

City Of Birmingham
Regular Meeting Of The Planning Board
July 10, 2024
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 10, 2024.
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 Member Jason Emerine

Absent: Board Member Bert Koseck; Alternate Board Member Nasseem Ramin

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 26, 2024

07-24-24

Motion by Mr. Share

Seconded by Mr. Williams to approve the minutes of the Regular Planning Board meeting of June 26, 2024 as amended.

Motion carried, 7-0.

VOICE VOTE

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

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

- 1. 33278 Woodward – Ducati Detroit – Request for Special Land Use Permit for Regulated Use (Motorcycle Sales)**

Items I1 and J1 were discussed together.

The Chair recused himself from the item, explaining he had a relative that works for a consultant who works with the property owner.

The Chair exited the room at 7:35 p.m., and the Vice Chair assumed facilitation of the meeting for the duration of the topic's discussion.

PD Dupuis presented the item. James Blasius, owner of Ducati, Mark Drane, architect, and Charlie Laurencelle of Laurencelle Properties, Inc., spoke regarding the project. PD Dupuis and Messrs. Blasius, Drane, and Laurencelle answered informational questions from the Board.

Board members made the following comments in the course of discussion:

- Since Mr. Blasius intends to occasionally park motorcycles in the parking lot, the proposed number of parking spaces may be below what is necessary.
- At the Board's last meeting, three residents shared displeasure that some of Ducati's test drives occur in the adjacent residential areas.
- Staff should clarify whether any of the site's pre-existing non-conforming parking must now be brought into compliance with the ordinance.
- The site has three or four parking spaces occupied by two dumpsters. The dumpsters should be moved out of the parking spaces and enclosed.
- It was positive that the opaque glass was being replaced with transparent glass.

07-25-24

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission for the final site plan and design review application for 33278 Woodward – Ducati Detroit, based on and subject to the following:

- 1. The Planning Board adopts as findings the factual matters set forth in the Planning Division's report;**
- 2. The Planning Board recommends the permitting of the reduction of one off-street loading space pursuant to Article 4, Section 4.24(C)(2);**
- 3. The applicant either screen the dumpsters or arrange for internal storage of the dumpsters; and,**
- 4. The applicant must comply with the requests of all City departments.**

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

07-26-24

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission of the Special Land Use Permit application for 33278 Woodward – Ducati Detroit, based on and subject to the following:

- 1. The Planning Board adopts as findings of fact those factual matters set forth in the Planning Division's report; and,**
- 2. The applicant complies with the requests of all City departments.**

Board member comment on the motion was as follows:

- All of the on-site tenants should avoid covering the glass wherever possible in order to allow passerby to see into the building.**
- Drivers pass this site when entering Birmingham heading north, and this project represents an improvement of that aesthetic experience.**

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

J. Site Plan & Design Reviews

- 1. 33278 Woodward – Ducati Detroit – Request for the Final Site Plan & Design Review for Regulated Use (Motorcycle Sales)**

See prior item.

L. Study Session

- 1. Triangle District Mixed-Use Requirements – Study Session**

The Chair rejoined the meeting at 8:23 p.m. and resumed facilitation of the meeting.

PD Dupuis presented the item and answered informational questions from the Board.

Board members made the following comments in the course of discussion:

- If a developer is permitted bonus stories based on presumed LEED certification, and LEED certification is not acquired, the City should have some way of addressing that outcome.
- If a developer pursues LEED certification in exchange for bonus stories, the City could require that the money that would be required for funding public parking be put in escrow. If LEED certification is acquired, the developer would receive the money back. If LEED certification is not acquired, then the money would be used to fund public parking.
- Since LEED certification occurs after the building is complete, it may not be appropriate to offer it as option for obtaining bonus stories.
- Staff's approach to mixed-use in the requirements was appropriate. The requirements also tie in well to the 2040 Plan.
- It might be better for the City to mandate where mixed-use would be located, instead of offering mixed-use as an option for obtaining bonus stories.
- The options for obtaining bonus stories should be more limited. Public parking and public amenity funding could be combined, and used at the City's discretion. LEED certification should not be an option for obtaining bonus stories. The provision of some amount of affordable housing could be an option for obtaining bonus stories.
- The Board should explore whether LEED certification should be required of all new buildings in the Triangle District.

