



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.** 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 (POSTPONED FROM 6/25/25).**
- 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 (POSTPONED FROM 6/25/25).**
- 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

*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
July 9, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 9, 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, Daniel Share, Janelle Whipple-Boyce; Alternate Board Members Duncan Currie (not voting), Nasseem Ramin

Absent: Board Member Bert Koseck; Student Representatives Carter Anderson, Olivia Betanzos

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 25, 2025

07-45-25

Motion by Williams

Seconded by Share to move approval of the minutes of the regular meeting of June 25, 2025.

Motion carried, 7-0.

VOICE VOTE

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

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

K. Study Session

1. Zoning Ordinance Update – Request for Proposal Discussion

Board members raised the following points during discussion:

- There must be clarity on the legislative requirements of this process and on the goals of this process. The City last undertook a similar process around 25 years ago, so it is likely that a comprehensive review and series of updates is warranted.
- The Board should recommend what it believes would be best for the community. Funding considerations can potentially be adjusted, and are outside of the Board's purview.
- Alternatively, the Board should scale its work to the top priorities and to the allocated project budget.
- This process must be accessibly communicated to the Commission, and widely and accessibly communicated to the public. The 2040 Plan's communication with the public should be taken as a model for communicating about this process.
- It should be determined whether legal should be included in the scope of services.
- The scope of work and the evaluation criteria should be well-defined.
- It would be helpful to clarify what qualifies for an increase or decrease in points within each criterion.
- Birmingham has a poor reputation when it comes to dealing with consultants.
- It would be a much better use of City resources if the Commission were to entrust the Planning staff and Board with interviewing and recommending candidates. The City has a wealth of talent and expertise on the Board, and it should be appropriately leveraged for these types of projects.
- Past City projects that have had less Board involvement have had some challenges that might have been avoided with more thorough Board review and participation.
- The Commission could provide information on any key concerns to the Board for the evaluation process.
- In 2018, a subcommittee of the Board was established to review bids for an RFP. Those results were then communicated back to the Board.
- Knowing whether the Commission will want to interview bidders will help frame the Board's deliberations.
- If the Commission intends to interview the candidates, the Board should forego interviews in favor of only discussing, scoring, and ranking the candidates based on their written submittals.
- Issues with the structure, clarity, or consistency of the ordinance should be addressed as part of this process.
- The ordinance is in need of meaningful revision in some aspects.
- It is unlikely that accessory dwelling units would be addressed as part of this particular process. The Board should consider whether elements such as design, size of homes, or other similar topics would be part of this process.
- It might be useful to have sections in the RFP for 'Key Issues' and 'Public Engagement' like Ferndale's RFP did. In contrast, their scope of work was far too light.
- Before the consultants commence work, the recommendations and key actions from the 2040 Plan should be reviewed. Some will be more relevant to the current process, and the ordinance can then be audited vis-a-vis those priorities. The consultant would then be expected to recommend implementation strategies.
- It would be helpful to determine which items should be reserved for longer-term study, after this process. The consultant may be able to advise on best practices for these items, even if these items are not integrated into the current ordinance update.
- The consultants will likely seek clarity on some Planning policy questions as well. The Board should be prepared to consider and answer those.

- Some of the language from the template requires modification, such as 'contractors'. Professional liability insurance should be required.
- Staff should return with legal and ethics guidance on whether and how Board members might inform specific consultants that this project will be available on the Michigan Inter-Governmental Trade Network.

Public Comment

Larry Ling opposed the 2040 Plan's recommendations for 14 Mile between Grant and Woodward, and commented that the zoning should be broadened in all R3 zones throughout the City if this section's zoning is broadened.

L. Miscellaneous Business and Communications

- 1. Pre-Application Discussions**
- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**
- 5. Action List**
- 6. Other Business**

Board members briefly discussed participating in a mobile workshop for the National Planning Conference in April 2026.

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 8:27 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Department

DATE: July 23, 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](#) – [Minutes](#)), 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.

On June 25, 2025 ([Agenda](#)), the Planning Board again moved to postpone consideration of the new application for Special Land Use Permit, Final Site Plan & Design Review to afford the Planning Board, City Staff, and the public to review a technical report submitted by the applicant after the agenda was posted.

In regards to the technical report, the Planning Board requested that the Planning Department review the report with other departments in the City relevant to parking and provide the Planning Board with an analysis of the report in the context of this review. The Planning Department provided the following analysis to the Parking Manager and City Manager for their review and concurrence, which was received. The technical report, which was created by Fishbeck for the applicant, is separated into 4 main sections with associated attachments. The “Introduction” and “Parking Calculations” sections summarize the project and provide an analysis of the parking requirements of the site, both of which are accurate and match the City’s analysis of the issue.

In the “Parking in the Downtown Birmingham Overly District” section, Fishbeck makes two main arguments. The first argument is based on the walkability of Downtown Birmingham and the proximity of the Peabody and Pierce parking structures. The argument is centered around the concept of a 5-minute walkshed (1/4 mile), which is believed to be the distance most people are comfortable walking before considering other alternatives such as driving. The concept of a 5-minute walk and the creation of a “pedestrian shed” is often translated into planning practice, and even zoning in some communities. Although it is a valid planning concept, it is the opinion of the Planning Department that these types of approaches to planning (walkability, pedestrian experience, etc.) have already been considered in current City planning and policy, including the Zoning Ordinance, and do not need to be layered over again. In addition, similar arguments were already made when the applicant petitioned to be allowed into the former Parking Assessment District and were dismissed.

The second argument made is that there is sufficient capacity in the Pierce and Peabody Structures to accommodate the loss of parking on-site, and the report goes further to suggest that there is also capacity in the N. Old Woodward and Park Structures as well. Fishbeck provided garage charts for the Peabody and Pierce Structures for the month of March 2025 as attachments to validate their argument. From a planning perspective, the counterpoint would be that these decks are located in, and designed for, the properties within the former Parking Assessment District, of which the subject property is not a part of. Many of the properties in this area are not fully developed, and some are in the process of development (RH, J.P. Morgan Chase, 320 Martin, Hunter House site). Once these projects completed, along with future development projects in the City, the conditions within the nearby parking structures is expected to change. Thus, the capacity figures proposed in the March 2025 snapshot in time is not appropriate in relation to this proposal.

The reports final section, “Findings and Recommendations,” summarizes the consultant’s opinion that the 49 off-street parking spaces can be absorbed by the public parking system within a 5-minute walk from the subject site. Ultimately, this fails to acknowledge the additional burden-shift from private property to public property and the disproportionate nature of such. After all

the calculations are made, the deficiency of 49 off-street parking spaces represents 36% of the required parking on site. In the same calculations provided in the Parking section below, it is demonstrated that the applicant already has the benefit of a maximum reduction of 61 off-street parking spaces as permitted by the Zoning Ordinance in the B3 zoning district. In summary, the technical report fails to acknowledge this existing benefit and the end result of a 61-space reduction and 49-space waiver (110-space total).

