BIRMINGHAM
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AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY JULY 24, 2024 – 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 10, 2024**
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
    1. **245 Townsend – Parkview Townhomes – Request for Final Site Plan & Design Review for New Attached Single Family Development**
K. Study Session
    1. **Triangle District Bonus Height Requirements – Study Session**
L. Miscellaneous Business and Communications:
    1. Pre-Application Discussions
    2. Communications
        i. **Project Updates**
    3. Administrative Approval Correspondence
        i. **July 5, 2024 – July 19, 2024**
    4. Draft Agenda – **August 14, 2024**
    5. Action List – **2024**
    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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*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 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.

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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:

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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.

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 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

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MEMORANDUM

Planning Division

DATE: July 15, 2024

TO: Planning Board Members

FROM: Brooks Cowan, Senior Planner

APPROVED: Nick Dupuis, Planning Director

SUBJECT: 245 Townsend Street – Final Site Plan & Design Review Review

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The subject site is located on the southeast corner of Townsend Street and Bates Street in the R-8 zoning district. The existing property currently consists of a two story apartment complex and parking lot for Shain Park Apartments. The applicant is proposing to demolish the existing building to construct four (4) new attached single-family residential units. Attached single family residential use is permitted within the R-8 zoning district, which is defined in Article 9, section 9.02 as follows:

> A building that has not more than 8 one-family dwelling units erected side-by-side as a single building, each being separated from the adjoining units by walls extending from the basement floor to the roof, which meet or exceed the sound transmission class (STC) rating of 45 for residential buildings as established by the most current addition of the International Code Council's (ICC) Building Code as promulgated and published by the Building Officials and Code Administrators International, Inc. No two single-family dwelling units may be served by the same stairway or by the same exterior door of the dwelling.

The applicant is proposing four (4) new attached single-family residential units that are side by side in a single building facing Townsend Street. Each attached single-family unit is proposed to be separated from the adjoining unit by a wall extending from the basement floor to the roof, with each separating wall to meet or exceed an STC rating of 45. Each residential unit has its own stairway and individual front door that leads directly into each unit.

The applicant appeared before the Planning Board on May 22, 2024 for Preliminary Site Plan review of the subject property. The Planning Board moved to approve the Preliminary Site Plan with the following conditions:

1. The Planning Board approve a waiver of the required 4' variation in front setbacks between units;
2. The applicant submit lighting and material specifications, samples, photometric plan and all other required information for the proposed building to complete the Design Review at Final Site Plan & Design Review; and,
3. The applicant comply with the requests of all City Departments.

No substantial changes have been made to the proposal since Preliminary Site Plan review and the applicant has provided all required specifications for design review.

1.0 Land Use and Zoning

1.1 Existing Land Use - The existing site is used as a multi-family apartment building with eight (8) total units.

1.2 Existing Zoning – The existing site is zoned R-8, Attached Single-Family Residental.

1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	**South**	**East**	**West**
Existing Land Use	Public Property	Attached Single-Family Residential	Attached Single-Family Residential	Attached Single-Family Residential
Existing Zoning District	PP, Public Property	R-8, Attached Single-Family Residential	R-8, Attached Single-Family Residential	R-8, Attached Single-Family Residential
Overlay Zoning District	N/A	N/A	N/A	N/A

2.0 Setback and Height Requirements

The applicant appears to satisfy the majority of the bulk, height, and area requirements for the R8, attached single-family use. The townhomes are proposed to be 2.5 stories and 30' in height with a pitched roof. The building placement has a 16' 8" front setback,

a 20' rear setback, a 7' interior sideyard setback to the east, and a 15' corner lot side setback to the west.

The front entrance is accesible by a stairway and the main level begins at 4' above grade. The second level begins at 14'8" above grade and the the attic level begins at 24'4" above grade. The midpoint of the pitched roof for the attic level is 30' in height.

As discussed during Preliminary Site Plan review, the Planning Board reduced the requirment of Article 4, Section 4.62 of the Zoning Ordinance that requires a variation of front setbacks of dwelling units of at least four feet for attached single-family dwellings in the R8 zone. The Planning Board determined that the reduction would not impair the free flow of air, light and other living amenities to the residents of the building and adjacent residential buildings. Thus, no further action is required for this reduction.

3.0 Screening and Landscaping

3.1 Screening – All required parking spaces are within attached garages with garage doors. Access drives and driveways are considered part of the parking area and typically require a screenwall per the Zoning Ordinance. However, the applicant has a driveway along the rear portion of the property that adjoins the rear driveway and parking area of an adjacent property's parking area.

"Miscellaneous Screening Requirements" of Article 4.54, Section (D)(3) of the Zoning Ordinance states the following:

> *Where two parking facilities adjoin each other and the common boundary is either a side or rear line, no screening is required along the line common to both parking facilities.*

Thus, no screenwall is required along the rear lot line. The applicant is proposing a retaining wall along the rear lot line to accommodate for the elevation change providing access to basement level garages. Building Code requires a barrier above the retaining wall to prevent vehicles from the neighboring property to go over the retaining wall. Existing plans indicate a 6' masonry screenwall along the southern and eastern lot line to screen the access drive of the subject property.

No rooftop mechanical units are proposed, nor is there an outdoor dumpster proposed, therefore no screening is required for either. Garbage will be stored within each garage and taken to the curb on collection day.

3.2 Landscaping – One street tree is required for each 40 linear foot of frontage. It is also of note that Article 4, Landscaping Standards, Section 4.20(E), requires 1 deciduous tree and 1 Evergreen tree on-site per 2 dwelling units. The Planning Board may approve alternate landscaping if the alternative proposal meets the spirit and intent of the landscape ordinance and/or the site involves space limitations or is unusually shaped; or predominant development patterns in the

surrounding neighborhood justify an alternative plan for in-fill projects in older established areas of the City.

The following table is the name, quantity, and size of each plant proposed for the subject site. All proposed plants are permitted species. Three (3) Ginko trees are proposed along the Townsend Street right-of-way while three (3) Zalkova trees are proposed along the S. Bates Street right-of-way. The existing trees in the right-of-way will be removed. The City's Parks and Forestry division have requested that the northernmost Zalkova tree on S. Bates street be removed from the plans to provide adequate vision for the intersection's stop sign.

Each unit is proposed to have a Single Stem Cherokee Dogwood in the frontage surrounded by Little Lime Hydrangea, Blue Hosta, Round Boxwood, and Pachysanda. The western portion of the property will be landscaped with three (3) Columnar Birch trees, six (6) Wintergreen Cedars, Globe Boxwoods, and Little Lime Hydrangeas. The proposed landscaping plan satisfies the requirement of one deciduous tree and one evergreen tree on-site per two dwelling units.

QTY	COMMON NAME	BOTANICAL NAME	SIZE
104	BLUE HADSPEN HOSTA	HOSTA	2 GAL
3	COLUMNAR BIRCH	BETULA	10'
5	CHEROKEE DOGWOOD	CORNUS 'CHEROKEE'	3" CAL
24	GLOBE BOXWOOD	BUXUS 'GLOBE'	30"
36	GREEN MOUNTAIN BOXWOOD	BUXUS X 'GREEN MOUNTAIN'	24"
3	GINKGO TREE	GINKGO BILOBA	3" CAL
56	LITTLE LIME HYDRANGEA	HYDRANGEA 'LITTLE LIME'	3 GAL
32	MILLENNIUM ONION	ALLIUM MILLENIUM	30"
51	PACHYSANDRA	PACHYSANDRA TERMINALIS	8"
24	ROUND BOXWOOD	BUXUS X 'ROUND'	18-30"
63	WINTERGREEN CEDAR	THUJA OCCIDENTALIS 'WINTERGREEN'	8-12'
3	ZALKOVA TREE	ZELKOVA SERRATA	3" CAL

3.3 Utilities – Article 4, section 4.29 of the Zoning Ordinance states that all R-8 developments must have underground utilities running to the site. The applicant has advised that all required utilities will be run underground.

4.0 Open Space

4.1 Required Open Space – Per Article 4, Section 4.34 Open Space Standards of the Zoning Ordinance, the applicant is required to provide a total of 180 SF of open space per unit, which is to be enclosed with a solid wood or masonry fence, with a minimum height of 6' and a maximum height of 8'. The site plan indicates two terrace balconies on the southern elevation for each unit satisfying the open space requirements. The balconies on the second floor are proposed to be 100 SF and the attic level balconies are proposed to be 208 SF. The architect has indicated that the balconies on the second level have a screenwall that is 6' in height and consists of masonry material.

4.2 Projections into Open Space – Chapter 126, Article 04, section 4.30 (C) states that steps may project into a front open space for a maximum distance of 10 feet. This provision further states that the required front setback cannot be reduced to less than 10' by the projection of steps. The front steps project 6'8" into the front setback and the applicant has provided a 10' front setback from the edge of the steps to the property line as required.

5.0 Parking, Loading and Circulation

5.1 Parking - A total of 8 parking spaces are required. The applicant is proposing enclosed garages in the lower level in order to meet this requirement. The driveway for each unit will be sloped down to the lower level garage, similar to the townhomes on the corner of Brown and Bates. The proposed garage space for each unit is 21'6" x 23'1" to accommodate space for two vehicles.

5.2 Circulation – Vehicles will access the site from Bates Street through a 20' driveway. The public sidewalk is proposed to remain in its current location along Townsend Street and Bates Street. Four new walkways connecting from the front of each unit to the sidewalk on Townsend Street are proposed.

6.0 Lighting

A Bega 3,000 K LED edge-lit pole-top luminaire is proposed beside the entryway of each unit along Townsend Street that appear to be full cut-off lights. The photometric plan (Sheet C-6) indicates the poles are 12' in height and provide a footcandle value ranging from 0.4 to 4.1 along the frontage line of Townsend Street. The Security Lighting Section of Article 4.21, Section 4.21(G)(1) deems sidewalks, pedestrian passages, and entrances to buildings as areas deemed appropriate for security lighing. Thus, the proposed foot candle levels are within the permissible foot candle range of 15:1. The plans submitted indicate two different styles of lights illuminating the front door entryway. **The applicant must provide detailed specifications for all exterior lights.**

7.0 Departmental Reports

7.1 Engineering Department – Please see attached comments from the Engineering Department.

7.2 Department of Public Services – Please see attached comments from DPS.

7.3 Fire Department – Please see attached comments from the Fire Department. The Fire Department has no new concerns from Preliminary Site Plan.

7.4 Police Department – The Police Department has no concerns.

7.5 Building Division – Please see attached comments from the Building Division. The Building Division has no new concerns from Preliminary Site Plan.

7.6 Parking Manager – The Parking Systems Manager has no concerns.

8.0 Design Review

The proposed attached single-family development will predominantly consist of a red brick exterior with accents composed of stucco veneer metal panels. Limestone detailing is proposed at the entryways, balconies, and chimney edges. The Balcony railing and entrance canopy will consist of painted metal. The roof will have fiberglass shingles for the main roof section and each unit will have a door and two dormers on the attic level consisting of stucco veneer. Each unit is proposed to have subtle design differences and façade material, no two units are designed the same. Examples of materials samples have been provided on sheet SD.9, and the applicant has indicated physical materials samples will be provided at the meeting.

9.0 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	☒	☐	☐

10.0 Approval Criteria

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

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

(2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.

(3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.

(4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

(5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.

(6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

11.0 Recommendation

Based upon review of the site plan submitted, The Planning Division recommends the Planning Board APPROVE the Final Site Plan & Design Review for 245 Townsend St. with the following conditions:

1. The Planning Board approve a waiver of the required 4' variation in front setbacks between units; and
2. The applicant comply with the requests of all City Departments.

12.0 Sample Motion Language

Motion to APPROVE the Final Site Plan & Design Review for 245 Townsend St. with the following conditions:

1. The Planning Board approve a waiver of the required 4' variation in front setbacks between units; and
2. The applicant comply with the requests of all City Departments.

OR

Motion to DENY the Final Site Plan & Design Review for 245 Townsend St. for the following reasons:

1:_____
2:_____

OR

Motion to POSTPONE the Final Site Plan & Design Review for 245 Townsend St. for the following reasons:

1:_____
2:_____

Zoning Compliance Summary Sheet
Final Site Plan Review
245 Townsend

Existing Site: Shain Park Multi-Family Apartment Complex

Zoning: R-8, Attached Single-Family Residential

Land Use: Residential

Existing Land Use and Zoning of Adjacent Properties:

	North	**South**	**East**	**West**
Existing Land Use	Public Property	Attached Single-Family Residential	Attached Single-Family Residential	Attached Single-Family Residential
Existing Zoning District	PP, Public Property	R-8, Attached Single-Family Residential	R-8, Attached Single-Family Residential	R-8, Attached Single-Family Residential
Overlay Zoning District	N/A	N/A	N/A	N/A

Land Area:	Existing:	12,289 SF
	Proposed:	12,289 SF
Dwelling Units:	Existing:	8
	Proposed:	4
Minimum Lot Area/Unit:	Required:	3,000 SF per unit
	Proposed:	3,072 SF per unit
Min. Floor Area /Unit:	Required:	900 SF
	Proposed:	> 3,000 SF
Max. Total Floor Area:	Required:	N/A
	Proposed:	N/A

Min. Open Space:	Required:	180 SF enclosed with solid wood or masonry fence
	Proposed:	100 SF 2nd level, 208 SF Attic level
Max. Lot Coverage:	Required:	N/A
	Proposed:	N/A
Min Front Setback:	Required:	16′ 7″ - average setback of residential buildings within 200 ft. along Townsend St. on same side of street
	Proposed:	16′ 8″
Side Setbacks	Required:	10′ corner lot line 7′ interior lot line
	Proposed:	16′ 8″ west side to Bates St. 7′ east side interior lot
Rear Setback:	Required:	20 ft.
	Proposed:	20′ 1″ ft.
Min. Front+Rear Setback	Required:	N/A
	Proposed:	N/A
Max. Bldg. Height:	Permitted:	30 ft., 2.5 stories (midline for pitched roofs)
	Proposed:	30 ft., 2.5 stories (midline of pitched roof)
Min. Eave Height:	Required:	N/A
	Proposed:	N/A
Floor-Ceiling Height:	Required:	N/A
	Proposed:	N/A
Front Entry:	Required:	N/A
	Proposed:	N/A
Absence of Bldg. Façade:	Required:	N/A
	Proposed:	N/A
Opening Width:	Required:	N/A
	Proposed:	N/A
Parking:	Required:	8 spaces - 2 spaces of 180 ft^2 each/unit; parking must be provided in a garage, carport or in/under the building
	Proposed:	8 spaces in attached garages, 2 parking space per unit
Min. Parking Space Size:	Required:	180 ft^2
	Proposed:	180 ft^2
Parking in Frontage:	Required:	N/A

	Proposed:	N/A
Loading Area:	Required:	N/A
	Proposed:	N/A

Screening:

Parking:	Required:	6’ masonry screenwall
	Proposed:	6’ masonry screenwall
Loading:	Required:	N/A
	Proposed:	N/A
Rooftop Mechanical:	Required:	Full screening to compliment the building
	Proposed:	All mechanical placed inside of units, thus fully screened by the building
Elect. Transformer:	Required:	Fully screened from public view
	Proposed:	No transformer proposed
Dumpster:	Required:	6 ft. high capped masonry wall with wooden gates
	Proposed:	Trash to be stored within the building

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MEMORANDUM

Department of Public Services

DATE: July 18, 2024

TO: Brooks Cowan, Senior Planner

FROM: Brendan McGaughey, Parks and Forestry Foreman

SUBJECT: DPS Forestry Preliminary Site Plan Review – 245 Townsend

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The Department of Public Services has completed a review of the The Parkview on Shain Park – 245 Townsend Site Development Plan dated June 21, 2024, with respect to conformance with City ordinances and the Birmingham Tree Manual and Standards of Practice. Our comments are as follows:

Proposed forestry on S. Bates:

- A tree permit will be required to remove (2) existing elm trees and install (2) proposed Zelkova trees on S. Bates, eliminating the third northernmost proposed tree due to stop sign visibility concerns (within 30').

Proposed forestry on Townsend:

- A tree permit will be required for removal of (3) existing trees on Townsend need to be removed and replaced with (4) 3-3.5" DBH Ginko 'Princeton Sentry' following the majority of construction activities. Locations to be at least 25' apart and approximately centered on each unit, and at least 35' from the S. Bates curbline and 6' from underground utilities.

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

Engineering Department

DATE: **July 18, 2024**

TO: **Brooks Cowen, City Planner**

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

SUBJECT: **245 Townsend Street– Preliminary Site Plan Review**

The Engineering Department has completed a review of the 245 Townsend Street plans dated July 21, 2024, with respect to conformance with City ordinance and engineering standards. Engineering Department has the following comments (Note: The items in black are comments that have not been addressed from the Preliminary Site Plan Review and new items are noted in blue):

General:

- The Topographic Survey needs to show and label all existing utilities servicing the buildings, including what is on private property, and at the intersection of Townsend and Bates.
- The existing watermain on Townsend is 8-inch, not 4-inch.
- Elevations on design plans shall be based on the City's datum. This must be clearly noted on the plans. Please note that the City's datum is not NAVD88.
- Any proposed retaining wall needs to be designed by a Professional Engineer and include appropriate calculations for submittal to the City.

Pavement:

- The proposed sidewalk slope cannot exceed 8.33%.
- The proposed driveway slope cannot exceed 10.00%
- Additional sidewalk and/or driveway approach removal may be required in order to meet ADA compliance and review of existing conditions.

Storm Water:

- For the proposed site development, the Engineering Department has determined that the proposed construction site is considered the "affected area" with respect to the City's Storm Water Runoff Ordinance (Chapter 114, Article III, Division 4, Sec 114-271 to 114-274). Therefore, the allowable runoff from the site for a 10-year storm event is 1.0 cfs/acre, or 0.2 cfs, whichever is greater.

- Provide calculations for required stormwater management, and show how Stormwater runoff will be detained and released at the allowable discharge rate.
- Plans do not indicate how roof drainage will be handled. Note that the City Ordinance prohibits downspouts from being directly connected to the sewer system.
- There is a proposed retaining wall on the west side of the building that will be over the proposed 12" storm sewer on site and appears to be in conflict with stormwater manhole D-102.

Water System:

- Each condo unit will be required to have its own water service, and the minimum size is 1-inch.

Sewer System:

- In order to re-use the existing 6" sanitary sewer lead to Townsend, the application needs to submit to the City a televised video of the lead to review the current condition.
- If the existing 6" sanitary lead cannot be re-used, the new sewer tap should be coordinated with a proposed water service tap along Townsend, or near the proposed storm sewer tap at the intersection of Townsend and Bates to limit pavement impacts.

Permits for Construction:

- Street Obstruction Permit for any temporary traffic interference on any surrounding road, or pedestrian traffic interference on public sidewalks.
- City Water and Sewer Permit for taps and connections to the City's water main, sewer, and storm sewer.
- City Sidewalk/Drive Approach Permit for any pavement installed in the public right-of-way.

General Construction:

- Inspections will be required for planned work, including sidewalk preparation and concrete placement, and water and sewer disconnects, taps, and connections.
- Additional pavement removal may be required if damaged during construction as requested by Building Department and Engineering Department.

Please note these are our initial comments and the City should be provided an opportunity to review engineered drawings prior to final submission. Engineering comments could impact design requirements.

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

May 15, 2024

RE: Preliminary Site Plan Review Comments
245 Townsend, New Attached Single Family

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

Applicable Building Codes:

- **2015 Michigan Building Code.** Applies to all buildings other than those regulated by the *Michigan Residential Code.*

- **2015 Michigan Residential Code.** Applies to all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

- **2021 Michigan Mechanical Code.** (Residential requirements for mechanical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)

- **2021 Michigan Plumbing Code.** (Residential requirements for plumbing construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)

- **2023 National Electrical Code** *along with the Michigan Part 8 Rules.* (Residential requirements for electrical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)

Review Comments:

1. No apparent building code concerns at this time.

City of Birmingham Fire Department

572 South Adams • Birmingham, Michigan 48009 • 248.530.1900 Fax 248.530.1950

Champion Development
Proposed Townhouse Development
Parcel #19-36-137-001
245 Townsend Street, Birmingham, Michigan 48009

Preliminary Site Plan Comments

The following list are preliminary comments for the Proposed Townhouse Development proposal.

Follow International Fire Code 2015 ed. for reference on submitted plans or adopted code at time of construction.

Follow Chapter 33 of IFC 32015 ed. "Fire Safety during Construction and Demolition."

The AHJ encourages the use of NFPA 13R, Residential Sprinkler Systems, as well appropriate Fire Alarm systems according to NFPA 72.

Rear access shall not be less than 20 feet in width, and unobstructed vertical clearance of not less than 13 feet 6 inches; IFC 2015, 503.2.1 Dimensions.

All life safety requirements listed in IFC and NFPA documents and standards shall be followed and enforced.

These comments are preliminary only, and future comments or concerns will be addressed as the project progresses.

Should you have any questions, please contact the Fire Marshal's Office at 248-530-1903.

In Fire and Life Safety,

Jeff Scaife
Fire Marshal
City of Birmingham

Matthew J. Bartalino
Assistant Chief / Operations

Paul A. Wells
Fire Chief

Jeffrey G. Scaife
Fire Marshal

SITE DEVELOPMENT PLANS

FOR

CHAMPION DEVELOPMENT

PROPOSED TOWNHOUSE DEVELOPMENT

PARCEL ID: 19-36-137-001
245 TOWNSEND STREET
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

APPLICANT

CHAMPION DEVELOPMENT GROUP
7395 TRUMBLE ST
ST CLAIR TOWNSHIP, MI 48079
248-444-0624
ANTHONY@CHAMPDEVGROUP.COM

ARCHITECT

CHRISTOPHER J LONGE ARCHITECTURE & INTERIORS
124 PEABODY
BIRMINGHAM, MI 48009
248-258-6940
CJLONGE@CJLONGEAIA.COM

SOURCE: USGS ONLINE MAPPER

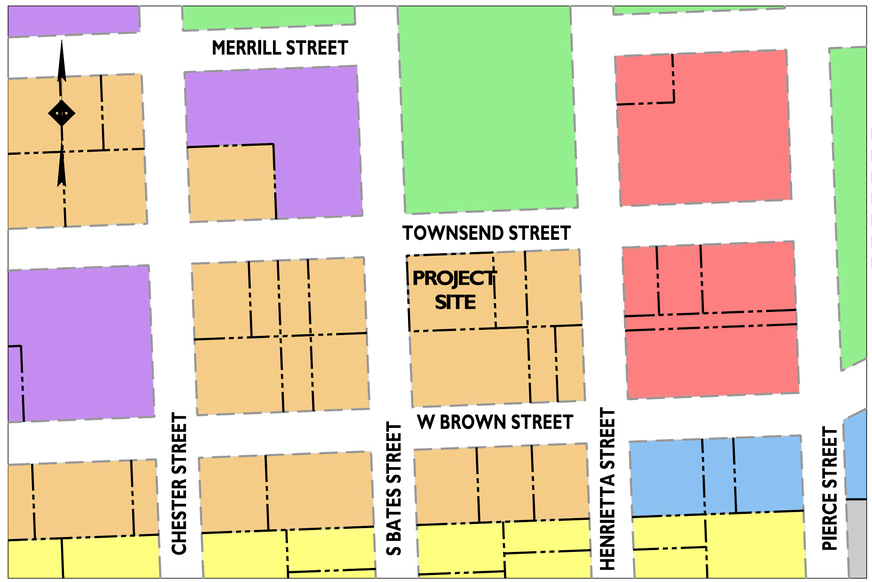
LOCATION / KEY MAP

SCALE: 1" = 2,000'±

SOURCE: GOOGLE EARTH PRO

AERIAL MAP

SCALE: 1" = 100'±



SOURCE: CITY OF BIRMINGHAM ZONING MAP, UPDATED AUGUST 2021

ZONING MAP

SCALE: 1" = 100'±

PLANS PREPARED BY:

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Princeton, NJ · Tampa, FL · Detroit, MI
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607 Shelby Suite 200, Detroit, MI 48226
Phone 248.247.1115

PLAN REFERENCE MATERIALS:

1. THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:
   - ALTA / NSPS LAND TITLE SURVEY PREPARED BY FENN & ASSOCIATES DATED 2/27/2024
   - ARCHITECTURAL PLANS PREPARED BY CHRISTOPHER J LONGE ARCHITECTURE & INTERIORS DATED 03/28/2024
   - AERIAL MAP OBTAINED FROM GOOGLE EARTH PRO 04/24/2024
   - LOCATION MAP OBTAINED FROM USGS ONLINE MAPPER 04/24/2024
2. ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION.

SHEET INDEX

DRAWING TITLE	SHEET #
COVER SHEET	C-1
DEMOLITION PLAN	C-2
SITE PLAN	C-3
GRADING PLAN	C-4
PRELIMINARY STORM WATER CONVEYANCE & UTILITY PLAN	C-5
LIGHTING PLAN	C-6
SOIL EROSION & SEDIMENT CONTROL PLAN	C-7
CONSTRUCTION DETAILS	C-8

ADDITIONAL SHEETS

DRAWING TITLE	SHEET #
ALTA / NSPS LAND TITLE SURVEY	1 OF 1

ISSUE	DATE	BY	DESCRIPTION
2	06/21/2024	JRC	SUBMISSION FOR PLANNING BOARD APPROVAL
1	05/15/2024	JRC	SUBMISSION FOR PRELIMINARY PLANNING APPROVAL

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SITE DEVELOPMENT PLANS
CHAMPION DEVELOPMENT
PROPOSED TOWNHOUSE DEVELOPMENT
PARCEL ID: 19-36-137-001
245 TOWNSEND STREET
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

STATE OF MICHIGAN — JONATHAN FRED ZOOKSEY — ENGINEER — 1301 — JONATHAN F. ZOOKSEY, P.E. — MICHIGAN LICENSE NO. 6201069428 — LICENSED PROFESSIONAL ENGINEER

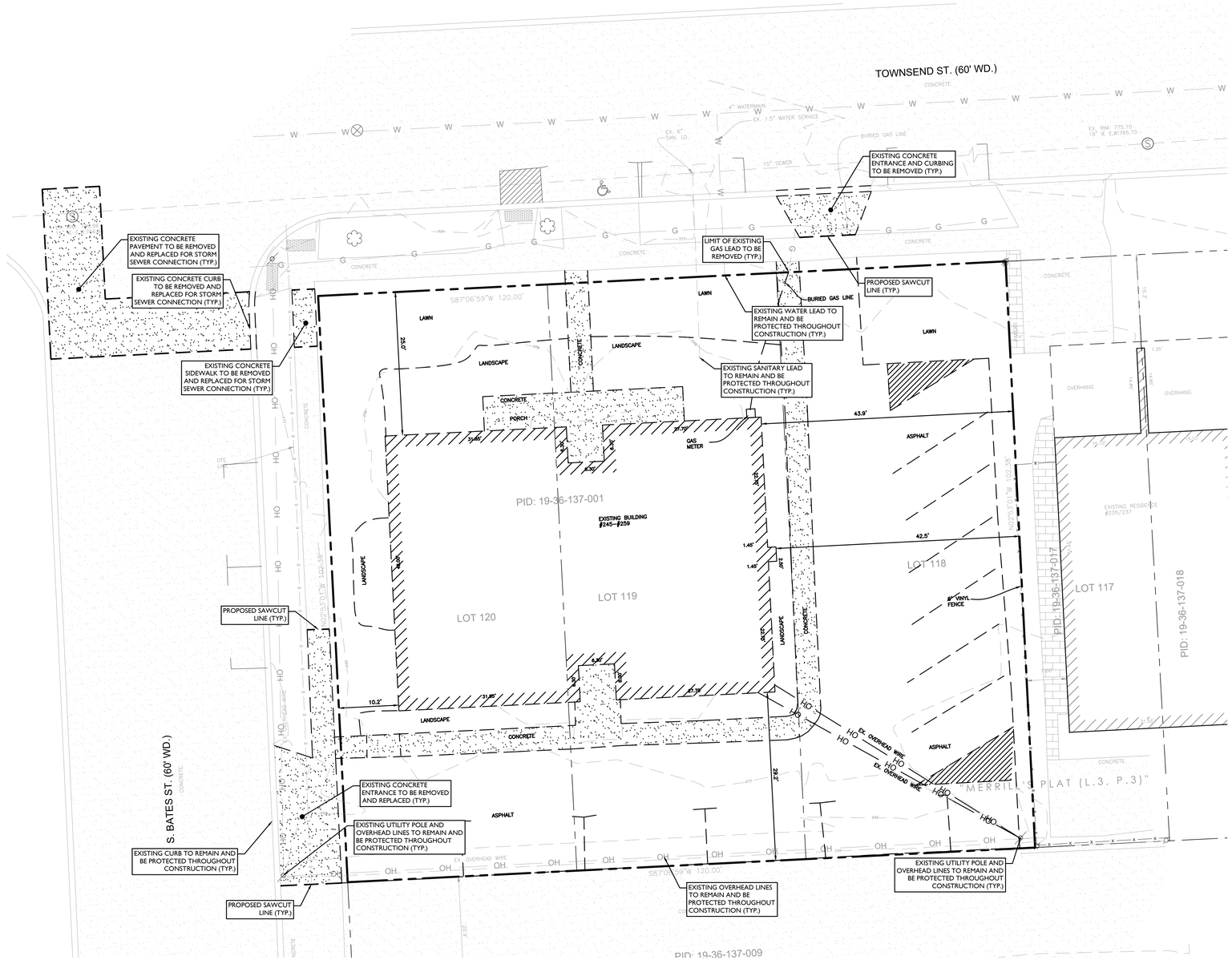
STONEFIELD engineering & design

SCALE: AS SHOWN | PROJECT ID: DET-240092

TITLE: COVER SHEET

DRAWING: C-1

V:\DET\240092\ENGR\1_MAPS\CHAMPION DEVELOPMENT-245 TOWNSEND STREET, BIRMINGHAM, MI\CAD\PLOTS\01-COVER.DWG



SYMBOL	DESCRIPTION
– — – — –	FEATURE TO BE REMOVED / DEMOLISHED
LOD	LIMIT OF DISTURBANCE

ALL SITE FEATURES WITHIN THE LIMIT OF DISTURBANCE INDICATED ON THIS PLAN ARE TO BE REMOVED / DEMOLISHED UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. IF SIGNIFICANT DISCREPANCIES ARE DISCERNED BETWEEN THIS PLAN AND FIELD CONDITIONS

Know what's **below**
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DEMOLITION NOTES

1. THE WORK REFLECTED ON THE DEMOLITION PLAN IS TO PROVIDE GENERAL INFORMATION TOWARDS THE EXISTING ITEMS TO BE DEMOLISHED AND/OR REMOVED. THE CONTRACTOR IS RESPONSIBLE TO REVIEW THE ENTIRE PLAN SET AND ASSOCIATED REPORTS/REFERENCE DOCUMENTS INCLUDING ALL DEMOLITION ACTIVITIES AND INCIDENTAL TASKS NECESSARY TO COMPLETE THE SITE IMPROVEMENTS.
2. THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF DEMOLITION ACTIVITIES.
3. EXPLOSIVES SHALL NOT BE USED UNLESS WRITTEN CONSENT FROM BOTH THE OWNER AND ANY APPLICABLE GOVERNING AGENCY IS OBTAINED. BEFORE THE START OF ANY EXPLOSIVE PROGRAM, THE CONTRACTOR IS RESPONSIBLE TO OBTAIN ALL LOCAL, STATE, AND FEDERAL PERMITS. ADDITIONALLY, THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL SEISMIC TESTING AS REQUIRED AND ANY DAMAGES AS THE RESULT OF SAID DEMOLITION PRACTICES.
4. ALL DEMOLITION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL CODES. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING ALL UTILITIES ARE DISCONNECTED IN ACCORDANCE WITH THE UTILITY AUTHORITY'S REQUIREMENTS PRIOR TO STARTING THE DEMOLITION OF ANY STRUCTURE. ALL EXCAVATIONS ASSOCIATED WITH DEMOLISHED STRUCTURES OR REMOVED TANKS SHALL BE BACKFILLED WITH SUITABLE MATERIAL AND COMPACTED TO SUPPORT SITE AND BUILDING IMPROVEMENTS. A GEOTECHNICAL ENGINEER SHOULD BE PRESENT DURING BACKFILLING ACTIVITIES TO OBSERVE AND CERTIFY THAT BACKFILL MATERIAL WAS COMPACTED TO A SUITABLE CONDITION.
5. DEMOLISHED DEBRIS SHALL NOT BE BURIED ON SITE. ALL WASTE/DEBRIS GENERATED FROM DEMOLITION ACTIVITIES SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN ALL RECORDS OF THE DISPOSAL TO DEMONSTRATE COMPLIANCE WITH THE ABOVE REGULATIONS.

10' 0' 10' 20'
GRAPHIC SCALE IN FEET
1" = 10'

ISSUE	DATE	BY	DESCRIPTION
2	06/21/2024	JRC	SUBMISSION FOR PLANNING BOARD APPROVAL
1	05/15/2024	JRC	SUBMISSION FOR PRELIMINARY PLANNING APPROVAL

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Phone 248.247.1115

SITE DEVELOPMENT PLANS

CHAMPION DEVELOPMENT

PROPOSED TOWNHOUSE DEVELOPMENT

PARCEL ID: 19-36-137-001
245 TOWNSEND STREET
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

STATE OF MICHIGAN
JONATHAN E. COOKSEY
ENGINEER
JONATHAN E. COOKSEY, P.E.
MICHIGAN LICENSE NO. 6201069428
LICENSED PROFESSIONAL ENGINEER

STONEFIELD engineering & design

SCALE: 1" = 10' | PROJECT ID: DET-240092

TITLE:
DEMOLITION PLAN

DRAWING:
C-2

V:\DET\2024\DET-240092\CHAMPION DEVELOPMENT\245 TOWNSEND STREET, BIRMINGHAM, MI\CAD\PLOT\DEMO.DWG

LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS COMMITMENT, SITUATED IN THE COUNTY OF OAKLAND, CITY OF BIRMINGHAM, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

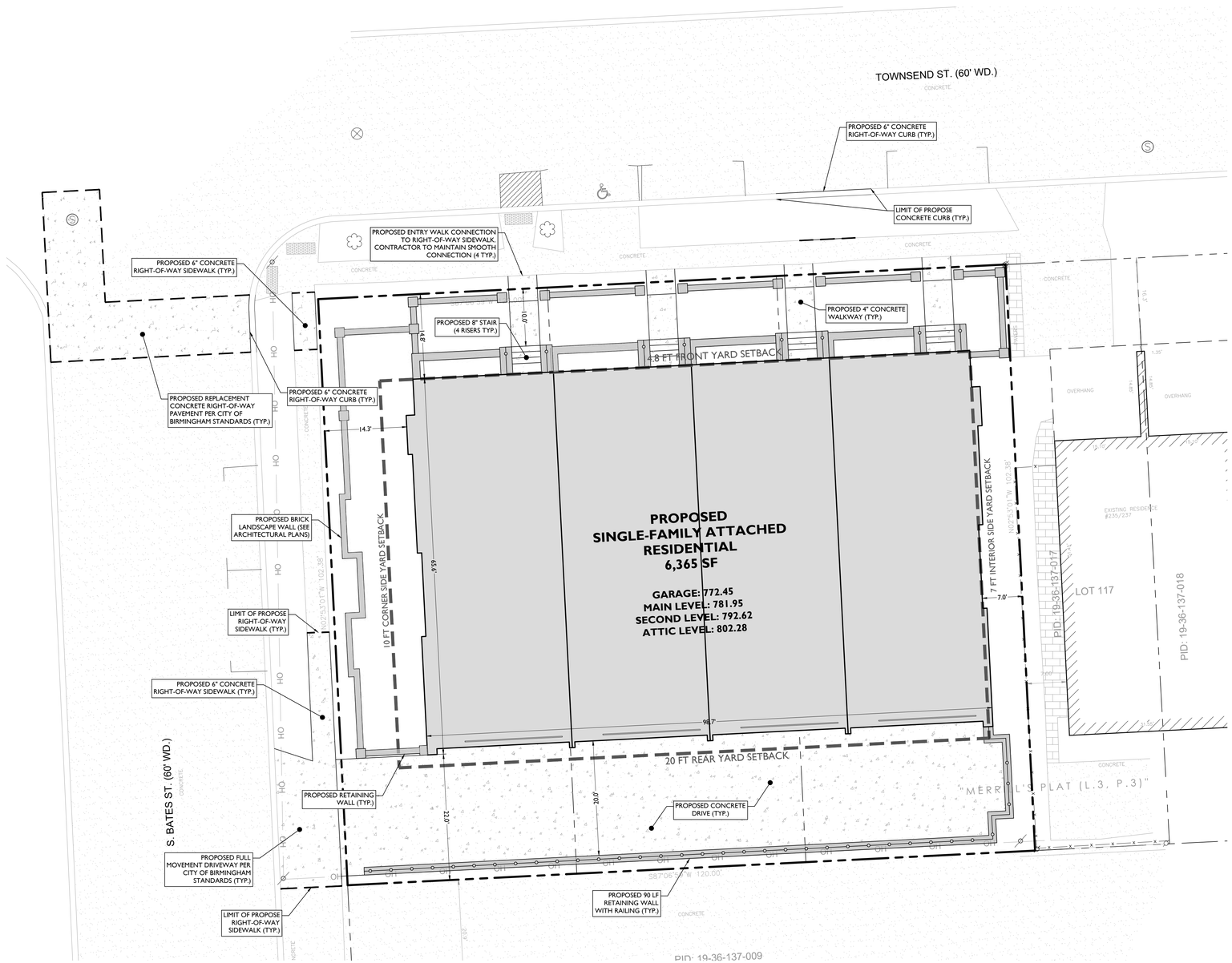
LOTS 118, 119, AND 120 OF MERRILL'S PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 3 OF PLATS, PAGE 3, OAKLAND COUNTY RECORDS

TAX ITEM NO. 19-36-137-001

LAND USE AND ZONING		
PARCEL ID: 19-36-137-001		
ATTACHED SINGLE-FAMILY RESIDENTIAL (R8)		
PROPOSED USE		
ATTACHED SINGLE-FAMILY	PERMITTED USE	
ZONING REQUIREMENT	**REQUIRED**	**PROPOSED**
MINIMUM LOT AREA	12,000 SF(1)	12,289 SF
MINIMUM FLOOR AREA	900 SF	> 900 SF
MAXIMUM IMPERVIOUS COVERAGE	N/A	9,484 SF
MAXIMUM BUILDING COVERAGE	N/A	6,365 SF
MAXIMUM BUILDING HEIGHT	30 FT (2.5 STORIES)	30 FT
MINIMUM FRONT YARD SETBACK	14.8 FT(2)	14.8 FT
MINIMUM SIDE YARD SETBACK (INTERIOR)	7 FT	7.0 FT
MINIMUM SIDE YARD SETBACK (CORNER)	10 FT	14.3FT
MINIMUM REAR YARD SETBACK	20 FT	22.0 FT

(1) 3,000 SF PER UNIT: (3,000 SF)(4 UNITS) = 12,000 SF

(2) AVERAGE SETBACK OF RESIDENTIAL BUILDINGS WITHIN 200 FT OR 25 FT



SYMBOL	DESCRIPTION
	PROPERTY LINE
	SETBACK LINE
	SAWCUT LINE
	PROPOSED CURB
	PROPOSED FLUSH CURB
	PROPOSED SIGNS / BOLLARDS
	PROPOSED BUILDING
	PROPOSED CONCRETE
	PROPOSED AREA LIGHT
	PROPOSED RETAINING WALL
	PROPOSED HANDRAIL
	PROPOSED BUILDING DOORS

TRASH PICK UP SHALL BE VIA INDIVIDUAL TRASH BINS THAT RESIDENTS SHALL BRING TO THE STREET ON THE DESIGNATED PICK UP DAY AND COORDINATED WITH THE TRASH SERVICE

GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. PRIOR TO THE START OF CONSTRUCTION.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES DURING CONSTRUCTION.
3. ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING & DESIGN, LLC. AND ITS SUB-CONSULTANTS FROM AND AGAINST ANY DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING OUT OF CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION TO CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION, LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE.
4. THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY STONEFIELD ENGINEERING & DESIGN, LLC.
5. THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF CONSTRUCTION.
6. THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE DISTURBANCE ON A PRIVATE PROPERTY NOT CONTROLLED BY THE PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK WITHOUT PRIOR WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE PROPERTY.
7. THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO REMAIN ON THE PLAN SET. ALL REPAIRS SHALL USE NEW MATERIALS TO RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTORS EXPENSE.
8. CONTRACTOR IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP DRAWINGS, PRODUCT DATA, AND OTHER REQUIRED SUBMITTALS FOR REVIEW. STONEFIELD ENGINEERING & DESIGN, LLC. WILL REVIEW THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS REFLECTED WITHIN THE PLAN SET.
9. THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
10. THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE GOVERNING AUTHORITY AND SHALL BE RESPONSIBLE FOR THE PROCUREMENT OF STREET OPENING PERMITS.
11. THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION & DEMOLITION ACTIVITIES.
12. SHOULD AN EMPLOYEE OF STONEFIELD ENGINEERING & DESIGN, LLC. BE PRESENT ON SITE AT ANY TIME DURING CONSTRUCTION, IT DOES NOT RELIEVE THE CONTRACTOR OF ANY OF THE RESPONSIBILITIES AND REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.

10' 0' 10' 20'
GRAPHIC SCALE IN FEET
1" = 10'

ISSUE	DATE	BY	DESCRIPTION
2	06/21/2024	JRC	SUBMISSION FOR PLANNING BOARD APPROVAL
1	05/15/2024	JRC	SUBMISSION FOR PRELIMINARY PLANNING APPROVAL

NOT APPROVED FOR CONSTRUCTION

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www.stonefieldeng.com
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SITE DEVELOPMENT PLANS

CHAMPION DEVELOPMENT

PROPOSED TOWNHOUSE DEVELOPMENT

PARCEL ID: 19-36-137-001
245 TOWNSEND STREET
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

STATE OF MICHIGAN
JONATHAN D. COOKSEY
ENGINEER
JAMES D. OKKEMA, P.E.
MICHIGAN LICENSE NO. 6201069428
LICENSED PROFESSIONAL ENGINEER

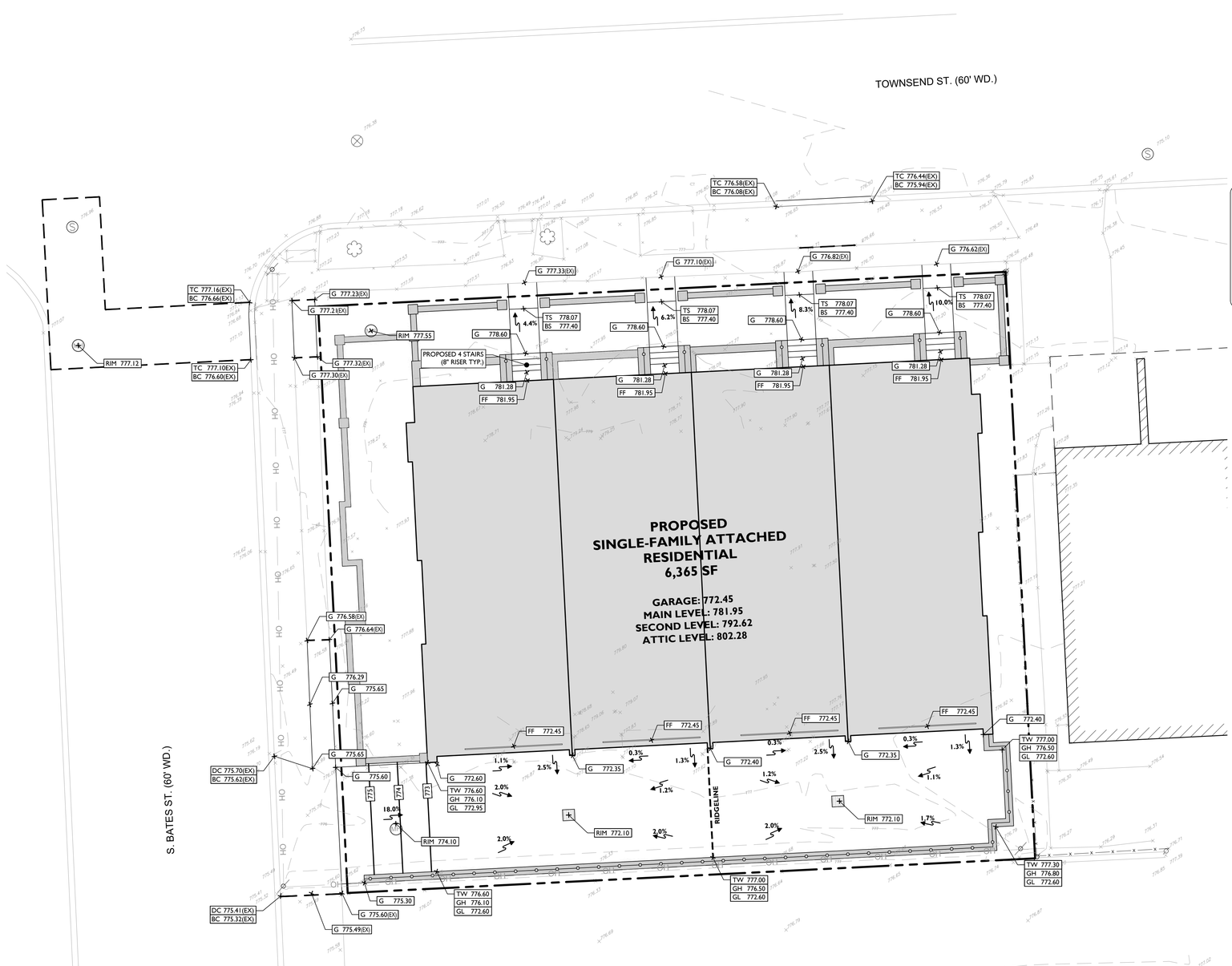
STONEFIELD engineering & design

SCALE: 1" = 10' | PROJECT ID: DET-240092

TITLE: SITE PLAN

DRAWING: C-3

V:\DET\2024\DET-240092\CHAMPION DEVELOPMENT\245 TOWNSEND STREET, BIRMINGHAM, MI\CAD\PLOTS\DP-03-SITE.DWG



AVERAGE GRADE CALCULATIONS:

EXISTING ELEVATION #1: 778.27 (NW CORNER OF BUILDING)
EXISTING ELEVATION #2: 778.71 (WEST SIDE OF PORCH)
EXISTING ELEVATION #3: 778.77 (EAST SIDE OF PORCH)
EXISTING ELEVATION #4: 778.20 (NE CORNER OF BUILDING)
EXISTING ELEVATION #5: 777.96 (SW CORNER OF BUILDING)
EXISTING ELEVATION #6: 779.06 (WEST SIDE OF REAR ENTRANCE)
EXISTING ELEVATION #7: 779.07 (EAST SIDE OF REAR ENTRANCE)
EXISTING ELEVATION #8: 777.95 (SE CORNER OF BUILDING)

AVERAGE ELEVATION: 778.50

MAXIMUM BUILDING HEIGHT: 808.50 *(TO CENTER OF GABLE)*

SYMBOL	DESCRIPTION
	PROPERTY LINE
100	PROPOSED GRADING CONTOUR
RIDGELINE	PROPOSED GRADING RIDGELINE
	PROPOSED DIRECTION OF DRAINAGE FLOW
G 100.00	PROPOSED GRADE SPOT SHOT
TC 100.50 BC 100.00	PROPOSED TOP OF CURB / BOTTOM OF CURB SPOT SHOT
FC 100.00	PROPOSED FLUSH CURB SPOT SHOT
DC 100.12 BC 100.00	PROPOSED DEPRESSED CURB / BOTTOM OF CURB SPOT SHOT
TW 102.00 BW 100.00	PROPOSED TOP OF WALL / BOTTOM OF WALL SPOT SHOT

GRADING NOTES

1. ALL SOIL AND MATERIAL REMOVED FROM THE SITE SHALL BE DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REQUIREMENTS. ANY GROUNDWATER DE-WATERING PRACTICES SHALL BE PERFORMED UNDER THE SUPERVISION OF A QUALIFIED PROFESSIONAL. THE CONTRACTOR IS REQUIRED TO OBTAIN ALL NECESSARY PERMITS FOR THE DISCHARGE OF DE-WATERED GROUNDWATER. ALL SOIL IMPORTED TO THE SITE SHALL BE CERTIFIED CLEAN FILL. CONTRACTOR SHALL MAINTAIN RECORDS OF ALL FILL MATERIALS BROUGHT TO THE SITE.
2. THE CONTRACTOR IS REQUIRED TO PROVIDE TEMPORARY AND/OR PERMANENT SHORING WHERE REQUIRED DURING EXCAVATION ACTIVITIES, INCLUDING BUT NOT LIMITED TO UTILITY TRENCHES, TO ENSURE THE STRUCTURAL INTEGRITY OF NEARBY STRUCTURES AND STABILITY OF THE SURROUNDING SOILS.
3. PROPOSED TOP OF CURB ELEVATIONS ARE GENERALLY 4 INCHES TO 7 INCHES ABOVE EXISTING GRADES UNLESS OTHERWISE NOTED. THE CONTRACTOR WILL SUPPLY ALL STAKEOUT CURB GRADE SHEETS TO STONEFIELD ENGINEERING & DESIGN, LLC. FOR REVIEW AND APPROVAL PRIOR TO POURING CURBS.
4. THE CONTRACTOR IS RESPONSIBLE TO SET ALL PROPOSED UTILITY COVERS AND RESET ALL EXISTING UTILITY COVERS WITHIN THE PROJECT LIMITS TO PROPOSED GRADE IN ACCORDANCE WITH ANY APPLICABLE MUNICIPAL, COUNTY, STATE AND/OR UTILITY AUTHORITY REGULATIONS.
5. MINIMUM SLOPE REQUIREMENTS TO PREVENT PONDING SHALL BE AS FOLLOWS:
   - CURB GUTTER: 0.50%
   - CONCRETE SURFACES: 1.00%
   - ASPHALT SURFACES: 1.00%
6. A MINIMUM SLOPE OF 1.00% SHALL BE PROVIDED AWAY FROM ALL BUILDINGS. THE CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE FROM THE BUILDING IS ACHIEVED AND SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. IF THIS CONDITION CANNOT BE MET.
7. FOR PROJECTS WHERE BASEMENTS ARE PROPOSED, THE DEVELOPER IS RESPONSIBLE TO DETERMINE THE DEPTH TO GROUNDWATER AT THE LOCATION OF THE PROPOSED STRUCTURE. IF GROUNDWATER IS ENCOUNTERED WITHIN THE BASEMENT AREA, SPECIAL CONSTRUCTION METHODS SHALL BE UTILIZED AND REVIEWED/APPROVED BY THE CONSTRUCTION CODE OFFICIAL. IF SUMP PUMPS ARE UTILIZED, ALL DISCHARGES SHALL BE CONNECTED DIRECTLY TO THE PUBLIC STORM SEWER SYSTEM WITH APPROVAL FROM THE GOVERNING STORM SEWER SYSTEM AUTHORITY.

ADA NOTES

1. THE CONTRACTOR SHALL MAINTAIN A MAXIMUM 2.00% SLOPE IN ANY DIRECTION WITHIN THE ADA PARKING SPACES AND ACCESS AISLES.
2. THE CONTRACTOR SHALL PROVIDE COMPLIANT SIGNAGE AT ALL ADA PARKING AREAS IN ACCORDANCE WITH STATE GUIDELINES.
3. THE CONTRACTOR SHALL MAINTAIN A MAXIMUM 5.00% RUNNING SLOPE AND A MAXIMUM OF 2.00% CROSS SLOPE ALONG WALKWAYS WITHIN THE ACCESSIBLE PATH OF TRAVEL (SEE THE SITE PLAN FOR THE LOCATION OF THE ACCESSIBLE PATH). THE CONTRACTOR IS RESPONSIBLE TO ENSURE THE ACCESSIBLE PATH OF TRAVEL IS 36 INCHES WIDE OR GREATER UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
4. THE CONTRACTOR SHALL MAINTAIN A MAXIMUM 2.00% SLOPE IN ANY DIRECTION AT ALL LANDINGS. LANDINGS INCLUDE, BUT ARE NOT LIMITED TO, THE TOP AND BOTTOM OF AN ACCESSIBLE RAMP, AT ACCESSIBLE BUILDING ENTRANCES, AT AN AREA IN FRONT OF A WALK-UP ATM, AND AT TURNING SPACES ALONG THE ACCESSIBLE PATH OF TRAVEL. THE LANDING AREA SHALL HAVE A MINIMUM CLEAR AREA OF 60 INCHES BY 60 INCHES UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
5. THE CONTRACTOR SHALL MAINTAIN A MAXIMUM 8.33% RUNNING SLOPE AND A MAXIMUM 2.00% CROSS SLOPE ON ANY CURB RAMPS ALONG THE ACCESSIBLE PATH OF TRAVEL. WHERE PROVIDED, CURB RAMP FLARES SHALL NOT HAVE A SLOPE GREATER THAN 10.00% IF A LANDING AREA IS PROVIDED AT THE TOP OF THE RAMP. FOR ALTERATIONS, A CURB RAMP FLARES SHALL NOT HAVE A SLOPE GREATER THAN 8.33% IF A LANDING AREA IS NOT PROVIDED AT THE TOP OF THE RAMP. CURBS RAMPS SHALL NOT RISE MORE THAN 6 INCHES IN ELEVATION WITHOUT A HANDRAIL. THE CLEAR WIDTH OF A CURB RAMP SHALL BE NO LESS THAN 36 INCHES WIDE.
6. ACCESSIBLE RAMPS WITH A RISE GREATER THAN 6 INCHES SHALL CONTAIN COMPLIANT HANDRAILS ON BOTH SIDES OF THE RAMP AND SHALL NOT RISE MORE THAN 30" IN ELEVATION WITHOUT A LANDING AREA IN BETWEEN RAMP RUNS. LANDING AREAS SHALL ALSO BE PROVIDED AT THE TOP AND BOTTOM OF THE RAMP.
7. A SLIP RESISTANT SURFACE SHALL BE CONSTRUCTED ALONG THE ACCESSIBLE PATH AND WITHIN ADA PARKING AREAS.
8. THE CONTRACTOR SHALL ENSURE A MAXIMUM OF ¼ INCHES VERTICAL CHANGE IN LEVEL ALONG THE ACCESSIBLE PATH. WHERE A CHANGE IN LEVEL BETWEEN ¼ INCHES AND ½ INCHES EXISTS, CONTRACTOR SHALL ENSURE THAT THE TOP ¼ INCH CHANGE IN LEVEL IS BEVELED WITH A SLOPE NOT STEEPER THAN 1 UNIT VERTICAL AND 2 UNITS HORIZONTAL (2:1 SLOPE).
9. THE CONTRACTOR SHALL ENSURE THAT ANY OPENINGS (GAPS OR HORIZONTAL SEPARATION) ALONG THE ACCESSIBLE PATH SHALL NOT ALLOW PASSAGE OF A SPHERE GREATER THAN ½ INCH.

10' 0' 10' 20'
GRAPHIC SCALE IN FEET
1" = 10'

ISSUE	DATE	BY	DESCRIPTION
2	06/21/2024	JRC	SUBMISSION FOR PLANNING BOARD APPROVAL
1	05/15/2024	JRC	SUBMISSION FOR PRELIMINARY PLANNING APPROVAL

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607 Shelby Suite 200, Detroit, MI 48226
Phone 248.247.1115

SITE DEVELOPMENT PLANS

CHAMPION DEVELOPMENT

PROPOSED TOWNHOUSE DEVELOPMENT

PARCEL ID: 19-36-127-001
245 TOWNSEND STREET
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

STATE OF MICHIGAN
JONATHAN D. COOKSEY
ENGINEER
No. 6201069428
JONATHAN D. COOKSEY, P.E.
MICHIGAN LICENSE NO. 6201069428
LICENSED PROFESSIONAL ENGINEER

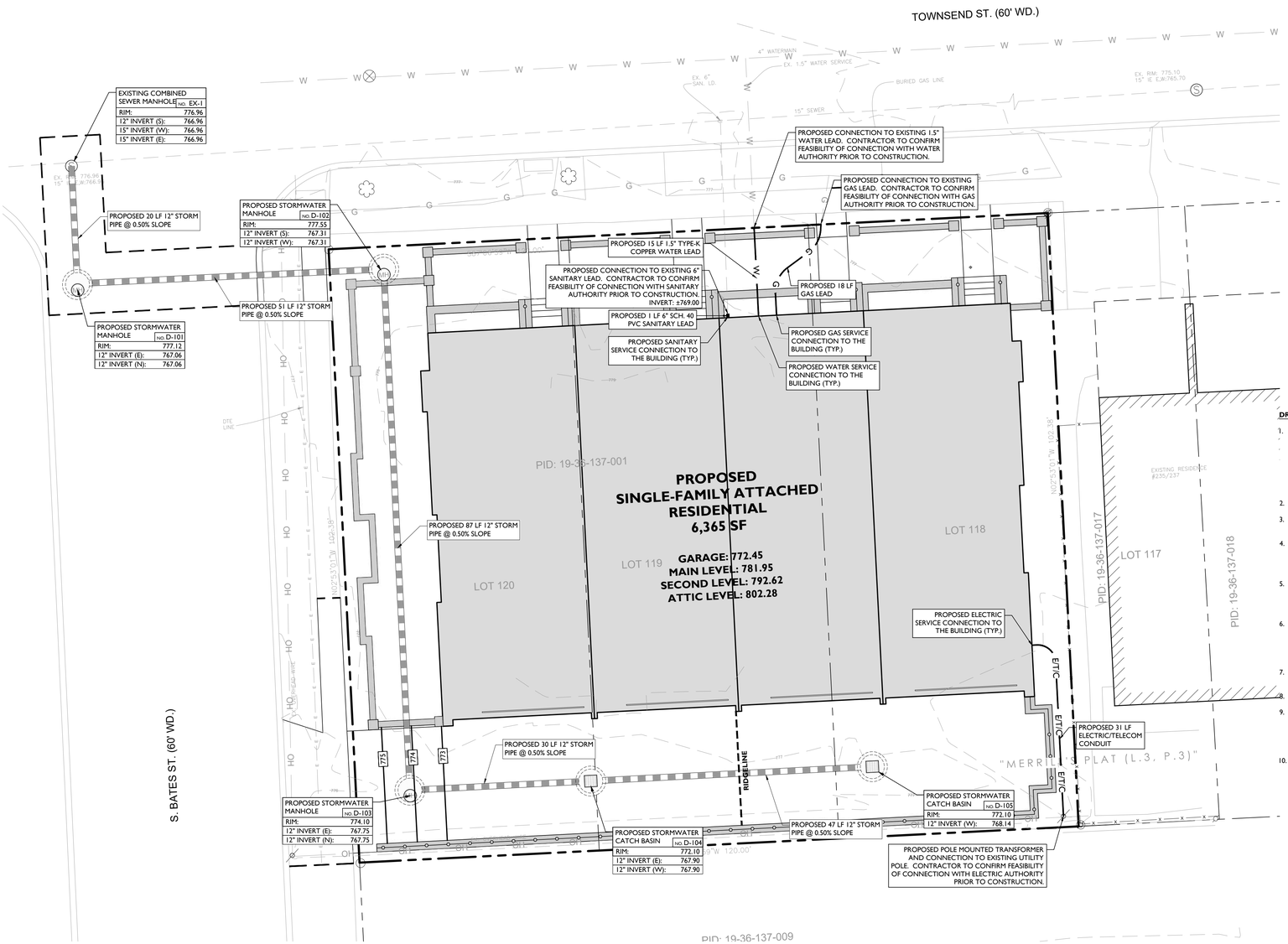
STONEFIELD engineering & design

SCALE: 1" = 10' | PROJECT ID: DET-240092

TITLE: GRADING PLAN

DRAWING: C-4

V:\DET\2024\DET-240092 CHAMPION DEVELOPMENT-245 TOWNSEND STREET, BIRMINGHAM, MI\CAD\PLOTS\DP-04-GRADING



SYMBOL / DESCRIPTION

SYMBOL	DESCRIPTION
	PROPERTY LINE
100	PROPOSED GRADING CONTOUR
RIDGELINE	PROPOSED GRADING RIDGELINE
	PROPOSED STORMWATER STRUCTURES
	PROPOSED STORMWATER PIPING
	PROPOSED UNDERGROUND OUTLET STRUCTURE
SAN	PROPOSED SANITARY LATERAL
W	PROPOSED DOMESTIC WATER SERVICE
E/T/C	PROPOSED ELECTRICAL/DATA CONDUITS
G	PROPOSED GAS LINE
	PROPOSED VALVE
	PROPOSED WATER TEE / BEND
S	PROPOSED SANITARY MANHOLE / CLEANOUT
T	PROPOSED TRANSFORMER ON CONCRETE PAD WITH BOLLARDS

DRAINAGE AND UTILITY NOTES

1. THE CONTRACTOR IS REQUIRED TO CALL THE APPROPRIATE AUTHORITY FOR NOTICE OF CONSTRUCTION/EXCAVATION AND UTILITY MARK OUT PRIOR TO THE START OF CONSTRUCTION IN ACCORDANCE WITH STATE LAW. CONTRACTOR IS REQUIRED TO CONFIRM THE HORIZONTAL AND VERTICAL LOCATION OF UTILITIES IN THE FIELD. SHOULD A DISCREPANCY EXIST BETWEEN THE FIELD LOCATION OF A UTILITY AND THE LOCATION SHOWN ON THE PLAN SET OR SURVEY, THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. IMMEDIATELY IN WRITING.
2. THE CONTRACTOR IS RESPONSIBLE TO PROTECT AND MAINTAIN IN OPERATION ALL UTILITIES NOT DESIGNATED TO BE REMOVED.
3. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO ANY EXISTING UTILITY IDENTIFIED TO REMAIN WITHIN THE LIMITS OF THE PROPOSED WORK DURING CONSTRUCTION.
4. A MINIMUM HORIZONTAL SEPARATION OF 10 FEET IS REQUIRED BETWEEN ANY SANITARY SEWER SERVICE AND ANY WATER LINES. IF THIS SEPARATION CANNOT BE PROVIDED, A CONCRETE ENCASEMENT SHALL BE UTILIZED FOR THE SANITARY SEWER SERVICE AS APPROVED BY STONEFIELD ENGINEERING & DESIGN, LLC.
5. ALL WATER LINES SHALL BE VERTICALLY SEPARATED ABOVE SANITARY SEWER LINES BY A MINIMUM DISTANCE OF 18 INCHES. IF THIS SEPARATION CANNOT BE PROVIDED, A CONCRETE ENCASEMENT SHALL BE UTILIZED FOR THE SANITARY SEWER SERVICE AS APPROVED BY STONEFIELD ENGINEERING & DESIGN, LLC.
6. THE CONTRACTOR TO PERFORM A TEST PIT PRIOR TO CONSTRUCTION (RECOMMEND 30 DAYS PRIOR) AT LOCATIONS OF EXISTING UTILITY CROSSINGS FOR WATER AND SANITARY SEWER CONNECTION IMPROVEMENTS. SHOULD A CONFLICT EXIST, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. IN WRITING.
7. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING GAS, ELECTRIC AND TELECOMMUNICATION CONNECTIONS WITH THE APPROPRIATE GOVERNING AUTHORITY.
8. CONTRACTOR SHALL START CONSTRUCTION OF ANY GRAVITY SEWER AT THE LOWEST INVERT AND WORK UP-GRADIENT.
9. THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN A RECORD SET OF PLANS REFLECTING THE LOCATION OF EXISTING UTILITIES THAT HAVE BEEN CAPPED, ABANDONED, OR RELOCATED BASED ON THE DEMOLITION/REMOVAL ACTIVITIES REQUIRED IN THIS PLAN SET. THIS DOCUMENT SHALL BE PROVIDED TO THE OWNER FOLLOWING COMPLETION OF WORK.
10. THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN A RECORD OF THE AS-BUILT LOCATIONS OF ALL PROPOSED UNDERGROUND INFRASTRUCTURE. THE CONTRACTOR SHALL NOTE ANY DISCREPANCIES BETWEEN THE AS-BUILT LOCATIONS AND THE LOCATIONS DEPICTED WITHIN THE PLAN SET. THIS RECORD SHALL BE PROVIDED TO THE OWNER FOLLOWING COMPLETION OF WORK.

DRAINAGE AND UTILITY NOTES

1. THE CONTRACTOR TO PERFORM A TEST PIT PRIOR TO CONSTRUCTION (RECOMMEND 30 DAYS PRIOR) AT LOCATIONS OF EXISTING UTILITY CROSSINGS FOR STORMWATER IMPROVEMENTS. SHOULD A CONFLICT EXIST, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. IN WRITING.
2. CONTRACTOR SHALL START CONSTRUCTION OF STORM LINES AT THE LOWEST INVERT AND WORK UP-GRADIENT.
3. THE CONTRACTOR IS REQUIRED TO CALL THE APPROPRIATE AUTHORITY FOR NOTICE OF CONSTRUCTION/EXCAVATION AND UTILITY MARK OUT PRIOR TO THE START OF CONSTRUCTION IN ACCORDANCE WITH STATE LAW. CONTRACTOR IS REQUIRED TO CONFIRM THE HORIZONTAL AND VERTICAL LOCATION OF UTILITIES IN THE FIELD. SHOULD A DISCREPANCY EXIST BETWEEN THE FIELD LOCATION OF A UTILITY AND THE LOCATION SHOWN ON THE PLAN SET OR SURVEY, THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. IMMEDIATELY IN WRITING.
4. THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN A RECORD OF THE AS-BUILT LOCATIONS OF ALL PROPOSED UNDERGROUND INFRASTRUCTURE. THE CONTRACTOR SHALL NOTE ANY DISCREPANCIES BETWEEN THE AS-BUILT LOCATIONS AND THE LOCATIONS DEPICTED WITHIN THE PLAN SET. THIS RECORD SHALL BE PROVIDED TO THE OWNER FOLLOWING COMPLETION OF WORK.

EXCAVATION, SOIL PREPARATION, AND DEWATERING NOTES

1. THE CONTRACTOR IS REQUIRED TO REVIEW THE REFERENCED GEOTECHNICAL DOCUMENTS PRIOR TO CONSTRUCTION. THESE DOCUMENTS SHALL BE CONSIDERED A PART OF THE PLAN SET.
2. THE CONTRACTOR IS REQUIRED TO PREPARE SUBGRADE SOILS BENEATH ALL PROPOSED IMPROVEMENTS AND BACKFILL ALL EXCAVATIONS IN ACCORDANCE WITH RECOMMENDATIONS BY THE GEOTECHNICAL ENGINEER OF RECORD.
3. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING SHORING FOR ALL EXCAVATIONS AS REQUIRED. CONTRACTOR SHALL HAVE THE SHORING DESIGN PREPARED BY A QUALIFIED PROFESSIONAL SHORING DESIGNS SHALL BE SUBMITTED TO STONEFIELD ENGINEERING & DESIGN, LLC. AND THE OWNER PRIOR TO THE START OF CONSTRUCTION.
4. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL OPEN EXCAVATIONS ARE PERFORMED AND PROTECTED IN ACCORDANCE WITH THE LATEST OSHA REGULATIONS.
5. THE CONTRACTOR IS RESPONSIBLE FOR ANY DEWATERING DESIGN AND OPERATIONS, AS REQUIRED, TO CONSTRUCT THE PROPOSED IMPROVEMENTS. THE CONTRACTOR SHALL OBTAIN ANY REQUIRED PERMITS FOR DEWATERING OPERATIONS AND GROUNDWATER DISPOSAL.

STORMWATER UNDERGROUND BMP CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL INSTALL AND BACKFILL THE UNDERGROUND BMP IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.
2. UNDERGROUND BASINS SHALL UTILIZE A STONE BACKFILL WITH A MINIMUM VOID RATIO OF 40%.
3. NO CONSTRUCTION LOADING OVER UNDERGROUND BASINS IS PERMITTED UNTIL BACKFILL IS COMPLETE PER THE MANUFACTURER'S SPECIFICATIONS. NO VEHICLES SHALL BE STAGED OR OPERATE FROM A FIXED POSITION OVER THE BASIN.

10' 0' 10' 20'
GRAPHIC SCALE IN FEET
1" = 10'

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607 Shelby Suite 200, Detroit, MI 48226
Phone 248.247.1115

SITE DEVELOPMENT PLANS

CHAMPION DEVELOPMENT

PROPOSED TOWNHOUSE DEVELOPMENT

PARCEL ID: 19-36-137-001
245 TOWNSEND STREET
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

JONATHAN D. COOKSEY, P.E.
MICHIGAN LICENSE NO. 6201069418
LICENSED PROFESSIONAL ENGINEER

STONEFIELD engineering & design

SCALE: 1" = 10' | PROJECT ID: DET-240092

TITLE: PRELIMINARY STORM WATER CONVEYANCE & UTILITY PLAN

DRAWING: C-5

V:\DET\2024\DET-240092-CHAMPION DEVELOPMENT\245 TOWNSEND STREET, BIRMINGHAM, MI\CAD\PLOTS\DP-SS-STRM-UTIL.DWG

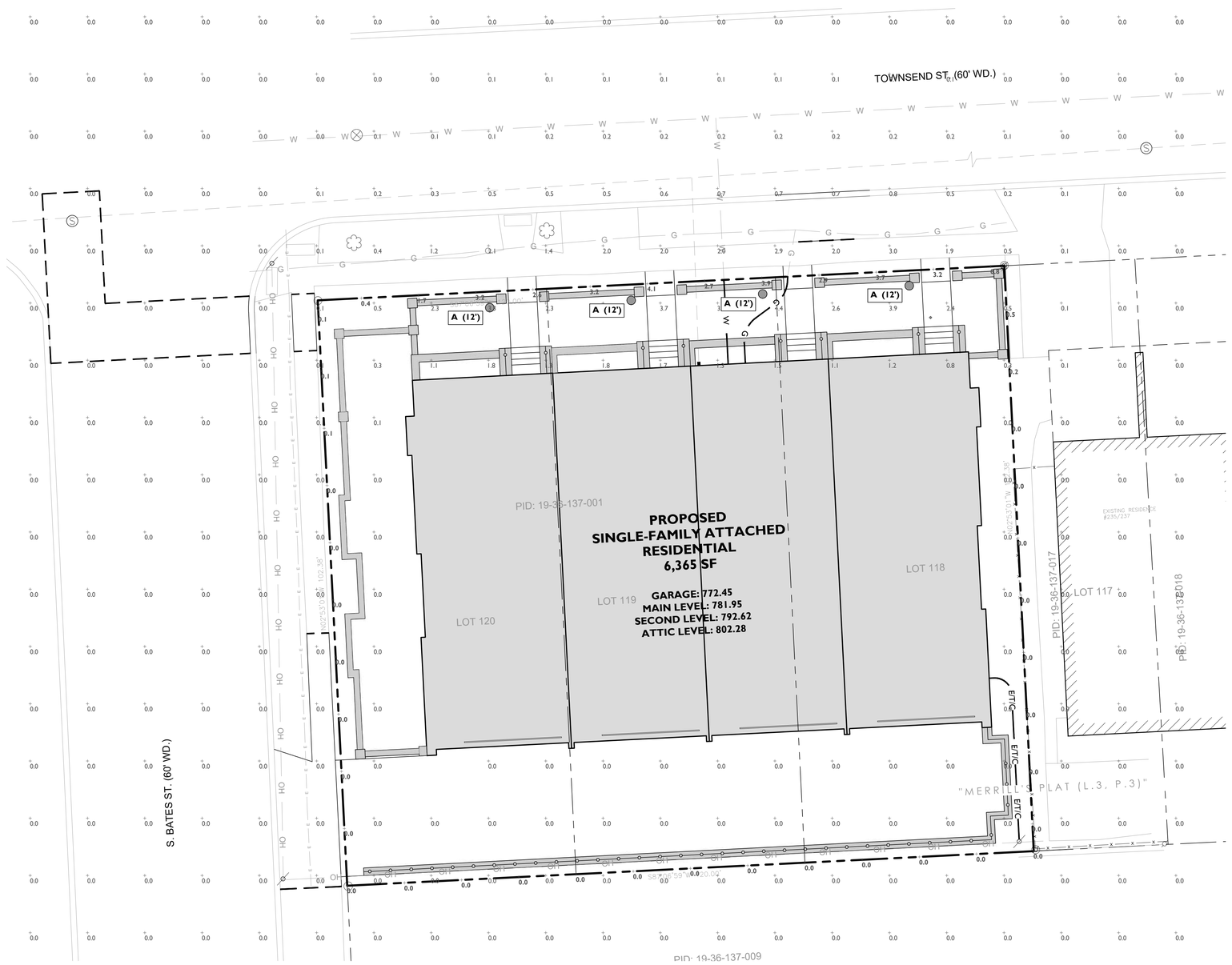
PROPOSED LUMINAIRE SCHEDULE							
SYMBOL	LABEL	QUANTITY	SECURITY LIGHTING	DISTRIBUTION	LLF	MANUFACTURER	IES FILE
○	A	4	BEGA 3,000 K LED POLE-TOP LUMINARIE- LED(84-120)	-	0.9	BEGA	84120_BEGA_IES.IES