- Permitting bonus stories in exchange for some amount of affordable housing may work economically for developers. It would be necessary to define affordable housing.
- Traverse City incentivizes developers using payment in lieu of taxes. Affordability could be defined with respect to the average income of the area.
- When the City's plans for Haynes Square are implemented, activity along Bowers would likely be reduced. Given Bowers' proximity to single family residential, this change could be beneficial.
- This item was before the Board due to concerns about the amount of ground floor commercial included in two recent projects. It might be appropriate to focus on resolving that issue in the shorter term, and addressing the other topics raised in the medium-to-long term.
- It would be appropriate to decide which streets require ground floor commercial for bonus stories, and what amount of ground floor commercial should be required.
- The Board should focus on improving the mixed-use option for bonus stories in the short-term, and could update the ordinance in the future to mandate that certain streets must have mixed-use.
- An option for obtaining bonus stories could be the provision of public parking at the rate of one to 300 via a multi-level parking structure. The payment for a parking deck option should be removed. Instead of providing funds towards a public plaza, a developer could have the option of providing a public amenity on-site.
- If developers are given the option to provide a public amenity on-site in exchange for bonus stories, there is a risk the amenity would be de minimus.
- The City could require a certain amount of a site be dedicated to the public amenity in order to receive the bonus stories.
- The matter of bonus stories in exchange for a public plaza or public amenity should be further studied.
- The transfer of development rights option for obtaining bonus stories should be discontinued.
- It was not clear whether it was better to leave the mixed-use option in for now, despite its drawbacks, or to remove it until it can be improved.
- The Board should determine whether 20 feet of retail frontage should be considered sufficient for gaining bonus stories.
- It was not clear whether option five should be maintained. Further study should occur before deciding.
- Long-term, it would be appropriate to explore offering bonus stories in exchange for green building features such as solar panels, green roofs, or stormwater capture instead of LEED certification.
- The Board could study selecting the highest-priority items from LEED certification and requiring them.
- The Board could study allowing a developer to cede the property rights for one property in the Triangle to the City in exchange for bonus stories at another location in the Triangle.
- Far more study would be required for any of these options.¹

The Chair summarized direction to Staff as follows:

- Payment in lieu should be removed from the language for the multi-level parking.
- The language around a public amenity or plaza should be modified. Recommendations

¹As amended at the July 24, 2024 meeting.

should be made as to an appropriate size or value requirement. That might be able to have a payment in lieu option.

- The amount of commercial space provided in recent projects should be clarified. It might be appropriate to increase the 20 feet.
- Option four should be removed, and option five should be maintained.
- These would be appropriate short-term modifications. The next staff report on the item should focus only on short-term modifications.

M. Miscellaneous Business and Communications

- 1. Pre-Application Discussions**
- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**
- 5. Action List - 2024**
- 6. Other Business**

PD Dupuis answered an informational question about Lincoln Yard's certificate of occupancy.

07-27-24

Motion by Mr. Williams

Seconded by Mr. Boyle to change the rules of procedure to allow at the regular meeting of the Birmingham Planning Board on Wednesday, July 24, 2024, both site plan and design review and study session matters.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

N. Planning Division Action Items

- a. Staff Report on Previous Requests**
- b. Additional Items from tonight's meeting**

The 2040 Plan should only be included on study session agendas. It should be included on the August 14, 2024 agenda.

A review of the Rules of Procedure should occur whenever staff deems it appropriate.

O. Adjournment

No further business being evident, the meeting was adjourned at 9:15 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist