88 off-street parking spaces provided.

[Article 3, section 3.04\(D\)\(5\)](#) states that off-street parking contained in the first story shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and the frontage line. In January of 2021, the applicant obtained a dimensional variance of 20 feet for the proposed parking spaces along the Hazel Street frontage. Given that a substantial change to the site plan’s location of ground level parking has not been made, the variance still stands.

The Planning Department would like to note that [Article 4, section 4.50\(D\)](#) of the Zoning Ordinance allows developments in the B3 Zoning District to reduce their parking when office, restaurant and residential uses are within the same building:

“Office, Residential and Restaurant Parking: Where there is combined within a single building, an office use, a residential use and a commercial restaurant, up to 40% of the parking supplied to meet the requirement for office use may also be used to meet the requirement for residential use and up to 30% of the remaining parking requirement for office use may be used to meet the requirement for the commercial restaurant.”

The Planning Department would also like to note that if the applicant wishes to count on-street parking spaces in their parking requirements, they must obtain approval from City Commission to do so. Below is the parking breakdown for off-street parking requirements from [Article 4, Section 4.46 \(Table A\)](#) of the Zoning Ordinance for the proposed site plan amendment:

479 S. OLD WOODWARD – BIRMINGHAM TOWER			
TABLE A REQUIREMENTS			
Retail/Commercial	1 per 300 sq. ft.	20,906 sq. ft.	70 spaces
Lobby	1 per 550 sq. ft.	526 sq. ft.	1 spaces
Office	1 per 300 sq. ft.	31,695 sq. ft.	106 spaces
Restaurant	1 per 75 sq. ft.	1,047 sq. ft.	14 spaces
Residential	1 per 2 or less rooms	1 units	1 spaces
Residential	1.25 per 3 or more rooms	5 units	6 spaces
<i>TOTAL</i>	-	-	198
MIXED USE PARKING REDUCTIONS FOR B3 ZONE			
Office & Residential	40% reduction of office spaces	106 spaces	-42 spaces
Office, Restaurant & Residential	30% reduction of remaining office spaces	64 spaces	-19 spaces
TOTALS			
Total Required	-	-	137 spaces
Provided On-Site	-	-	88 spaces
On-Street*	-	-	2 spaces
Difference	-	-	-49 spaces
With On-Street*			-47 spaces
*Requires City Commission Approval			

The applicant is required to provide a total of 137 off-street parking spaces for the proposed development. The applicant is proposing 88 parking spaces on-site, therefore creating a shortage of 49 parking spaces.

In addition to the other variances received, the applicant also obtained a variance for 11 parking spaces in 2023, which brought them into conformance with the Zoning Ordinance. Due to the substantial increase in deficient spaces, the variance would no longer apply to this property as a part of this site plan.

As a matter of record, the applicant has previously pursued a Special Land Use Permit (SLUP) for the subject site in order to request that City Commission waive the required parking spaces, but the applicant adjusted their approach mid-application. Such a waiver is enabled by [Article 3, Section 3.04\(D\)\(3\)\(a\)](#) stating the following:

“For all nonresidential uses in the D4 Zone located outside of the former parking assessment district, the off-street parking requirements of Article 4 may be reduced or eliminated under the provisions of a Special Land Use Permit.”

The applicant has indicated that pursuing a waiver of required parking spaces from City Commission through a SLUP is now their preference at this time. As determined during the ordinance amendment process that enabled this waiver, the subject site is the only site that has access to this provision.

In summary, the applicant’s proposed site plan is short 49 off-street parking spaces. In order to resolve the parking shortage, the applicant has suggested that they wish to seek approval from the Planning Board and City Commission to utilize the provision in Article 3, Section 3.04(D)(3)(a) of the Zoning Ordinance to seek a waiver for the full 49-space deficit based on the new use composition of the building.

Should the Planning Board and/or City Commission determine that this is not an appropriate application of the above provision, the applicant would be required to either revise the site plans to provide 137 off-street parking spaces on site or obtain a variance of 49 off-street parking spaces from the Board of Zoning Appeals.

- 4.2 Loading – There are **no changes** proposed to the loading conditions on site. The applicant obtained a variance for two loading spaces less than 40 feet in length in 2021 thereby satisfying the loading requirements. Given that a substantial change to the site plan’s location and/or size of off-street loading facilities has not been made, the variance still stands.
- 4.3 Vehicular Circulation and Access – There are **no changes** proposed to vehicular access to the site. Vehicles will enter the facility via a single curb cut on Hazel, which will provide them access to the ground level and/or lower level parking facilities.

4.4 Pedestrian Circulation and Access – There are **no changes** proposed to pedestrian circulation or access to the site.

5.0 Lighting

There are **no changes** proposed to the lighting conditions on site.

6.0 Design Review

There are **no changes** proposed to the building façade or other design elements on site.

However, it is unclear with the change at the 4th level whether or not the approved balconies will remain as an amenity for the office user, or if they will be removed from the plan. Generally, **the Planning Board should require the applicant to confirm that no changes are being made to the exterior of the building as a part of this proposal.**

7.0 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Photometric Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Colored Elevations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Material Specification Sheets	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Material Samples	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site & Aerial Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8.0 Approval Criteria

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

(1) *The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.*

- **There are no proposed changes to the location, size or height of the building.** The building is being built in accordance with the Zoning Ordinance, which permits zero lot line development. Thus, there is no required open space or landscaping for this development. However, the building fronts three streets and contains glazing and/or balconies for its

users. In addition, the building contains a rooftop amenity for the residential tenants that may be used as open space for recreating.

(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.*

- **There are no proposed changes to the location, size or height of the building.** The location, size and height of the building conforms with the standards of the Zoning Ordinance and provides neighboring buildings with access to adequate light.

(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.*

- **There are no proposed changes to the location, size or height of the building.** The proposed development will not hinder the reasonable development of adjoining property and should increase 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.*

- **There are no proposed changes to the location, size or height of the building.** The site plan contains a single curb cut for vehicular access along Hazel, which is preferred over Old Woodward and Woodward which would create more hazardous conditions. Pedestrians have access to clear and obvious entry points to the building and adequate space to circulate around the building.

(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.*

- This development will remain compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter. However, the parking deficiency on the site would be considered incompatible and may be detrimental to the surrounding neighborhood.

(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.*

- This property is not required to provide landscaped open space.

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.*

- The proposed mixture of commercial/retail, office, and residential uses 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.*

- Generally, in Birmingham's Downtown, this mixture of uses is compatible with adjacent uses of land and the natural environment of the area. There is a consideration to be had, though, regarding the capabilities of public services and facilities affected by the land use. To be more specific, the shortage of 49 off-street parking spaces will need to be absorbed by the City's parking system. The closest public parking facility, the Park St. Garage is roughly 709 ft. away from door to door. The second closest, the Pierce St. Garage, is roughly 933 ft. away from door to door. Thus, it can reasonably be assumed that the majority of the deficit will be serviced by Birmingham's on-street parking.

(3) The use is consistent with the public health, safety and welfare of the city.

- This use is consistent with the public health, safety and welfare of the city. Similar to the previous standard, mixed-use developments have been long established in Birmingham's Downtown and other commercial areas in the City and is expected to continue.

(4) *The use is in compliance with all other requirements of this Zoning Ordinance.*

- Although the building uses proposed are compatible with the related zoning districts, the requirements for the associated parking requirements of the prospective uses have not been met at this time.

(5) *The use will not be injurious to the surrounding neighborhood.*

- The proposed mix of uses themselves are not expected to be injurious to the surrounding Downtown neighborhood, but the associated parking deficit will likely cause the surrounding area to experience increased parking shortages at certain times of the day.

(6) *The use is in compliance with state and federal statutes.*

- To the best of our knowledge, the uses proposed are in compliance with state and federal statutes at this time.

9.0 Recommendation

Based on a review of the site plan submitted and the approval criteria of Article 7, Sections 7.27 and 7.36, the Planning Department recommends that the Planning Board recommend that the City Commission **DENY** the Special Land Use Permit, Final Site Plan & Design Review application for 479 S. Old Woodward – Birmingham Tower. The Planning Department does not believe that the criteria outlined in sections 7.27 and 7.36 have been met, and considers the parking deficiency too great to be accommodated by the existing public parking system. At this time, there are several outstanding issues related to the site plan:

1. The building may not contain more than 2 floors of office at any time per the requirements of Article 3, Section 3.04 (C)(9) of the Zoning Ordinance;
2. The applicant understands that any changes to the building façade or design must be approved by the Planning Department or Planning Board;
3. The applicant must submit clear written legal evidence in the form of deeds, leases or contracts that establish any shared parking with the Birmingham Place development at 411 S. Old Woodward;
4. The applicant would be required to either (1) revise the site plans to provide 137 off-street parking spaces, (2) seek a Special Land Use Permit and associated waiver for 49 off-street parking spaces or (3) obtain a variance of 49 off-street parking spaces from the Board of Zoning Appeals.

10.0 Sample Motion Language for Special Land Use Permit

Motion to adopt the findings of the Planning Department in the report dated June 25, 2025 related to the approval criteria outlined in Article 7, Section 7.36 of the Zoning Ordinance and recommend that the City Commission **DENY** the Special Land Use Permit application for 479 S. Old Woodward – Birmingham Tower – for the following reasons:

1. _____
2. _____
3. _____

OR

Motion to adopt the findings of the Planning Department in the report dated June 25, 2025 related to the approval criteria outlined in Article 7, Section 7.36 of the Zoning Ordinance and **APPROVE** the Special Land Use Permit application for 479 S. Old Woodward – Birmingham Tower – subject to the following conditions:

1. The building may not contain more than 2 floors of office at any time per the requirements of Article 3, Section 3.04 (C)(9) of the Zoning Ordinance;
2. The applicant understands that any changes to the building façade or design must be approved by the Planning Department or Planning Board;
3. The applicant must comply with the requests of all City Departments; and
4. The applicant understands that site plan approval shall be valid for a period of one year from the date it is granted. Upon request, the appropriate reviewing

body may grant an extension of not in excess of one year to the applicant prior to the expiration date in accordance with Article 7, Section 7.28 of the Zoning Ordinance.

5. _____
6. _____

OR

Motion to **POSTPONE** the Special Land Use Permit application for 479 S. Old Woodward – Birmingham Tower – pending receipt of the following:

1. _____
2. _____
3. _____

11.0 Sample Motion Language for Final Site Plan & Design Review

Motion to adopt the findings of the Planning Department in the report dated June 25, 2025 related to the approval criteria outlined in Article 7, Section 7.27 of the Zoning Ordinance and recommend that the City Commission **DENY** the Final Site Plan & Design Review application for 479 S. Old Woodward – Birmingham Tower – for the following reasons:

1. _____
2. _____
3. _____

OR

Motion to adopt the findings of the Planning Department in the report dated June 25, 2025 related to the approval criteria outlined in Article 7, Section 7.27 of the Zoning Ordinance and **APPROVE** the Final Site Plan & Design Review application for 479 S. Old Woodward – Birmingham Tower – subject to the following conditions:

1. The building may not contain more than 2 floors of office at any time per the requirements of Article 3, Section 3.04 (C)(9) of the Zoning Ordinance;
2. The applicant understands that any changes to the building façade or design must be approved by the Planning Department or Planning Board;
3. The applicant must comply with the requests of all City Departments; and
4. The applicant understands that site plan approval shall be valid for a period of one year from the date it is granted. Upon request, the appropriate reviewing body may grant an extension of not in excess of one year to the applicant prior to the expiration date in accordance with Article 7, Section 7.28 of the Zoning Ordinance.
5. _____
6. _____

OR

Motion to **POSTPONE** the Final Site Plan & Design Review application for 479 S. Old Woodward – Birmingham Tower – pending receipt of the following:

1. _____
2. _____
3. _____

SPACES	AREAS
PARKING	14,951.1 S.F

TOTAL GROSS AREA -PARKING LEVEL B	18,167 S.F
--------------------------------------	------------



BOWERS+ASSOCIATES, INC.
2400 SOUTH HURON PARKWAY
ANN ARBOR, MI 48104
P: 734.975.2400
WWW.BOWERSARCH.COM

CONSULTANT + NAME

PROJECT + INFORMATION

BIRMINGHAM TOWERS
MIXED USE
469-479 SOUTH OLD WOODWARD AVE
BIRMINGHAM, MICHIGAN

PROJECT + NUMBER

22-222

ISSUE + DATE

20 JUNE 2023
21 JUNE 2023
22 JUNE 2023
20 JAN 2025

SHEET + TITLE

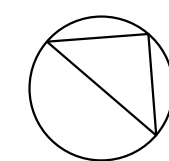
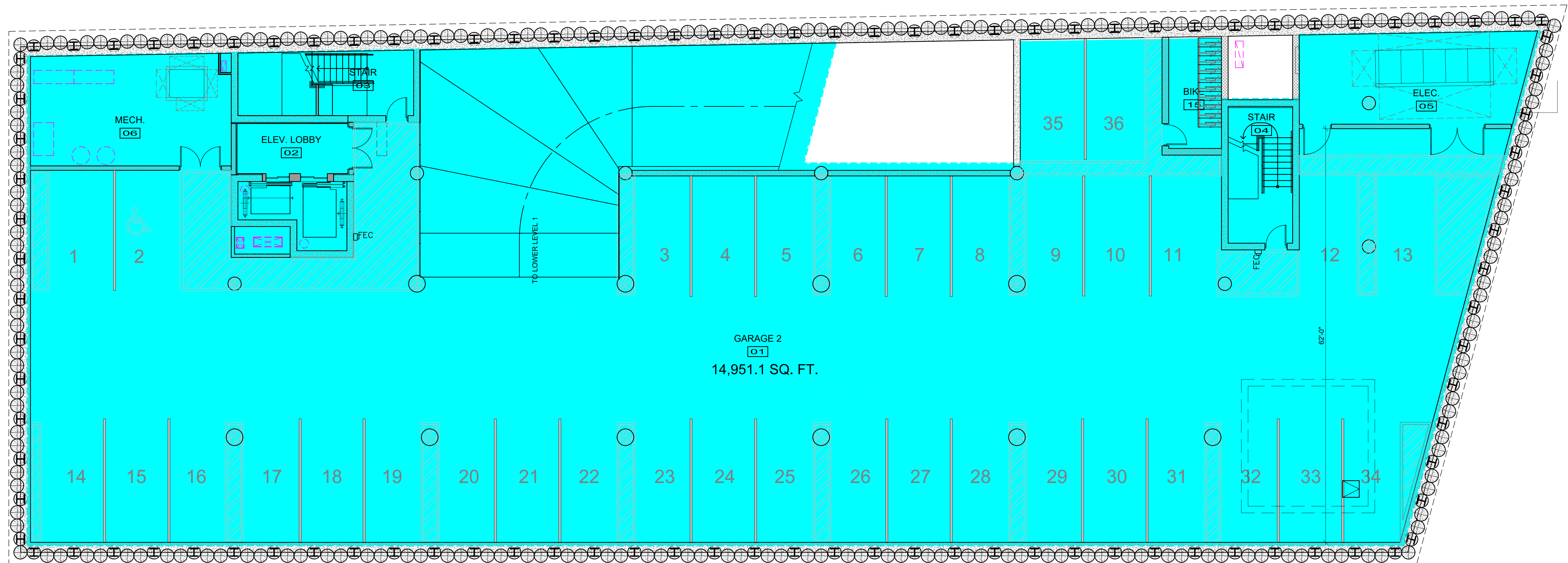
LOWER LEVEL B
FLOOR PLAN
AREA SF

22222AG2xx.DWG

SHEET + NUMBER

G-200A

© copyright 2023 Bowers + Associates, Inc.