LIGHTING STATISTICS			
DESCRIPTION	AVERAGE	MINIMUM	MAXIMUM
OVERALL PARCEL	0.64 FC	0.0 FC	4.4 FC
PROPERTY LINE	0.74 FC	0.0 FC	4.1 FC

LIGHTING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 4.21-LT-01.E.1	MAXIMUM INTENSITY AT PROPERTY LINE: 1.5 FC	4.1 FC (W)

(W) WAVIER

FIXTURE 'A'



SYMBOL	DESCRIPTION
- - - - - - - - - -	PROPOSED CALCULATION AREA
A (XX')	PROPOSED LIGHTING FIXTURE (MOUNTING HEIGHT)
x.x	PROPOSED LIGHTING INTENSITY (FOOTCANDLES)
●	PROPOSED AREA LIGHT

GENERAL LIGHTING NOTES

1. THE LIGHTING LEVELS DEPICTED WITHIN THE PLAN SET ARE CALCULATED UTILIZING DATA OBTAINED FROM THE LISTED MANUFACTURER. ACTUAL ILLUMINATION LEVELS AND PERFORMANCE OF ANY PROPOSED LIGHTING FIXTURE MAY VARY DUE TO UNCONTROLLABLE VARIABLES SUCH ARE WEATHER, VOLTAGE SUPPLY, LAMP TOLERANCE, EQUIPMENT SERVICE LIFE AND OTHER VARIABLE FIELD CONDITIONS.
2. WHERE APPLICABLE, THE EXISTING LIGHT LEVELS DEPICTED WITHIN THE PLAN SET SHALL BE CONSIDERED APPROXIMATE. THE EXISTING LIGHT LEVELS ARE BASED ON FIELD OBSERVATIONS AND THE MANUFACTURER'S DATA OF THE ASSUMED OR MOST SIMILAR LIGHTING FIXTURE MODEL.
3. UNLESS NOTED ELSEWHERE WITHIN THIS PLAN SET, THE LIGHT LOSS FACTORS USED IN THE LIGHTING ANALYSIS ARE AS FOLLOWS:
   - LIGHT EMITTING DIODES (LED): 0.90
   - HIGH PRESSURE SODIUM: 0.72
   - METAL HALIDE: 0.72
4. THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. IN WRITING, PRIOR TO THE START OF CONSTRUCTION, OF ANY PROPOSED LIGHTING LOCATIONS THAT CONFLICT WITH EXISTING/ PROPOSED DRAINAGE, UTILITY, OR OTHER IMPROVEMENTS.
5. THE CONTRACTOR IS RESPONSIBLE TO PREPARE A WIRING PLAN AND PROVIDE ELECTRIC SERVICE TO ALL PROPOSED LIGHTING FIXTURES. THE CONTRACTOR IS REQUIRED TO PREPARE AN AS-BUILT PLAN OF WIRING AND PROVIDE COPIES TO THE OWNER AND STONEFIELD ENGINEERING & DESIGN, LLC.

10' 0' 10' 20'
GRAPHIC SCALE IN FEET
1" = 10'

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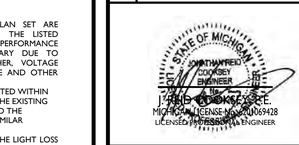
SITE DEVELOPMENT PLANS

CHAMPION DEVELOPMENT

PROPOSED TOWNHOUSE DEVELOPMENT

PARCEL ID: 19-36-137-001
245 TOWNSEND STREET
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN



STONEFIELD engineering & design

SCALE: 1" = 10' | PROJECT ID: DET-240092

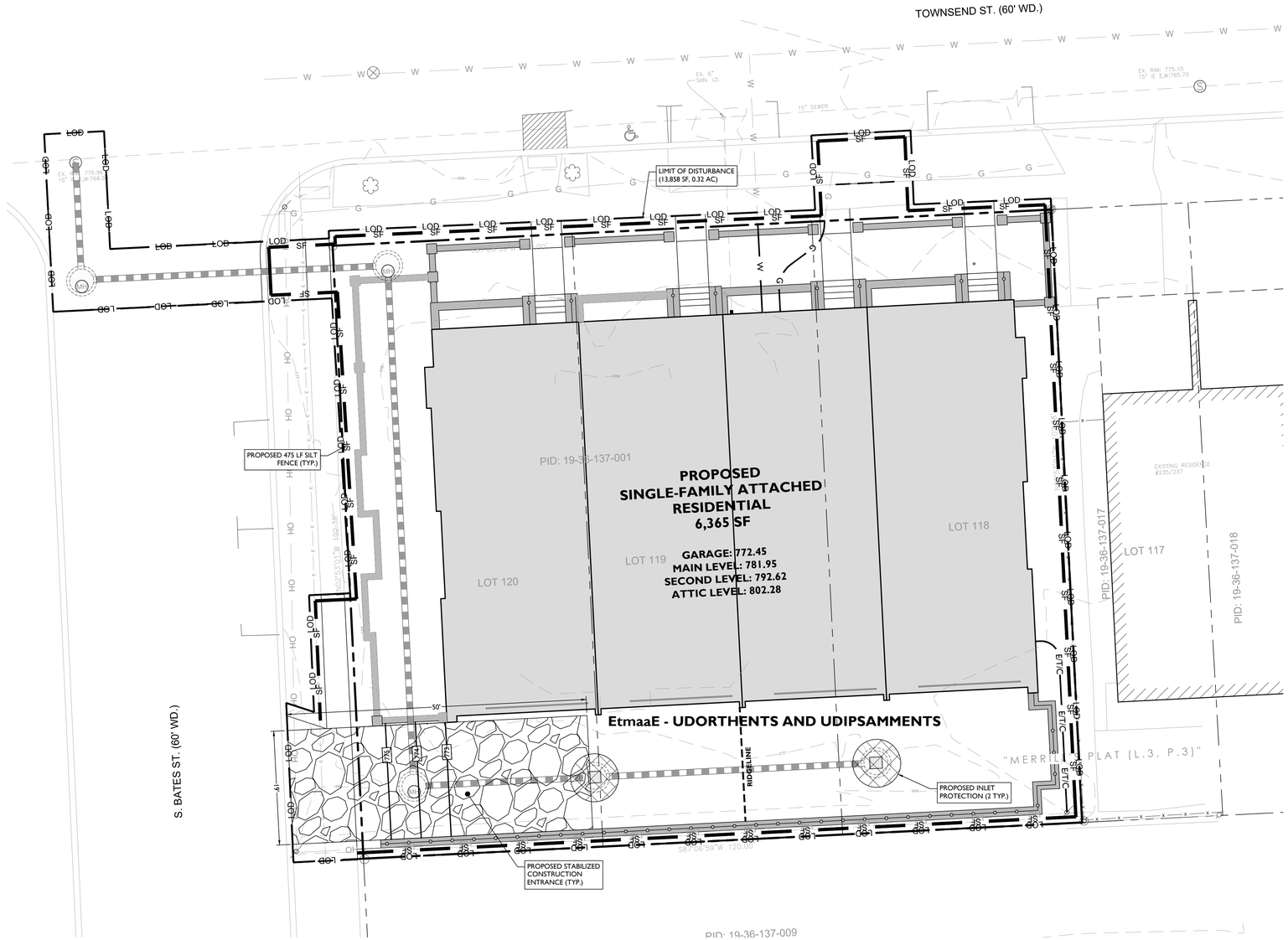
TITLE:

LIGHTING PLAN

DRAWING:

C-6

V:\DET\2024\DET-240092\CHAMPION DEVELOPMENT-245 TOWNSEND STREET, BIRMINGHAM, MI\CAD\PLOTS\DP-ALIGHT.DWG



SYMBOL	DESCRIPTION
	PROPERTY BOUNDARY
	ADJACENT PROPERTY BOUNDARY
LOD	PROPOSED LIMIT OF DISTURBANCE
SF	PROPOSED SILT FENCE
TPF	PROPOSED TREE PROTECTION FENCE
	PROPOSED STOCKPILE & EQUIPMENT STORAGE
	PROPOSED STABILIZED CONSTRUCTION ENTRANCE
	PROPOSED INLET PROTECTION FILTER

SOIL EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR SOIL EROSION AND SEDIMENT CONTROL IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REQUIREMENTS.
2. THE CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL IN COMPLIANCE WITH LOCAL, STATE, AND FEDERAL AIR QUALITY STANDARDS.
3. THE CONTRACTOR IS RESPONSIBLE TO INSPECT ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES WEEKLY AND AFTER A PRECIPITATION EVENT GREATER THAN 1 INCH. THE CONTRACTOR SHALL MAINTAIN AN INSPECTION LOG ON SITE AND DOCUMENT CORRECTIVE ACTION TAKEN THROUGHOUT THE COURSE OF CONSTRUCTION AS REQUIRED.

SEQUENCE OF CONSTRUCTION

1. INSTALL SILT FENCE AND CONSTRUCTION ENTRANCE (2 DAYS).
2. ROUGH GRADING AND TEMPORARY SEEDING (20 DAYS).
3. EXCAVATE AND INSTALL DRAINAGE PIPING, AND INLETS (20 DAYS).
4. INSTALL INLET FILTERS (1 DAY).
5. BUILDING CONSTRUCTION AND SITE IMPROVEMENTS (90 DAYS).
6. CONSTRUCT RIGHT OF WAY IMPROVEMENTS (2 DAYS).
7. LANDSCAPING IMPROVEMENTS AND FINAL SEEDING (7 DAYS).
8. REMOVE SOIL EROSION MEASURES (1 DAY).

NOTE: TIME DURATIONS ARE APPROXIMATE AND ARE INTENDED TO ACT AS A GENERAL GUIDE TO THE CONSTRUCTION TIMELINE. ALL DURATIONS ARE SUBJECT TO CHANGE BY CONTRACTOR. CONTRACTOR SHALL SUBMIT CONSTRUCTION SCHEDULE TO TOWNSHIP AND ENGINEER. CONTRACTOR SHALL PHASE CONSTRUCTION ACCORDINGLY

SOIL CHARACTERISTICS CHART

TYPE OF SOIL	UDORTHENTS AND UDIPSAMMENTS (EtmaaE)
PERCENT OF SITE COVERAGE	100.0%
HYDROLOGIC SOIL GROUP	C
DEPTH TO RESTRICTIVE LAYER	> 80 INCHES
SOIL PERMEABILITY	0.00 TO 0.01 IN / HR
DEPTH TO WATER TABLE	> 80 INCHES

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

10' 0' 10' 20'
GRAPHIC SCALE IN FEET
1" = 10'

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SITE DEVELOPMENT PLANS

CHAMPION DEVELOPMENT

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PARCEL ID: 19-36-137-001
245 TOWNSEND STREET
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

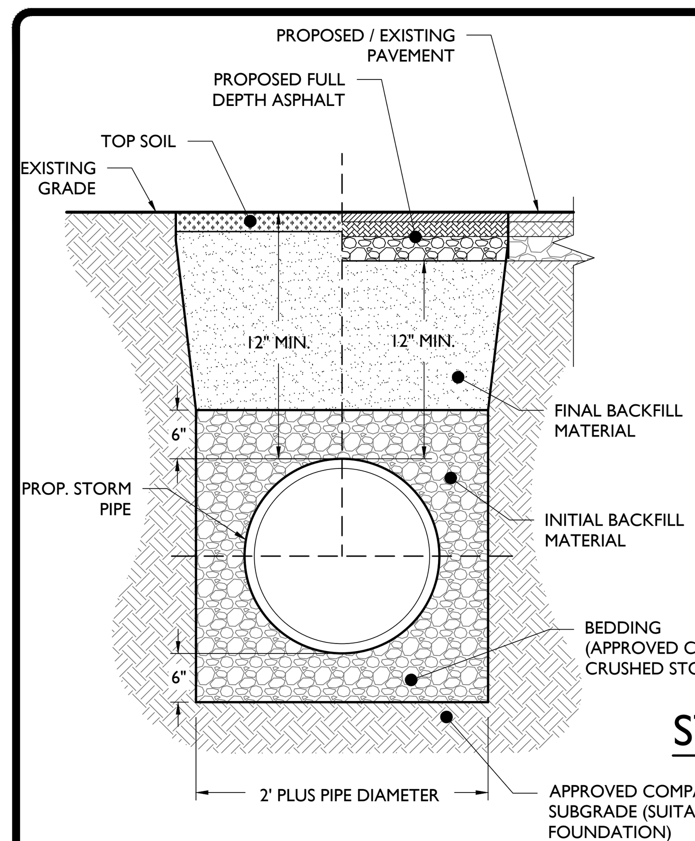
STONEFIELD engineering & design

SCALE: 1" = 10' | PROJECT ID: DET-240092

TITLE: **SOIL EROSION & SEDIMENT CONTROL PLAN**

DRAWING: **C-7**

V:\DET\2024\DET-240092-CHAMPION DEVELOPMENT\245 TOWNSEND STREET, BIRMINGHAM, MI\CAD\PLOTS\DP-03 (SESC).DWG



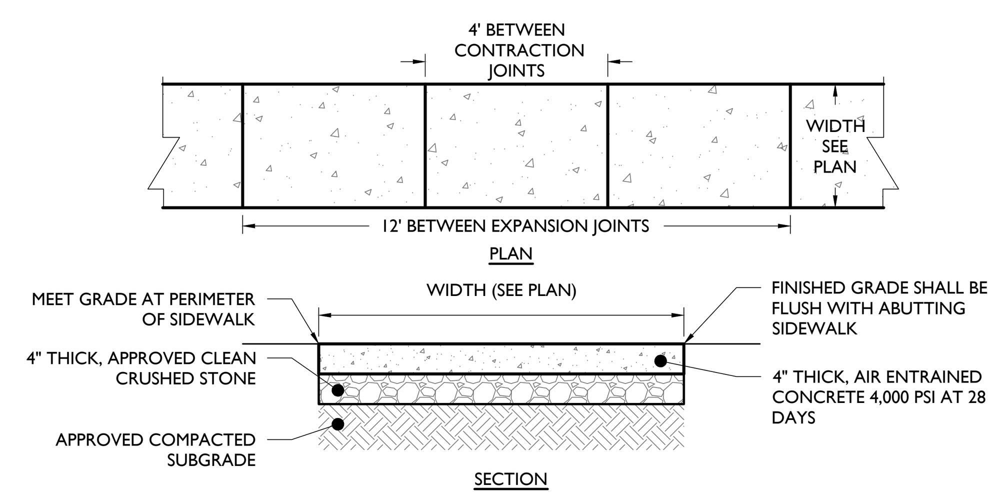
NOTES:

1. ALL PIPE SYSTEM INSTALLATIONS SHALL MEET ALL APPLICABLE STANDARDS AND SPECIFICATIONS.
2. ALL HDPE PIPE SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321, "STANDARD PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS" (LATEST EDITION).
3. ALL RCP PIPE SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM C76-15, "STANDARD SPECIFICATION FOR REINFORCED CONCRETE CULVERT, STORM DRAIN, AND SEWER PIPE" (LATEST EDITION).
4. FOR NON HDPE OR RCP PIPE INSTALLATIONS, CONTRACTOR SHALL INSTALL PIPE IN ACCORDANCE WITH ALL APPLICABLE STANDARDS AND SPECIFICATIONS.
5. WHERE THE TRENCH BOTTOM IS UNSTABLE, CONTRACTOR SHALL PROVIDE SUITABLE BACKFILL MATERIAL AS REQUIRED BY ENGINEER OR PER GEOTECH RECOMMENDATIONS.
6. MINIMUM COVER IN TRAFFIC AREAS IS 12" UP TO 48" DIAMETER PIPE AND 24" FOR 54" - 60" DIAMETER PIPE TO BOTTOM OF FLEXIBLE PAVEMENT OR TOP OF RIGID PAVEMENT.
7. CONTRACTOR SHALL INSTALL SUITABLE MATERIAL FOR INITIAL AND FINAL BACKFILL. BACKFILL COMPACTION SHOULD MEET ALL APPLICABLE STANDARDS AND SPECIFICATIONS.

STORM TRENCH DETAIL

NOT TO SCALE

1

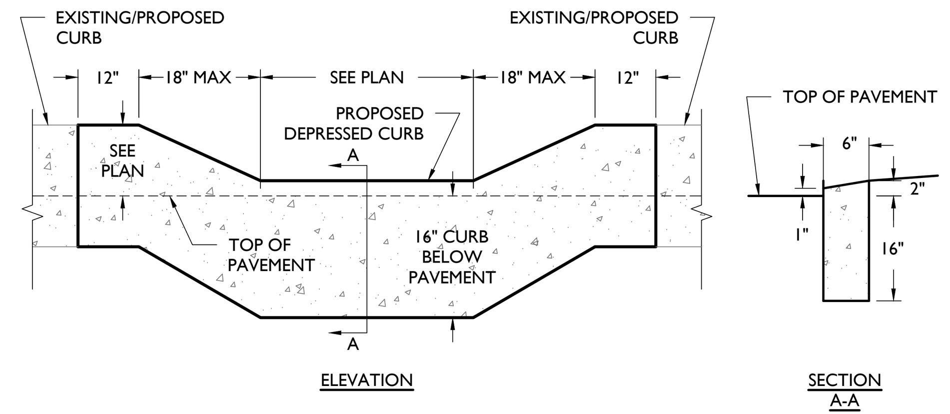


CONCRETE WALKWAY

NOT TO SCALE

NOTES:
1. MAXIMUM CROSS SLOPE SHALL BE ¼" PER FOOT.
2. ¼" EXPANSION JOINTS SHALL BE PROVIDED AT 12' INTERVALS WITH PRE-MOLDED, BITUMINOUS JOINT FILLER, RECESSED ¼" FROM THE SURFACE.
3. 1" DEEP BY ¼" WIDE, TOOLED CONTRACTION JOINTS SHALL BE PROVIDED AT 4' INTERVALS.
4. EXPANSION JOIN SHALL BE PROVIDED WHERE ADJACENT TO A BUILDING.

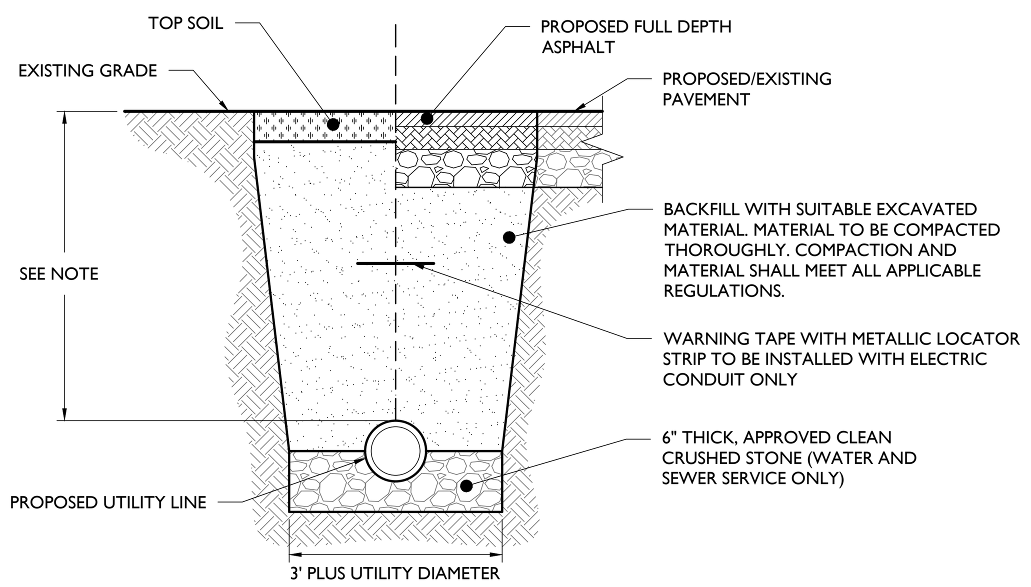
2



DEPRESSED CURB DETAIL

NOT TO SCALE

3



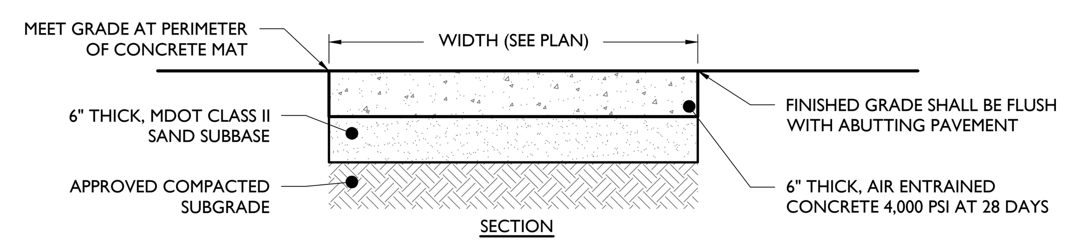
UTILITY TRENCH

NOT TO SCALE

NOTE:

MINIMUM PIPE COVER SHALL BE AS FOLLOW:
- ELECTRIC SERVICE - PER APPLICABLE UTILITY AUTHORITY
- GAS SERVICE - PER APPLICABLE UTILITY AUTHORITY
- SEWER SERVICE - 36" MINIMUM
- WATER SERVICE - 48" MINIMUM

4

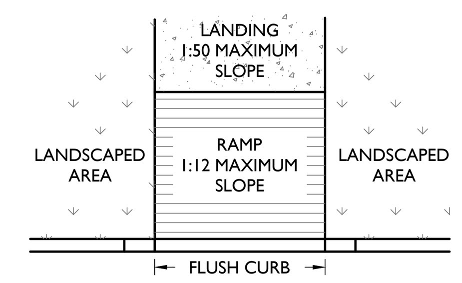


CONCRETE MAT

NOT TO SCALE

NOTES:
1. ½" EXPANSION JOINTS WITH WATER SEAL SHALL BE PROVIDED AT 12' INTERVALS WITH PRE-MOLDED, BITUMINOUS JOINT FILLER, RECESSED ¼" FROM THE SURFACE. LONGITUDINAL REBAR TO BE CUT AT EXPANSION JOINTS.
2. 1" DEEP BY ¼" WIDE, TOOLED CONTRACTION JOINTS SHALL BE PROVIDED AT MID-POINT BETWEEN EXPANSION JOINTS OR 6' INTERVALS MAX.
3. CONCRETE SHALL RECEIVE BROOM FINISH.
4. ALL EXPOSED CORNERS TO HAVE 12" CHAMFER.

5



CURB RAMP DETAIL

NOT TO SCALE

NOTES:
1. CROSS SLOPE ON RAMP SHALL NOT EXCEED 2%
2. A FLUSH CURB SHALL HAVE A MINIMUM WIDTH OF 36". SEE PLAN FOR EXACT WIDTH.
3. RAMP SHALL HAVE A MAXIMUM RISE OF 6" WITHOUT A HANDRAIL

6

Edge-lit pole-top luminaire · Symmetric

BEGA

Application
With an elegant form and extraordinary glare control, this pole top luminaire provides visual interest both day and night. Designed to illuminate parking areas and plazas. Provided with slip fitter to fit 3" O.D. poles.

Materials
Optically textured UV-stabilized acrylic diffuser
Marine grade, copper free (≤0.3% copper content) A360.0 aluminum alloy
High temperature silicone gasket
Mechanically captive stainless steel fasteners
Pure anodized aluminum reflector

NRTL listed to North American Standards, suitable for wet locations
Protection class IP 65

Weight: 21.4 lbs.