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	☒	☐	☐
Detailed and Scaled Site Plan	☒	☐	☐
Certified Land Survey	☒	☐	☐
Interior Floor Plans	☒	☐	☐
Landscape Plan	☐	☐	☒
Photometric Plan	☐	☐	☒
Colored Elevations	☐	☐	☒
Material Specification Sheets	☐	☐	☒
Material Samples	☐	☐	☒
Site & Aerial Photographs	☒	☐	☐

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 July 23, 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 July 23, 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 July 23, 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

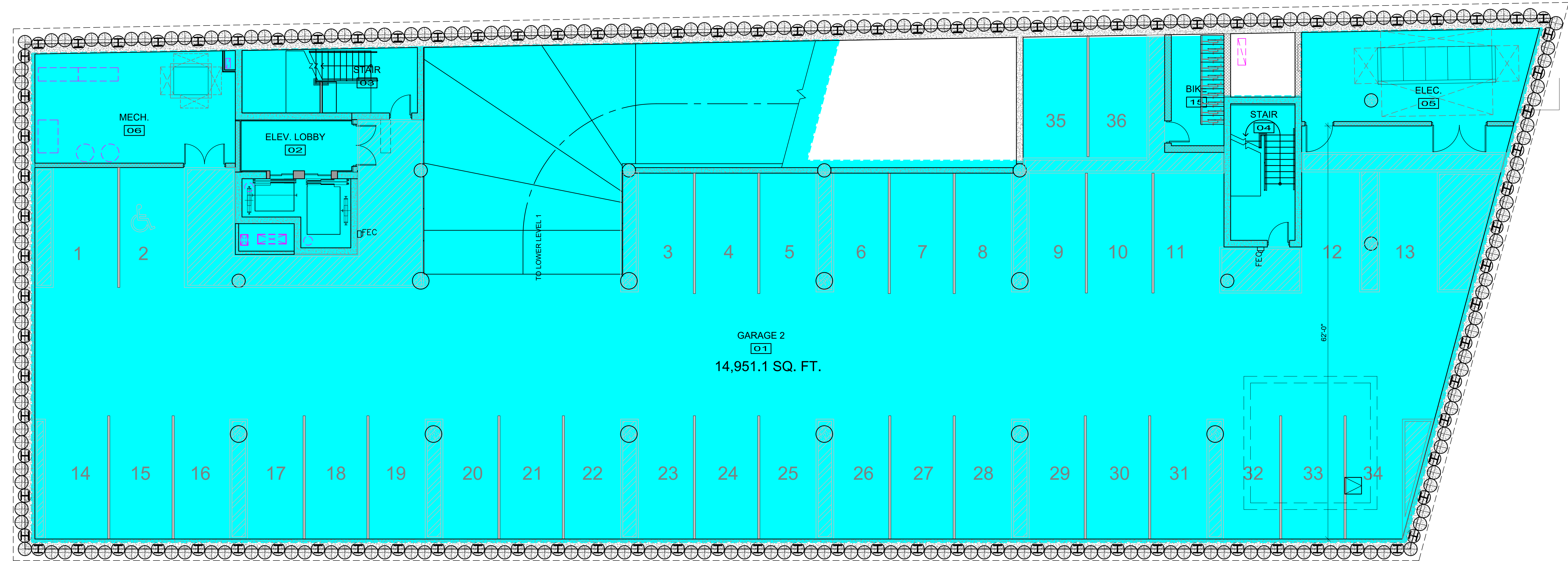
Motion to adopt the findings of the Planning Department in the report dated July 23, 2025 related to the approval criteria outlined in Article 7, Section 7.27 of the Zoning Ordinance and **APPROVE** the Final Site Plan & Design Review application for 479 S. Old Woodward – Birmingham Tower – subject to 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

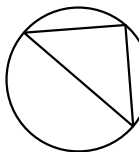
Motion to **POSTPONE** the Final Site Plan & Design Review application for 479 S. Old Woodward – Birmingham Tower – pending receipt of the following:

1. _____
2. _____
3. _____



SPACES	AREAS
PARKING	14,951.1 S.F

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

 LOWER LEVEL B FLOOR PLAN
NTS

B

A

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

SPACES	AREAS
PARKING	15,149.3 S.F

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

B

A

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 1A

FLOOR PLAN

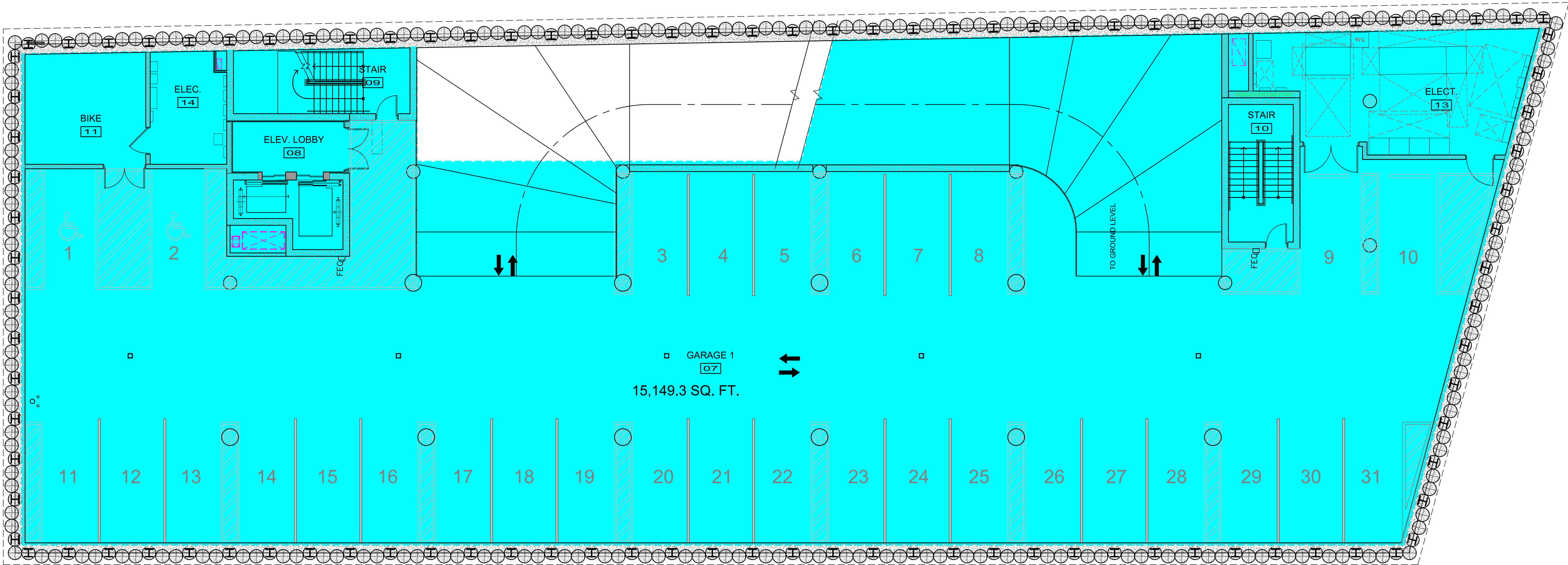
AREA SF

22222G2xx.DWG

SHEET + NUMBER

G-200B

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LOWER LEVEL 1A FLOOR PLAN
NTS