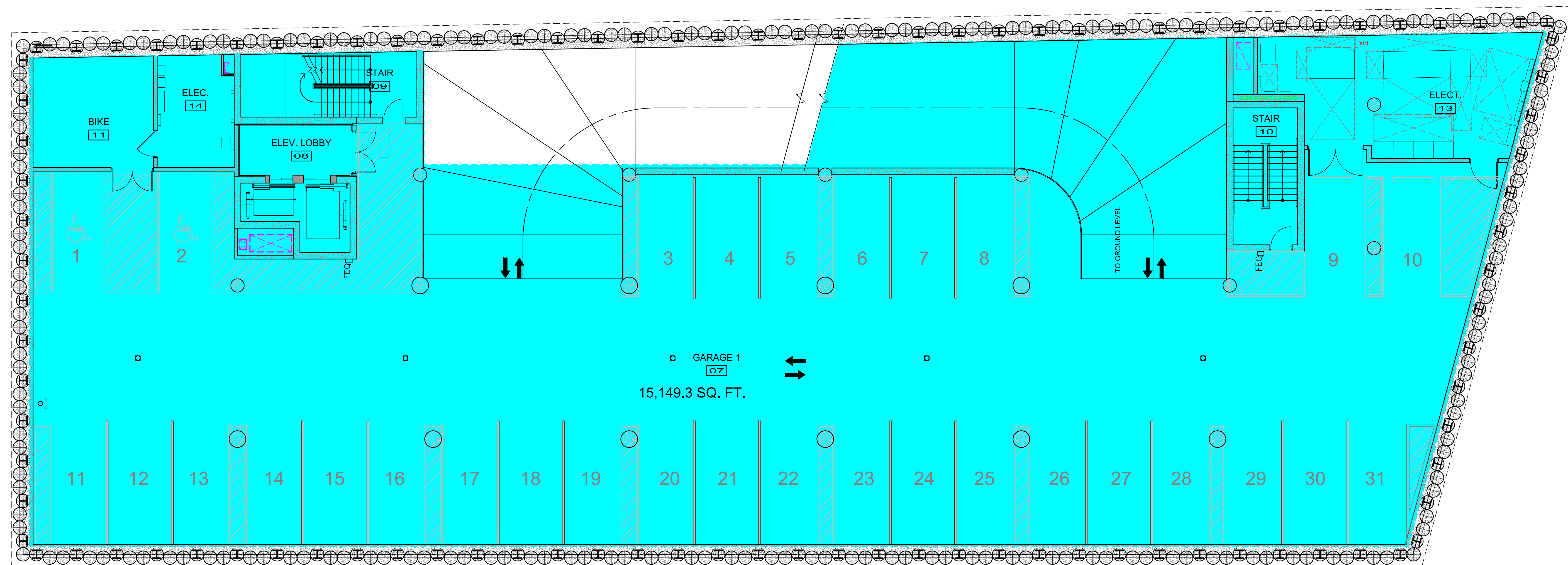


LOWER LEVEL B FLOOR PLAN

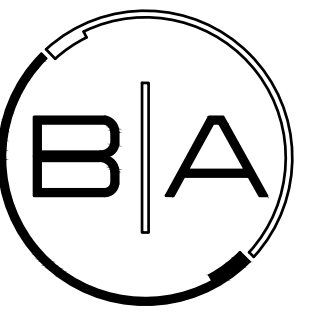
NTS

SPACES	AREAS
PARKING	15,149.3 S.F

TOTAL GROSS AREA -PARKING LEVEL 1A	18,167 S.F
---------------------------------------	------------




 LOWER LEVEL 1A FLOOR PLAN
 NTS



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 2400 SOUTH HURON PARKWAY
 ANN ARBOR, MI 48104
 P: 734.975.2400
 WWW.BOWERSARCH.COM

CONSULTANT + NAME

PROJECT + INFORMATION

BIRMINGHAM TOWERS
MIXED USE
 469-479 SOUTH OLD WOODWARD AVE
 BIRMINGHAM, MICHIGAN

PROJECT + NUMBER

22-222

ISSUE + DATE

20 JUNE 2023
 21 JUNE 2023
 22 JUNE 2023
 20 JAN 2025

SHEET + TITLE
 LOWER LEVEL 1A
 FLOOR PLAN
 AREA SF

2222G2xx.DWG

SHEET + NUMBER

G-200B



BOWERS ASSOCIATES, INC.
 2700 SOUTH HOLLAND PARKWAY
 ANN ARBOR, MI 48104
 TEL: 734.769.5000
 WWW.BOWERSBACH.COM

CONSULTANT + NAME

PROJECT + INFORMATION
BIRMINGHAM TOWERS
MIXED USE
 480-775 SOUTH OLD WOODWARD AVE
 BIRMINGHAM, MICHIGAN

PROJECT + NUMBER

22-222

ISSUE + DATE

20 JUNE 2023
 21 JUNE 2023
 22 JUNE 2023

SHEET + TITLE

FIRST LEVEL
 FLOOR PLAN
 AREA SF

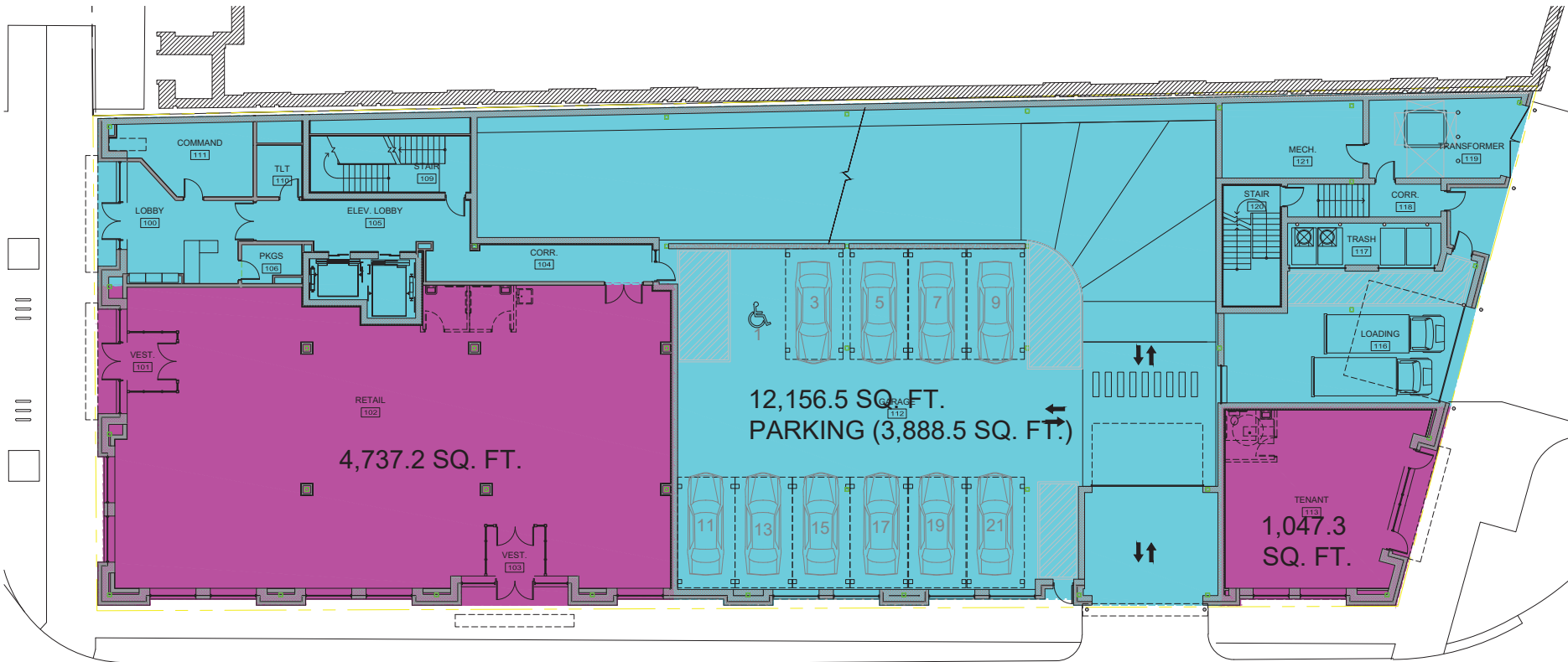
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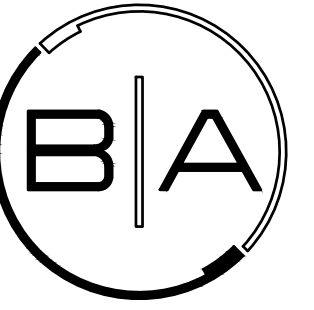
G-201

SPACES	AREAS
COMMON AREA	12,156.5 S.F
RETAIL	5,784.5 S.F

TOTAL GROSS AREA-1ST FLR.	17,941 S.F
---------------------------	------------



 **FIRST (GROUND)LEVEL PLAN**
 NTS



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 ANN ARBOR, MI 48104
 P: 734.975.2400
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CONSULTANT + NAME

PROJECT + INFORMATION

BIRMINGHAM TOWERS
MIXED USE
 469-479 SOUTH OLD WOODWARD AVE
 BIRMINGHAM, MICHIGAN

PROJECT + NUMBER

22-222

ISSUE + DATE

21 MAR 2025

SHEET + TITLE

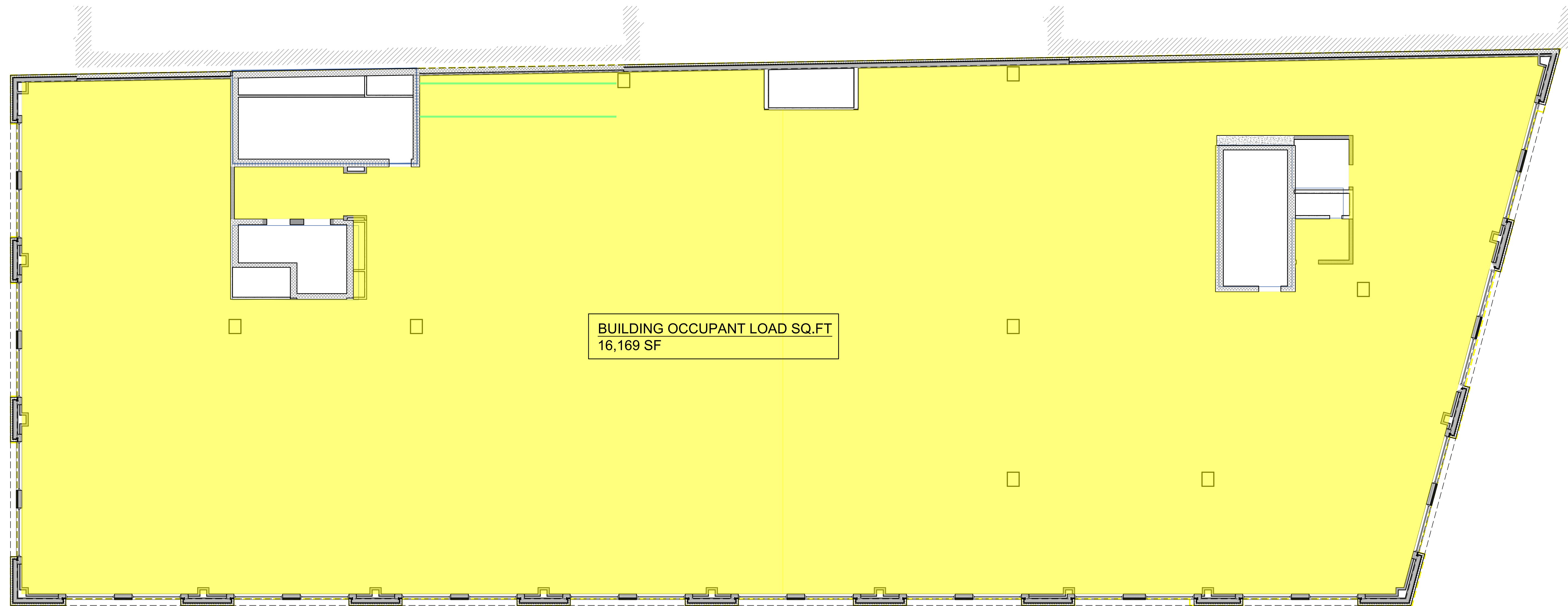
SECOND LEVEL
 OCCUPANT LOAD
 AREA SF

22222G2xx.DWG

SHEET + NUMBER

OCC-202

BUILDING OCCUPANT LOAD SQ.FT-2ND FLR.	16,169 S.F B-USE
---	---------------------



BUILDING OCCUPANT LOAD SQ.FT
 16,169 SF

 **SECOND LEVEL FLOOR PLAN**
 NTS



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 ANN ARBOR, MI 48104
 P: 734.979.2400
 WWW.BOWERSARCH.COM

BUILDING OCCUPANT LOAD SQ.FT-3RD FLR.	16,169 S.F B-USE
---	---------------------

CONSULTANT + NAME

PROJECT + INFORMATION
BIRMINGHAM TOWERS
MIXED USE
 469-479 SOUTH OLD WOODWARD AVE
 BIRMINGHAM, MICHIGAN

PROJECT + NUMBER

22-222

ISSUE + DATE

21 MAR 2025

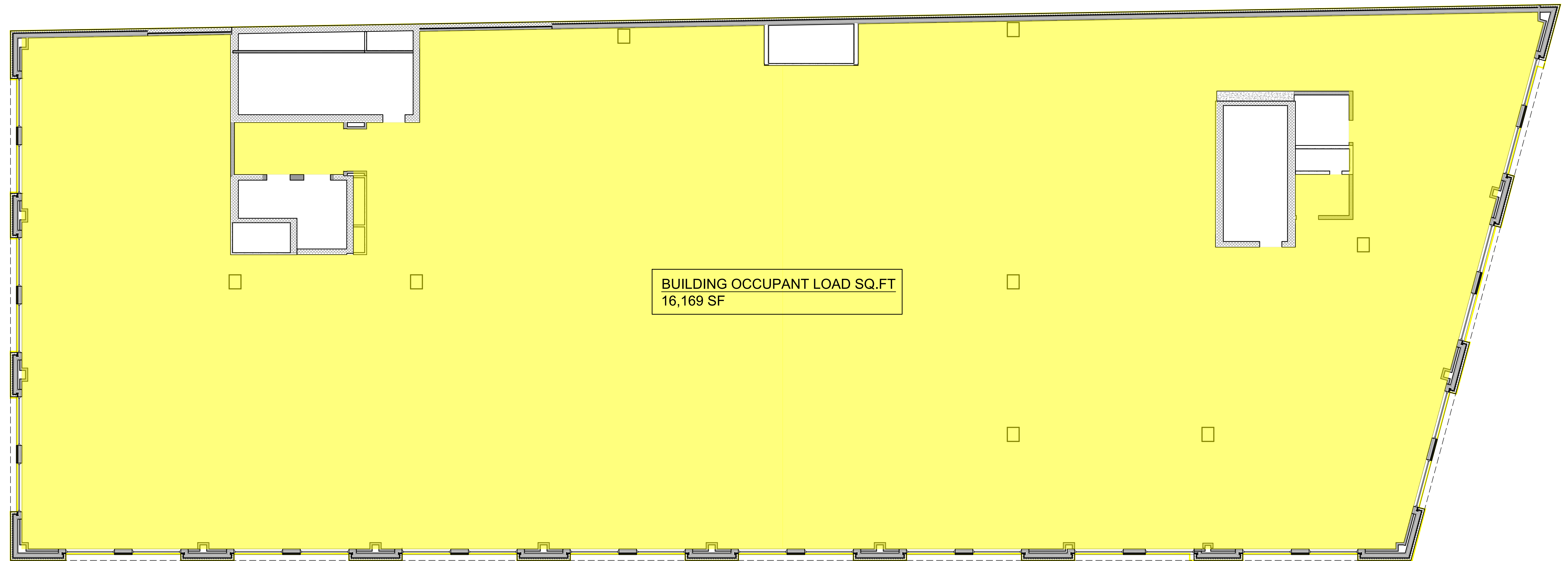
SHEET + TITLE

THIRD LEVEL
OCCUPANT LOAD
AREA SF

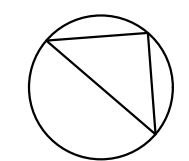
22222G2xx.DWG

SHEET + NUMBER

OCC-203



BUILDING OCCUPANT LOAD SQ.FT
16,169 SF



THIRD LEVEL FLOOR PLAN

NTS

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BUILDING OCCUPANT LOAD SQ.FT-4TH FLR.	15,526 S.F B-USE
---	---------------------



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CONSULTANT + NAME

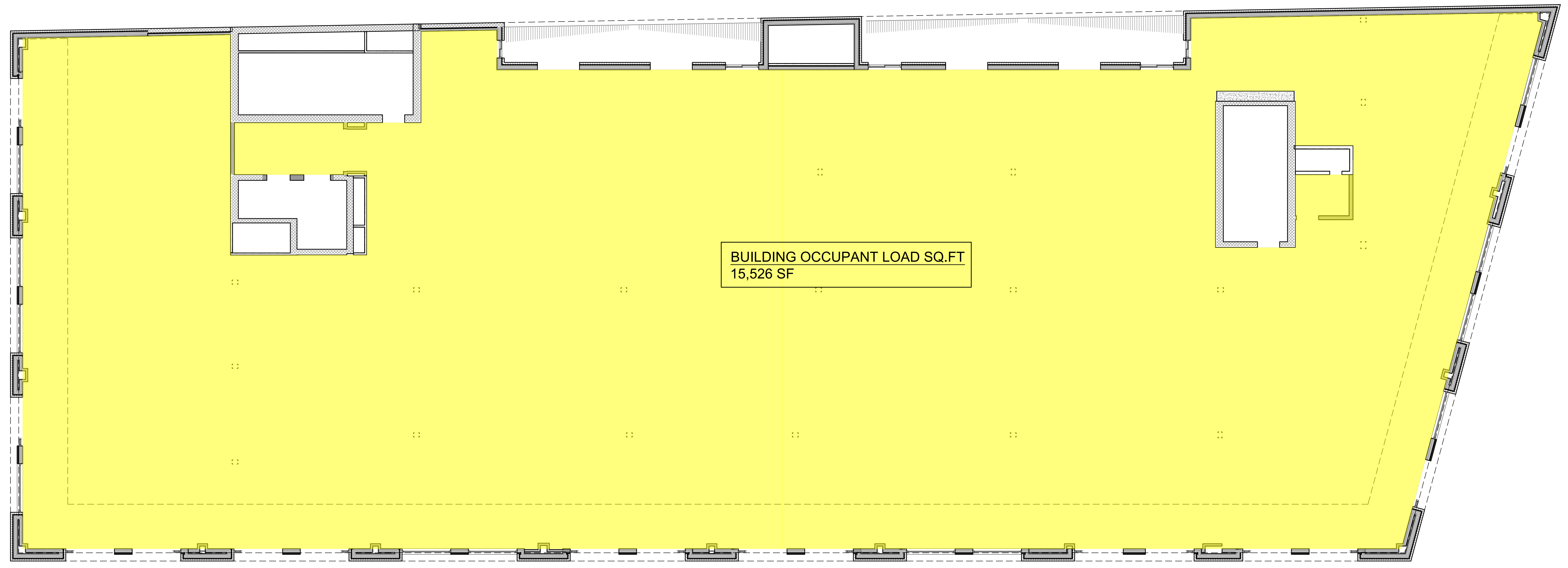
PROJECT + INFORMATION
**BIRMINGHAM TOWERS
MIXED USE**
469-479 SOUTH OLD WOODWARD AVE
BIRMINGHAM, MICHIGAN