EPA (Effective projection area): 0.7 sq. ft.

Electrical

Operating voltage	120-277VAC
Minimum start temperature	-30°C
LED module wattage	24.0W
System wattage	28.0W
Controllability	0-10V dimmable
Color rendering index	Ra > 80
Luminaire lumens	2464 lm
LED service life (L70)	60000 hrs

LED color temperature
☐ 4000K (K4)
☐ 3500K (K35)
☐ 3000K (K3)
☐ 2700K (K27)

BEGA can supply you with suitable LED replacement modules for up to 20 years after the purchase of LED luminaires - see website for details

Finish
All BEGA standard finishes are matte, textured powder coat with minimum 3 mil thickness. BEGA Unidure® finish, a fluoropolymer technology, provides superior fade protection in Black, Bronze, and Silver. BEGA standard White is a super durable polyester powder. Optionally available RAL and custom color finishes provided in either polyester powder or liquid paint.

Available colors
☐ Black (BLK) ☐ Bronze (BRZ)
☐ Silver (SLV) ☐ White (WHT)
☐ RAL: ☐ CUS:

Type:
BEGA Product:
Project:
Modified:

Available options
☐ CUS Custom finish
☐ DALI 84120 Digital addressable lighting interface
☐ FSC Fusing
☐ MGU Marine grade undercoat
☐ RAL RAL finish
☐ SRG Surge protection

84120_BEGA_IES.IES

Edge-lit pole-top luminaire · Symmetric

	LED	A	B
B84120	24.0W	20⁵⁄₈	22¹⁄₄

BEGA 1000 BEGA Way, Carpinteria, CA 93013 (805) 684-0533 info@bega-us.com

Due to the dynamic nature of lighting products and the associated technologies, luminaire data on this sheet is subject to change at the discretion of BEGA North America. For the most current technical data, please refer to bega-us.com
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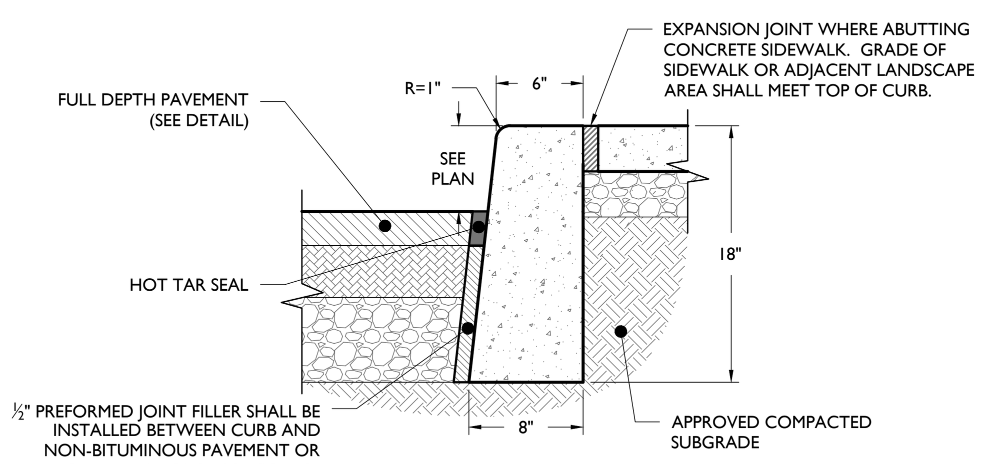
Updated 05/10/23

AREA LIGHTING

NOT TO SCALE

7

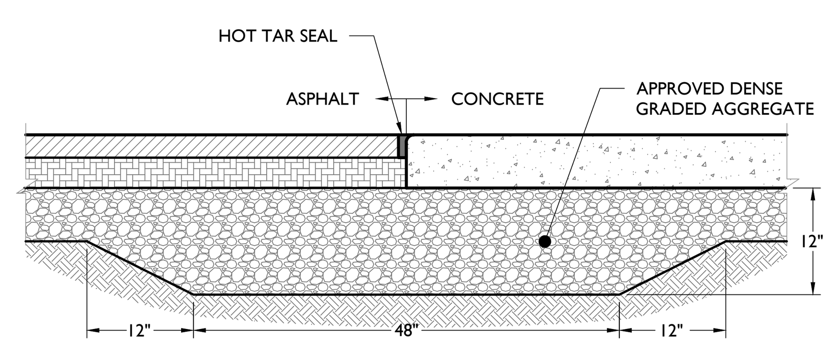


CONCRETE CURB DETAIL

NOT TO SCALE

NOTES:
1. CONCRETE SHALL BE 3500 PSI AT 28 DAYS, AIR-ENTRAINED.
2. TRANSVERSE EXPANSION JOINTS SHALL BE PROVIDED AT 20 FOOT INTERVALS WITH PRE-MOLDED, BITUMINOUS JOINT FILLER, RECESSED ¼" FROM SURFACE.
3. HALF DEPTH CONTRACTION JOINTS SHALL BE PROVIDED AT 10 FOOT INTERVALS.
4. 18" CURB DEPTH SHALL BE MAINTAINED AT DEPRESSED OR FLUSH CURBED AREAS.

8

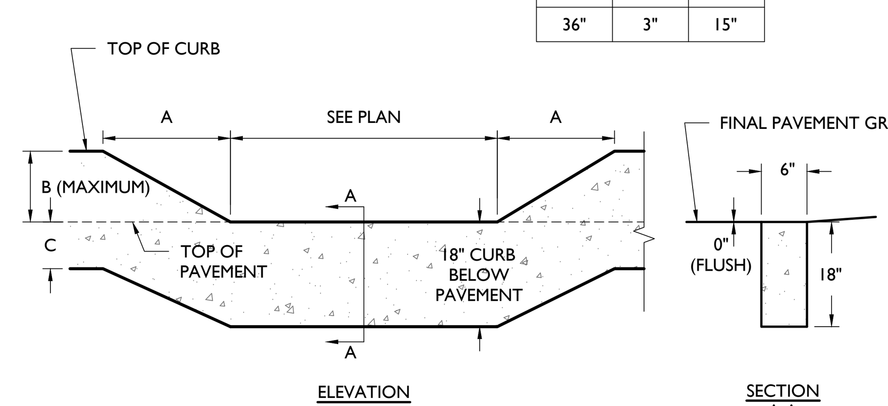


CONCRETE TO ASPHALT TRANSITION DETAIL

NOT TO SCALE

9

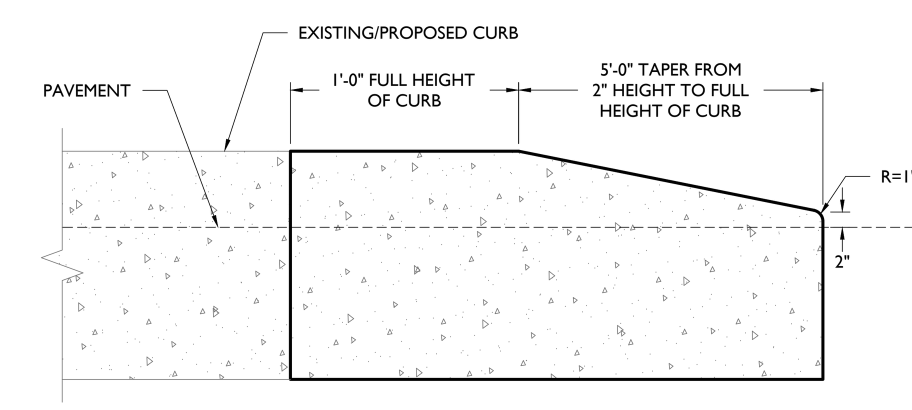
FLUSH CURB DIMENSIONS		
A	B	C
72"	6"	12"
60"	5"	13"
48"	4"	14"
36"	3"	15"



FLUSH CURB

NOT TO SCALE

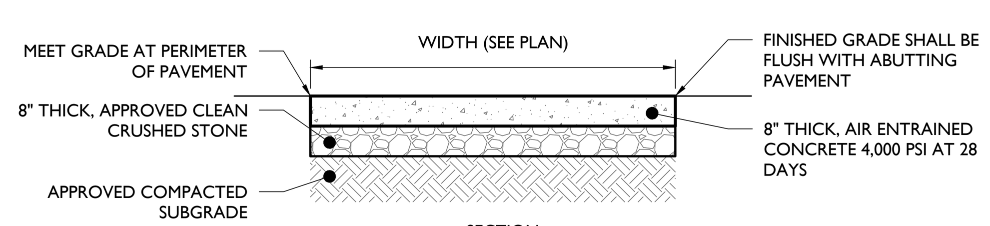
10



CURB TAPER DETAIL

NOT TO SCALE

11

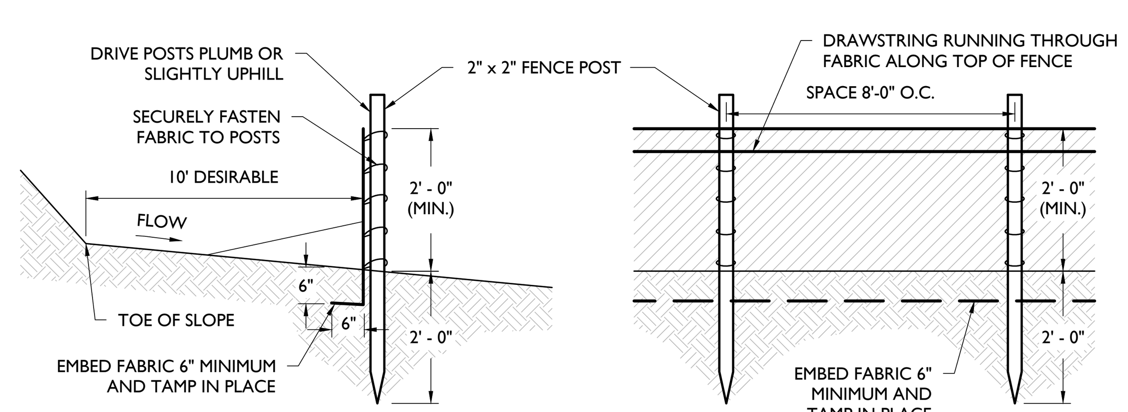


CONCRETE PAVEMENT

NOT TO SCALE

NOTES:
1. MAXIMUM CROSS SLOPE SHALL BE ¼" PER FOOT.
2. ¼" EXPANSION JOINTS SHALL BE PROVIDED AT 12' INTERVALS WITH PRE-MOLDED, BITUMINOUS JOINT FILLER, RECESSED ¼" FROM THE SURFACE.
3. 1" DEEP BY ¼" WIDE, TOOLED CONTRACTION JOINTS SHALL BE PROVIDED AT 4' INTERVALS.
4. EXPANSION JOIN SHALL BE PROVIDED WHERE ADJACENT TO A BUILDING.

12

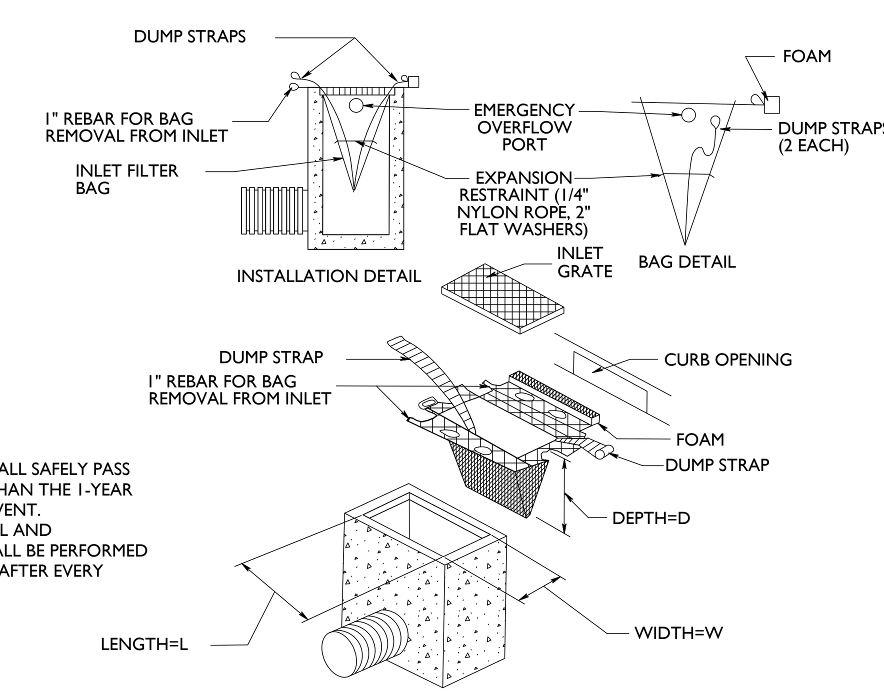


NOTES:
1. SECURELY FASTEN GEOTEXTILE TO FENCE POST BY USE OF WIRE TIES, HOG RINGS, STAPLES OR POCKETS. FOUR TO SIX FASTENERS PER POST.
2. GEOTEXTILE FABRIC TO BE EMBEDDED 6" (MIN.) AND TAMP IN PLACE.
3. SECURELY FASTEN ENDS OF INDIVIDUAL ROLLS OF GEOTEXTILE TO A POST BY WRAPPING EACH END OF THE GEOTEXTILE AROUND THE POST TWICE AND ATTACHING AS SPECIFIED IN NOTE 1 ABOVE. SPLICING OF INDIVIDUAL ROLLS SHALL NOT OCCUR AT LOW POINTS.
4. SET SILT FENCE WITHIN PROJECT LIMITS. 10'-0" IS DESIRABLE.

SILT FENCE DETAIL

NOT TO SCALE

13

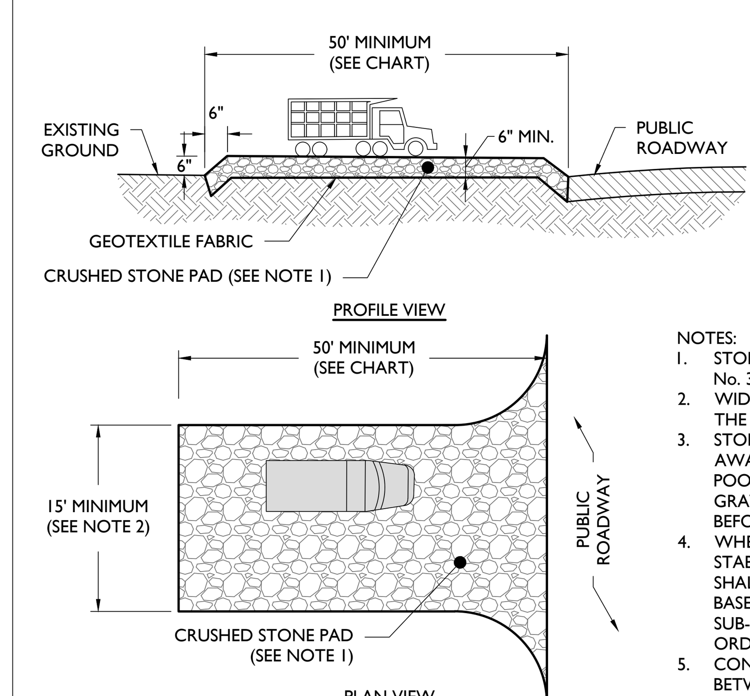


NOTES:
1. THE FILTER BAG SHALL SAFELY PASS FLOWS GREATER THAN THE 1-YEAR 24-HOUR STORM EVENT.
2. SEDIMENT REMOVAL AND MAINTENANCE SHALL BE PERFORMED FREQUENTLY AND AFTER EVERY STORM EVENT.

INLET FILTER BAG DETAIL

NOT TO SCALE

14



SLOPE OF PUBLIC ROADWAY	LENGTH OF STONE REQ'D	
	COARSE GRAINED SOILS	FINE GRAINED SOILS
0% TO 2%	50 FEET	100 FEET
2% TO 5%	100 FEET	200 FEET
> 5%	SEE NOTE 4	

NOTES:
1. STONE SHALL BE ASTM C-33, SIZE No. 2 (2.5" TO 1.5") OR No. 3 (2" TO 1") CLEAN CRUSHED ANGULAR STONE.
2. WIDTH SHALL BE 15' MINIMUM OR THE FULL WIDTH OF THE ACCESS POINT, WHICHEVER IS GREATER.
3. STORMWATER FROM UP-SLOPE AREAS SHALL BE DIVERTED AWAY FROM THE STABILIZED PAD, WHERE POSSIBLE. AT POORLY DRAINED LOCATIONS, SUBSURFACE DRAINAGE GRAVEL FILTER OR GEOTEXTILE SHALL BE INSTALLED BEFORE THE STABILIZED CONSTRUCTION ENTRANCE.
4. WHERE THE SLOPE OF THE ROADWAY EXCEEDS 5%, A STABILIZED BASE OF HOT MIX ASPHALT BASE COURSE SHALL BE INSTALLED. THE TYPE AND THICKNESS OF THE BASE COURSE AND USE OF DENSE GRADED AGGREGATE SUB-BASE SHALL BE AS PRESCRIBED BY LOCAL MUNICIPAL ORDINANCE OR GOVERNING AUTHORITY.
5. CONTRACTOR SHALL PROVIDE A SMOOTH TRANSITION BETWEEN THE STABILIZED CONSTRUCTION ACCESS AND THE PUBLIC ROADWAY.

STABILIZED CONSTRUCTION ACCESS DETAIL

NOT TO SCALE

15

ISSUE	DATE	BY	DESCRIPTION
2	06/21/2024	JRC	SUBMISSION FOR PLANNING BOARD APPROVAL
1	05/15/2024	JRC	SUBMISSION FOR PRELIMINARY PLANNING APPROVAL

NOT APPROVED FOR CONSTRUCTION

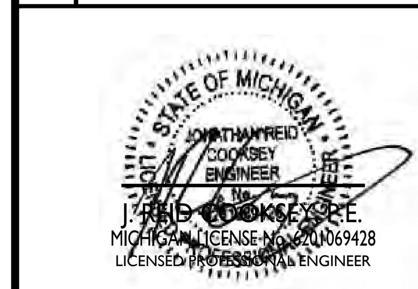
STONEFIELD engineering & design
Rutherford, NJ · New York, NY · Salem, MA
Princeton, NJ · Tampa, FL · Detroit, MI
www.stonefieldeng.com
607 Shelby Suite 200, Detroit, MI 48226
Phone 248.247.1115

SITE DEVELOPMENT PLANS

CHAMPION DEVELOPMENT

PROPOSED TOWNHOUSE DEVELOPMENT

PARCEL ID: 19-36-137-001
245 TOWNSEND STREET
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN



J. REID COOKSEY, P.E.
MICHIGAN LICENSE No. 6201069428
LICENSED PROFESSIONAL ENGINEER

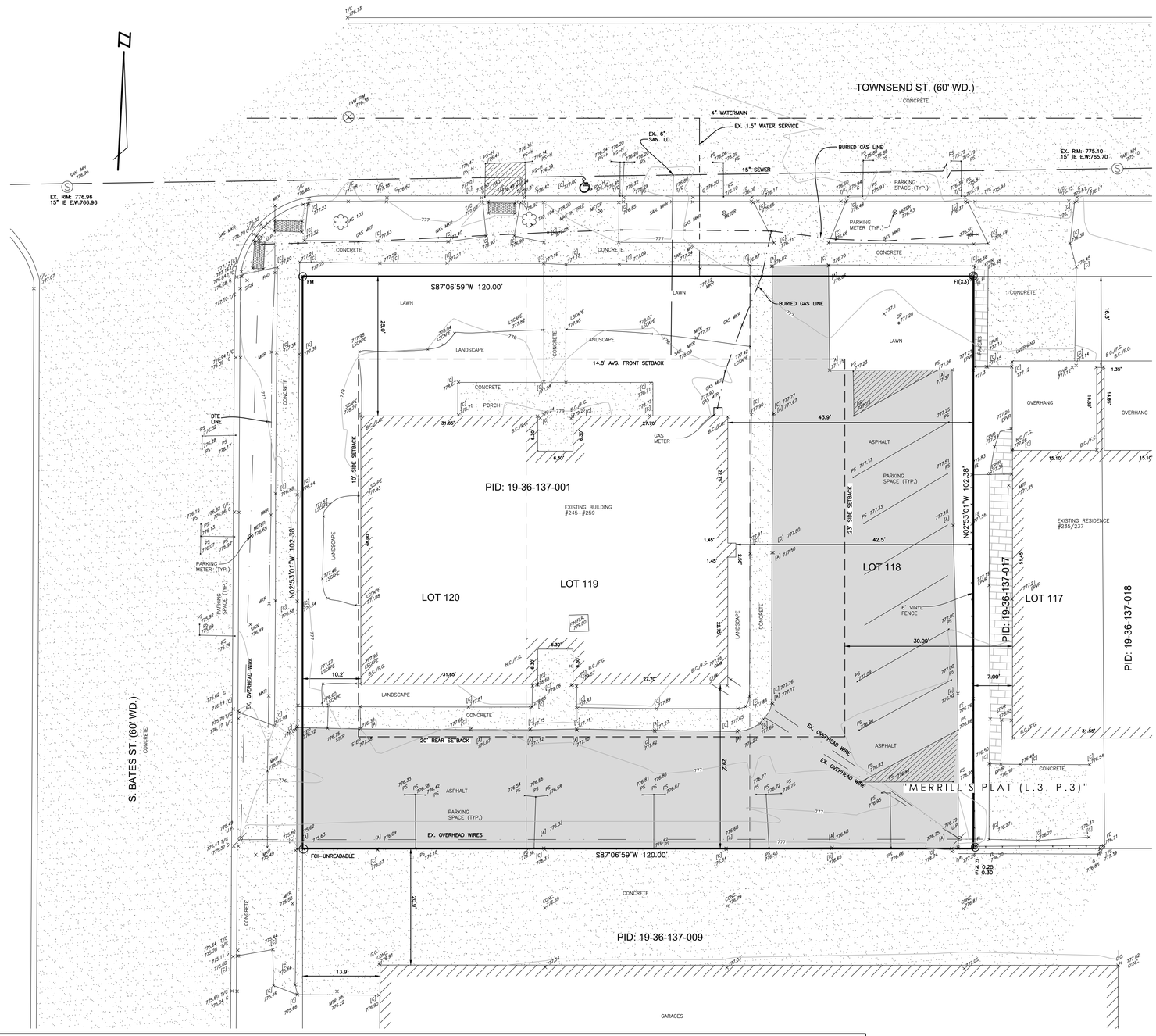
STONEFIELD engineering & design

SCALE: AS SHOWN | PROJECT ID: DET-240092

TITLE:
CONSTRUCTION DETAILS

DRAWING:
C-8

V:\DET\2024\DET-240092-CHAMPION DEVELOPMENT-245 TOWNSEND STREET, BIRMINGHAM, MI\CADD\PLOT\SDP-08-DETL.DWG



SITE DATA

ADDRESS:
245 TOWNSEND ST.
BIRMINGHAM, MI. 48009

PID:
19-36-137-001

ZONING:
R8

MINIMUM FRONT YARD SETBACK:
- AVERAGE SETBACK OF RESIDENTIAL BUILDINGS WITHIN 200 FEET, OTHERWISE 25 FEET

MINIMUM REAR YARD SETBACK:
- 20 FEET

MINIMUM COMBINED FRONT AND REAR SETBACK:
- N/A

MINIMUM SIDE YARD SETBACK:
- 7 FEET FOR INTERIOR LOTS
- 10 FEET FOR CORNER LOTS
- 14 FEET OR 25% OF TOTAL LOT WIDTH WHICHEVER IS LARGER, BETWEEN PRINCIPAL RESIDENTIAL BUILDINGS ON ADJACENT LOTS

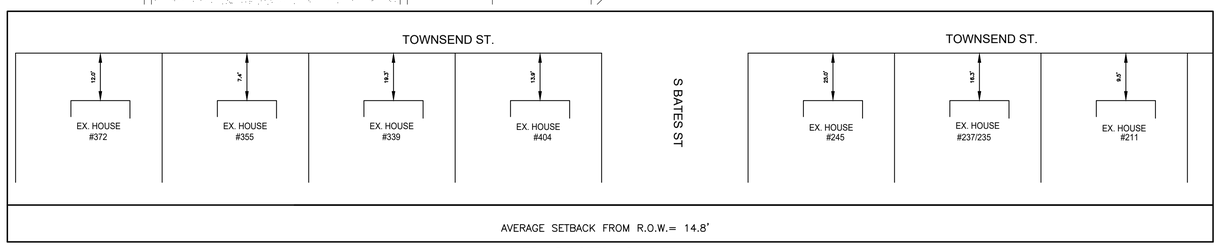
LEGEND

- SECTION CORNER
- FOUND IRON, MON., NAIL
- SET IRON
- R RECORDED
- M MEASURED
- C CALCULATED

EXISTING

- O.H.W. — ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
- CATV — UNDERGROUND CABLE TV
- MBT — UG — TELEPHONE U.G. CABLE, SPLICING BOX & MANHOLE
- DE — UG — ELECTRIC U.G. CABLE & MANHOLE
- 6"G — GAS MAIN & VALVE
- WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
- SANITARY SEWER, CLEANOUT & MANHOLE
- STORM DRAIN & MANHOLE
- COMBINED SEWER & MANHOLE
- CATCH BASIN, INLET
- YARD BASIN
- STORM DRAIN & END SECTION
- POST INDICATOR VALVE
- WATER SERVICE SHUTOFF, HYDRANT VALVE BOX
- MAILBOX
- POINT ELEVATION (AT X OR END OF LEADER)
- 670 — CONTOUR LINE
- FENCE
- GUARD RAIL
- STREET LIGHT
- SIGN
- TREE

PARCEL DESCRIPTION
T2N, R10E, SECTION 36
LOTS 118, 119, & 120 OF MERRILL'S PLAT
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN



AVERAGE SETBACK DETAIL
NOT TO SCALE

TREE SURVEY

TAG #	DIA. (IN.)	SPECIES	SPREAD (FT.)
103	14	MULBERRY	40
104	10	MAPLE	30

Utility information, as shown, indicates the approximate locations and types of utilities as disclosed to this firm by various utility company's marking(s) and/or plans provided.

No guarantee is provided or implied as to the existence, accuracy or completeness of any utilities.

All locations and depths of any utilities that may exist shall be verified in the field by others prior to the start of construction.

Extreme caution shall be utilized during construction when operating near overhead and/or buried utilities.

CALL MISS DIG — 72 HOURS (3 WORKING DAYS – EXCLUDING SAT., SUN. & HOLIDAYS)
CALL MISS DIG
1-800-482-7171
OR
811
(TOLL FREE) FOR THE LOCATION OF UNDER GROUND FACILITIES

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Phone: 586-254-9577 Fax: 586-254-9020
www.fennsurveying.com

TOPOGRAPHIC MAPPING
245 TOWNSEND ST.
PART OF SECTION 36, T2N, R10E
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

DISTRIBUTION

●	PRELIMINARY
○	APPROVAL
○	CONSTRUCTION
○	AS-BUILT

REVISIONS

DATE	REMARKS
4/5/24	ADD TOPO INFO
4/25/24	ADD CONTOURS

SEAL
STATE OF MICHIGAN
JEFFREY S. RIZZO
ENGINEER
NO. 42065
REGISTERED PROFESSIONAL ENGINEER

CLIENT
THE PARKVIEW DEV. LLC
5000 E. GRAND RIVER AVE
HOWELL, MI 48843
CONTACT:
MICHAEL NADOLSKI
PHONE: 248-444-0624

PROJECT NAME
245 TOWNSEND ST.

PROJECT NUMBER
C24-006.02X

SHEET NAME
TOPOGRAPHIC MAPPING

DRAWING SCALE:	1"= 10'
SHEET SIZE:	24X36
DATE:	2/27/24
PROJECT MANAGER:	TWD
DESIGNED BY:	N/A
DRAWN BY:	R.PERRI
FIELD BY:	VA/CS
CHECKED BY:	TWD/JSR,PE

SHEET NUMBER
1 OF 1

M:\2024 CONTRACTS\C24-006 245 TOWNSEND STREET, BIRMINGHAM\Survey\DWG\C24-006.01X.dwg, 4/26/2024 7:57:57 AM,
DWG To PDF.pc3

SHAIN PARK TOWNHOMES

245 TOWNSEND STREET
Birmingham, MI 48009

Front View

Scale : N/A

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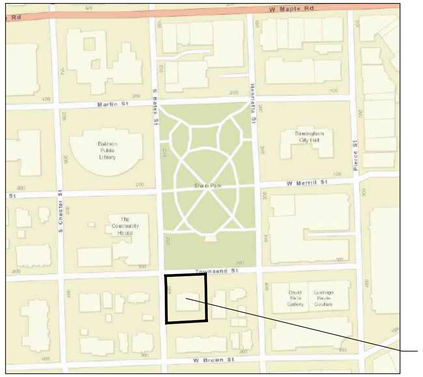
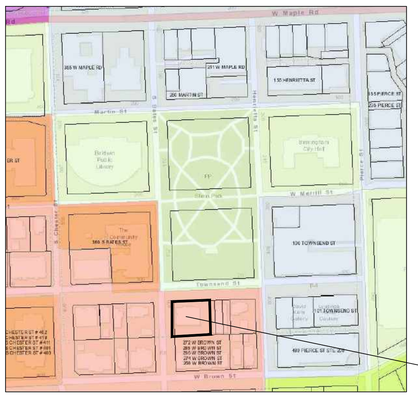
SHAIN PARK TOWNHOMES

245 TOWNSEND STREET
Birmingham, MI 48009



SITE LOCATION:
245 TOWNSEND ST

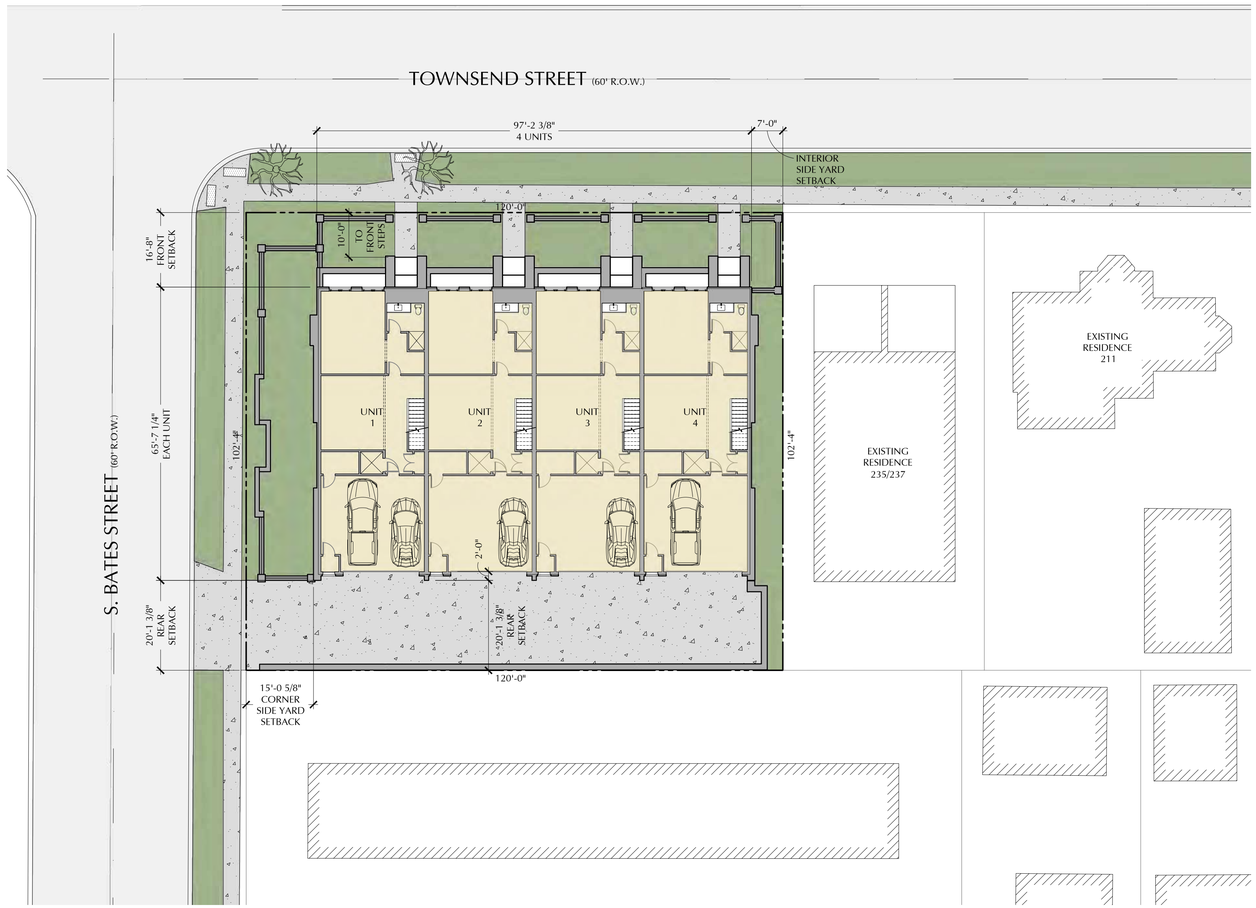
LOCATION MAP



SITE LOCATION
ZONING: R8

ZONING MAP

SITE DATA	REQUIRED	PROPOSED
1. SITE AREA (EXISTING)	12,289	
2. LOT AREA/UNIT (MINIMUM)	3000 SF/UNIT	
12,289 SF/3000 SF =	4 UNITS	4 UNITS
3. FRONT YARD SETBACK	16.7 FT	16.8 FT
4. FRONT YARD SETBACK (INTERIOR)	7 FT	7 FT
5. FRONT YARD SETBACK (CORNER)	10 FT	15 FT
6. REAR YARD SETBACK	20 FT	20 FT
7. REAR YARD SETBACK	20 FT	20 FT
8. BUILDING HEIGHT	30 FT	30 FT
9. STORIES	2.5	2.5
10. PARKING	2 CARS/UNIT	2 CARS/UNIT
11. SCREENWALL	6' MASONRY	6' MASONRY
12. PRIVATE OPEN SPACE		401 SF



Proposed Site Plan

Scale : 1/16"=1'

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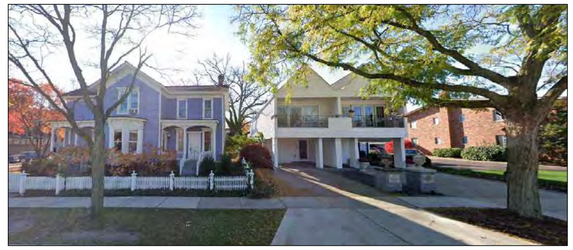

SHAIN PARK TOWNHOMES

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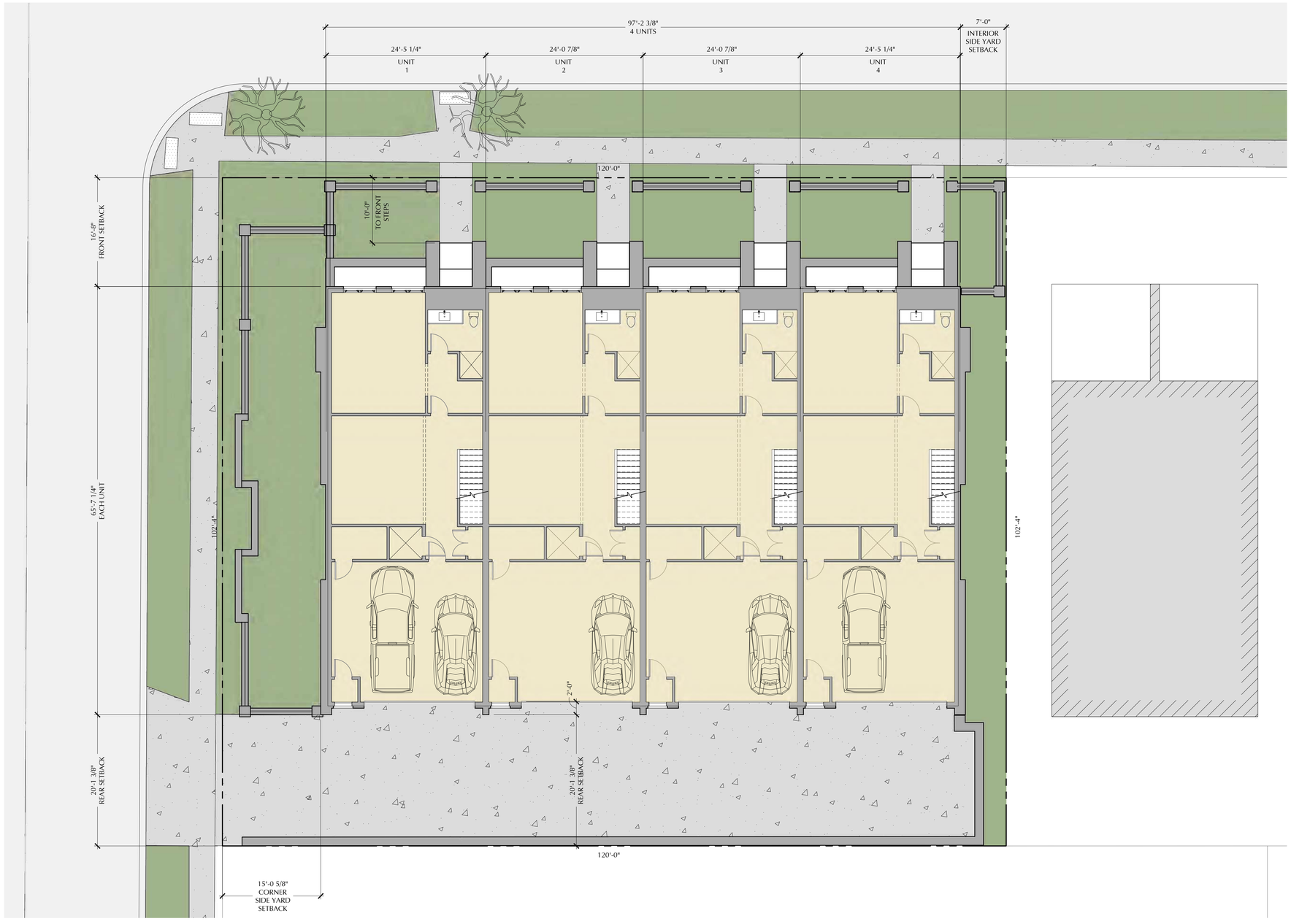
Birmingham, MI 48009



Lower Level

Scale : 1/8"=1'

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SHAIN PARK TOWNHOMES

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Main Level

Scale : 1/8"=1'

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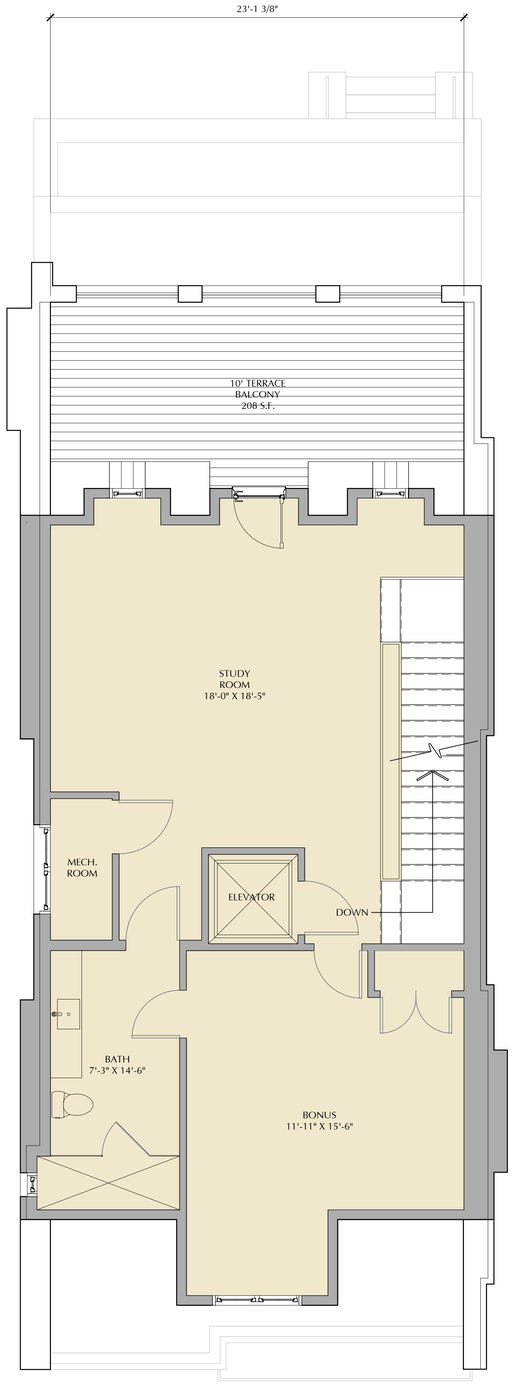
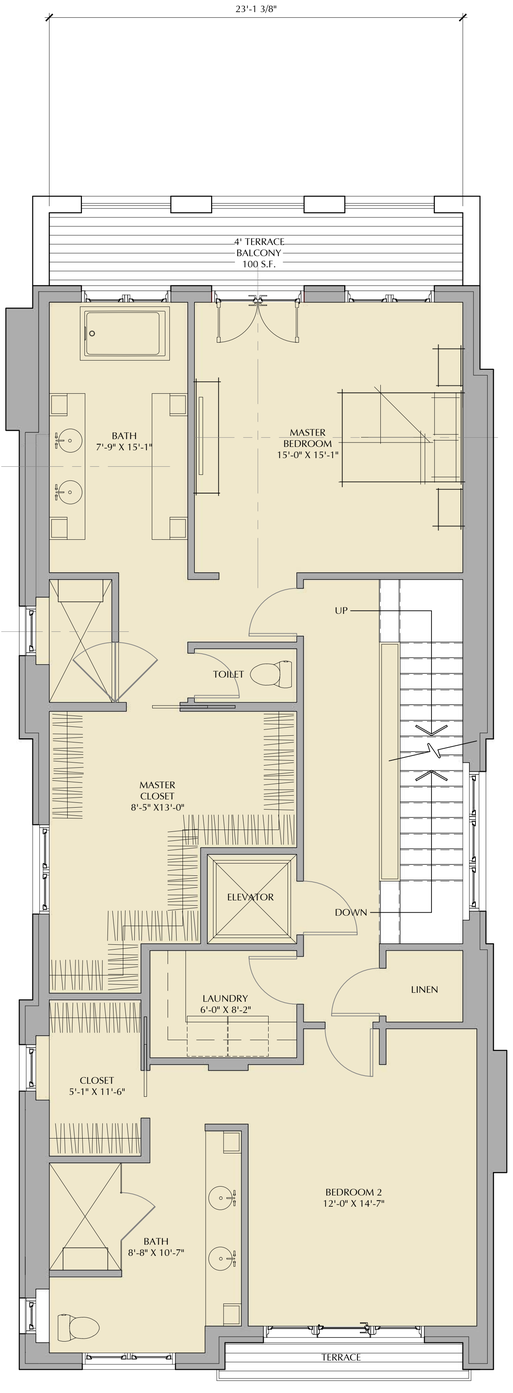


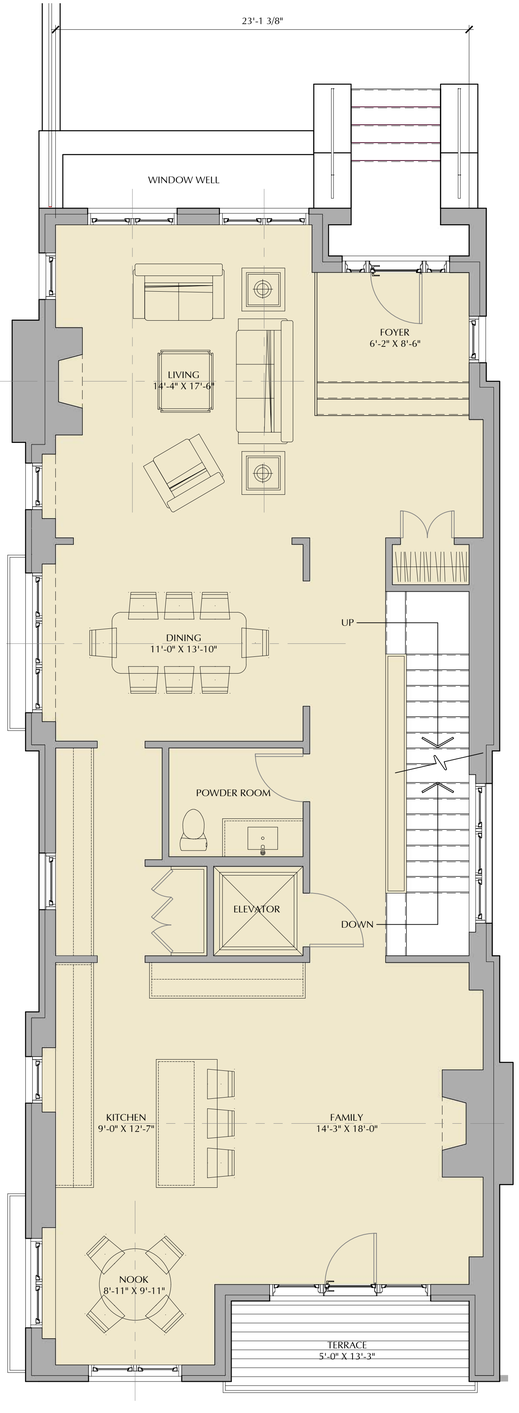
Attic Level

Scale : 1/4"=1'
806 S.F.



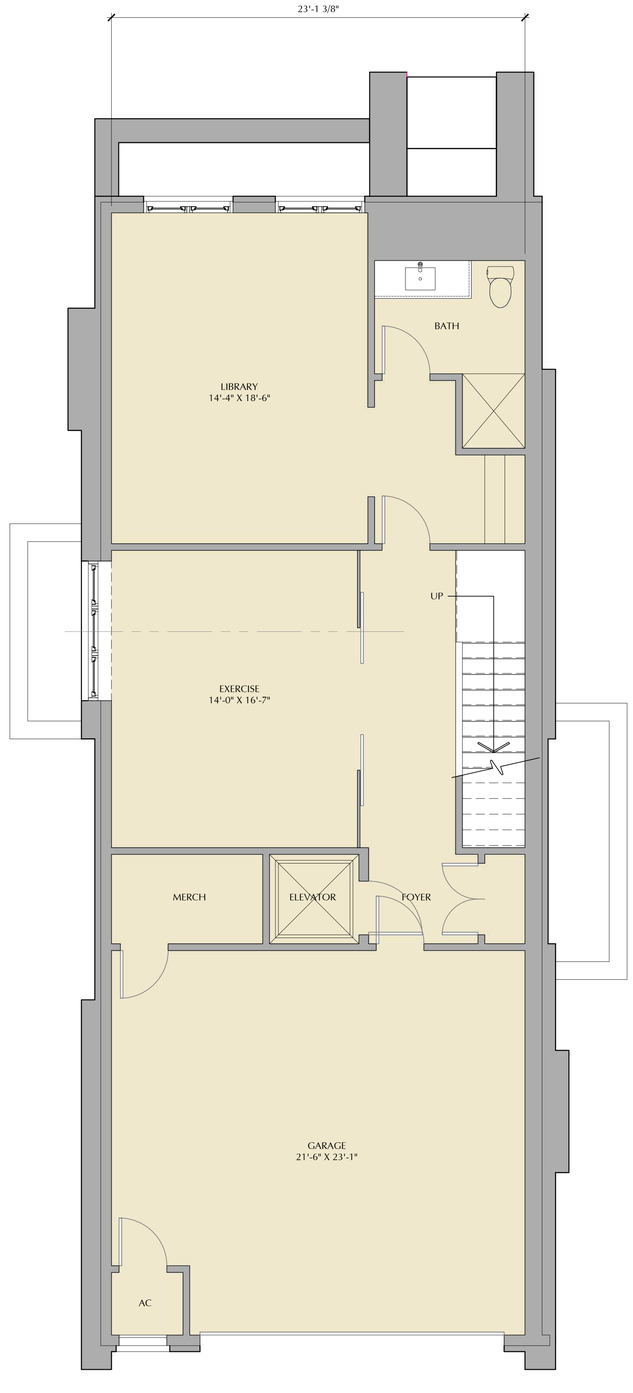
Upper Level

Scale : 1/4"=1'
1211 S.F.



Main Level

Scale : 1/4"=1'
1266 S.F.



Lower Level

Scale : 1/4"=1'
1367 S.F.

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SHAIN PARK TOWNHOMES

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FRONT ELEVATION

SCALE : 1/4"=1'-0"

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REAR ELEVATION

SCALE : 1/4"=1'-0"

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EAST ELEVATION

SCALE : 1/4"=1'-0"

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WEST ELEVATION

SCALE : 1/4"=1'-0"

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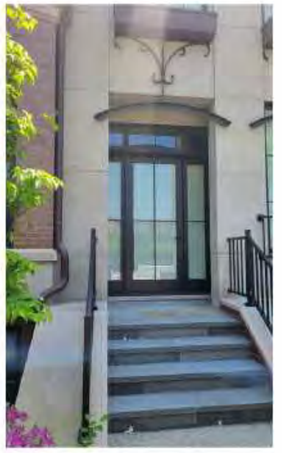
SHAIN PARK TOWNHOMES

245 Townsend Street
Birmingham, MI 48009

METAL RAILING

BRICK SOLDIER COURSE

BRICK WITH METAL PANELS



BALCONIES

COPPER DORMS AND ROOF

PAINTED FLAT METAL CANOPY

STAIRS AND RAILING

TOWNHOUSES UNITS

LIMESTONE WITH BRICK

FRONT DOOR

MATERIAL SAMPLES

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SHAIN PARK TOWNHOMES

245 TOWNSEND STREET
Birmingham, MI 48009

FRONT VIEW

SCALE : N/A

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SHAIN PARK TOWNHOMES

245 TOWNSEND STREET
Birmingham, MI 48009

CLOSE UP FRONT VIEW

SCALE : N/A

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SHAIN PARK TOWNHOMES

245 TOWNSEND STREET
Birmingham, MI 48009

STREETSCAPE LOOKING SOUTHEAST @ EYE LEVEL

SCALE : N/A

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SHAIN PARK TOWNHOMES

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SOUTHEAST VIEW

SCALE : N/A

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SHAIN PARK TOWNHOMES

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DAYTIME SOUTHEAST VIEW

SCALE : N/A

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SHAIN PARK TOWNHOMES

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EAST ELEVATION

SCALE : N/A

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SHAIN PARK TOWNHOMES

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NORTH EAST VIEW

SCALE : N/A

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CLOSE-UP NORTH EAST VIEW

SCALE : N/A

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124 Peabody, Birmingham, Michigan 48009 248.258.6940

SHAIN PARK TOWNHOMES

245 TOWNSEND STREET
Birmingham, MI 48009

WEST ELEVATION

SCALE : N/A

CHRISTOPHER J LONGE AIA
ARCHITECTURE
INTERIORS
124 Peabody, Birmingham, Michigan 48009 248.258.6940

SHAIN PARK TOWNHOMES

245 TOWNSEND STREET
Birmingham, MI 48009

LANDSCAPE PLAN

SCALE : N/A

CHRISTOPHER J LONGE AIA
ARCHITECTURE
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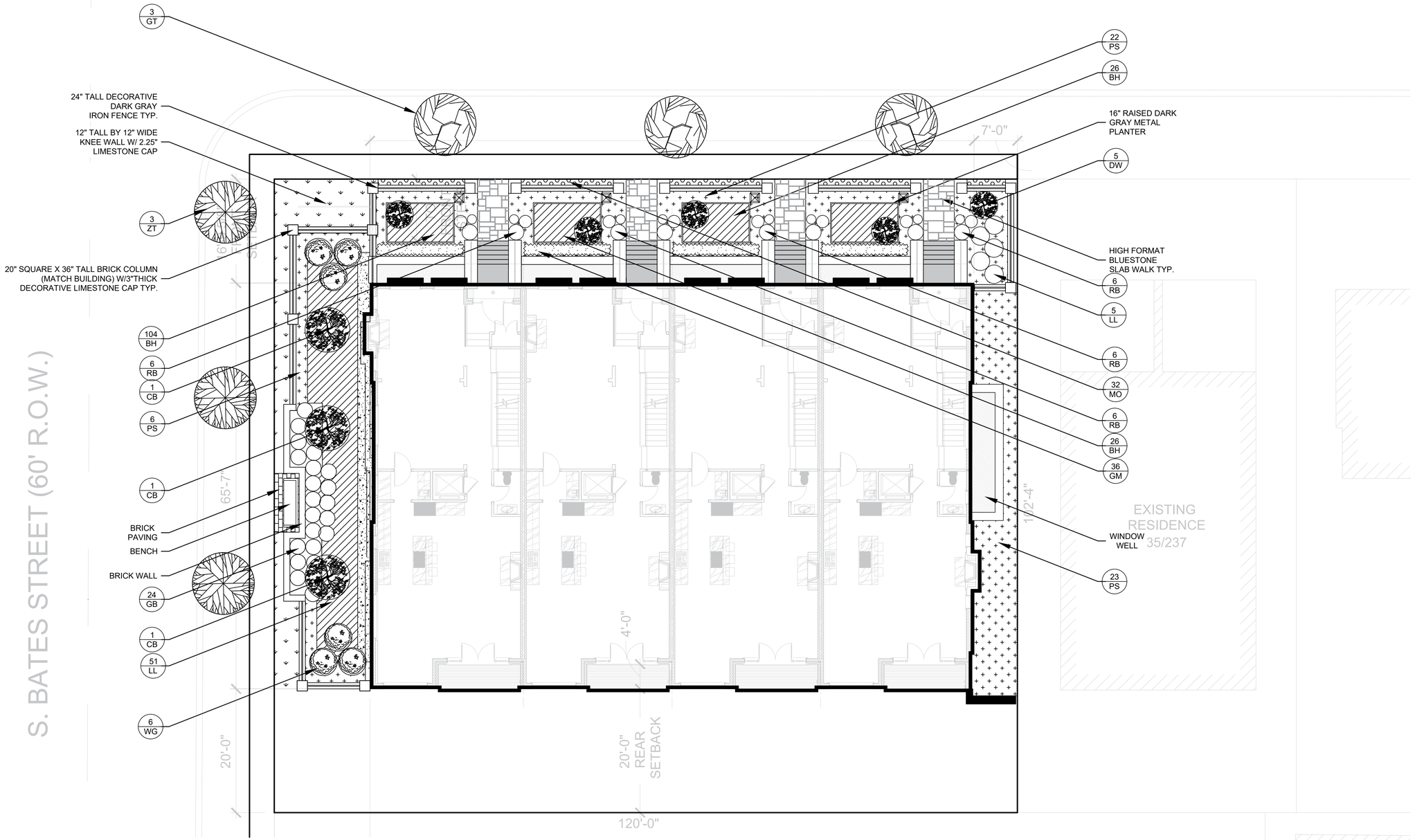
124 Peabody, Birmingham, Michigan 48009 248.258.6940



KEY	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
BH	104	BLUE HADSPEN HOSTA	HOSTA	2 GAL	CAN
CB	3	COLUMNAR BIRCH	BETULA	10'	B&B
DW	5	CHEROKEE DOGWOOD	CORNUS 'CHEROKEE'	3" CAL	B&B
GB	24	GLOBE BOXWOOD	BUXUS 'GLOBE'	30"	B&B
GM	36	GREEN MOUNTAIN BOXWOOD	BUXUS X 'GREEN MOUNTAIN'	24"	B&B
GT	3	GINKGO TREE	GINKGO BILOBA	3" CAL	B&B
LL	56	LITTLE LIME HYDRANGEA	HYDRANGEA 'LITTLE LIME'	3 GAL	CAN
MO	32	MILLENNIUM ONION	ALLIUM MILLENIUM	30"	B&B
PS	51	PACHYSANDRA	PACHYSANDRA TERMINALIS	8"	B&B
RB	24	ROUND BOXWOOD	BUXUS X 'ROUND'	18-30"	B&B
WG	6	WINTERGREEN CEDAR	THUJA OCCIDENTALIS 'WINTERGREEN'	8-12'	B&B
ZT	3	ZALKOVA TREE	ZELKOVA SERRATA	3" CAL	B&B

- THE SPECIFIED PLANTING MATERIALS MAY CHANGE DEPENDING ON SEASONAL AVAILABILITY. AN ALTERNATIVE MAY BE SUGGESTED AND ACCEPTED BY THE LANDSCAPE ARCHITECT AND OWNER.
- ALL PLANTINGS MUST COMPLY WITH THE BIRMINGHAM CITY ORDINANCE.
- THE PROPOSED REMOVAL OF EXISTING STREET TREES REQUIRES APPROVAL FROM THE CITY'S FORESTER.
- PROPOSED STREET TREES ARE SUBJECT TO APPROVAL FROM THE CITY'S FORESTER AND/OR BURIAL OF EXISTING OVERHEAD UTILITY LINES.
- THE DEPICTION OF THE RESIDENCE, GARAGE, DRIVEWAY, AND PLANTINGS ON THE SECOND, SOUTHEAST CORNER LOT OFF WATKINS ST. IS FOR CONCEPTUAL PURPOSES ONLY.
- REFER TO ARCHITECTURAL AND ENGINEERING PLANS FOR ADDITIONAL NOTES ON STRUCTURES.

MOSHER DESIGN CO.
LANDSCAPE ARCHITECTURE
BIRMINGHAM, MI
P:(248)581-0381

PROJECT:
245 TOWNSEND ST
BIRMINGHAM, MI

DATE & REVISIONS:
MAY 10, 2024

SCALE & NORTH ARROW:

NORTH

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

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

SHEET TITLE:
LANDSCAPE PLAN

SHEET NO:
L-1

DESIGNED BY:
M.M.

NOTE:
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NORTH ELEVATION

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

WEST ELEVATION

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

MOSHER DESIGN CO.
LANDSCAPE ARCHITECTURE
BIRMINGHAM, MI
P:(248)581-0381

PROJECT:
245 TOWNSEND ST
BIRMINGHAM, MI

DATE & REVISIONS:
MAY 10, 2024

SCALE & NORTH ARROW:

NORTH

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

811
Know what's below.
Call before you dig.

SHEET TITLE:
ELEVATIONS

SHEET NO:
L-2

DESIGNED BY:
M.M.

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BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

Planning Division

DATE: July 24, 2024

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Triangle District Additional Bonus Height Provisions – Phase 1

As development applications have increased in the current Triangle District of Birmingham, the Planning Board has expressed concerns over the proportions of mixed use buildings, specifically as it relates to the opportunity for bonus stories.

However, over the course of several months, the Planning Board has determined that there is short term need to address the entire list of bonus height provisions while we continue to field development applications over the next year or so, but also a long term need to revisit several of the basic tenants of the list as it relates to what the City envisions in the Triangle District.

Currently, the ordinance reads that in the Triangle District, buildings or portions of buildings that are 100 feet or more from a single- family residential zoning district may have additional building where 2 or more of the following are provided as part of the development:

1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. The applicant may provide payment-in-lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:
    a. The rate of $27,500 per space to match the current cost per above-ground structured parking space in 2018.
    b. Starting July 1st, 2019, the rate of payment per parking space shall be increased by 3 percent each year.
2. Dedication of an improved public plaza with an area that is at least equal to 25% of the additional floor area of building area allowed in the additional stories. Where additional building height is proposed without additional stories, then public plaza space shall be based upon 25% of the building floor area on the top floor. The location and design of the

plaza shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan.

3. A mixed use building that provides residential dwelling units above first-floor commercial where a mini- mum of 50% of the buildings floor area is residential.
4. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.
5. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

Study Session #1

On July 10, 2024 (Agenda), the Planning Board settled on a modified version of the bonus height provisions that focuses on the essential public benefits that the City envisions at this time. The changes involve removing the payment-in-lieu for public parking, removing LEED building design standards, and improving the provision for public space.

In regards to public space in particular, general guidance for incentive zoning suggests that the incentive zoning must be employed specifically to advance the specific physical, cultural and social policies in accordance with the adopted comprehensive plan. In referencing the Birmingham Plan 2040, it is abundantly clear that the area in question is lacking park/open space, and there are a number of recommendations attempting to introduce parks or open space to the area. Thus, the Planning Department is suggesting that the Planning Board focus heavily on introducing parks and open space as opposed to a general, amorphous "public amenity" and to use the newly adopted Parks and Recreation Master Plan as a guide.

In the Parks and Recreation Master Plan, it describes the City as having 4 different classification of parks and provides a clear outline or definition their character and features. Of the four classifications, Mini-Park's and Neighborhood Parks appear to be the most appropriate and/or realistic in this context:

> **Mini-Park (Pocket Park)** - Small, specialized parks, often less than an acre in size, that serve the needs of residents in the surrounding neighborhood. A minipark may serve a limited population or specific group such as tots or senior citizens. Mini-parks usually serve people within a 1/4 mile radius.
>
> **Neighborhood Park** - Multi-purpose facilities that provide more active recreation activities, such as field/court games, crafts, playgrounds, skating, picnicking, etc. Neighborhood parks typically serve up to 5,000 residents located within a 1/4 to 1/2 mile radius.

The following language attempts to address the comments of the Planning Board and introduce some new ideas to consider for this section of the ordinance.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.08, HEIGHT AND PLACEMENT REQUIREMENTS, TO MODIFY THE BONUS HEIGHT PROVISIONS.

E. Additional Building Height: Buildings or portions of buildings that are 100 feet or more from a single- family residential zoning district may have the additional building height (in number of stories and/or feet of height) noted in Section 3.08B, Section 3.08C, and Section 3.08D where 2 or more of the following are provided as part of the development. Additional stories shall be stepped back at a 45-degree angle from the top story allowed by right without the height bonus.

1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. ~~The applicant may provide payment-in-lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:~~

    ~~a. The rate of $27,500 per space to match the current cost per above-ground structured parking space in 2018.~~

    ~~b. Starting July 1st, 2019, the rate of payment per parking space shall be increased by 3 percent each year.~~

2. ~~Dedication of an improved public plaza with an area that is at least equal to 25% of the additional floor area of building area allowed in the additional stories. Where additional building height is proposed without additional stories, then public plaza space shall be based upon 25% of the building floor area on the top floor. The location and design of the plaza shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan.~~

    Dedication of urban open space in the form of mini parks or neighborhood parks modeled after the classifications adopted in the City's Parks and Recreation Master Plan at the following ratios based on the floor area permitted in additional stories:

Area of Bonus Stories	Dedicated Urban Open Space
10,000 sq. ft. or under	**10% Urban Open Space**
10,001 – 30,000 sq. ft.	**15% Urban Open Space**
30,001 sq. ft. and over	**20% Urban Open Space**

3. **For those properties located along the commercial frontage boundary, as specified on the Regulating Plan,** a mixed use building that provides residential dwelling units above first-floor commercial where a minimum of 50% of the buildings floor area is residential. **Buildings that have frontage along the required commercial frontages, as specified on the Regulating Plan, shall consist of commercial with a minimum depth of 20 feet from each frontage line within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required commercial frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.**

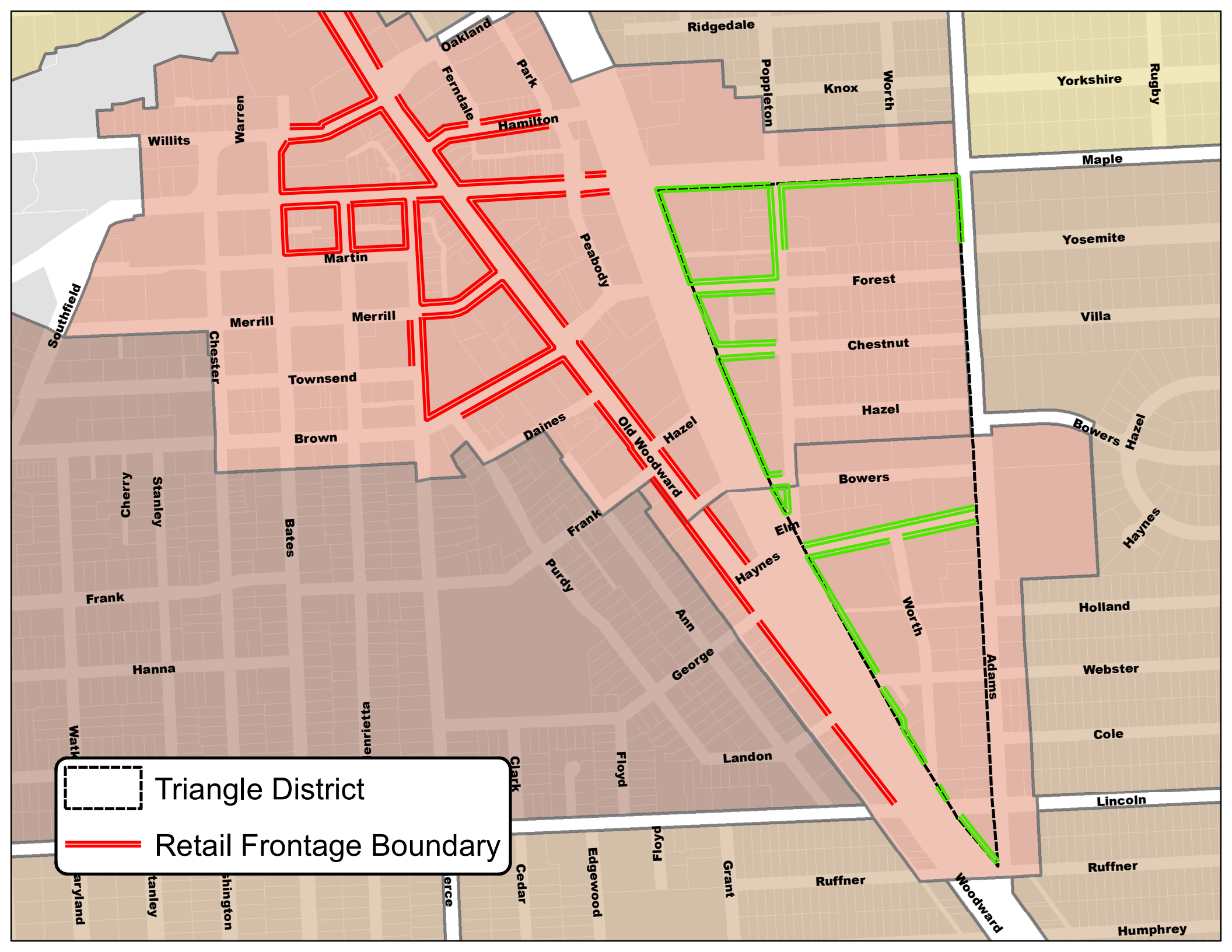
~~4. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.~~

5. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

ORDAINED this _____ day of _____, 2024 to become effective 7 days after publication.

_____
Elaine McLain, Mayor

_____
Alex Bingham, City Clerk


Triangle District
Retail Frontage Boundary
Oakland
Ridgedale
Yorkshire
Rugby
Ferndale
Park
Poppleton
Knox
Worth
Willits
Warren
Hamilton
Maple
Martin
Peabody
Yosemite
Forest
Villa
Southfield
Merrill
Merrill
Chester
Chestnut
Townsend
Hazel
Brown
Daines
Old Woodward
Hazel
Bowers
Hazel
Bowers
Cherry
Stanley
Bates
Frank
Elm
Haynes
Purdy
Haynes
Worth
Holland
Frank
Ann
Adams
Hanna
George
Webster
Cole
Landon
Floyd
Clark
Lincoln
Cedar
Edgewood
Floyd
Grant
Ruffner
Ruffner
Woodward
Humphrey

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New York Zoning Law and Practice Report | January/February 2019

Volume 19, Issue 4

New York Zoning Law and Practice Report
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Using (and Misusing) Incentive Zoning

Incentive zoning is a system by which municipalities can allow deviations from the use and bulk requirements of the zoning code (known as bonuses or incentives) in return for the developer providing amenities that the municipality could otherwise not require. New York communities have employed incentive zoning most successfully in creating affordable housing, but have also gained other community benefits, ranging from conservation of important habitat to preservation of the Broadway Theatre District. But misapplied, incentive zoning undermines solid community planning by allowing important protections of the zoning code to be bypassed or misused, reducing the planning process to a site-by-site zoning for sale bazaar whereby a municipality grants valuable development rights for little if any real gain. In effect, it becomes contract zoning between the municipality and the politically connected. Incentive zoning also risks concentrating negative impacts in one area of the community, raising the specter of environmental justice impacts, and authorizing projects that create significant harm to the targeted neighborhood.

As explained by the Court of Appeals, incentive zoning differs from traditional *Euclidian*[1] zoning by offering incentives to developers for assisting in a community's betterment rather than restraining overdevelopment through bulk and use regulations:

> Incentive zoning is based on the premise that certain uneconomic uses and amenities will not be provided by private development without economic incentive. The economic incentive frequently used … is the allowance of greater density within a proposed building, more floor area than permitted under general zoning rules, if developers provided certain amenities for the community. The amendment awards bonus points which entitle developers to expand their construction in return for increased construction of other, uneconomic projects such as low-cost housing, slum rehabilitation or public facilities.[2]

The key, as the Court notes, is the trade-off for benefits that the market would not otherwise provide to the community. Essential to the incentive zoning concept is that the amenities gained must be true additionalities; that is, they are benefits the municipality cannot require as valid extractions or mitigating conditions under the zoning statutes[3] or the State Environmental Quality Review Act ("SEQRA").[4] Indeed, SEQRA's mandate that all approvals must be restrained by obtaining the maximum practicable mitigation of impacts,[5] precludes measures that address project-caused impacts, such as traffic mitigation, from qualifying as an "amenity" justifying a grant of incentives. Further, since mitigation of negative impacts is not merely authorized but mandatory, incentive zoning cannot be employed in a manner that would create additional harm to a host neighborhood.

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This Article examines the history of incentive zoning in New York, explains the state enabling statutes, and examines methods to use this tool to obtain true premiums from developers that benefit communities without harming the host neighborhoods. Incentive zoning, like all zoning, must comply with the comprehensive plan, must provide amenities at least relatively equal to the incentives given away, and, as the Court of Appeals explained, must provide what the market otherwise would not. Above all, the grant of incentives must do no harm to the community. "Relaxations, which override zoning regulations, may involve items such as land use, lot coverage, height or parking, ***but not human safety.***"[6]

The 1961 New York City Zoning Ordinance—the Birth of Incentive Zoning

In the late 1950s, as New York City was inching towards the first comprehensive overhaul of its original 1916 Zoning Ordinance, two particularly influential projects were constructed: the 1952 Lever House and the 1958 Seagram Building. Both featured well received open plazas and public areas.[7] New York City zoning has always been preoccupied with the preservation of light and space, with concern over ever taller buildings casting shadows over their neighbors being a significant factor in the adoption of the original 1916 Code.[8] Hoping to create an incentive for developers to provide additional public open space as at the Lever House and Seagram Building, the 1961 Ordinance included a density bonus opportunity. The basic Floor Area Ratio ("FAR")—the total square footage of the building divided by the square footage of the lot—was set at 15, but granted a 20% increase to a FAR of 20 if a project included a public plaza or arcade.[9] The incentive was an as-of-right FAR bonus. In other words, as long as the plaza or arcade was built, the developer was entitled to the FAR bonus. New York City has also used incentives as a method of addressing localized concerns such as blight in the Chinatown area,[10] and to support Lincoln Center as an international center for the performing arts.[11]

Developers certainly saw the benefit in incentive zoning, and from 1963 to 1975, over 12 million square feet of bonus space was granted to 91 buildings.[12] But the first wave of developments that took advantage of the new incentive zoning opportunity showcased the pitfalls of the device by producing, at best, inconsistent results. The leading study on the program noted:

> Measured in qualitative terms, however, the results are uneven. At their best, the spaces have furnished members of the public—residents, employees, and visitors—with public places for accidental and planned social, recreational, cultural, and utilitarian experiences otherwise obtainable only within the City's publicly owned parks and other facilities or within privately owned privately controlled domains. At their worst, by design and operation, the spaces have been hostile to public use. Many spaces are nothing more than empty strips or expanses of untended surface, while others have been privatized by locked gates, missing amenities, and usurpation by adjacent commercial activities, in contravention of the spirit or letter of applicable legal requirements. This study has found that 41 percent of the 503 public spaces are of marginal value, most of them produced under the minimal legal standards governing the design of "as-of-right" plazas and arcades from 1961 to 1975.[13]

The main danger of incentive zoning—as present today as it was at its inception—is that the device would be nothing more than a pathway for greater private profit with little or no public gain, or even worse, significant public harm. In a proper program the "amount of the bonus is calculated to equal or slightly to exceed in value the cost that the developer incurs in providing the amenity."[14] But excessive giveaways and poor placement of public space plagued the program.