HOWERS + ASSOCIATES, INC.
2400 SOUTH HUNTER PARKWAY
ANN ARBOR, MI 48104
734.761.6000
WWW.HOWERSARCH.COM

CONSULTANT + NAME

PROJECT + INFORMATION
BIRMINGHAM TOWERS
MIXED USE
400-475 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

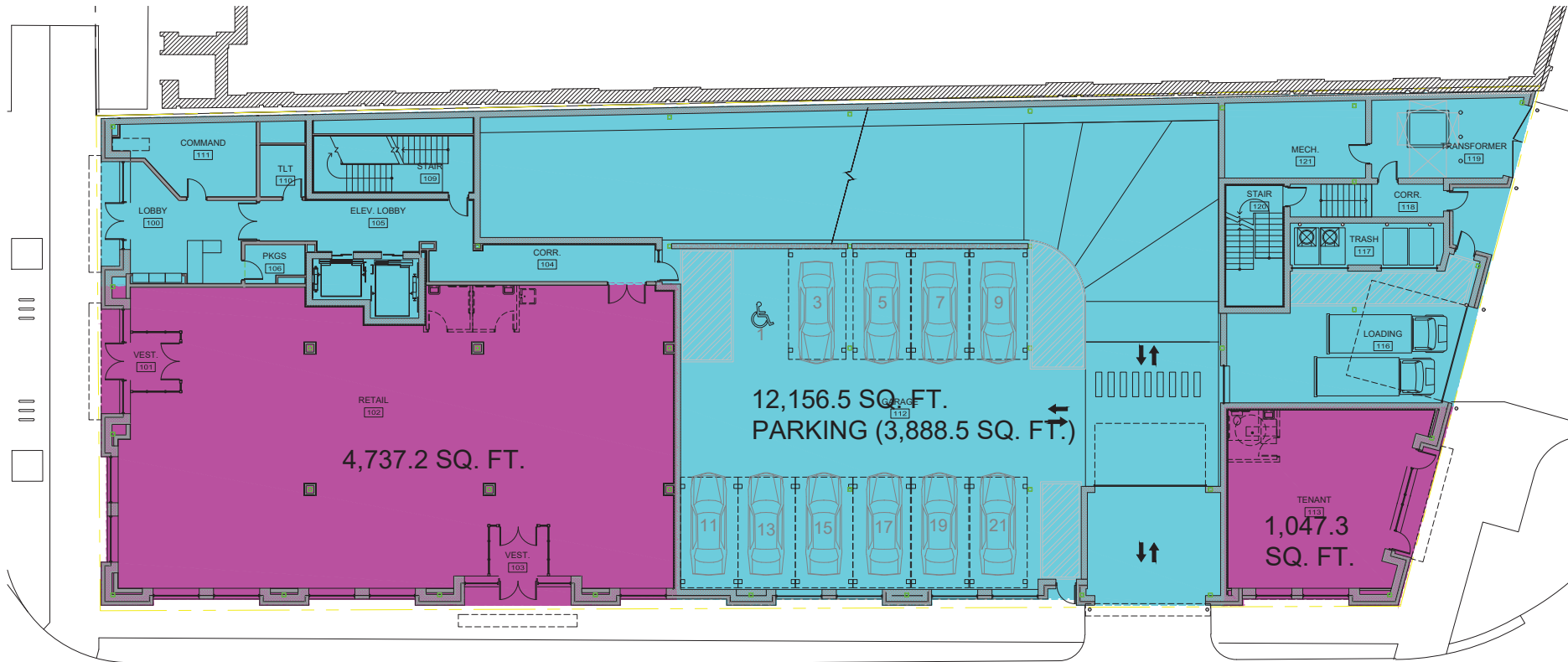
222222.dwg

SHEET + NUMBER

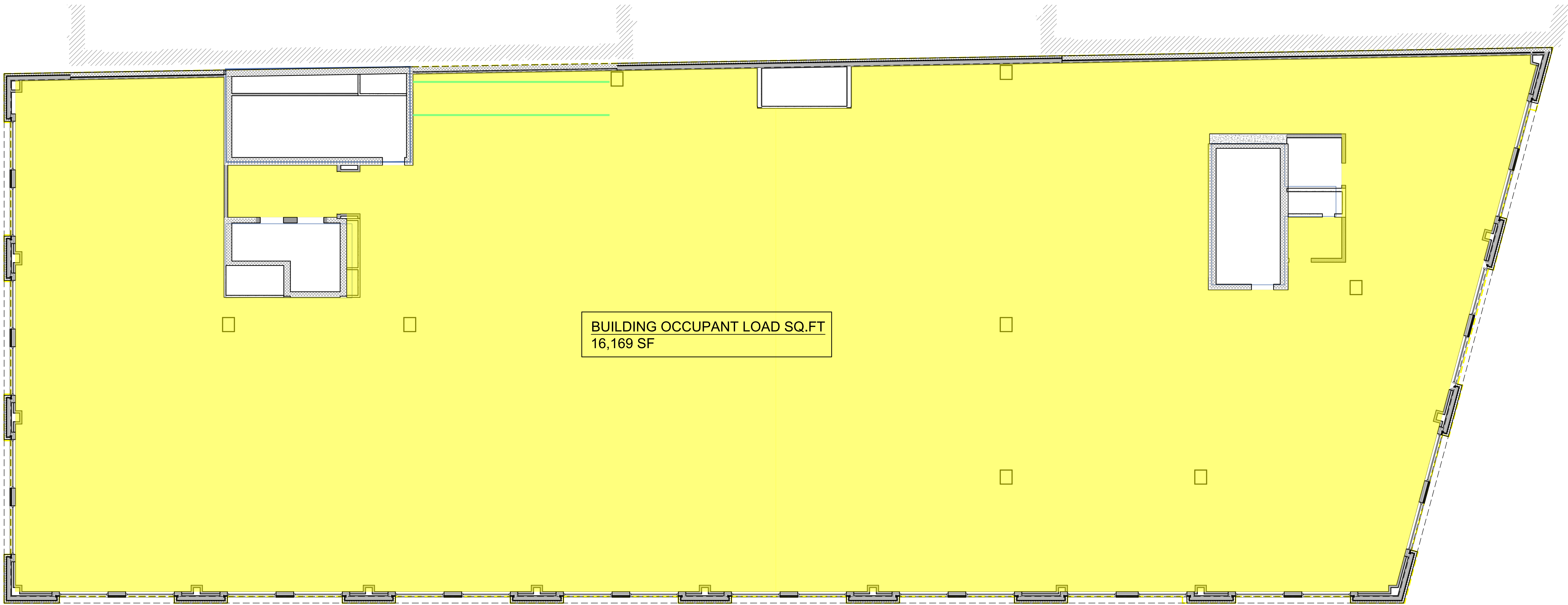
G-201

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

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

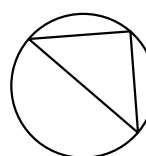


FIRST (GROUND) LEVEL PLAN
NTS



BUILDING
OCCUPANT LOAD
SQ.FT-2ND FLR.

16,169 S.F
B-USE



SECOND LEVEL FLOOR PLAN

NTS



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2400 SOUTH HURON PARKWAY
ANN ARBOR, MI 48104
P: 734.975.5400
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

21 MAR 2025

SHEET + TITLE

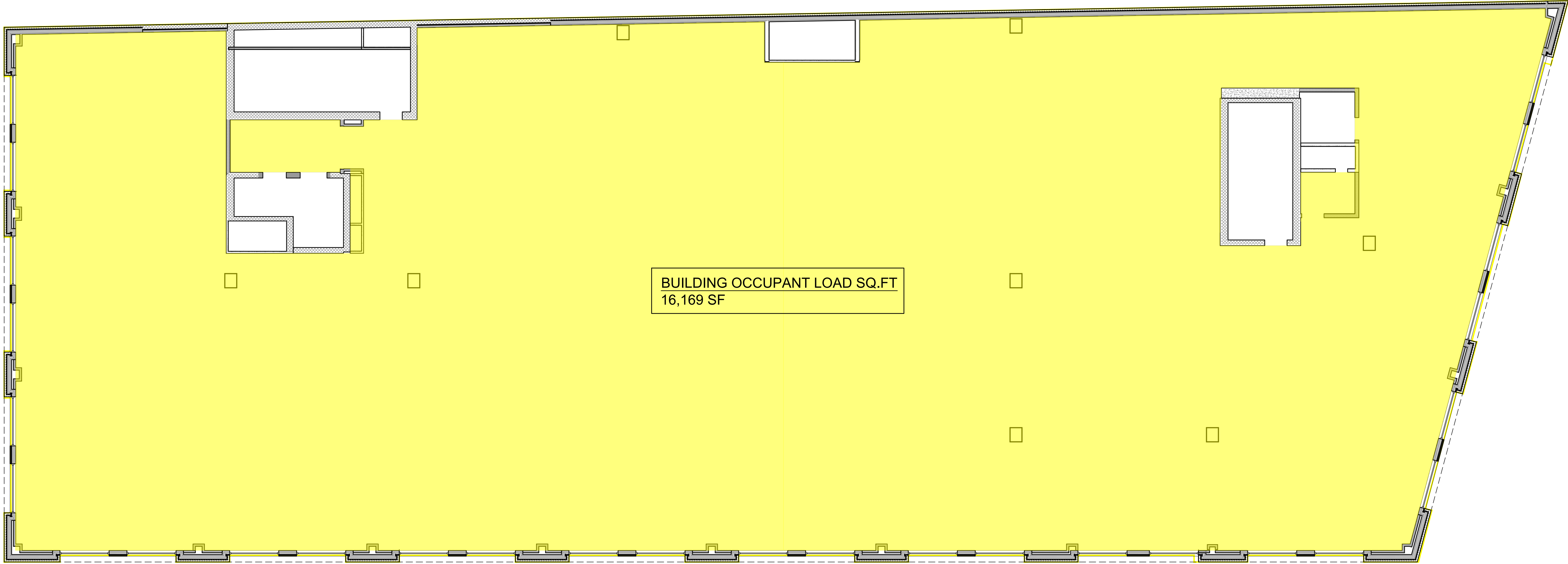
SECOND LEVEL
OCCUPANT LOAD
AREA SF

22222G2xx.DWG

SHEET + NUMBER

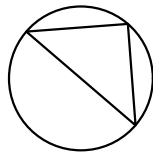
OCC-202

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

BUILDING OCCUPANT LOAD SQ.FT
16,169 SF

 THIRD LEVEL FLOOR PLAN
NTS



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2400 SOUTH HURON PARKWAY
ANN ARBOR, MI 48104
P: 734.975.5400
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