PROJECT + NUMBER
22-222

ISSUE + DATE
21 MAR 2025

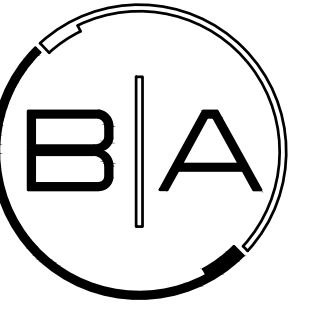
SHEET + TITLE
FOURTH LEVEL
OCCUPANT LOAD
AREA SF
22222G2xx.DWG

SHEET + NUMBER
OCC-204



BUILDING OCCUPANT LOAD SQ.FT
15,526 SF

 **FOURTH LEVEL FLOOR PLAN**
NTS



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 ANN ARBOR, MI 48104
 P. 734.975.2400
 WWW.BOWERSARCH.COM

CONSULTANT + NAME

PROJECT + INFORMATION

BIRMINGHAM TOWERS
MIXED USE
 469-479 SOUTH OLD WOODWARD AVE
 BIRMINGHAM, MICHIGAN

PROJECT + NUMBER

22-222

ISSUE + DATE

10 MAY 2023	CON. REV.
19 JULY 2023	F. PERMIT
8 SEPT 2023	F. PER. REV.
22 SEPT 2023	BANK
02 NOV 2023	PERMIT
20 FEB 2024	B. PER. REV.
16 JULY 2024	BULL. 3
31 OCT 2024	DIMS COL
17 FEB 2025	LEV 5 REV

SHEET + TITLE

FIFTH LEVEL
 FLOOR PLAN

22222A1xx.DWG

SHEET + NUMBER

A-105

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TOTAL AREA-5TH FLR.	14,646 S.F
---------------------	------------



FIFTH LEVEL SCHEMATIC FLOOR PLAN
 SCALE: 1/8" = 1'-0"



J. Patrick Howe
(248) 835-2068
jphowe@jphowe.com

BIRMINGHAM THEATER BUILDING
231 S. Old Woodward Ave., Suite 217
Birmingham, Michigan 48009

May 21, 2025

VIA EMAIL ONLY

Birmingham Planning Board & City Commission
c/o Mr. Nicholas Dupuis
Planning Director
City of Birmingham
151 Martin St.
Birmingham, Michigan 48009

RE: Application for Final Site Plan Design Review to Modify Use of Floors 2 and 4 of Subject Building
Application for Special Land Use Permit to Reduce Parking Requirements for Non-Residential Uses Pursuant to Section 3.04(D)(3)(a) of the Birmingham Zoning Ordinance
Applicant: Birmingham Tower Partners LLC
Address: 479 S. Old Woodward Ave., Birmingham, Michigan 48009

Dear Members of the Birmingham Planning Board & City Commission,

This firm represents Birmingham Tower Partners LLC, which is in the process of constructing a five-story mixed-use building at 479 S. Old Woodward Ave. This project has been before both the Planning Board and City Commission a number of times for various applications and requests. We are hopeful that the request before you to modify the use of floors 2 and 4, and to reduce the parking requirements for non-residential uses, will be the final approvals required for the project to move forward without further delay. At the outset of this request, it is critically important to express three points:

1. There are no changes proposed to the exterior features of the building, all of which have been approved by the City;
2. There are no changes to the on-site parking spaces provided for the building, which will remain at 88 parking spaces (plus 2 on-street parking spaces if approved by the City Commission); and
3. The Applicant is not proposing a shared parking arrangement with any parties.

With these three points in mind, we ask that both the Planning Board and City Commission limit its focus to the following specific requests:

1. Change floor 2 from Office to Retail/Commercial use;
2. Change floor 4 from Residential to Office use; and

3. Reduce parking requirements for non-residential uses from 130 parking spaces to 81 parking spaces (plus 2 on-street parking spaces if approved by the City Commission).

The subject building is currently approved for the following uses:

Fifth Floor	Residential
Fourth Floor	Residential
Third Floor	Office
Second Floor	Office
First Floor	Retail

The Applicant is now requesting the following use modifications for Floors 2 and 4:

Fifth Floor	Residential [NO CHANGE]
Fourth Floor	Office
Third Floor	Office [NO CHANGE]
Second Floor	Retail/Commercial
First Floor	Retail [NO CHANGE]

It is the Applicant's intention at this time for Floors 3 and 4 to be occupied by an office tenant, and Floor 2 to be occupied by a retail and/or commercial tenant, as permitted under the Zoning Ordinance. So why are these use modifications required? We submit, and will elaborate in more detail at the public hearings on this matter, that these modifications are required to meet current market demands, and ensure the long term vitality of the building. Since this building was originally conceived in 2022, nearly 200 multifamily dwelling units have been built or approved in the City of Birmingham. Many of these units are highly amenitized, and offer on-site resident services that just can't be provided at a building that sits on less than ½ acre of land. At the same time, the City of Birmingham is ever evolving into a highly sought after destination retail environment, attracting national and international tenants, and customers from throughout the metropolitan area and greater Midwest region. This surge of retail activity is evident from various recent and forthcoming openings of specialty retailers in downtown Birmingham. As opposed to fighting this challenging dynamic of increased multifamily housing supply, and limited commercial space for retailers looking to plant a flag in Birmingham, we are seeking to slightly modify the uses in the building to welcome these residential and commercial trends. This is the right move for the building, and will be the right move for downtown Birmingham and its residents.

The impact that these use modifications will have on the building and surrounding area are very minor. There are absolutely no changes to the exterior features of the building, all of which have been approved by the City. Further, there will be no reduction in the on-site parking spaces provided for the building, which will remain at 88 parking spaces (plus 2 on-street parking spaces if approved by the City Commission). The only impact that these use modifications will have on the project is the Applicant's ability to strictly comply with the City's on-site parking requirements. The current approved mix of uses for the building requires 99 parking spaces. The Board of Zoning Appeals previously granted a parking variance of 11 spaces, which authorized the current approved

mix of uses to move forward with 88 on-site parking spaces. The proposed modified mix of uses before requires 137 parking spaces, leaving a deficiency of 49 parking spaces (which will be reduced to 47 parking spaces if 2 on-street parking spaces are approved by the City Commission). In 2023, the City Commission amended the Zoning Ordinance to authorize a reduction in parking requirements for non-residential uses in the D4 Zone. Section 3.04(D)(3)(a) of the Zoning Ordinance provides that:

For all non-residential uses in the D4 Zone located outside the former parking assessment district, the off-street parking requirements of Article 4 may be reduced or eliminated under the provisions of a Special Land Use Permit.

In addition to the Applicant’s request for a modified site plan to change the uses of Floors 2 and 4, we are requesting the City Commission to reduce the parking requirements for non-residential uses within the building from 130 non-residential parking spaces to 81 non-residential parking spaces. This will result in 7 parking spaces being dedicated to residential users, and the remaining 81 parking spaces being shared by all other non-residential users of the building. We submit, and will elaborate in more detail at the public hearings on this matter, that: (i) the proposed modifications to the site plan meet the requirements set forth in Section 7.27(D) of the Zoning Ordinance, and (ii) a reduction in parking requirements for non-residential users under Section 3.04(D)(3)(a) of the Zoning Ordinance is appropriate for the following reasons:

- 1. The prior businesses on this site had a similar deficiency of on-site parking, and operated for many years without negatively impacting the health, safety and welfare of the City and its residents.**

The subject site was formerly occupied by a bank branch with drive through and a Chinese restaurant. The bank branch was 4,325 sf and the restaurant was 3,038 sf. The site provided 9 off-street parking spaces, which is illustrated on the site plan attached as **Exhibit A**. Applying the City’s current on-site parking requirements, the property previously had a parking deficiency of 46 on-site parking spaces, which is calculated as follows:

Bank Branch	
4,325 sf (1 space per 300 sf)	14.5 parking spaces required 9 parking spaces provided
Restaurant	
3,038 sf (1 space per 75 sf)	40.5 parking spaces required 0 parking spaces provided
OVERALL	55 parking spaces required 9 parking spaces provided
DEFICIENCY	46 parking space deficiency

The parking deficiency that previously existed is nearly identical to the parking deficiency presented by the proposed modified uses for the building. The prior bank and restaurant operated with this parking deficiency for many years, and for this reason, a reduction in the parking requirements for non-residential uses in the proposed building is appropriate.

2. The parking demands of a retail/commercial user on 2 floors and an office user on 2 floors, rarely overlap.

In today's ever changing office environment, it is rare for an office to be completely full at any given time. The Zoning Ordinance parking requirements have not been adjusted to accommodate this new reality. Furthermore, the hours that the retail and/or commercial business that would occupy the 1st and 2nd floors will have high parking demands during the evenings and on weekends, mostly outside of normal office hours. Accordingly, the parking needs of the office users and retail/commercial users will not significantly overlap, and ample parking will be available on-site for these two uses to co-exist. For this reason, a reduction in the parking requirements for non-residential uses in the proposed building is appropriate.

3. The building is located in the immediate vicinity of the former parking assessment district, is on the only D4 zoned parcel located outside of the former parking assessment district, and the parking requirements for the building should be reduced.

Section 3.04(D)(1) of the Zoning Ordinance provides that "all nonresidential uses located within the parking assessment district, parking on the site **shall not be required**, provided such site is in full compliance with the requirements of the parking assessment district." The subject building is located in the immediate vicinity of the former parking assessment district (see **Exhibit B**). While it has been established that there is no opportunity to reopen the former parking assessment district and add the subject building to this district, we submit that some flexibility should be afforded to the subject building given its proximity to various nearby public parking decks. Specifically, the Peabody Parking Garage is a 1 minute, 58 second walk from the subject building, and the Pierce Parking Garage is a 2 minute 43 second walk from the subject building (see **Exhibit C**). These two public parking garages will be utilized by workers, tenants and customers of the subject building, and for this reason, a reduction in the parking requirements for non-residential uses in the proposed building is appropriate.

4. There is ample off-street parking available in the nearby public parking decks to supplement the on-site parking available at the building.

To the extent additional parking spaces are required to meet the needs of workers, tenants and customers of the subject building, there is ample available parking available in the two closest public parking garages. Specifically, the Peabody Garage, which is

a 1 minute, 58 second walk from the building, has over 50 parking spaces available at its peak times during the day, and over 100 parking spaces available beginning at 5:00 PM each evening and on weekends (see **Exhibit D**). The Pierce Garage, which is a 2 minute 43 second walk from the subject building, has over 200 parking spaces available at its peak times during the day, and over 300 parking spaces available beginning at 5:00 PM each evening and on weekends (see **Exhibit E**). For these reasons, a reduction in the parking requirements for non-residential uses in the proposed building is appropriate.

5. The Special Land Use Permit requirements set forth in Section 7.36(A) of the Zoning Ordinance are met.

We submit that the proposal to reduce the parking requirements for non-residential uses under Section 3.04(D)(3)(a) of the Zoning Ordinance satisfies the approval criteria for a Special Land Use Permit set forth in Section 7.36(A) of the Zoning Ordinance. Specifically:

- (1) The parking plan for the building is consistent with and will promote the intent and purpose of this Zoning Ordinance, and there is ample on-site and nearby off-site public parking to serve the needs of the workers, tenants and customers of the subject building.
- (2) The parking plan for the building will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the parking of workers, tenants and customers of the subject building.
- (3) The parking plan is consistent with the public health, safety and welfare of the city, and the on-site and nearby public off-site parking will ensure that the parking does not negatively impact the public health, safety and welfare of the city.
- (4) Given that the on-site and nearby off-site public parking provides sufficient parking for the subject building, the project is in compliance with all other requirements of the Zoning Ordinance.
- (5) Given the availability of on-site and nearby off-site public parking, the parking of vehicles for the workers, tenants and customers of the subject building will not be injurious to the surrounding neighborhood.
- (6) The parking plan, to the extent applicable, is in compliance with state and federal statutes.

We acknowledge the significant and extensive work that the City has gone through to help facilitate the development of this important piece of property within the S. Old Woodward Ave.

district. We sincerely appreciate those efforts, and hope that we can work together to slightly modify the uses of this building and implement the Applicant's parking plan. Please feel free to contact me if you have any questions or concerns regarding this matter, and the information provided herein. We look forward to appearing with our client at the upcoming public hearings.

Very truly yours,

JPHOWE, PLLC

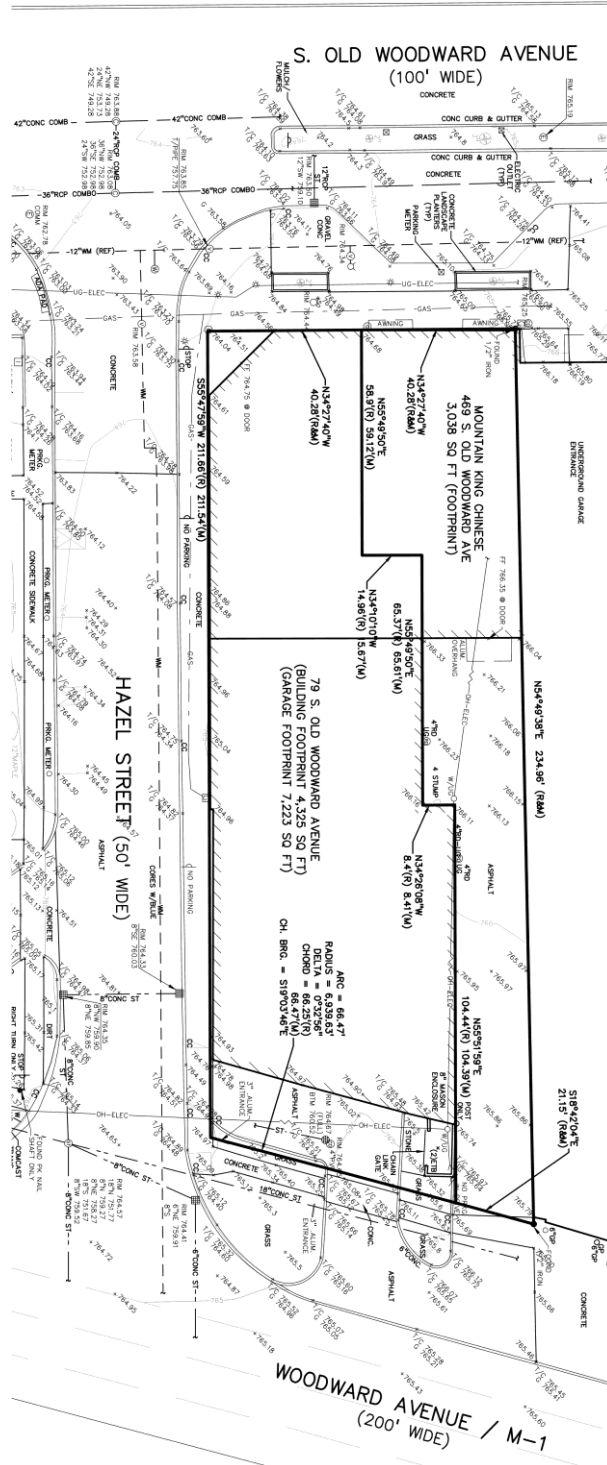
A handwritten signature in black ink, appearing to be 'JP' followed by a horizontal line and a small flourish.

J. Patrick Howe

cc: Doraid Markus (via email)

Birmingham Tower Partners, LLC
479 S. Old Woodward Ave.
Birmingham, Michigan 48009

EXHIBIT A



Birmingham Tower Partners, LLC
479 S. Old Woodward Ave.
Birmingham, Michigan 48009

EXHIBIT B



479 S. Old Woodward Ave.

Birmingham Tower Partners, LLC
479 S. Old Woodward Ave.
Birmingham, Michigan 48009

EXHIBIT C

Walking Distance to Peabody Parking Garage from Building



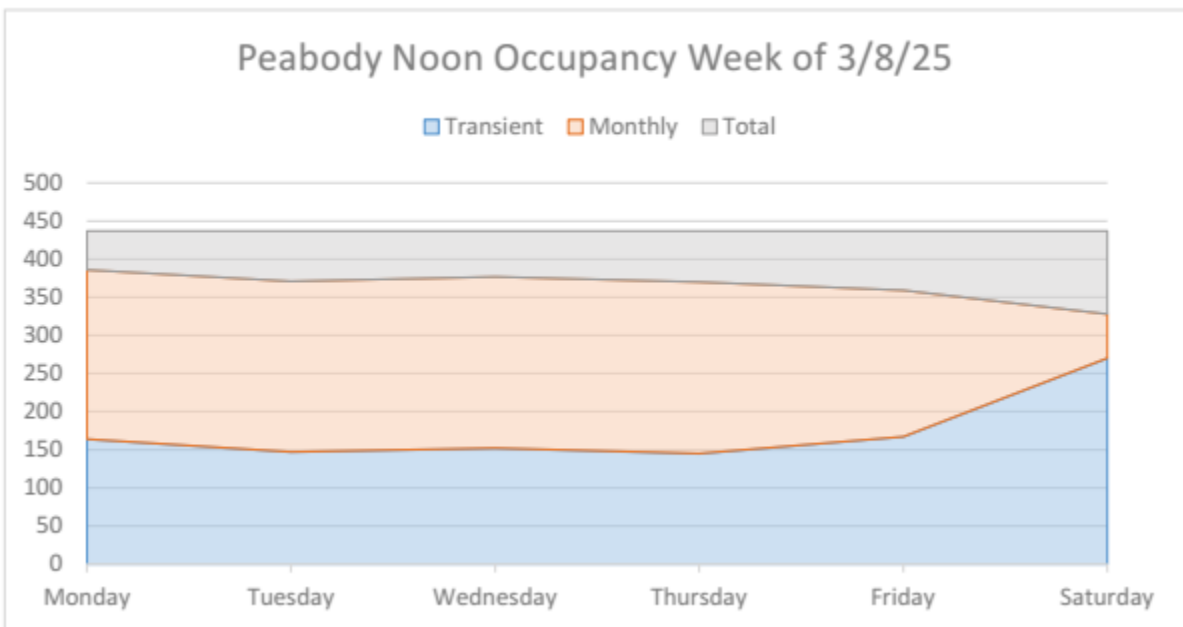
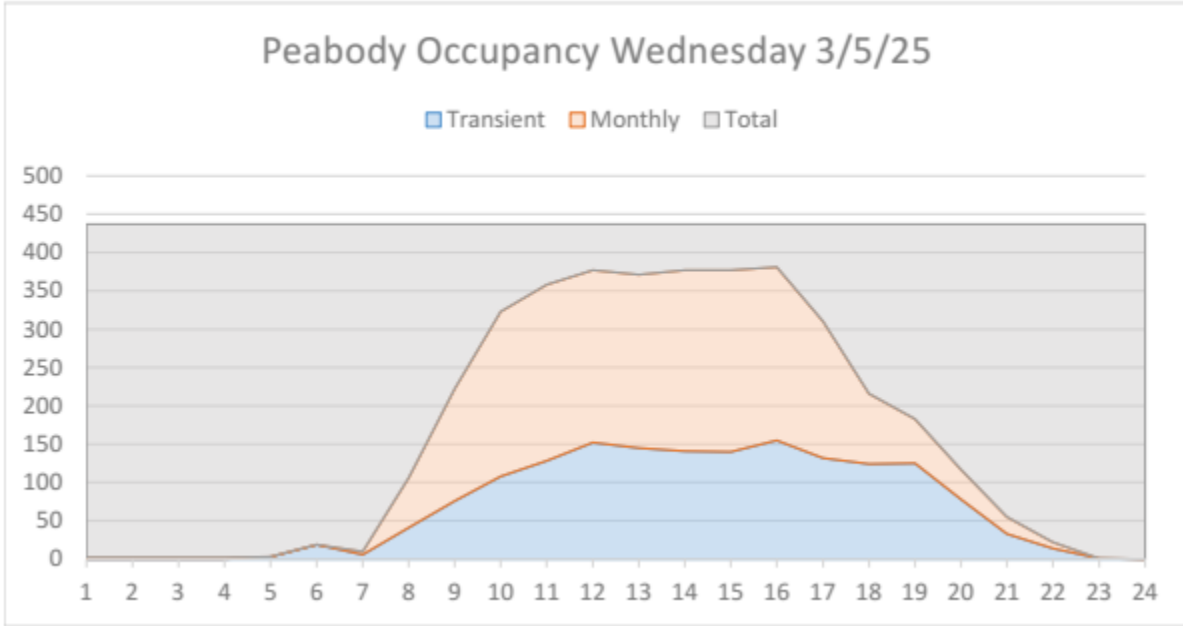
Walking Distance to Pierce Parking Garage from Building



EXHIBIT D

PEABODY PARKING GARAGE

Available Parking Spaces: 437

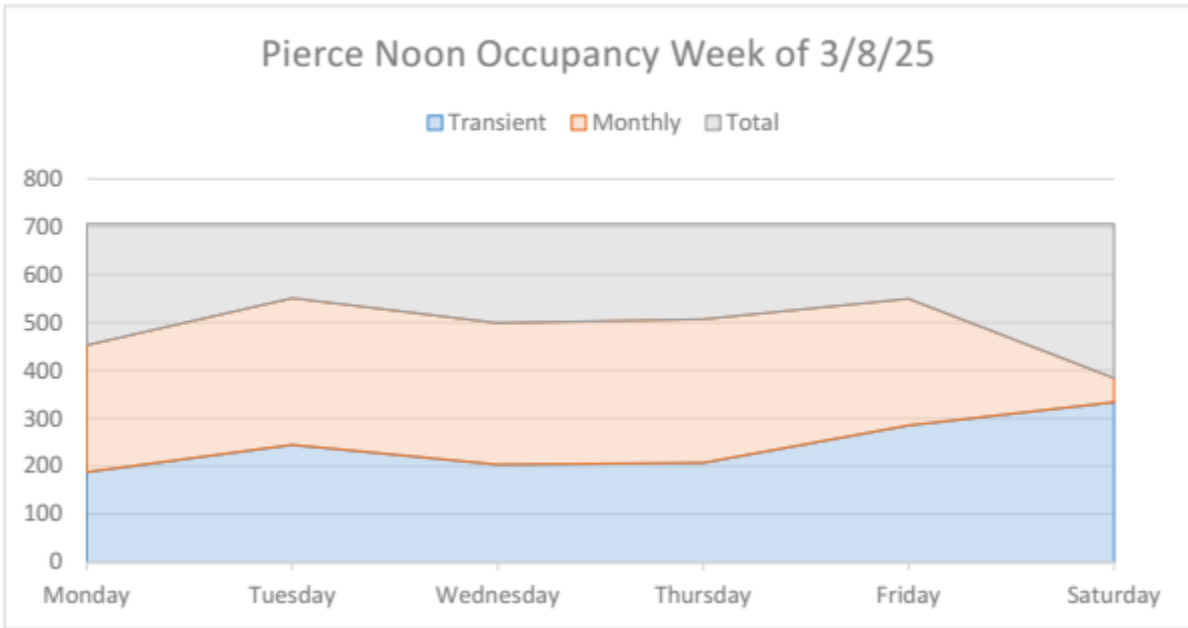
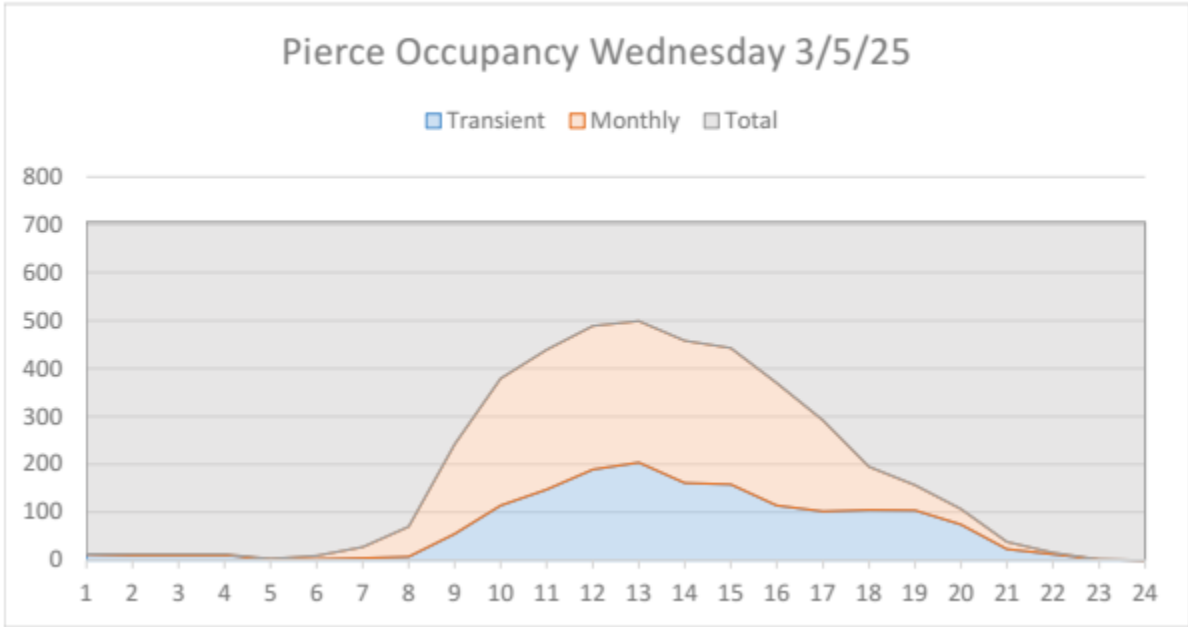


Source: Aaron Ford, Birmingham Parking Systems Manager

EXHIBIT E

PIERCE PARKING GARAGE

Available Parking Spaces: 706



Source: Aaron Ford, Birmingham Parking Systems Manager



Nicholas Dupuis <ndupuis@bhamgov.org>

479 S.Old Woodward

1 message

LYNN GROTH <lgroth@comcast.net>
To: ndupuis@bhamgov.org

Fri, Jun 13, 2025 at 2:26 PM

Dear Mr.Dupuis, City Commission, and Planning Board,

We own and operate the building at 444 S.Old Woodward directly across from this new project. For many years we have had an issue with not enough parking in the south end of Old Woodward. With the new Streetscape, the on street parking has been reduced. We are one of the few properties with adequate parking for our customers. CVS pays for a supplemental off street parking lot for their employees to keep the parking lot available for their customers. They also pay premium rent for the parking lot availability.

We have many people that park in our lot and walk across the street to the 555 S. Old Woodward building. We know where they are because we watch them park and walk over to the 555 building and other business in the area. Our parking lot has often been nearly full during the day with a minimal number of patrons in either CVS or Cicchini Custom Clothiers.

With that said, we are opposed to any proposal to eliminate or reduce the parking requirements. Developers know when they purchase property in Birmingham, what the requirements will be. This is no surprise. When the city allows the reduction of the parking requirements it puts a burden on those who have our own parking lot for our patrons. We have tried to talk to the other businesses about their patrons using our lot to park but either they don't care or they can't control where people choose to park. They could arrange for parking in their own building but that does not happen because there is a cost. When our building was built we had to adhere to a standard that Birmingham set. It is only fair that new buildings provide enough parking for the people who are going to be working or living in that building.

Most recently we have instituted a new strategy to help reduce this abuse of our parking lot. We are now towing cars that park and walk away. We hope with this new policy people will get the message that they need to find parking somewhere else. This has been a very difficult decision for us to ticket and tow cars. We have also installed cameras so we know who is a patron. We want people to come to Birmingham and we want to be a good neighbor. Enough is enough. Please help us with our shortage of parking by requiring new buildings to adhere to the very regulations you have devised for the City of Birmingham.

Thank you for your effort to encourage development in the city.

Sincerely,

Lynn G. Groth
President Galyn Associates



larry rochkind <larryproch@gmail.com>

Objection re June 25 meeting

1 message

larry rochkind <larryproch@gmail.com>

Wed, Jun 18, 2025 at 9:47 AM

To: Nicholas Dupuis <ndupuis@bhamgov.org>

Cc: Kate MacNevin <katiemacnev@gmail.com>, "Silvio@BeWellLifeStyleCenters.com" <Silvio@bewelllifestylecenters.com>, Jamie Richard <jamierichard26@gmail.com>, smcknight7781@gmail.com, camille.jonna@gmail.com, larry rochkind <larryproch@gmail.com>

Mr. Dupuis,

I will drop off at your office this morning a letter from me and the Birmingham Place Residential Association objecting to the requests which are the subject of the June 25 Planning Board meeting.

I addressed it to the same addressees as the May 21 letter from counsel for Birmingham Tower, the Planning Board and the City Commission, to your care. I have also copied the Mayor per a suggestion.

Please timely forward the objection to these people, and please contact me if there is a problem in this regard. Thank you.

Larry Rochkind
Birmingham Place

Birmingham Planning Board and City Commission
% Nicholas Dupuis, Planning Director
City of Birmingham
151 Martin St.
Birmingham, MI 48009

June 18, 2025

RE: Relief Requested by Birmingham Tower Partners at June 25, 2025, Planning Board Meeting
For 479 S. Old Woodward Avenue, Birmingham, MI

Dear Members of the Birmingham Planning Board and City Commission:

I am a resident of Birmingham Place, next door to the building being constructed by Birmingham Tower Partners LLC.

After a brief Introduction, this objection is divided into two Parts. Part II is an objection to the merits of the request for a Special Land Use Permit and the defects in the request. Part III explains that the Planning Board is not authorized to approve the requests because the matters are not properly before the Planning Board.

I. Introduction

Birmingham Tower Partners has requested the Planning Board, according to the Notice of Public Hearing, to consider at the June 25th meeting the "modification of approved floor plans and the issuance of [a Special Land Use Permit for] a waiver for off-street parking spaces pursuant to Article 3, Section 3.04(D)(3)(a) of the Zoning Ordinance." That request is discussed in a letter from J. Patrick Howe, counsel for Birmingham Tower, which appears in the Packet of the June 25 Planning Board Meeting at p. 26 et. seq. (the "Howe Letter").

According to Birmingham Tower, it is requesting (i) a change in the use of two of the floors, and (ii) a Supplemental Land Use Permit for a waiver of 49 (38%) of the total 130 nonresidential parking spaces required by the Zoning Ordinance, at a busy corner in downtown Birmingham where there is patently no on-street parking to cover the shortfall in parking spaces and the overflow will obviously place an intolerable and unfair burden on neighboring buildings whose parking will be abused by patrons of the new building looking for parking. Birmingham Tower concedes it falls 49 on-site spaces short of what the zoning ordinance requires in very detailed and meticulous provisions pertaining to parking.

Birmingham Tower must obtain a Special Land Use Permit to get a waiver of the spaces; it has requested a Special Land Use Permit and a waiver of on-site parking numerous prior times, all of which were denied.

Once again, the City's Planning Department has recommended a denial of these requests:

“ Based on a review of the site plan submitted and the approval criteria of Article 7, Sections 7.27 and 7.36, the Planning Department recommends that **the Planning Board recommend that the City Commission DENY the Special Land Use Permit, Final Site Plan & Design Review application for 479 S. Old Woodward – Birmingham Tower. The Planning Department does not believe that the criteria outlined in sections 7.27 and 7.36 have been met, and considers the parking deficiency too great to be accommodated by the existing public parking system.**”

Memorandum from Planning Director, Packet for May 28, 2025 meeting, p. 16 (emphasis added)

II. **The Request for a Special Land Use Permit to Waive the Mandated Parking Required by the Proposed Floor Plan Plainly Fails to Satisfy the Requirements of the Zoning Ordinance**

The City Commission, which must ultimately approve this request, “**shall not** approve of any requests for a special land use permit unless it determines that the following standards are met:...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....The use will not be injurious to the surrounding neighborhood..” Zoning Ordinance Sect. 7.36A.2, 5. (emphasis added) Further, “The Planning Board or the Design Review Board shall not grant approval for any development unless the conditions given in this subsection have been met... 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.” Zoning Ordinance Section 7.27B.5.

In effect this places the obligation on Birmingham Tower to present evidence to the Board that the massive parking space waiver will be compatible with the capabilities of public services and facilities, will not be injurious to the surrounding neighborhood, and will be compatible with other buildings . Birmingham Tower has thus far not presented any evidence to the Board and it appears that it cannot possibly satisfy this obligation.