21 MAR 2025

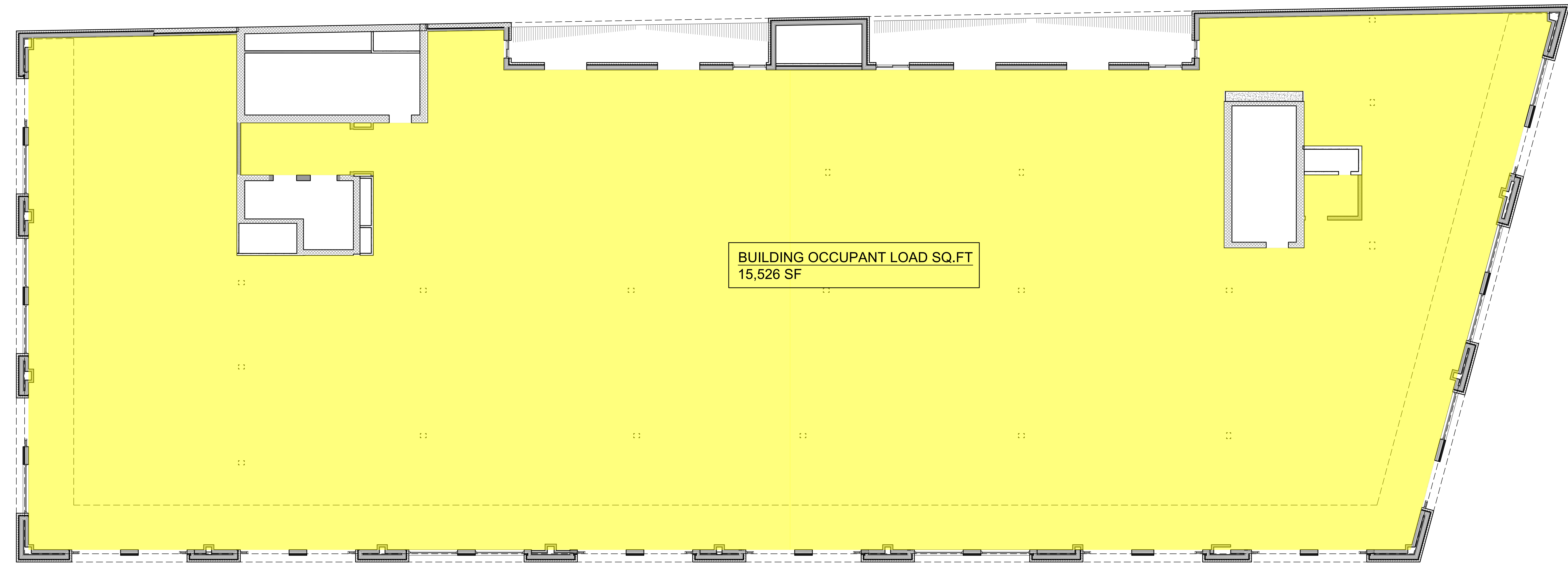
SHEET + TITLE

THIRD LEVEL
OCCUPANT LOAD
AREA SF

22222G2xx.DWG

SHEET + NUMBER

OCC-203



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

B|A

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2400 SOUTH HURON PARKWAY

ANN ARBOR, MI 48104

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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

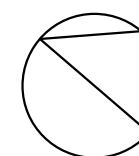
NTS

FOURTH LEVEL FLOOR PLAN



TOTAL
AREA-5TH FLR.

14,646 S.F



FIFTH LEVEL SCHEMATIC FLOOR PLAN

SCALE: 1/8" = 1'-0"



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2400 SOUTH HURON PARKWAY
ANN ARBOR, MI 48104
P. 734.975.5400
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



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,

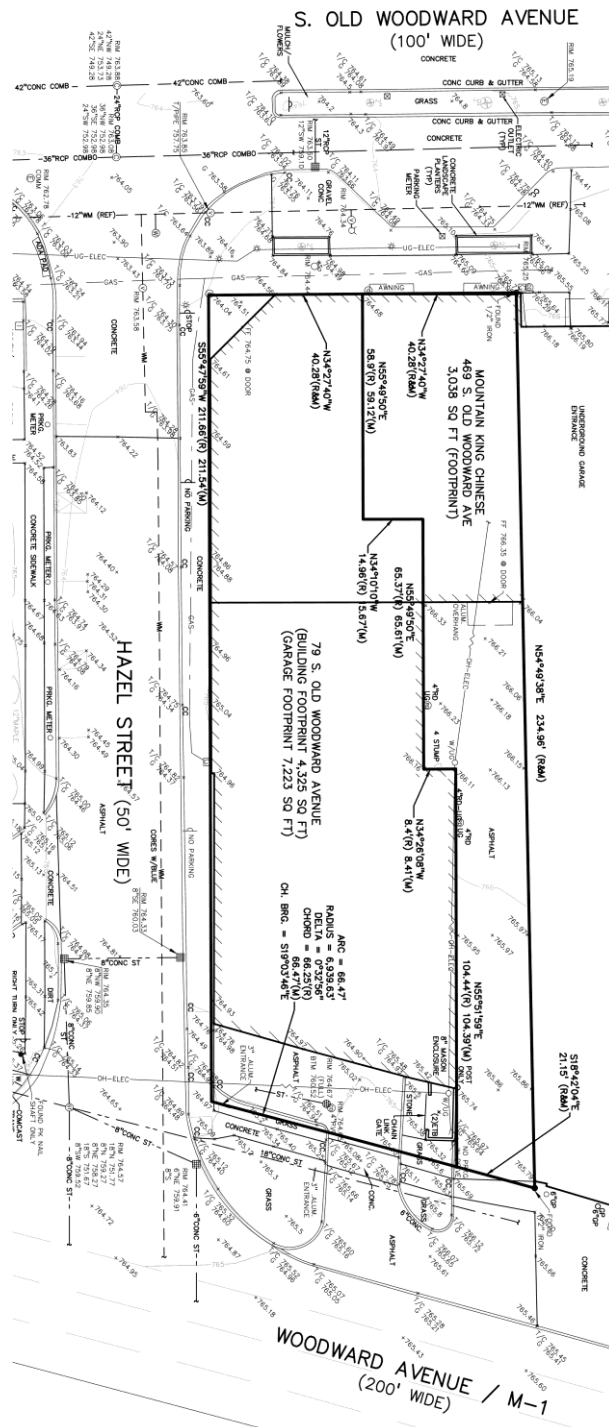
JPHOWE, PLLC

A handwritten signature in black ink, appearing to be 'JP' followed by a stylized flourish.

J. Patrick Howe

cc: Doraid Markus (via email)

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

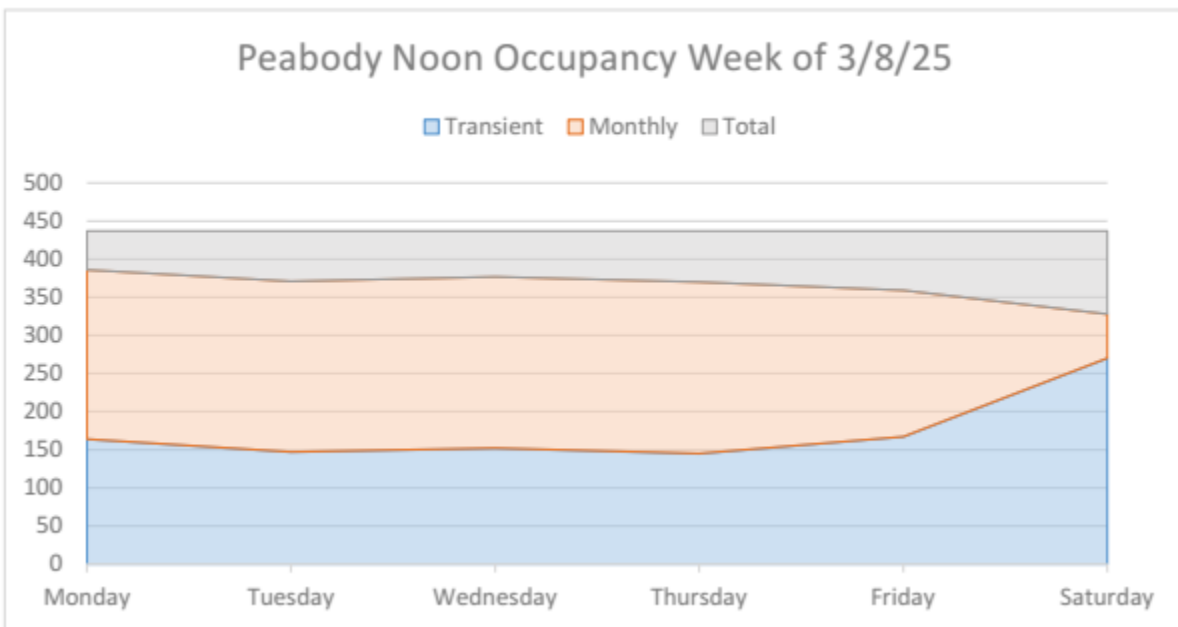
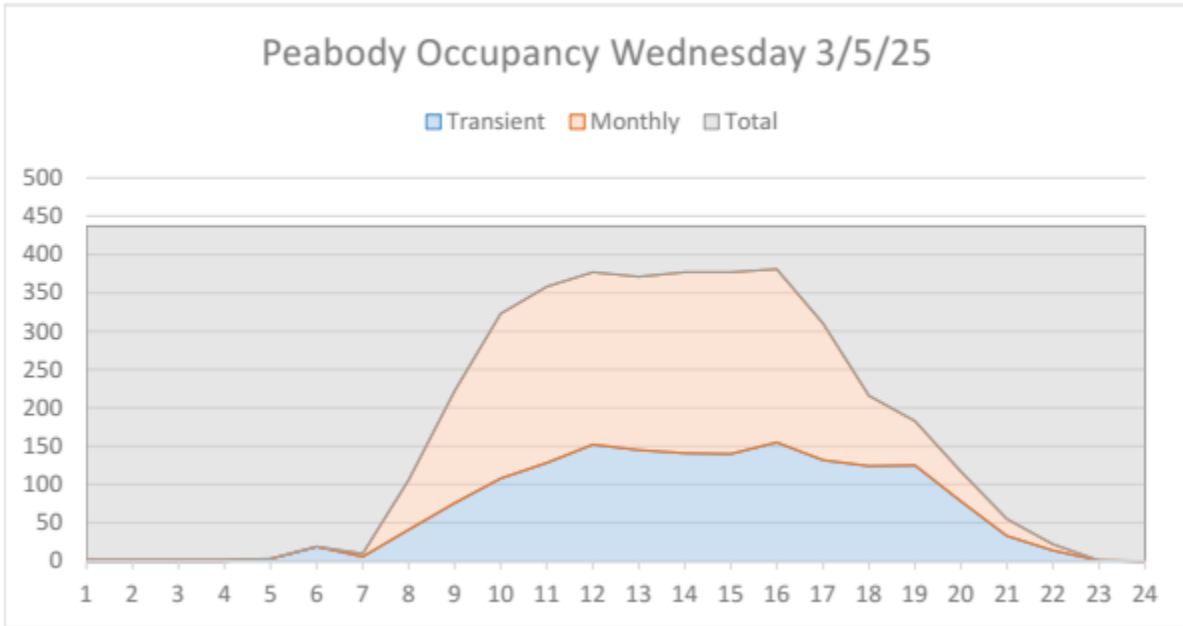


Birmingham Tower Partners, LLC
479 S. Old Woodward Ave.
Birmingham, Michigan 48009

EXHIBIT D

PEABODY PARKING GARAGE

Available Parking Spaces: 437



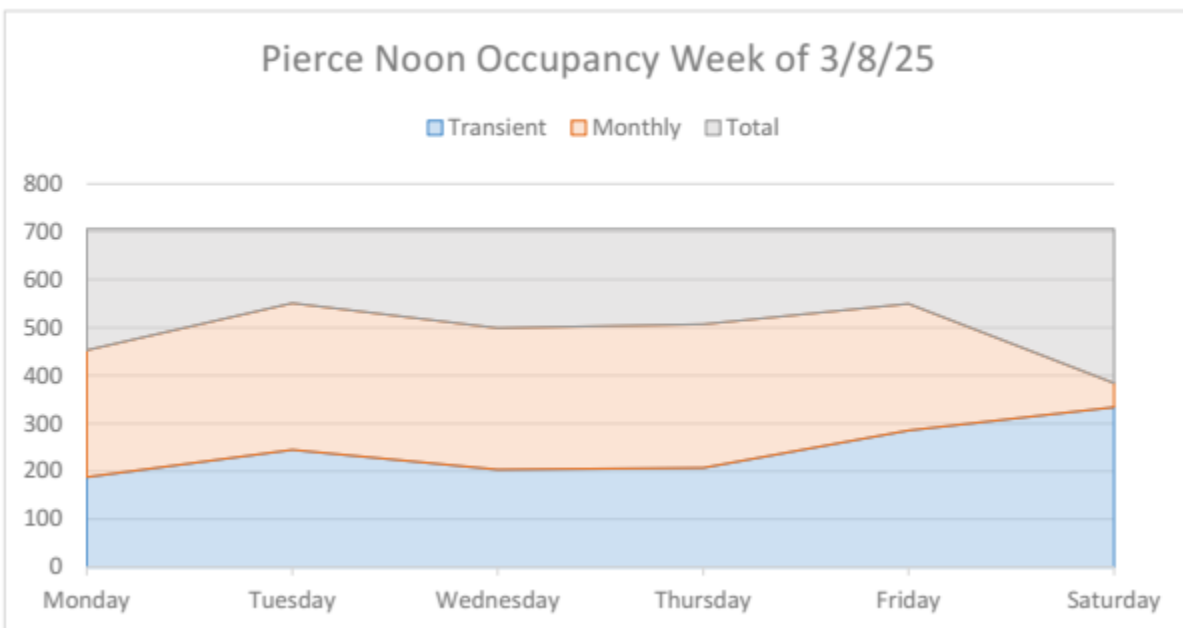
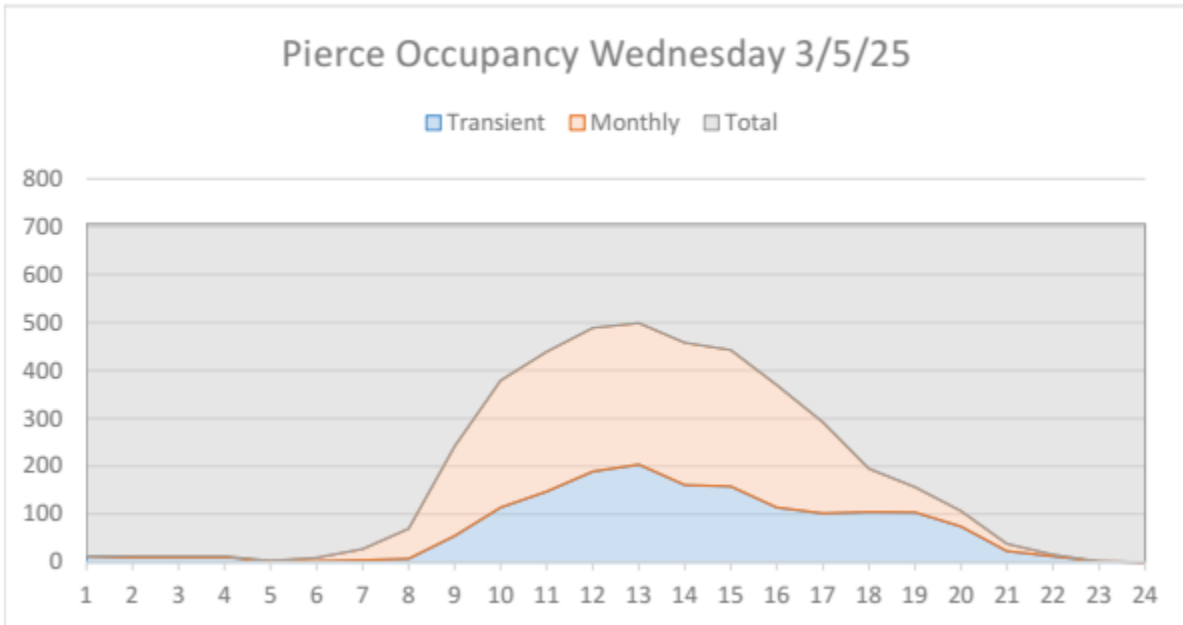
Source: Aaron Ford, Birmingham Parking Systems Manager

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

EXHIBIT E

PIERCE PARKING GARAGE

Available Parking Spaces: 706



Source: Aaron Ford, Birmingham Parking Systems Manager

Technical Memo

SUBJECT: Birmingham Towers Parking

TO: Doraid Markus – Markus Management Group

FROM: Jill Bauer, PE, PTOE

DATE: June 25, 2025

PROJECT NO.: 2501104

Introduction

On behalf of Markus Management Group, Fishbeck has reviewed the parking requirements for the Birmingham Towers development located at 479 South Old Woodward Avenue in the City of Birmingham (City), Oakland County, Michigan. The five-story building is zoned B3 (Office-Residential) and D4 (Downtown Overlay) and is currently under construction. The building uses are currently proposed as:

Retail/Commercial:	20,906 square feet (sf)
Restaurant:	1,047 sf
Lobby:	526 sf
Office:	31,695 sf
Residential:	6 dwelling units (du)

Additionally, there is proposed off-street parking onsite.

Parking Calculations

In accordance with the City ordinance, the following parking requirements apply to the Birmingham Towers development:

- One parking space per 300 sf of floor area for retail store.
- One parking space per 75 sf of floor area for restaurant.
- One parking space per 550 sf of floor area for other commercial use.
- One parking space per 300 sf of floor area for office uses:
 - Banks, financial institutions, commercial, and professional offices other than medical.
- One parking space per unit of residential uses of two or less room units
- One and a quarter spaces per unit of residential uses of three or more room units

Based on the City ordinance, the Birmingham Towers development requires 198 parking spaces prior to applying ordinance reductions allowed in B3 zoning for single building developments with office, restaurant, and residential uses. After applying these reductions, 137 parking spaces are required. The development has 88 spaces, or a deficit of 49 parking spaces per the City ordinance.

The parking calculations are attached.

Parking in the Downtown Birmingham Overlay District

All parking required for the residential uses in the proposed development is met in accordance with the City ordinance which requires residential parking off-street and onsite. Therefore, the remaining parking deficit applies to the parking requirements of the retail, restaurant, and office uses. The City ordinance states that “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 walkability of downtown Birmingham allows for visitors and employees to park in one location and safely visit multiple destinations.

The Urban Land Institute (ULI) promotes the concept of walksheds which are distances people are willing to walk to access destinations. The smallest walkshed is a 5-minute walk or approximately a quarter mile radius and is considered the distance people are willing to walk before choosing to drive. The largest walkshed is a 15-minute walk or approximately one-half to three-quarter mile distance in which many daily activities are located to promote non-motorized trips.

Within a quarter mile of the proposed development are two public parking structures: the Peabody Parking Structure and the Pierce Parking Structure. Within a half mile of the proposed development are three more public parking structures: Park Street Parking Structure, North Old Woodward Parking Structure, and Chester Parking Structure.

Parking occupancy data from March 2025 (see attached) shows that there is an approximate capacity of 200 spaces to cover the 49 parking space deficit in the Peabody and Pierce Parking Structures, both within a 5-minute walk of the proposed building. An additional capacity of 175 spaces is available in the Park and North Old Woodward Parking Structures, both within a 10-minute walk of the proposed building.

Findings and Recommendations

Based on the parking calculations completed per the City ordinance and occupancy data for public parking structures, all nonresidential parking will be accommodated off-street onsite or within a five-minute walk of the proposed building which is considered reasonable by industry standards. The residential parking will all be accommodated off-street onsite.

Attachment

Parking Calculations, Parking Occupancy

A large, bold, white number '1' is positioned on the right side of the page. To its left, there is a white crosshair graphic consisting of a vertical line and a horizontal line intersecting.

Retail/Commercial	20,906 sf
Restaurant	1,047 sf
Lobby	526 sf
Office	31,695 sf
Residential	6 DU

City of Birmingham Ordinance

Retail/ Restaurant/Lobby	Commercial Uses	
	athletic club, health club/studio	1 space for each 550 sq ft of floor area plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
	auto wash	spaces equal to 80% of the maximum units of actual or rated hourly productive capacity of the establishment
	banquet facility	1 space for each 3 persons of capacity as determined by local, county or state fire, building or health codes
	barber shop/beauty salon, tanning salon	2 spaces per service chair, booth or bed; or 1 space per 300 sq ft of floor area, whichever is greater
	bowling alley	5 spaces per lane plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
	eating establishment - outdoor consumption	1 space for each 50 sq ft of floor area
	eating establishment - indoor or combined indoor-outdoor consumption	1 space for each 75 sq ft of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining
	hospital, nursing home	1 space for each 4 patient beds
	hotel, motel	1 space per rental unit plus 1 space per each 25 units plus spaces as are required for restaurants, bars, assembly room and affiliated facilities
	laundromat and coin-operated dry cleaners	1 space for each 3 washing and/or dry cleaning machines
	meeting room	1 space for each 3 person of capacity as determined by local, county or state fire, building or health codes
	mortuary establishment	1 space for each 50 sq ft of assembly room, parlor and slumber room floor space
	motor vehicle sales and service establishment	1 space for each 300 sq ft of floor area of sales room plus 1 space for each auto service stall, not to be used for new or used car storage
	outdoor sales and/or display of merchandise (excluding motor vehicle sales, service and rental agencies)	1 space for each 300 sq ft of outdoor area
	retail store	1 space for each 300 sq ft of floor area
	taxicab service	1.5 spaces per taxicab
	truck and car rental service	1 space for each 1,000 sq feet of outdoor area
	other commercial use	1 space for each 550 sq ft of floor area

70 spaces retail

14 spaces restaurant

1 spaces lobby

Office	Office Uses	
	bank, financial institution, commercial and professional office other than medical	1 space for each 300 sq ft of floor area
	professional office of doctor, dentist, medical and dental clinic and similar use	1 space for each 150 square feet of floor area

106 spaces other than medical

Residential	Residential Uses in PP, R1A, R1, R2, R3, R4, R5, R6, R7, O1, O2, P and B1	
	residential occupancy - 2 or less room unit	1.5 spaces per unit
	residential occupancy - 3 or more room unit	2 spaces per unit
	special purpose housing	0.5 spaces per unit
	Residential Uses in R1, R2, R3, R4, R5, R6, R7, R8 O1, O2, P, B2, B2B, B3, B4 and MX	
	assisted living*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
	skilled nursing facility*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
	continuing care retirement community*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
	independent hospice facility*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
	independent senior living*	0.50 spaces per unit
	Residential Uses in R8	
	residential occupancy	2 spaces per unit
	Residential Uses in B2, B2B, B3 and MX	
	residential occupancy - 2 or less room unit	1 spaces per unit
	residential occupancy - 3 or more room unit	1.25 spaces per unit
	Residential Uses in B4	
	residential occupancy - 2 or less room unit	1.25 spaces per unit
	residential occupancy - 3 or more room unit	1.5 spaces per unit

* Off-street parking shall be provided within 300' of the building being served. On-street parking shall be allowed on all street frontages, where permitted by the Traffic and Safety Board. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements for the use, provided the streetscape is improved as required by the Planning Board.

1 spaces assuming 2 or less rooms per unit (B3)

6 spaces assuming 3 or more rooms per unit (B3)

198 Parking Spaces (per Ordinance)

Ordinance Parking Reductions for Office, Restaurant, and Residential Uses

D. 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.

-42 40% reduction of office spaces

-19 30% reduction of remaining office spaces

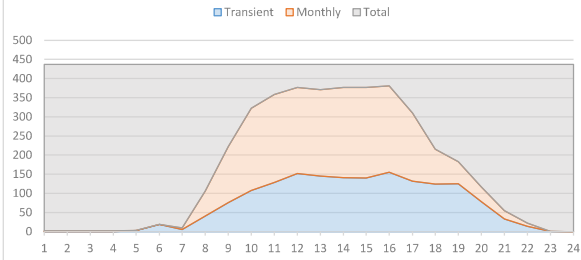
137 Total Required

88 Provided

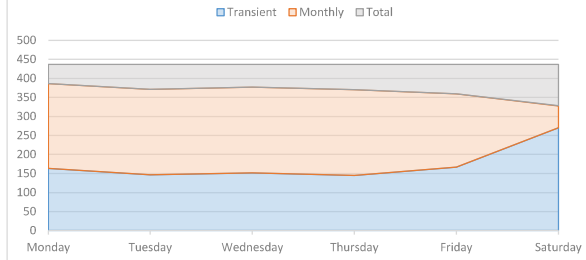
49 Deficit Off-Street Parking

March Peabody Garage Charts

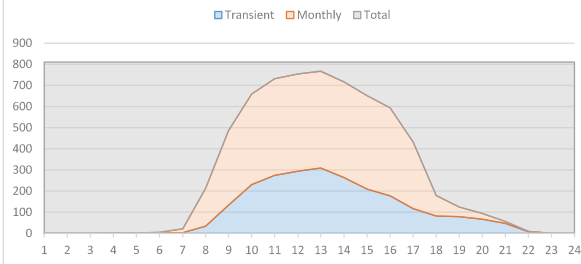
Peabody Occupancy Wednesday 3/5/25



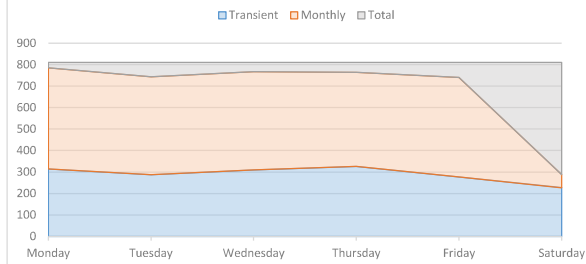
Peabody Noon Occupancy Week of 3/8/25



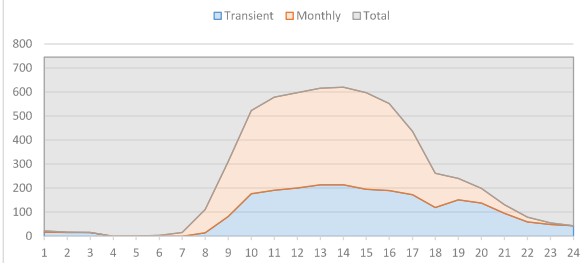
Park Occupancy Wednesday 3/12/25



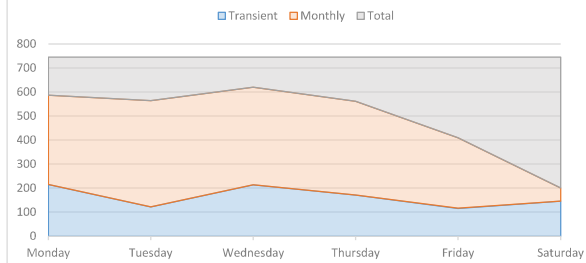
Park Noon Occupancy Week of 3/15/25



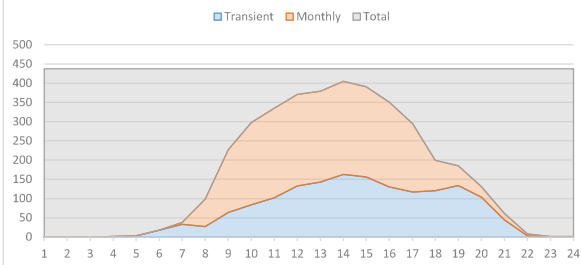
NOW Occupancy Wednesday 3/19/25



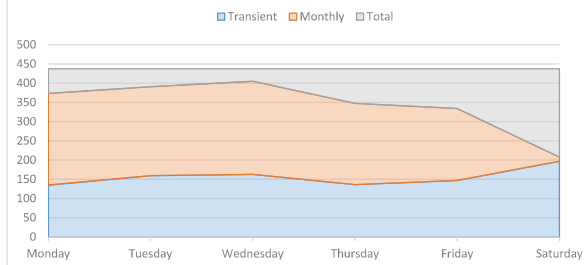
NOW Noon Occupancy Week of 3/22/25



Peabody Occupancy Wednesday 3/26/25

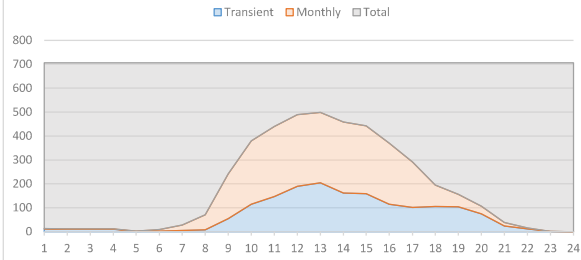


Peabody Noon Occupancy Week of 3/29/25

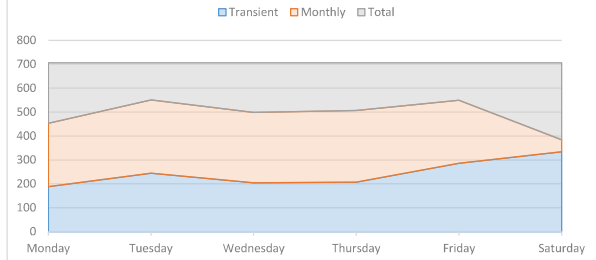


March Pierce Garage Charts

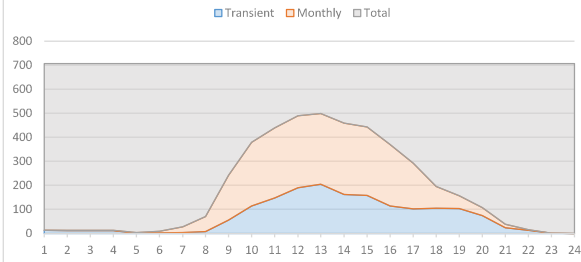
Pierce Occupancy Wednesday 3/5/25



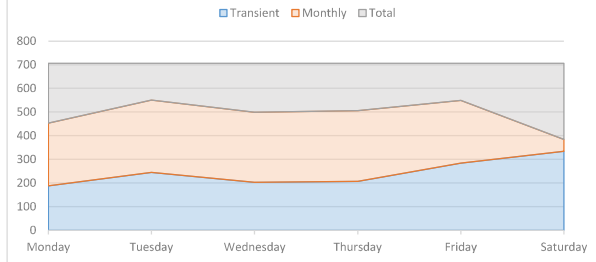
Pierce Noon Occupancy Week of 3/8/25



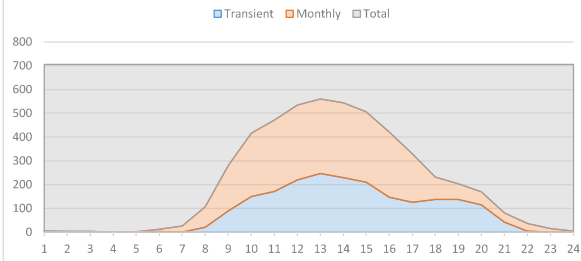
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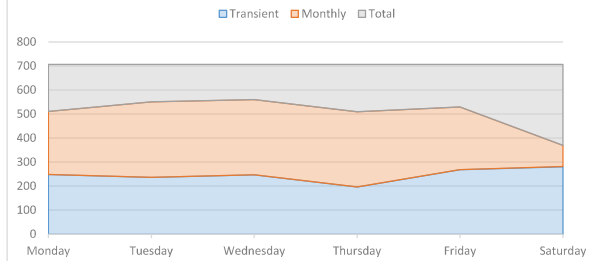
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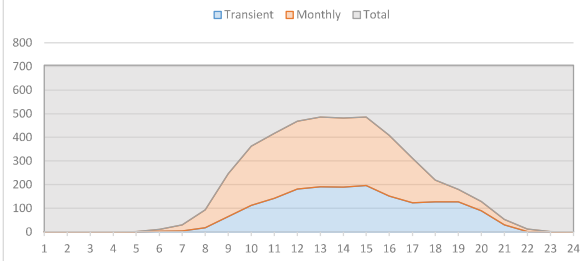
Pierce Occupancy Wednesday 3/19/25



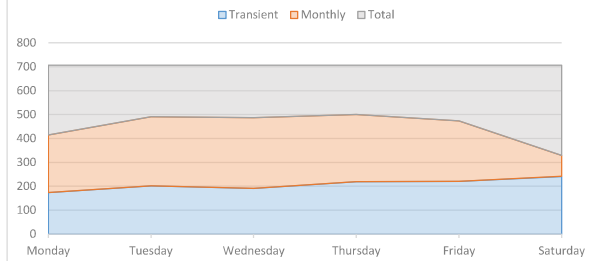
Pierce Noon Occupancy Week of 3/22/25



Pierce Occupancy Wednesday 3/26/25



Pierce Noon Occupancy Week of 3/29/25





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

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

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).

Main Office

30200 Telegraph Road, Suite 467
Bingham Farms, Michigan 48025-4506
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THE MEISNER LAW GROUP, P.C.
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*All mail should be sent to the Bingham Farms office

www.meisner-law.com

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.



THE MEISNER LAW GROUP, P.C. • Attorneys and Counselors

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



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

	Yes	No
Is the property located in a floodplain? -----	☐	☒
Is the property within a Historic District? --- → If so, which? _____	☐	☒
Will the project require a variance? ----- → If so, how many? _____	☒	☐
Has the project been reviewed by a Board? → 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)

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

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 13:28:00 -05'00'

Date: 2/18/2024

Print Name: Doraid Markus

Signature of Applicant: Doraid Markus

Digitally signed by Doraid Markus
Date: 2025.02.18 13:29:40 -05'00'

Date: 2/1/2024

Print Name: _____

Signature of Architect: _____

Date: 2/18/2024

Print Name: Scott M Bowers AIA

Office Use Only

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



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

	Yes	No
Is the property located in a floodplain? -----	☒	☐
Is the property within a Historic District? ---	☒	☐
→ If so, which? _____		
Will the project require a variance? -----	☒	☒
→ If so, how many? _____		
Has the project been reviewed by a Board?	☐	☐
→ 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

Digitally signed by Doraid Markus
Date: 2025.02.18 13:30:40 -0500

Date: 2/18/2024

Office Use Only

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



Fee schedule

Application	Fees
Administrative Approval	\$150
Administrative Sign Approval	\$150
Board of Zoning Appeals* - 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* - Single Family Residential - All Other Zoning Districts	No Charge \$450
Public Notice Sign - Notice Sign Rental - Returnable Sign Bond	\$50 \$100 ➔ \$150 total
Preliminary/Final Site Plan Review - 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* - 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
*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.	

EXHIBIT B



BIRMINGHAM

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: _____
Email: _____

3. Project Contact Person (☒ same as applicant)

Name: _____
Address: _____
Phone Number: _____
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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;
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- Any other data requested by a review board, Planning Department, or other City Departments.

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Proposed Use: Mix use, Residential, Office, Retail