The Planning Director seems to agree with this conclusion. He has recommended that the Board **deny** the request because the Ordinance requirements have not been met. Specifically, the Planning Director finds that “the majority of the deficit will be serviced by Birmingham’s on-street parking” and “considers the parking deficiency too great to be accommodated by the existing public parking system.” In addition, “the parking deficiency on the site would be considered incompatible and may be detrimental to the surrounding neighborhood.” Planning Board Meeting 5/28/2025 Agenda, Memorandum from Nick Dupuis, Planning Director, p. 7 et. seq. at 14, 15, 16

I object to the relief requested for these additional reasons:

1) The Howe Letter presents no facts to support its request. It does have a number of opinions but they should not be confused with facts or evidence. It is worth noting that when this Site Plan was first approved, Birmingham Tower submitted a detailed traffic study to demonstrate

that its parking proposal would work for parking spaces and traffic flow. We have nothing like that this time around.

2) Birmingham Tower purchased the property knowing, by its own admission, that it could not build a successful building without a change in zoning and parking requirements. Birmingham Tower, once again, asks the City to save it from a risk it voluntarily assumed. These repeated and unsupported efforts are discussed more fully below.

3) Birmingham Tower has requested this same relief, in one form or another, and been denied on more than one occasion without presenting any evidence to satisfy necessary zoning requirements. This is also discussed more fully below.

4) The ground floor parking of Birmingham Place is private with signage plainly so stating. This floor is designated for guests of those who have a legal right to be there. Even now, before the parking change requested, Birmingham Place struggles to prevent unlawful parking to preserve sufficient parking for legitimate uses. As the Planning Director has noted, the parking deficiency cannot be absorbed by on-street parking, so the huge onsite parking shortage proposed by Birmingham Tower will grossly increase this problem to the economic and practical detriment of Birmingham Place.

When it bought the site, Birmingham Tower assumed (for reasons we don't know) it could change the zoning and that it could obtain access to the Parking Assessment District, to accommodate the specific building it envisioned (a nine story hotel). Both of these efforts have since failed often and badly. Birmingham Tower could have simply moved forward at any time to build a permitted building. As a member of the Board of Zoning Appeals mentioned in denying a requested waiver of 74 parking spaces, "strict compliance with the ordinance would not prevent the appellant [Birmingham Tower] from using the property for a permitted purpose, even if it would not allow the appellant to use the property to the extent they hope to use it." Board of Zoning Appeals, 11/8/2022, Minutes, p. 36

But Birmingham Tower made a different decision: to try repeatedly to obtain indirectly what it could not obtain directly, by pursuing an endless and largely meritless search for parking waivers, design changes, and even (successfully) the enactment of an ordinance applicable only to its site, which gives Birmingham Tower the ability to seek the Special Land Use Permit it now requests.

This has resulted in innumerable hearings before this Board and the City Commission. It is part of the business of those who have a stake in Birmingham Place to appear at these hearings, prepare for these hearings, and hire counsel for these hearings. For Birmingham Place and its residents, these endless efforts come with an unexpected expense of time and money and anxiety, all because of Birmingham Tower's assumptions about what it could do with the site. It is respectfully submitted that the Board should now end this process.

Deeds to Birmingham Tower to the two properties which comprise the present site were signed around June, 2017. Within less than a year (some seven years ago!), Birmingham Tower moved for a zoning change. The minutes of the Board hearing on June 27, 2018, considering that zoning request, quote Duraid Markus (one of the owners), "Mr. Duraid Markus said they cannot get a hotel concept on this little parcel so they have to go vertical by a couple of floors. He has to be honest, it is the economics. **He cannot get a development off the ground. They are not in the Parking Assessment District and are therefore limited by the required parking for an office building or a restaurant.**" Board Minutes, p. 11, Meeting June 27, 2018 (emphasis added).

In a clear statement of the expectation of rezoning, "Duraid Markus introduced himself as one of the partners in the 469 - 479 S. Old Woodward development. Mr. Markus said: ... **When he considered purchasing the parcel, research into the City ordinances indicated rezoning should be possible subject to the owners entering into a SLUP.**" City Commission Minutes, 3/25/2019, p, 44 (emphasis added)

Likewise, at a Board meeting in 2018, one of the Board members commented: "Ms. Whipple-Boyce indicated she has no problem with the subject building being built as high as Birmingham Place. But she doesn't think the applicant has made the case that they deserve to be rezoned and that the current zoning classification is no longer appropriate. **She was appalled to hear the applicant say they bought this property and the only thing that will work there is a ten-story hotel and it should be rezoned because that is what they want to build.** Therefore she doesn't think the applicant has proved their case." Board Minutes, p. 11, Meeting June 27, 2018 (emphasis added)

The Board declined to recommend the zoning change to the City Commission, and after a rehearing and several other hearings the zoning change never happened.

Birmingham Tower has been likewise transparent about relying on access to the Parking Assessment District in purchasing the site. One of its attorneys candidly admitted, "The appellant [Birmingham Tower] believed at the time of purchase of the property that there was a compelling reason and precedent for being allowed into the expired Parking Assessment District (PAD). It was only after purchase that it became clear that the appellant would not be able to follow the precedent for being admitted to the PAD." Zoning Board of Appeals, Minutes, 11/8/2022, p. 35

Birmingham Tower's efforts to fall within the Parking Assessment District have also failed.

Birmingham Tower has also previously tried to resolve its parking issues with shared parking agreements. At the June 24, 2020, Planning Board meeting, it failed to provide a signed copy of an agreement with the 555 Building. On January 25, 2023, Birmingham Tower requested a waiver of 58 parking spaces and proposed a sharing agreement with Birmingham Place, an agreement which was never produced. The Planning Director advised Birmingham Place did not have sufficient excess spaces. Birmingham Tower proposed a shared parking agreement with

Birmingham Place at the March 26, 2025, Planning Board meeting, but failed to provide *any* evidence or indication that Birmingham Place had so agreed. And the Planning Director advised Birmingham Place did not have sufficient excess spaces. Just so, in the current request, Birmingham Tower has failed to provide *any* evidence to support the requirements to grant its request.

Birmingham Tower has also tried to obtain waivers of its inadequate parking. On September 28, 2022, the Planning Board reviewed a Final Site Plan short of 74 parking spaces. On November 8, 2022, the Board of Zoning Appeals denied a variance of these 74 parking spaces

As mentioned, the Howe Letter contains only speculation by counsel and no evidence to support its claims. The speculative reasons in the letter are too numerous to counter each one in full. But a few examples:

- 1) The letter offers that the parking is adequate based on the prior uses, a small restaurant and a small bank. Not even close to the density now proposed.
- 2) The parking demands of a retail/commercial user and an office user do not overlap. But the identities of the proposed tenants are not disclosed, the use could change as the tenants change, and no authority is offered for the underlying premise.
- 3) The site is so close to the Parking Assessment District it should be treated as if it were included. This is not worthy of comment.
- 4) The “nearby” public parking decks will take up any slack. First of all, the Planning Director considers the parking deficiency too great to be accommodated by the existing public parking system,” as mentioned above. Second, gauging convenience based on some conjured “walking time” varies with who is doing the walking. Finally, while perhaps this meets speculation with more speculation, any driver will confirm that you always look for the closest and least expensive space. In this case, that would be the illegal but difficult to protect lots at CVS and Birmingham Place.

And finally, what is Birmingham Tower's rationale for the waiver of these 49 spaces?

“We submit, and will elaborate in more detail at the public hearings on these matters, that these modifications are required to meet current market demands, and ensure the long term viability of the building.” Howe Letter, p. 2

So after seven or eight years of Birmingham Tower's unsuccessful repetitive efforts to change the legal use of the site, where are we? Right back where we were seven years ago in 2017.

III. **Objection to the Granting of Any Relief to Birmingham Tower at the June 25 Meeting Due to Lack of Submission of an Appropriate Application.**

Obtaining a Special Land Use Permit requires the filing of an application on such forms as required by the City. Zoning Ordinance, Sect. 7.34. "An **application** for a special land use permit which describes the nature of the use, gives the legal description of the property where the use will be located, and any other information which the City Commission deems necessary shall be filed with the City Clerk's office." Zoning Ordinance, Special Land Uses, Sect. 7.35A (emphasis added).

Birmingham Tower never filed an approved form requesting a SLUP. In fact, Birmingham Tower never filed *any* form initiating the process which resulted in first the May 28 hearing and now its adjournment on June 25.

The form application filed by Birmingham Tower to request a parking waiver based on a shared parking agreement with Birmingham Place, addressed at the March 26, 2005, hearing, is attached as Exhibit A. (Even that is in all probability the incorrect form to initiate that process.) The application for the SLUP now requested is either the application form attached as Exhibit B or the Howe Letter. (The foregoing forms and information were supplied by the City Planner.) (The Howe Letter cannot be the application. It is dated a week after the Notice is postmarked, and the Zoning Ordinance clearly does not permit a letter to serve as an application, at least for these purposes.)

But Exhibit A and Exhibit B are the same document. Not simply the same document completed at different times, but copies of the same document, executed by their terms on the same date. (Although Exhibit B does contain the hand written word "SLUP" on the first page.) It is not possible under the Zoning Ordinance to submit an identical application, but have one deemed to request approval of a shared parking agreement and one approval of a SLUP. Among other things, it is misleading to the public. Perhaps more to the point, a document signed on February 18 to initiate a hearing on March 26 on a parking sharing agreement cannot simply be recycled without change to initiate a hearing on a SLUP.

Even more telling, there is a form on the Parking Board Web site just for this purpose entitled "Special Land Use Permit." Birmingham Tower used a form entitled "Final Site Plan and Design Review Application." So not only did Birmingham Tower fail to file any application to initiate the publication of a notice of hearing, what it did use was the wrong form application.

Assuming some of these errors and missteps can be overlooked, the document actually filed is misleading on the most critical point. Item 6 of Exhibit A and Exhibit B requires the disclosure of the number of required parking spaces and the number of proposed parking spaces. The space for proposed parking spaces is completed with the number 88. The space for required parking spaces (139) is left blank. So the only part of the form that is even remotely related to parking misleads the reader into assuming there is no issue with parking spaces.

Very truly yours,



Larry Rockind
Birmingham Place
Birmingham, MI

Joined by:

Birmingham Place Residential Condominium Association

By



Silvio Cozzetto, President of the Board

CC. Mayor Theresa Longe

EXHIBIT A



Final Site Plan & Design Review Application
Planning Division

1. Applicant

Name: Birmingham Tower Partners LLC
Address: 251 E. Merrill, Suite 236
Birmingham, MI 48009
Phone Number: 248-203-9090
Email: dmarkus@markusllc.com

2. Property Owner (same as applicant)

Name:
Address:
Phone Number:
Email:

3. Project Contact Person (same as applicant)

Name:
Address:
Phone Number:
Email:

4. Project Designer/Developer

Name: Bowers and Associates, Inc.
Address: 2400 S. Huron Parkway
Ann Arbor, MI 48104
Phone Number: 734-645-9175
Email: Scottb@bowersarch.com

5. Required Attachments

- One (1) paper copy and of all project plans including:
- Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
- Detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
- Certified Land Survey;
- Interior floor plans;
- Landscape Plan;
- Photometric Plan;
- Colored elevation drawings for each building elevation;
- One (1) digital copy of all project plans;
- Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- Samples of all proposed materials;
- Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- Current aerial photographs of the site and surrounding properties;
- Proof of ownership;
- Any other data requested by a review board, Planning Department, or other City Departments.

6. Project Information

Address: 479 S Old Woodward
Name of Development: Birmingham Towers
Parcel ID#: 19-36-206-207
Current Use: Vacant
Proposed Use: Mix use, Residential, Office, Retail
Area of Site in Acres:
Current Zoning: B3+D4

Table with 2 columns: Question, Yes, No. Contains floodplain, historic district, variance, and board review questions.

7. Details of the Request for Final Site Plan & Design Review

Construction of a Mixed use retail, office and residential with below grade parking
Retail main level, floors 2 commercial, 3-4 Office and floor 5 residential

8. Buildings and Structures

Number of buildings on site: 1
Use of building(s): Mixed Use retail, commercial, office

Height of building(s): 80'
Number of stories: 5

9. Floor Use and Area (in Square Feet)

Proposed Commercial Uses:

Total basement floor area: 18,167 + 18167
Total ground floor area: 17,941
Square feet per upper floor(s): 17,928, 17,928, 17,928

Commercial floor area: 17,928
Industrial floor area: _____
Office floor area: 17,928 + 17,928
Total floor area: 53,784

Proposed Residential Uses:

Total number of units: 6
Number of two or less room units: 5
Number of three or more room units: 1

Residential unit floor area: 14,646
Residential amenity floor area: 0
Unit Type(s): Rental Condominiums Both

Proposed Additions:

Existing total floor area: _____
Proposed total floor area: _____

Location of addition(s): Rooftop Side Rear
 Front Other (please specify) _____

10. Required and Proposed Setbacks

Required front setback: 0'
Required rear setback: 0'
Required side setback(s): 0'

Proposed front setback: 0'
Proposed rear setback: 0'
Proposed side setback(s): 0'

11. Required and Proposed Parking

Required number of parking spaces: _____
Proposed number of parking spaces: 88

Typical size of parking spaces: 180 sf
Number of barrier free spaces: 4

12. Landscaping

Description of proposed landscaping: _____
Street scape per city ordinance

I have reviewed the City of Birmingham's Prohibited Species in Article 4, Section 4.20 of the Zoning Ordinance

13. Streetscape

Required sidewalk width: 7'
Required benches: 1
Required street trees: _____
Require street lights: 1
Required trash receptacles: _____
Required bike racks: _____

Proposed sidewalk width: 7'-16'
Proposed benches: 1
Proposed street trees: _____
Proposed street lights: 1
Proposed trash receptacles: _____
Proposed bike racks: _____

14. Loading

Required loading spaces: 2
Required dimensions: 12' x 40'

Proposed loading spaces: 2
Proposed dimensions: 12' x 40'

15. Waste Receptacles

Location of waste receptacle(s): Loading Area interior

Types of waste receptacles: Dumpster Recycling
 Compactor Cans Grease Other



Notice Sign Rental Application
Community Development

1. Applicant

Name: Birmingham Tower Partners LLC
Address: 251 E. Merrill, Suite 236
Birmingham, MI 48009
Phone Number: 248-203-9090
Email: dmarkus@markusllc.com

2. Property Owner (same as applicant)

Name:
Address:
Phone Number:
Email:

3. Project Information

Address:
Name of Development: Birmingham Towers
Parcel ID#: 19-36-206-207
Current Use: Vacant
Proposed Use: Mix use, Residential, Office, Retail
Area of Site in Acres:
Current Zoning: B3+D4

Is the property located in a floodplain?
Is the property within a Historic District?
Will the project require a variance?
Has the project been reviewed by a Board?

4. Date of Board/Commission Review

City Commission:
Planning Board:
Historic District Commission:
Design Review Board:

Board of Zoning Appeals:
Advisory Parking Committee:
Multimodal Transportation Board:
Other:

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period.

Signature of Applicant: Doraid Markus

Digitally signed by Doraid Markus
Date: 2025.02.18 13:39:40 -0500'

Date: 2/18/2024

Office Use Only

Application #: Date Received: Fee: \$
Date of Approval: Date of Denial: Reviewed By:



BIRMINGHAM

Fee schedule

Application	Fees
Administrative Approval	\$150
Administrative Sign Approval	\$150
Board of Zoning Appeals* <ul style="list-style-type: none"> • Single Family Residential • All Other Zoning Districts 	\$310 \$510
Community Impact Study Review*	\$2,700
Design Review*	\$450
Division/Combination of Platted Lots	\$250 per lot
Historic District Review* <ul style="list-style-type: none"> • Single Family Residential • All Other Zoning Districts 	No Charge \$450
Public Notice Sign <ul style="list-style-type: none"> • Notice Sign Rental • Returnable Sign Bond 	\$50 \$100 → \$150 total
Preliminary/Final Site Plan Review <ul style="list-style-type: none"> • R4 – R8 Zoning District • Nonresidential Districts 	\$1,200, plus \$50 per dwelling unit \$1,400, plus \$50 per acre or portion of acre
Special Land Use Permit* <ul style="list-style-type: none"> • Plus Site Plan Review • Plus Design Review • Plus Publish of Legal Notice • Plus Sign Rental and Bond 	\$1,100 \$1,400 \$450 \$700 \$150 → \$3,800 total
Special Land Use Permit Annual Renewal	\$200
Temporary Use Permit	\$100
Zoning Compliance Letter	\$50
Wall Art	\$200
<p>*The fees for Board of Zoning Appeals, Community Impact Study Review, Design Review, Site Plan Review, Historic District Review and Special Land Use Permits shall be double the listed amounts in the event the work is commenced prior to the filing of an application for review by the City of Birmingham.</p>	

EXHIBIT B



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SLUP,

Final Site Plan & Design Review Application Planning Division

1. Applicant

Name: Birmingham Tower Partners LLC
Address: 251 E. Merrill, Suite 236
Birmingham, MI 48009
Phone Number: 248-203-9090
Email: dmarkus@markusllc.com

2. Property Owner (same as applicant)

Name: _____
Address: _____
Phone Number: _____
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3. Project Contact Person (same as applicant)

Name: _____
Address: _____
Phone Number: _____
Email: _____

4. Project Designer/Developer

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Address: 2400 S. Huron Parkway
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Phone Number: 734-645-9175
Email: Scottb@bowersarch.com

5. Required Attachments

- One (1) paper copy and of all project plans including:
 - Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
 - Detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
 - Certified Land Survey;
 - Interior floor plans;
 - Landscape Plan;
 - Photometric Plan;
 - Colored elevation drawings for each building elevation;
- One (1) digital copy of all project plans;
- Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- Samples of all proposed materials;
- Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- Current aerial photographs of the site and surrounding properties;
- Proof of ownership;
- Any other data requested by a review board, Planning Department, or other City Departments.

6. Project Information

Address: 479 S Old Woodward
Name of Development: Birmingham Towers
Parcel ID#: 19-36-206-207
Current Use: Vacant
Proposed Use: Mix use, Residential, Office, Retail
Area of Site in Acres: _____
Current Zoning: B3+D4

	Yes	No
Is the property located in a floodplain? -----	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the property within a Historic District? ---	<input type="checkbox"/>	<input checked="" type="checkbox"/>
→ If so, which? _____		
Will the project require a variance? -----	<input checked="" type="checkbox"/>	<input type="checkbox"/>
→ If so, how many? _____		
Has the project been reviewed by a Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
→ If so, which? _____		

7. Details of the Request for Final Site Plan & Design Review

Construction of a Mixed use retail, office and residential with below grade parking
Retail main level, floors 2 commercial, 3-4 Office and floor 5 residential

8. Buildings and Structures

Number of buildings on site: 1
Use of building(s): Mixed Use retail, commercial, office

Height of building(s): 80'
Number of stories: 5

9. Floor Use and Area (in Square Feet)

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Total basement floor area: 18,167 + 18167
Total ground floor area: 17,941
Square feet per upper floor(s): 17,928, 17,928, 17,928

Commercial floor area: 17,928
Industrial floor area: _____
Office floor area: 17,928 + 17,928
Total floor area: 53,784

Proposed Residential Uses:

Total number of units: 6
Number of two or less room units: 5
Number of three or more room units: 1

Residential unit floor area: 14,646
Residential amenity floor area: 0
Unit Type(s): Rental Condominiums Both

Proposed Additions:

Existing total floor area: _____
Proposed total floor area: _____

Location of addition(s): Rooftop Side Rear
 Front Other (please specify) _____

10. Required and Proposed Setbacks

Required front setback: 0'
Required rear setback: 0'
Required side setback(s): 0'

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Proposed side setback(s): 0'

11. Required and Proposed Parking

Required number of parking spaces: _____
Proposed number of parking spaces: 88

Typical size of parking spaces: 180 sf
Number of barrier free spaces: 4

12. Landscaping

Description of proposed landscaping: _____
Street scape per city ordinance

I have reviewed the City of Birmingham's Prohibited Species in Article 4, Section 4.20 of the Zoning Ordinance

13. Streetscape

Required sidewalk width: 7'
Required benches: 1
Required street trees: _____
Require street lights: 1
Required trash receptacles: _____
Required bike racks: _____

Proposed sidewalk width: 7'-16'
Proposed benches: 1
Proposed street trees: _____
Proposed street lights: 1
Proposed trash receptacles: _____
Proposed bike racks: _____

14. Loading

Required loading spaces: 2
Required dimensions: 12' x 40'

Proposed loading spaces: 2
Proposed dimensions: 12' x 40'

15. Waste Receptacles

Location of waste receptacle(s): Loading Area interior

Types of waste receptacles: Dumpster Recycling
 Compactor Cans Grease Other

16. Mechanical Equipment

Rooftop Mechanical Equipment:

Description of location of units on rooftop: Rear roof area screened MAU, Cooling towers, exhaust fans

Number of units: 6
Types of units: MAU, Cooling towers, Exhaust

Ground Mounted Mechanical Equipment:

Description of location of units on ground: None

Number of units: None
Types of units: _____

Utilities and Transformers:

Description of location of units on ground: Interior of building

Number of units: 1
Types of units: Transformer

17. Lighting

Location of light fixtures: See plans

Types of light fixtures: Spot Flood Area
 Bollard In-grade Goosenecks Lanterns
 Security Pole-Mounted Wall Pack Other

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

Signature of Property Owner: Doraid Markus

Digitally signed by Doraid Markus
Date: 2025.02.18 13:29:00 -0500

Date: 2/18/2024

Print Name: Doraid Markus

Signature of Applicant: Doraid Markus

Digitally signed by Doraid Markus
Date: 2025.02.18 13:29:43 -0500

Date: 2/1/2024

Print Name: _____

Signature of Architect: _____

Date: 2/18/2024

Print Name: Scott M Bowers AIA

<i>Office Use Only</i>		
Application #: <u>PSP25-0001</u>	Date Received: <u>2/19/25</u>	Fee: \$ _____
Date of Approval: _____	Date of Denial: _____	Reviewed By: _____



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Notice Sign Rental Application Community Development

1. Applicant

Name: Birmingham Tower Partners LLC
Address: 251 E. Merrill, Suite 236
Birmingham, MI 48009
Phone Number: 248-203-9090
Email: dmarkus@markusllc.com

2. Property Owner (same as applicant)

Name: _____
Address: _____
Phone Number: _____
Email: _____

3. Project Information

Address: _____
Name of Development: Birmingham Towers
Parcel ID#: 10 28 208 207
Current Use: Vacant
Proposed Use: Mix use, Residential, Office, Retail
Area of Site in Acres: _____
Current Zoning: B3+D4

	Yes	No
Is the property located in a floodplain? -----	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the property within a Historic District? ---	<input checked="" type="checkbox"/>	<input type="checkbox"/>
→ If so, which? _____		
Will the project require a variance? -----	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
→ If so, how many? _____		
Has the project been reviewed by a Board?	<input type="checkbox"/>	<input type="checkbox"/>
→ If so, which? _____		

4. Date of Board/Commission Review

City Commission: _____
Planning Board: _____
Historic District Commission: _____
Design Review Board: _____

Board of Zoning Appeals: _____
Advisory Parking Committee: _____
Multimodal Transportation Board: _____
Other: _____

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

Signature of Applicant: Doraid Markus

Digitaly signed by Doraid Markus
Date: 2019.02.18 13:00:40 -05'00'

Date: 2/18/2024

Office Use Only

Application #: _____ Date Received: _____ Fee: \$ _____
Date of Approval: _____ Date of Denial: _____ Reviewed By: _____

Main Office
30200 Telegraph Road, Suite 467
Bingham Farms, Michigan 48025-4506
(248) 644-4433 • Fax: (248) 644-2941
(800) 470-4433



Northern Michigan Office

201 State Street, Suite 6
Charlevoix, Michigan 49720-1355
*Call for appointment (800) 470-4433
*All mail should be sent to the Bingham Farms office

www.meisner-law.com

DANIEL P. FEINBERG
Attorney & Counselor
dfeinberg@meisner-law.com

June 20, 2025

HAND DELIVERED 6.20.2025

Birmingham Planning Board & City Commission
c/o Mr. Nicholas Dupuis
Planning Director
City of Birmingham
Via E-Mail Only
ndupuis@bhamgov.org

RE: 479 S. Old Woodward Ave., Birmingham, Michigan 48009
Opposition to Applications for Final Site Plan Design Review and for Special Land Use Permit

Dear Director Dupuis, and Each Member of the Birmingham Planning Board:

As you may know, this firm represents the Birmingham Place Residential Condominium Association. Reference is made to my prior letter provided to you dated May 21, 2025, a copy of which is enclosed for your June 25, 2025 Meeting Packet. We ask that you review the letter containing extensive detail necessary to properly consider the Agenda items I and J for the June 25, 2025 Planning Board Meeting.

Also enclosed are 8 Booklets containing signed Petitions from the residents of Birmingham Place Condominium who strongly oppose a waiver of the minimum parking requirements (or i.e. to advance SLUP) for the building under construction next door at 479 S. Woodward Avenue in order to advance the financial interests of the Developer of that building.

Again, for the reasons stated in the May 21, 2025 enclosed letter, it is respectfully requested that the applications be denied.

Very truly yours,

The Meisner Law Group, P.C.

/s/ Daniel P. Feinberg

Daniel P. Feinberg

Enclosures:

- May 21, 2025 letter to Planning Board
- 8 Booklets for Director and 7 Members of Planning Board
- Agenda



AGENDA

REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY JUNE 25, 2025 – 7:30 PM

151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

-
- A. Roll Call
 - B. Review and Approval of the Minutes of the Regular Meeting of **June 11, 2025**
 - C. Chairpersons' Comments
 - D. Review of the Agenda
 - E. Meeting Open to the Public for Items Not on the Printed Agenda
 - F. Unfinished Business
 - G. Rezoning Applications
 - H. Community Impact Studies
 - I. Special Land Use Permits
 - 1. **479 S. Old Woodward – Birmingham Towers – Request for Special Land Use Permit to Modify Floor Plans and Seek Approval of a Parking Waiver Pursuant to Article 3, Section 3.04 (D)(3)(a) of the Zoning Ordinance.**
 - J. Site Plan & Design Reviews
 - 1. **479 S. Old Woodward – Birmingham Towers – Request for Final Site Plan & Design Review to Modify Floor Plans and Seek Approval of a Parking Waiver Pursuant to Article 3, Section 3.04 (D)(3)(a) of the Zoning Ordinance.**
 - K. Study Session
 - L. Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - i. **35001 Woodward**
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **June 6, 2025 – June 20, 2025**
 - 4. Draft Agenda – **July 9, 2025**
 - 5. Action List – **2025**
 - 6. Other Business
 - M. Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
 - N. Adjournment

*Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

Link to Access Virtual Meeting: <https://zoom.us/j/111656967>

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

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Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-3405 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

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DANIEL P. FEINBERG

Attorney & Counselor

dfeinberg@meisner-law.com

May 21, 2025

RESUBMITTED BY HAND DELIVERY 6.20.2025

Birmingham Planning Board & City Commission
c/o Mr. Nicholas Dupuis
Planning Director
City of Birmingham
Via E-Mail Only
ndupuis@bhamgov.org

RE: 479 S. Old Woodward Ave., Birmingham, Michigan 48009
Opposition to Applications for Final Site Plan Design Review and for Special Land Use Permit

Dear Members of the Birmingham Planning Board & City Commission:

This firm represents the Birmingham Place Residential Condominium Association, whom Mr. Howe previously represented during some of the numerous applications and requests regarding this site. As you know, the Birmingham Place Condominium is directly adjacent to the existing Birmingham Place Condominium mixed-use building to the north. The residents of Birmingham Place overwhelmingly and vehemently oppose the applications. At the hearing, statements, signed by over 80 residents objecting to the impact the plan will have on parking, will be presented. While these statements were gathered while it was still believe that 479 S. Old Woodward would be attempting to usurp Birmingham Place's off-site parking spaces, the opposition remains the same.

Approximately two and a half years ago, on January 25, 2023, the applicant similarly sought Final Site Plan and SLUP Review, requesting a waiver of 58 parking spaces. The Planning Board tabled the request and suggested that the applicant amend the site plans to support a less intensive use and reduce the shortage of parking. After all this time, the applicant is back seeking a waiver of 49 parking spaces, essentially no change. Specifically, the Chair, and other members, recognized that "the office and restaurant uses would prove injurious to the surrounding area." There is no reason to believe otherwise today, when the parking situation is even more congested.

We take exception to a few of the representations made by Mr. Howe in support of the application. First, he asserts that the prior businesses on this site had a similar deficiency of on-site parking, claiming the businesses had only 9 of the 55 required off-site parking spaces required, attaching an Exhibit A which he contends supports this position. While the Exhibit is not entirely legible, it shows a strip of asphalt fronting Woodward, which presumably contained the 9 parking spaces he refers to. However, the Exhibit also list "Garage Footprint 7,223 sq. ft". Assuming 180 sq ft per parking space, the garage would have accommodated 40 spaces, leaving the business short only 6 spaces, which is not, at all, analogous to the present application.



Birmingham Planning Board & City Commission
May 21, 2025
Page 2

Secondly, he notes, "In today's ever changing office environment, it is rare for an office to be completely full at any given time." While that is undoubtedly true, it is totally irrelevant to the current applications. The plan is, in effect, to convert one of the residential floors to retail/commercial use not to office, a huge difference. There were already two office floors previously planned and that remains unchanged, even if relocated. The applicant has offered no rationale for relaxing the "retail/commercial" parking requirements.

The argument that the building is "in the vicinity" of the former parking assessment district has previously been rejected, and the suggestion that there is "ample" public parking is belied by reality. As you have noted, the two structures are over 700 and 900 feet away. Realistically, how many patrons are going to avail themselves to that those options?

Lastly, the Special Land Use Permit requirements set forth in Section 7.36(A) of the Zoning Ordinance are have NOT been met. The project is not in compliance with all other requirements of the Zoning Ordinance, and the parking deficit will cause the area to experience increased parking shortages, which is injurious, as the Board recognized two years ago.

It is respectfully requested that the applications be denied.

Sincerely,

/s/ Daniel P. Feinberg

Daniel P. Feinberg

SIGNED PETITIONS
BY BIRMINGHAM PLACE
RESIDENTIAL
CONDOMINIUM
ASSOCIATION RESIDENTS

OPPOSED
TO ANY LOSS OF PARKING TO
THE NEW BUILDING NEXT
DOOR AT
479 S. OLD WOODWARD AVE.

Dated: June 20, 2025



Nicholas Dupuis <ndupuis@bhamgov.org>

Fwd: Birmingham Tower requests for changes impact on residents

Joan Schloop <jschloop1@yahoo.com>
To: ndupuis@bhamgov.org

Fri, Jun 20, 2025 at 3:42 PM

Sent from my iPhone

Begin forwarded message:

From: Joan Schloop <jschloop1@yahoo.com>
Date: June 20, 2025 at 1:26:05 PM EDT
To: tlonge@bhamgov.org, ndupuis@bhamgov.org, aford@bhamgov.org
Subject: Birmingham Tower requests for changes impact on residents

Dear Mayor Longe, Mr. Ford and Mr. Dupuis,

I have been a resident at Birmingham Place for less than one year. I moved here from a condominium at 750 Forest, across Woodward on the corner of Forest and Elm, where I resided for more than 5 years. I have lived in the Birmingham School District for 45 years. I have children and grandchildren living in Birmingham and attending Birmingham Public Schools.

I moved to Birmingham Place for several reasons, not the least of which was to have a condo where I could "age in place". I am 78 years old and still active. I wanted to live in a diverse community with neighbors in a wide range of ages and needed the resources necessary to easily see friends, family and bring in outside help if and when needed.

When I lived on Forest, originally there seemed to be adequate parking. I had one interior parking space but street parking and open lots were readily available. As "All Seasons" Senior living expanded, tore down buildings, added more senior housing and since more townhouses are planned for the corner of Elm and Forest, I realized that it would be impossible to have ready access for visitors and outside help as needed.

I was very familiar with Birmingham Place and knew there is 24-hour concierge service, underground parking for residents and 1st floor parking for guests (with a guest pass). It is also well within the "Walkable City" of Birmingham so that could take advantage of walking to stores, parks and entertainment. I bought a small condo feeling comfortable that I will be near my family and friends (many of whom can no longer walk long distances) and having a place where service providers can easily park when necessary.

If the City decided to allow our limited guest parking to be used by a next-door business, all residents would lose what makes living in center-city manageable. Please consider the impact on current residents and ALL who currently use our city streets. The changes being requested by Birmingham Towers with inability to provide adequate parking, as required, will create further difficulty for all who live, work and shop in the area.

Please deny the requests of Birmingham Towers to change building plans to accommodate additional commercial space and the request for SLUP parking. Please share these concerns with the City Commission and Planning Board. Thank you.

Joan Schloop
411 S. Old Woodward #801
Birmingham, Michigan 48009
248-229-5877

Sent from my iPad



MEMORANDUM

Planning Department

DATE: June 25, 2025

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 35001 Woodward – The Maple – Pre-Application Discussion

A pre-application discussion has been requested to gather feedback on a proposal to revise the floor plans at the building planned at 35001 Woodward. The change would alter the parking requirements, and the applicant would be proposing to remove a level of parking as a part of this request.

A high-level review suggests that the building as proposed in this pre-application discussion would require 36 off-street parking spaces for the residential units. The single level of undercount parking in the attached plans contains 47 off-street parking spaces.

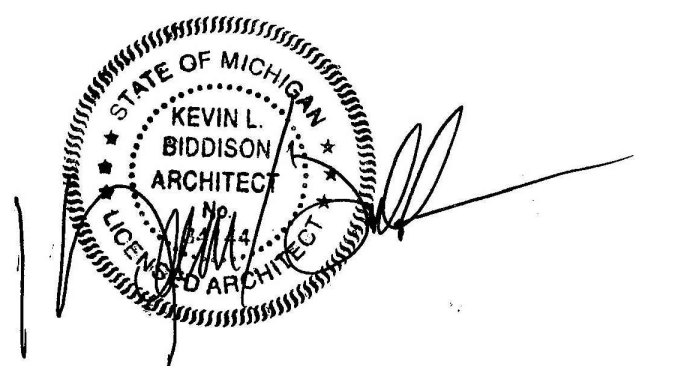
At this time, the applicant is only requesting feedback from the Planning Board as to whether or not this change may be approved administratively. The Planning Department has no additional requests.