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Current Zoning: B3+D4

	Yes	No
Is the property located in a floodplain? -----	☐	☒
Is the property within a Historic District? ---	☐	☒
→ If so, which? _____		
Will the project require a variance? -----	☒	☐
→ If so, how many? _____		
Has the project been reviewed by a Board?	☐	☒
→ 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)**Proposed Commercial Uses:**

Total basement floor area: 18,167 + 18,167
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
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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

Office Use Only

Application #: PSP25-0001

Date Received: 2/19/25

Fee: \$

Date of Approval:

Date of Denial:

Reviewed By:



BIRMINGHAM

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@markusallc.com

2. Property Owner (☒ same as applicant)

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

3. Project Information

Address: _____
Name of Development: Birmingham Towers
Parcel ID#: 10 26 208 207
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? -----	☒	☐
Is the property within a Historic District? ----	☒	☐
→ If so, which? _____		
Will the project require a variance? -----	☒	☒
→ If so, how many? _____		
Has the project been reviewed by a Board?	☐	☐
→ 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: 2025.02.18 13:30:40 -05'00'

Date: 2/18/2024

Office Use Only

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



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: July 23, 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
- 185 N. Old Woodward – Bell Bistro – Final Inspections
- 243 Hamilton Row – Marrow – Final Inspections

City Commission

- 298 S. Old Woodward – Daxton – Public Hearing set for July 28, 2025. Board of Zoning Appeals granted variance on June 10, 2025.
- Impervious Surface/Open Space – Public Hearing set at City Commission for August 11, 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
- 106 S. Old Woodward – O’Neal Building – Façade renovations, permitting
- Historic Preservation Master Plan – In progress.

ADMIN APPROVAL - PB

App Date	Case #	Scope of Work	Property Address	Status
07/07/2025	PAA25-0056	Revised roof plan to show approximate location of ACCU unit and scree. Added graphics showing approximate location of ACCU unit screen to building elevations. Added detail 1 to illustrate profile of rooftop unit scree. Added detail 2, a section through the mechanical screen unit indicating mounting.	35106 WOODWARD AVE	COMPLETED - APPROVED
07/16/2025	PAA25-0059	Add outdoor dining facility adjacent to building - 2 tables, 4 chairs	135 PIERCE ST	COMPLETED - APPROVED

Total Processes For Type:

2



AGENDA

REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY AUGUST 13, 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 23, 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. **Zoning Ordinance Update – Request for Proposal Discussion**
 - 2. **Triangle District Bonus Height Requirements Phase 2 – Study Session**
 - 3. **Childcare Ordinance – Study Session**
 - L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **July 18, 2025 – August 8, 2025**
 - 4. Draft Agenda – **August 27, 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

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) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).



AGENDA

REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY AUGUST 27, 2025 – 7:30 PM

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

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- A.** Roll Call
 - B.** Review and Approval of the Minutes of the Regular Meeting of **August 13, 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
 - 1. **Zoning Ordinance Update – Request for Proposal Discussion**
 - L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **August 8, 2025 – August 22, 2025**
 - 4. Draft Agenda – **September 10, 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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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.	☐	☒	Ongoing	☐	☐
Triangle District Bonus Height Requirements	Create a new list of bonus height provisions for the Triangle District	☐	☐	1 st (January-March)	☒	☐
Impervious Surface, Open Space & Lot Coverage	Review and improve standards for impervious surfaces and ensure consistency with open space and lot coverage goals	☐	☐	1 st (January-March)	☒	☐
Public Project Review Process	Develop a comprehensive set of guidelines for the review of public development projects	☐	☐	2 nd (April-June)	☐	☐
“Create a Woodward Safety and Beautification Plan.”	Begin to address the Woodward divide.	☐	☒	3 rd (July-September)	☐	☐
Ordinance Enforcement	Maintain a vibrant community.	☐	☐	4 th (October-December)	☐	☐