PROPOSED BUILDING FOR:
The Maple

35001 and 35075 Woodward Ave.
Birmingham, Michigan

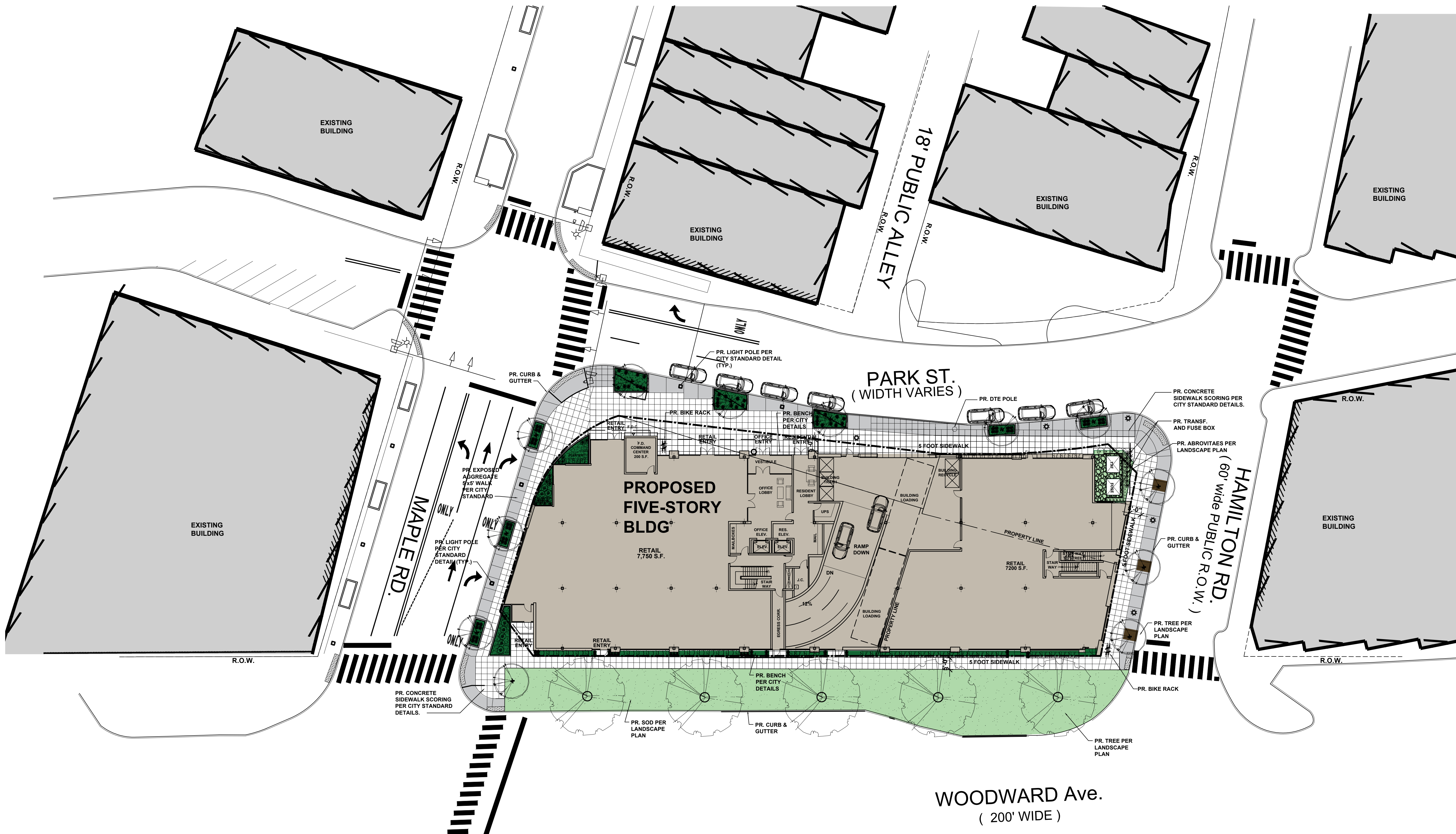
FINAL REVIEW 06.14.21
SITE PLAN 06.09.25
REV. OFFICE / PARKING 06.09.25

**ARCHITECTURAL
SITE PLAN**



1971.16

SP.101



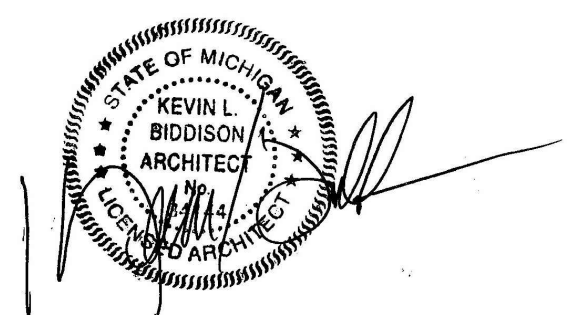
WOODWARD Ave.
(200' WIDE)

PROPOSED BUILDING FOR:
The Maple

35001 and 35075 Woodward Ave.
Birmingham, Michigan

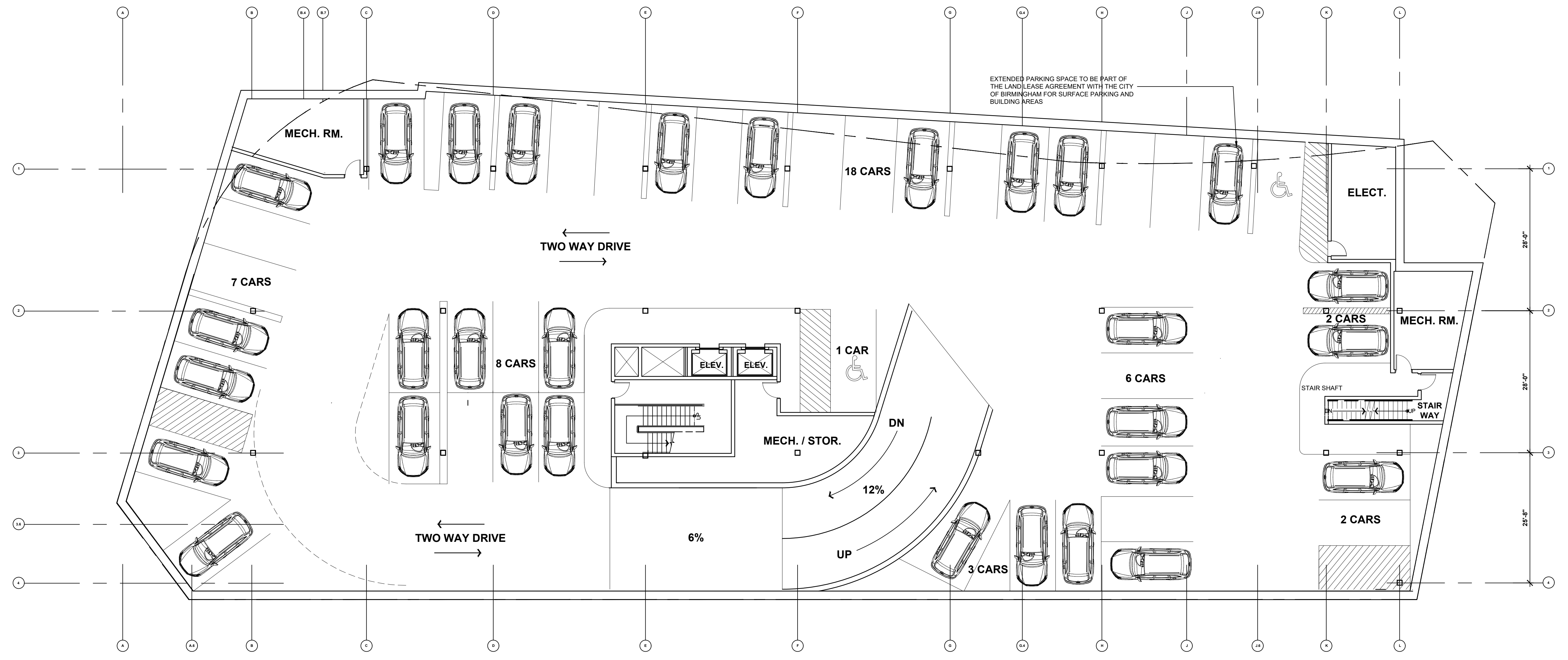
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SITE PLAN REVIEW	05.13.19
SITE PLAN REVIEW	10.18.19
SITE PLAN REVIEW	11.22.19
SITE PLAN REVIEW	01.02.20
SITE PLAN REVIEW	02.14.20
SITE PLAN REVIEW	05.04.20
SITE PLAN REVIEW	08.26.20
SITE PLAN APPROVAL	10.22.20
FINAL REVIEW	
SITE PLAN	06.14.21
REV. OFFICE/PARKING	06.09.25

**LOWER LEVEL 1
PARKING PLAN**

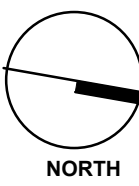


1971.16

LL.100



NOTE:
PARKING SPACES
180 SQFT MIN



LOWER LEVEL 1 PARKING PLAN
47 PARKING SPACES

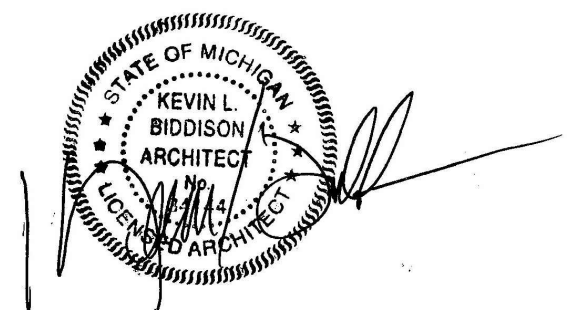
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PROPOSED BUILDING FOR:
The Maple

35001 and 35075 Woodward Ave.
Birmingham, Michigan

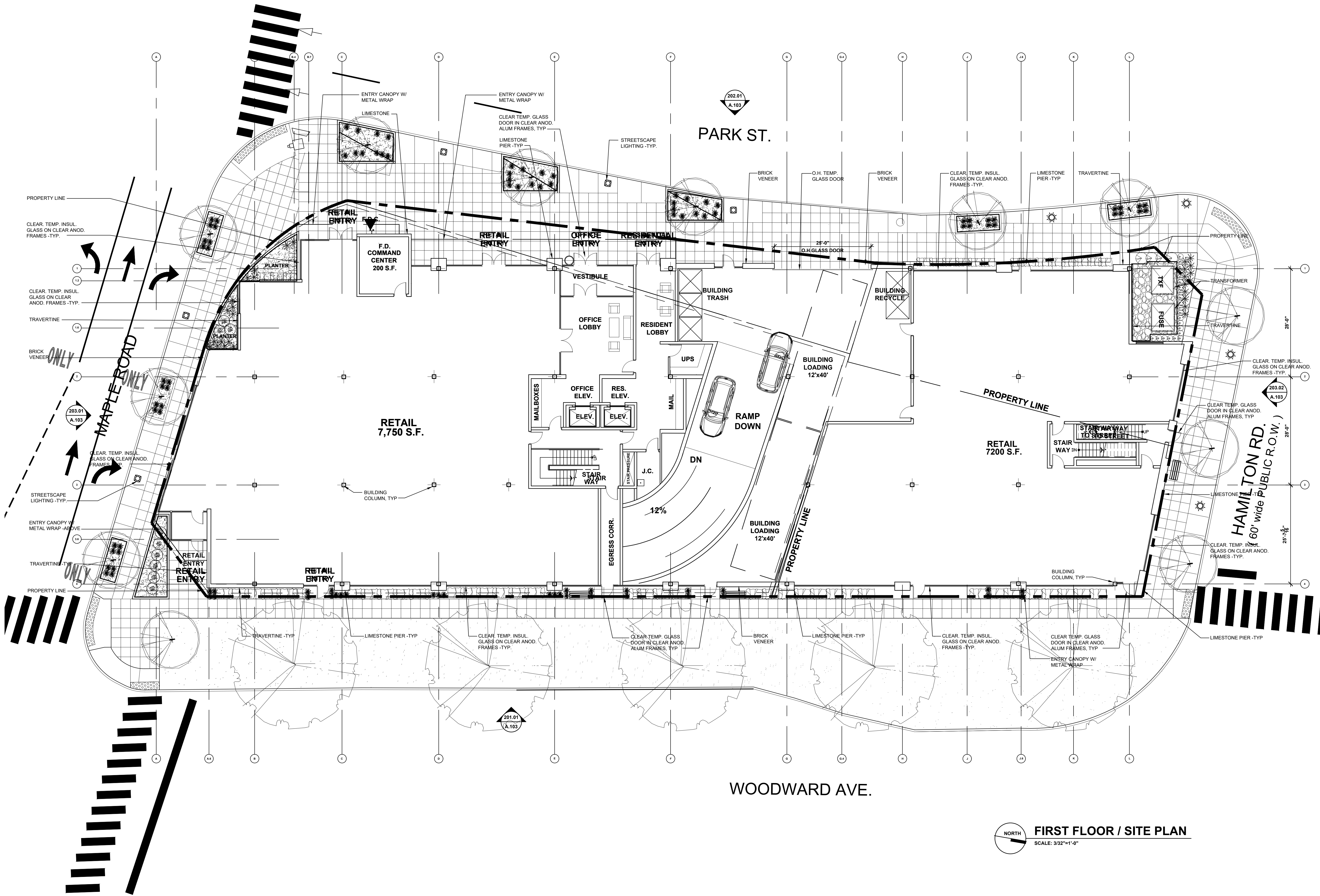
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SITE PLAN REVIEW	05.13.19
SITE PLAN REVIEW	10.18.19
SITE PLAN REVIEW	11.22.19
SITE PLAN REVIEW	01.02.20
SITE PLAN REVIEW	02.14.20
SITE PLAN REVIEW	05.04.20
SITE PLAN REVIEW	08.26.20
SITE PLAN APPROVAL	10.22.20
FINAL REVIEW	
SITE PLAN	06.14.21
REV. PER CITY	06.28.21
REV. OFFICE/PARKING	06.09.25

FIRST FLOOR PLAN



1971.16

A.101



FIRST FLOOR / SITE PLAN
SCALE: 3/32"=1'-0"

PROPOSED BUILDING FOR:
The Maple

35001 and 35075 Woodward Ave.
 Birmingham, Michigan

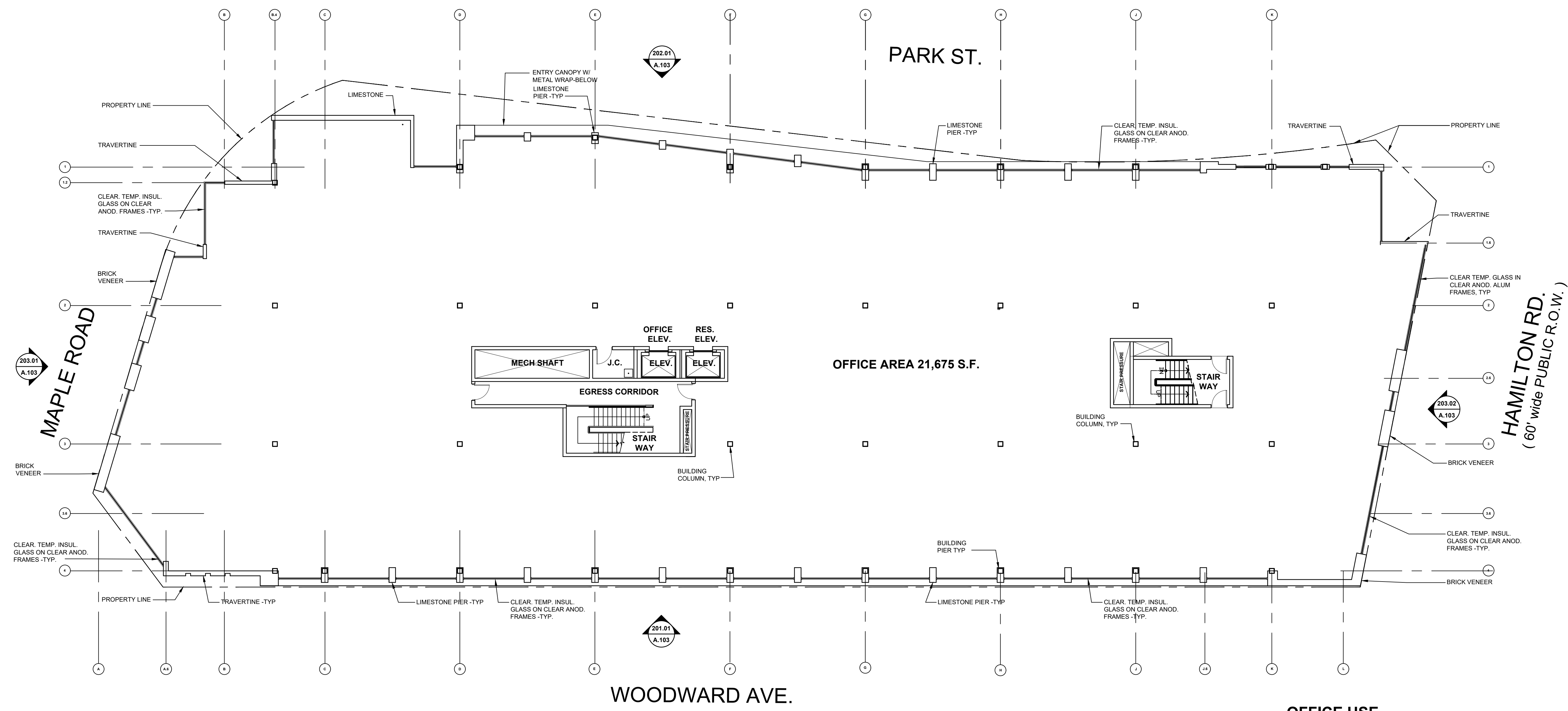
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SITE PLAN REVIEW	10.18.19
SITE PLAN REVIEW	11.22.19
SITE PLAN REVIEW	01.02.20
SITE PLAN REVIEW	02.14.20
SITE PLAN REVIEW	05.04.20
SITE PLAN REVIEW	08.26.20
SITE PLAN APPROVAL	10.22.20
FINAL REVIEW	
SITE PLAN	06.14.21
REV. OFFICE/SITE	06.09.25

THIRD FLOOR PLAN



1971.16

A.103



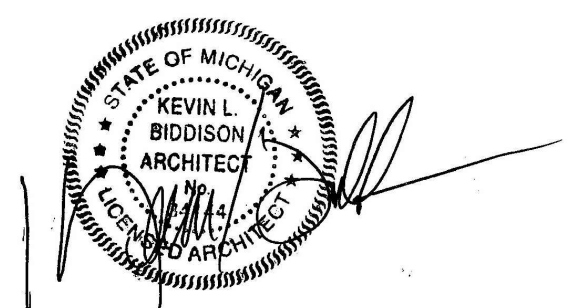
**OFFICE USE
 THIRD FLOOR PLAN**
 SCALE: 3/32"=1'-0"
 NORTH

PROPOSED BUILDING FOR:
The Maple

35001 and 35075 Woodward Ave.
 Birmingham, Michigan

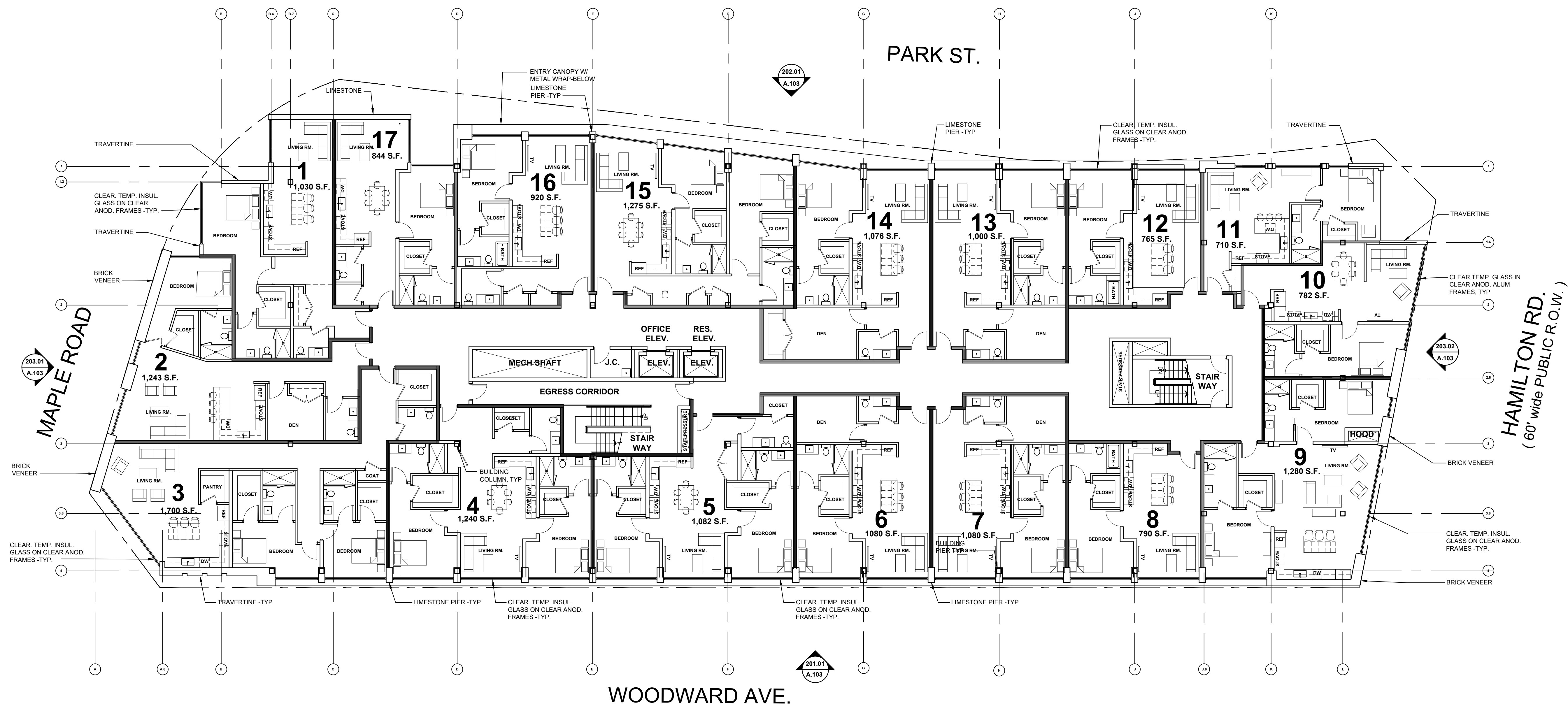
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SITE PLAN REVIEW	05.13.19
SITE PLAN REVIEW	10.18.19
SITE PLAN REVIEW	11.22.19
SITE PLAN REVIEW	01.02.20
SITE PLAN REVIEW	02.14.20
SITE PLAN REVIEW	05.04.20
SITE PLAN REVIEW	08.26.20
SITE PLAN APPROVAL	10.22.20
FINAL REVIEW	
SITE PLAN	06.14.21
REV. OFFICE/PARKING	06.09.25

FOURTH FLOOR PLAN

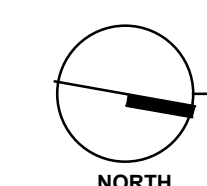


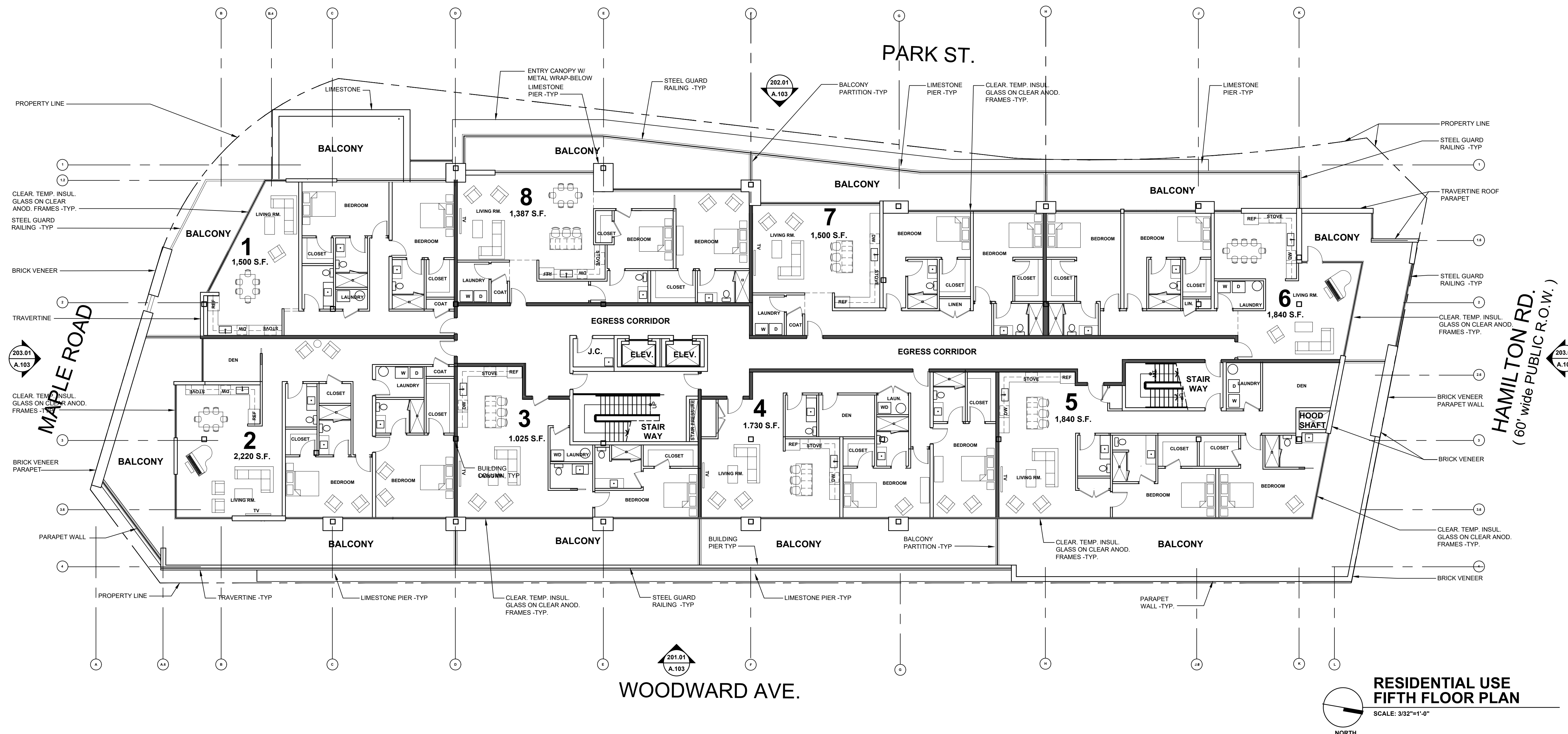
1971.16

A.104



**RESIDENTIAL USE
 FOURTH FLOOR PLAN**
 SCALE: 3/32"=1'-0"





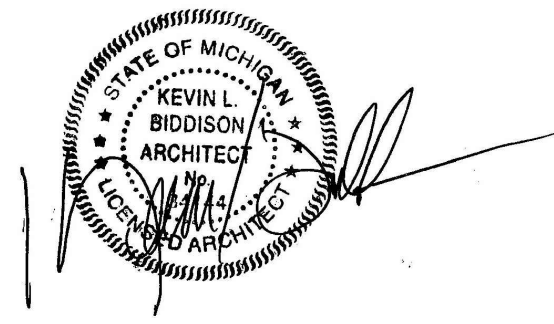
Project title
PROPOSED BUILDING FOR:
The Maple

35001 and 35075 Woodward Ave.
Birmingham, Michigan

Issued dr/ch

SITE PLAN REVIEW	11.26.18
SITE PLAN REVISION	01.02.19
SITE PLAN REVISION	02.20.19
SITE PLAN REVIEW	05.13.19
SITE PLAN REVIEW	10.18.19
SITE PLAN REVIEW	11.22.19
SITE PLAN REVIEW	01.02.20
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SITE PLAN REVIEW	05.04.20
SITE PLAN REVIEW	08.26.20
SITE PLAN APPROVAL	10.22.20
FINAL REVIEW	
SITE PLAN	06.14.21
REV. OFFICE/PARKING	06.09.25

Sheet title
FIFTH FLOOR PLAN



Project no.
1971.16

Sheet no.
A.105



MEMORANDUM

Planning Department

DATE: June 25, 2025

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Project Updates & Information

The following report contains the most recent updates on projects that have completed by the Planning Board and are on to the next steps of approval. In addition, other significant development-related projects that have been reviewed or embarked upon by boards/commissions such as the Historic District Commission, Design Review Board, Multi-Modal Transportation Board, or similar bodies have been included for reference as well.

Site Plan & Design Reviews

- 2159 E. Lincoln – Lincoln Yard – Temporary Certificate of Occupancy has been issued
- 35001 Woodward – Land lease executed by City Commission/design development, site plan extension granted on April 23, 2025
- 239 N Old Woodward – Bloom Bistro – Under construction
- 300 S. Old Woodward – Restoration Hardware – Under construction
- 707 S. Worth – Temporary Certificate of Occupancy has been issued
- 243 Merrill – La Strada – Final inspections
- 320 Martin – Birmingham Post Office – Permitting
- 34350 Woodward – Fred Lavery Porsche – Permitting, site plan extension request granted on March 26, 2025.
- 479 S. Old Woodward – Birmingham Tower – Under construction
- 245 S. Eton – Big Rock – Under construction
- 33866 Woodward – The Vault – Permitting
- 370 E. Brown – Under construction
- 163 W. Maple – Origins Café – Final Inspections

City Commission

- 33278 Woodward – Ducati Detroit – Set Public Hearing (Waiting on Applicant)
- 185 N. Old Woodward – Bell Bistro – Public Hearing set for June 23, 2025.

- 280 E. Lincoln – Grace Baptist Church – Public Hearing set for June 9, 2025. Board of Zoning Appeals granted both requested variances on May 13, 2025
- 298 S. Old Woodward – Daxton – Public Hearing Planned for July 28, 2025. Board of Zoning Appeals granted variance on June 10, 2025.

Ordinance Amendments/Master Planning

- -

Non-Planning Board Projects

- 185 Oakland – Belfor – Façade renovations, permitting
- 33680 Woodward – Petrucci Studio – Under construction
- 138 W. Maple – Blakeslee Building – Façade renovations, permitting
- 34500 Woodward – Golling Fiat – Façade renovations, design development
- 106 S. Old Woodward – O’Neal Building – Façade renovations, permitting

- Historic Preservation Master Plan – In progress.



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY JULY 9, 2025 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **June 25, 2025**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Meeting Open to the Public for Items Not on the Printed Agenda
- F.** Unfinished Business
- G.** Rezoning Applications
- H.** Community Impact Studies
- I.** Special Land Use Permits
- J.** Site Plan & Design Reviews
- K.** Study Session
 - 1. **Triangle District Bonus Height Requirements Phase 2 – Study Session**
 - 2. **Childcare Ordinance – Study Session**
- L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **June 20, 2025 – July 4, 2025**
 - 4. Draft Agenda – **July 23, 2025**
 - 5. Action List – **2025**
 - 6. Other Business
- M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- N.** Adjournment

*Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

Link to Access Virtual Meeting: <https://zoom.us/j/111656967>

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

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AGENDA

REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY JULY 23, 2025 – 7:30 PM

151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

-
- A.** Roll Call
 - B.** Review and Approval of the Minutes of the Regular Meeting of **July 9, 2025**
 - C.** Chairpersons' Comments
 - D.** Review of the Agenda
 - E.** Meeting Open to the Public for Items Not on the Printed Agenda
 - F.** Unfinished Business
 - G.** Rezoning Applications
 - H.** Special Land Use Permits
 - I.** Community Impact Studies
 - J.** Site Plan & Design Reviews
 - K.** Study Session
 - L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **July 4, 2025 – July 18, 2025**
 - 4. Draft Agenda – **August 13, 2025**
 - 5. Action List – **2025**
 - 6. Other Business
 - M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
 - N.** Adjournment

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

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or 248-644-3405 (TDD) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-3405 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

Planning Board Action List – 2025

Topic	General Goals	City Commission Directive?	2040 Plan	Quarter	Status	
					In Progress	Complete
Comprehensive Zoning Ordinance Update	Update the Zoning Ordinance based on recommendations of the 2040 Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ongoing	<input type="checkbox"/>	<input type="checkbox"/>
Triangle District Bonus Height Requirements	Create a new list of bonus height provisions for the Triangle District	<input type="checkbox"/>	<input type="checkbox"/>	1 st (January-March)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Impervious Surface, Open Space & Lot Coverage	Review and improve standards for impervious surfaces and ensure consistency with open space and lot coverage goals	<input type="checkbox"/>	<input type="checkbox"/>	1 st (January-March)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Project Review Process	Develop a comprehensive set of guidelines for the review of public development projects	<input type="checkbox"/>	<input type="checkbox"/>	2 nd (April-June)	<input type="checkbox"/>	<input type="checkbox"/>
“Create a Woodward Safety and Beautification Plan.”	Begin to address the Woodward divide.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3 rd (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
Ordinance Enforcement	Maintain a vibrant community.	<input type="checkbox"/>	<input type="checkbox"/>	4 th (October-December)	<input type="checkbox"/>	<input type="checkbox"/>