Noted New York Times Architecture Critic Ada Louise Huxtable was particularly dismissive of the early results. For example, she lamented that that a plaza in front of the then new General Motors building contributed "to the rape of the [Grand Army] plaza … a clear demonstration of how the new zoning, like the old zoning, is to be used exclusively as a tool for profit."[15] Huxtable was by no means opposed to public plazas provided by private developers, noting the success of two joint plazas at 140 Broadway, but even there she was concerned that the incentives available would undo the public good for private gain: "It

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only takes one opening in the wrong place, one 'bonus' space placed according to current zoning (read 'business') practice, to ruin it all."[16] Success, she wrote, was no accident, but was "done by concerned, coordinated effort. This is planning."[17]

Disentrancement with the quality of the amenities received versus incentives granted grew, as studies showed the provided plazas and arcades were often either in inappropriate locations, or provided little value to the public.[18] Urbanist William H. Whyte, who "played a major role in the formulation of the City's policies,"[19] was particularly critical of the plazas and the lack of functional amenities, famously noting "it is difficult to design a space that will not attract people. What is remarkable is how often this has been accomplished."[20] In response, in 1975, the City amended the incentive zoning statutes to introduce discretionary reviews and tighter design standards. This process repeated a number of times over the years in response to criticism of the program. By 1989, "[i]nducements to create shops along Fifth Avenue in midtown Manhattan, pedestrian bridges and malls along Greenwich Street in lower Manhattan, open-air plazas in the theater district and landscaping on the sidewalks and center strip of Broadway on the Upper West Side have been scrapped, as have more than a dozen other incentive zoning programs…."[21] By 1996, the City had eliminated the as-of-right density bonus for public plazas that had started it all.[22]

Incentive zoning has provided New York City with a number of successes, not only in properly located and designed plazas and arcades, but also by encouraging the construction of Broadway Theatres,[23] and by providing subway improvements, such as the underground concourse linking the Lexington Avenue and E and F lines subway lines.[24] A combination of elective bonuses and mandatory requirements was used to create the complicated coordinated network of pedestrian, public transit and vehicular accesses to the World Trade Center,[25] which Huxtable called an "extraordinarily shrewd and progressive scheme, at once a visionary and pragmatic investment in the future."[26] There are significant lessons for today's planners from what worked and what did not in the formative years of this tool. First, poor planning, such as placing plazas in inappropriate locations or creating useless open space, leads to meaningless benefits. As by definition incentive zoning degrades a community's stated zoning scheme while providing extra profits to developers, it is all the more important that the amenities received in exchange should properly and adequately enrich the community. As Huxtable noted, "[a]s much as we need open space, it can be destructive of an urban pattern in the wrong place as it can be beneficial in the right one."[27] Good planning remains the key today, to both legal compliance as well as successful use of incentive zoning.

Second, incentive zoning only works when true community benefits are provided, be it saving theatres or improving public transportation. On-site preservation of open space, for example, is hardly a community-wide benefit. Indeed, in reality it is a benefit that flows to the developer through a higher value property.[28] This analysis has been characterized as the "but for" test, which asks if it is really necessary to offer the incentive to get the amenity. Professor Kayden has summarized the necessity issue, noting that unnecessary incentives that create more harm than good should not be allowed:

> Many amenities-such as parks, plazas, and covered pedestrian spaces-make a development project more attractive to tenants and thus may pay for themselves through higher rents. Several studies have demonstrated, for example, that parkland and public squares adjacent to buildings increase the capitalized value of such buildings. ***If the private market would provide the desired public amenity without behavior-altering government intervention-because the amenity increases the attractiveness of the project and pays for itself-then it is not only unnecessary but harmful to offer incentives that themselves may exact a social cost, such as the loss of light and air, or more congestion.***[29]

Exemplifying this second point is the City's experience with its inclusionary zoning program addressing affordable housing needs. "Inclusionary zoning is an affordable housing tool that links the production of affordable housing to the production of market-rate housing … through policies either require or encourage new residential developments to make a certain percentage

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of the housing units affordable to low- or moderate income residents."[30] Starting in 1987, the City offered density bonuses for developers constructing affordable housing near their office towers.[31] But the City was not satisfied with the results of that offering. In 2016, after conducting a financial feasibility study to determine appropriate levels of affordable set-asides, which factored in the other financial subsidies available,[32] the City adopted a mandatory inclusionary zoning requirement.[33] Thus, the City obtains the benefit it wants without giving developers zoning incentives, avoiding the social costs such as those Professor Kayden identified.

The New York Enabling Statutes

In 1991, New York became the first state to enact standard enabling legislation for incentive zoning,[34] codified as Town Law § 261-b, Village Law § 7-703, and General City Law § 81-d. The stated purpose of the incentive zoning statutes is "to advance the [municipality]'s specific physical, cultural and social policies in accordance with the town's comprehensive plan and in coordination with other community planning mechanisms or land use techniques."[35] Incentive zoning is "based on the premise that certain uneconomic uses and amenities will not be provided by private development without economic incentive." Western New York Dist., Inc. of Wesleyan Church v. Village of Lancaster, 17 Misc. 3d 798, 817, 841 N.Y.S.2d 740 (Sup 2007).

The incentive zoning power is not self-executing. To offer the incentives and receive the benefits, a municipality must enact an incentive zoning system as part of the local zoning scheme.[36] Incentive zoning enactments must comply with the normal procedures for amending the zoning ordinance or enacting a local law, including all applicable environmental, notice and public hearing requirements.[37]

Local enactments creating incentive zoning programs must, at a minimum:

(1) Specify the incentives that may be granted to the applicant;

(2) Specify the community benefits/amenities that the applicant may offer the Town;

(3) Indicate the criteria for approval and method of determining the adequacy of community amenities to be accepted in exchange for zoning incentives granted by the Town;

(4) Describe the procedure for obtaining incentives, including the application and review process, and placing terms and conditions on any approval; and

(5) Provide for a public hearing, with a requirement that notice of said hearing be given by publication in the official newspaper at least five days in advance of the hearing.[38]

The local provision must also specify those zoning districts where bonuses may be granted, and this information should be incorporated into the local zoning map.[39]

Of particular importance is that the sought after community benefits must be specifically identified in the locally adopted incentive zoning scheme, as well as the specific zoning incentives that will be traded away for those amenities.[40] This safeguard of specificity helps guard against ad hoc deals between a developer and Town officials that don't properly benefit (or perhaps even harm) the community. A local incentive zoning scheme that is overly broad and non-specific violates this important safeguard.

Similarly, the state enabling statute requires that the locally adopted incentive zoning scheme allows only incentives which are in accordance with the Town's comprehensive plan.[41] This further safeguards against incentive zoning arrangements that

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harm the community. Put differently, both the locally adopted incentive zoning scheme and the individual incentive zoning arrangement for a particular project should first and foremost do no harm to the community.

Cash Payments in Lieu of Amenities

If the municipality finds that a suitable community benefit/amenity is not immediately feasible or practical, it may require the applicant to make a cash payment in exchange for the requested incentive, in an amount determined by the municipality.[42] If cash is accepted in lieu of amenities, the payment must be placed in a trust fund and used "exclusively for specific community benefits authorized by the" governing body.[43] That is to say, cash payments in lieu of amenities may only be used for the purpose for which that payment was earmarked by the legislative body, and cannot be rolled into a municipality's general fund, as "government may not place itself in the position of reaping a cash premium because one of its agencies bestows a zoning benefit upon a developer. Zoning benefits are not cash items."[44]

As a matter of good practice, in cases where a cash payment is being offered in lieu of amenities, the municipality should wait to issue any building permit(s) granting zoning a bonus until the cash payment is received.[45] The following Town of Ogden Zoning Code provision addresses the issues raised by cash-in-lieu payments:

> § 211-9 **Cash in lieu of amenity or bonus.**
>
> If the Town Board finds that a community benefit is not suitable on site or cannot be reasonably provided, the Town Board may require a cash payment in lieu of the provision of the amenity or bonus. These funds shall be placed in a trust fund to be used by the Town Board exclusively for amenities specified in these provisions. Payments shall be made by the applicant prior to the issuance of any permit, stripping of any ground cover, site grading, or any other site improvements or construction activities.[46]

Promoting Affordable Housing

Within the incentive zoning enabling statutes the State Legislature has emphasized the importance of the tool to address affordable housing needs. Before any incentive zoning system can be enacted the municipality must evaluate the impact of providing zoning incentives on the potential development of affordable housing: (1) gained by any incentives granted to an applicant, or (2) lost if an applicant provides an amenity to the municipality.[47] To proceed with the enactment, the municipality must find that there is approximate equivalence between potential affordable housing lost or gained, or, that the municipality will take action to compensate for any potential affordable housing development lost if an incentive zoning system is created.[48]

As a practical matter, incentive zoning can encourage affordable housing development in and of itself. For example, affording exemptions from open space requirements or building permit charges/fees, or providing for expedited permitting can help to lower the costs of development and make affordable housing projects more economically feasible.[49] Similarly, granting zoning incentives in the form of density bonuses can encourage developers to include affordable units in development projects that might otherwise have none.[50]

Affordable housing provisions are now common in New York, and can be tailored to address different community needs. Different codes have different levels of complexity, and address different populations. For example, the Village of Briarcliff Manor provides for a bonus in the Residential Townhouses RT4B District, available during site plan review:

> § 220-10(B)

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> (1) Development density. The basic density per acre allowed by these regulations shall not exceed four dwelling units per gross acre, except as permitted and regulated below. The maximum permitted density may be increased by 50% of the total basic density as a bonus if the applicant constructs at least 50% of the permitted increase as moderate cost dwelling units, which dwelling units shall hereinafter be known as "moderate income dwelling units." During the process of detailed site plan review, the Planning Board shall have the authority to limit the basic density and the bonus density where the Board determines that such may be necessary or appropriate because of the specific characteristics of the individual site.[51]

The Town of Orangetown created its Planned Adult Community (PAC) floating zone "to address certain senior citizen housing needs in the Town of Orangetown by encouraging the development of a range of housing types and prices for active senior citizens consistent with the Town's Comprehensive Plan."[52] It provides

> 4.66. Affordable units.
>
> A. As a condition of approval of the PAC, the Town Board may provide one additional bonus density unit per acre for the inclusion of affordable housing, provided that at least 50% of said bonus is set aside for affordable housing, and further provided that total bonus (affordable and market rate) does not exceed the maximum number of units per acre, as set forth in § 4.69 below.
>
> B. All affordable units shall be owner occupied and shall be sold at a price not to exceed 3.3 times 80% of the median family income for Rockland County, applicable to a family of four persons, as established annually by the U.S. Department of Housing and Urban Development. A covenant shall be recorded in the County Clerk's office, which shall provide that resale of any affordable housing units may not sell for a price exceeding 3.3 times 80% of the median family income for Rockland County, applicable to four persons, as established annually by the U.S. Department of Housing and Urban Development.[53]

The Orangetown Code goes on to provide how the occupants of affordable units are to be selected, and promotes an economically diverse community by requiring that affordable units be of the same size as other units and dispersed throughout the development "avoiding designated affordable units being located adjacent to one another."[54]

Another common approach is to promote affordable units in multifamily developments. The Town of Bethlehem Code provides:

> § 128-51 (E) (2) Affordable housing for multifamily development.
>
> (a) This incentive may be applied to any multifamily dwelling development project pursuant to this chapter. The calculation of the incentive is based on the maximum density for the project as determined by the Planning Board.
>
> [1] If more than 25% of dwelling units qualify as affordable, ten-percent increase in the total number of units.
>
> [2] If more than 33% of dwelling units qualify as affordable, fifteen-percent increase in the total number of units.
>
> [3] If more than 50% of dwelling units qualify as affordable, twenty-percent increase in the total number of units.

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(b) For the purposes of this Subsection E(2), "affordable housing" shall mean residential units available for a sales price or rental fee within the means of a household income which is 80% of the median income of the Town of Bethlehem as defined by the United States Department of Housing and Urban Development.[55]

Specific Benefits, Specific Amenities

What these three affordable housing provisions have in common with other successful programs is that they follow two mandates of state law. First, they outline very specific incentives available for providing specifically delineated amenities. The enabling legislation uses the term "specific" in defining "incentives or bonuses" and "community benefits or amenities" as well as "incentive zoning" itself.[56] What the Legislature has done is serve notice that incentive zoning is not a blank check to barter away zoning limitations. The community must identify specific benefits wants in return for relaxing its zoning code, in specific zones, for a specific purpose. Generic ordinances which simply list broad categories plucked from the state definitions do not meet the mandate of the enabling legislation.

Incentive Zoning and the Comprehensive Plan

As specifically stated in the above-cited Orangetown provision, the incentive zoning scheme must be adopted and implemented in accordance with a community's Comprehensive Plan.[57] All planning is required to be compliance with a comprehensive plan, but the Legislature made it a particular mandate for incentive zoning: "The purpose of the system of incentive, or bonus, zoning shall be to advance the [municipality's] specific physical, cultural and social policies in accordance with the [municipality's] comprehensive plan and in coordination with other community planning mechanisms or land use techniques. The system of zoning incentives or bonuses shall be in accordance with a comprehensive plan …."[58]

These provisions command that adoption of an inventive zoning scheme, as well as the granting of specific incentives to the developer, be accompanied by in-depth study of community needs. Thus, in *Asian Americans for Equality v. Koch*, the Court of Appeals upheld a density bonus crafted as encouragement for the creation of affordable housing because the record showed that the amendment had been enacted after careful study, preparation, and consideration, in accordance with a well-considered plan, to achieve a legitimate governmental purpose.[59] What will not stand muster in adoption of an ordinance or in the granting of specific benefits where, is when, as Huxtable feared, there is a pathway to profit made without good planning. "What is mandated is that there be comprehensiveness of planning, rather than special interest, irrational ad hocery."[60]

The comprehensive planning requirement ties in with the need for identifying specific incentives and benefits by zone. A statute allowing incentives for undescribed benefits would not satisfy the enabling statute because absent planning showing the need for specific benefits, it fails the comprehensive planning test, as would a local provision merely authorizing undefined incentives to be granted in all zones without correlation to the needs of the community and costs imposed on the host neighborhood. For example if a statute allowed change of use as an incentive without specifying what the new uses could be, such carte blanche zoning would be the polar opposite of comprehensive zoning. Rather, only uses the market would not otherwise provide—to use the Court of Appeals' terminology—and benefitting the community should be permitted, and this can only be identified after a thorough study of community needs. Otherwise, the incentive zoning is simply improper spot zoning.

Consideration of Property Rights and Price

A key element of incentive zoning is that the incentives "may" be provided to an eligible developer. Incentive zoning enacted under the enabling statute is never as-of-right. The available incentives are, by definition, "adjustments to the permissible population density, area, height, open space, use, or other provisions of a zoning ordinance, local law, or regulation," and never represent outside limits available to a developer.[61]

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This guides the municipality in two ways. First, the underlying as-of-right zoning must withstand constitutional takings claims. If the permissible zoning fails to provide a developer a legitimate return on investment, but instead requires involuntary exactions to obtain a fair return, it is unlikely to pass muster. Not surprisingly, some have charged that as-of-right uses and bulk regulations have been deliberatively set too low to coerce exactions from developers.[62] This concern partly animated Justice Scalia's decision in *Nollan v. California Coastal Commission*: "One would expect that a regime in which this kind of leveraging of the police power is allowed would produce stringent land-use regulations which the State then waives to accomplish other purposes. . . ."[63] Communities should not establish as-of-right zoning limitations that preclude a fair return on investment and rely upon incentive zoning to extract concessions not otherwise available. Similarly, communities should not address hardships or unique circumstances through incentive zoning—that is purpose of the variance procedure.

Second, it demonstrates that the amenity must present a true benefit to the community, a benefit beyond what can be required of a developer as project mitigation. For example, a project's impacts command the installation of a traffic light to address increased traffic, such an improvement can never qualify as an amenity because it is a mandatory requirement under SEQRA to minimize harm, or a proper condition under the standard zoning provisions.

Assuming the as-of-right zoning provides a reasonable return, the question of pricing becomes a different question. "The bonus awarded for each amenity must be carefully structured, however, to make the cost-benefit equation favorable enough to induce the developer to provide the desired uneconomic benefit to the city but sufficiently limited to avoid a windfall to it."[64] Accordingly, municipalities must evaluate the value of the benefits granted versus the amenities received as part of its review process.

Only True Amenities Need Apply

As noted above, a significant concern with incentive zoning is that the community receive value for the incentives given to the developer. Essential to this understanding is that the amenities are true benefits to the community not otherwise obtainable from the developer, not mere mitigation measures or improvements that actually improve the value of the development. Incentive zoning laws should incorporate this principal to clearly signal they are more than invitations to bargain for benefits. A good example is found in the Town of Beekman Incentive Zoning Law:

> Incentives shall be granted only when the community benefits or amenities offered would not otherwise be required or likely to result from the applicable planning process before the Planning Board. Such benefits shall be in addition to any items that are or would be required under other provisions of this chapter or State law, including any mitigation measures required pursuant to the State Environmental Quality Review Act.[65]

The Beekman Law goes on to provide specific benefits that can qualify for incentives:

(1) Permanent conservation of natural areas or agricultural lands;

(2) Provision of passive or active open space and related improvements;

(3) Permanent protection of scenic views;

(4) Public Parks and recreational facilities;

(5) Public access to waterfronts;

(6) Public trails and trail linkages; or

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(7) Cultural or historic facilities deeded to municipality or qualified not for-profit agencies.[66]
Taken together, the two provisions ensure that the Town receives genuine community benefits. Thus, a developer building a new trail in the community can receive an incentive, but a developer simply preserving (or improving) an existing public access on-site cannot, because such a preservation requirement can be readily imposed as part of a site plan approval, indeed, such preservation would be required.[67]

First, Do No Harm: Limitations on Incentives Granted

Though it can be a flexible development tool, incentive zoning is not a blank check for developers to bypass inconvenient or undesirable zoning restrictions. In fact, by law, incentive zoning is only allowed in areas where the Town Board has investigated the potential effects of any incentives granted and amenities provided, and determined that there are adequate public resources/services to support the requested incentives.[68]

Additionally, the governing board must also determine that, before permitting incentive zoning, "there will be no significant environmentally damaging consequences and that such incentives or bonuses are compatible with the development otherwise permitted."[69] Thus, as a leading community development website notes, "Incentive zoning will only produce a public good if the market can absorb the increased density happily. So don't choose an area where the neighbors will be highly opposed."[70]

Incentive zoning needs to be carefully considered before use because it can impose significant harm on a particular neighborhood for the benefit of the community. Improper application can also reduce public faith in the zoning scheme. "Zoning expresses conclusions about theoretically objective physical planning criteria such as street, sidewalk, sewer, and water pipe capacity; light and air availability at ground level; and compatibility of new buildings with the existing neighborhood. Thus, any overriding of that zoning, no matter what the proposed amenity, intrinsically delegitimizes the entire regulatory system."[71]

Conclusion

Incentive Zoning can be a powerful tool for achieving benefits not otherwise available to local communities. But history has shown that if misused it can cause serious long lasting damage. Too often incentive zoning arrangements ignore sound comprehensive planning, the "amenities" received by the municipality have been minimal or even illusory, or could have achieved through normal zoning procedures. Too often incentive zoning has been used primarily as a bypass device to avoid land use restrictions, for the politically connected, and becoming contract zoning at that point. But incentive zoning can be an appropriate land use tool when communities stand by their plan, insist that value of the amenities received have approximate equivalency with the value of the incentives granted to the developer, and ensure that the arrangement does not cause harm to the community.

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Footnotes

* Mr. Spitzer is a partner in the law firm of Hodgson Russ LLP.

** Mr. Malcomb is a partner in the law firm of Hodgson Russ LLP.

*** Mr. Terragnoli was an associate at Hodgson Russ LLP at the time this article was written. He is now in public service.

1 See Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365, 47 S. Ct. 114, 71 L. Ed. 303, 4 Ohio L. Abs. 816, 54 A.L.R. 1016 (1926) (upholding an ordinance dividing a community into different use zones each with their own bulk restrictions as constitutional).

2 Asian Americans for Equality v. Koch, 72 N.Y.2d 121, 129, 531 N.Y.S.2d 782, 786, 527 N.E.2d 265 (1988).

3 Conditional zoning has long been recognized as a valid tool in New York by the courts (*see, e.g.*, Church v. Town of Islip, 8 N.Y.2d 254, 203 N.Y.S.2d 866, 168 N.E.2d 680 (1960); *Collard v. Incorporated Village of Flower Hill, 52 N.Y.2d 594, 439 N.Y.S.2d 326, 421 N.E.2d 818 (1981)*), and the Legislature has provided direct authority to impose mitigating conditions in zoning enabling legislation. *See e.g.*, N.Y. Town Law § 274-a(4) ("The authorized board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan.").

4 N.Y. Envtl. Consv. Law Art. 8.

5 N.Y. Envtl. Consv. Law § 8-0109(8).

6 Harold Kalman, Heritage Planning: Principles And Process, at 69 (2014) (emphasis added).

7 Marcus, Norman, New York City Zoning—1961-1991: Turning Back the Clock—But with an up-to-the-Minute Social Agenda Essay, 19 Fordham Urban L.J. 707, 715 (1992).

8 John A. Peterson, The Birth of City Planning in the United States 1840-191, at 311 (2003).

9 New York, NY, Zoning Resolution, Art. III: Commercial District Regulations, Ch. 3: Bulk Regulations for Commercial or Community Facility Building in Commercial Districts, § 33-14 Floor Area Bonus for Urban Open Space; New York, Ny, Zoning Resolution, Art. III: Commercial District Regulations, Ch. 3: Bulk Regulations for Commercial or Community Facility Building in Commercial Districts, § 33-15 Floor Area Bonus for Arcades.

10 Special Manhattan Bridge District, Section 116 (this District, the focus of *Asian Americans for Equality v. Koch, supra* note 1, terminated in 1991).

11 Special Lincoln Square District, New York Zoning Ordinance, Section 82.

12 J. Kayden, Incentive Zoning In New York City: A Cost-Benefit Analysis 11, 23 (Policy Analysis Series No. 201, 1978).

13 Jerold S. Kayden, The Department of City Planning of the City of New York, and the Municipal Art Society. Privately Owned Public Space The New York City Experience (2000) (herein the "Kayden Study"). The Kayden Study is a meticulously detailed study—and critique—of each privately owned public space in New York City.

14 John J. Costonis, The Chicago Plan: Incentive Zoning and the Preservation of Urban Landmarks, 85 Harv. L. Rev. 574, 576 (1972).

15 Ada Louise Huxtable, Will They Ever Finish Bruckner Boulevard? at 51(1989). Perhaps best demonstrating Huxtable's elegiac point that the decisions under incentive zoning are made "not by planners but by profiteers" (*id*. at 52), today the reviled General Motors sunken plaza is occupied by the flagship Apple Store, "one of the best-known and most successful retail sites in the world." Vicky Ward, The Untold Story of How the Apple Store Cube Landed in Midtown, New York Magazine, September 28, 2014, available at http://nymag.com/daily/intelligencer/2014/09/story-behind-the-apple-store-cube.html.

16 Ada Louise Huxtable, Sometimes We Do It Right, New York Times (March 31, 1968).

17 *Id*.

18 Kayden Study, at 16-17, William H. Whyte, The Social Life of Small Urban spaces (1979). William H. Whyte, City: Rediscovering The Center (1988).

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19 Kayden Study at 16.

20 William H. Whyte, City: Rediscovering The Center 109 (1988).

21 Thomas J. Lueck, The Bulk-for-Benefits Deal in Zoning, N.Y. Times, July 23, 1989.

22 1996 New York Zoning Resolution, § 35-15.

23 New York Zoning Resolution art. VII, ch. r, § 81-00 et seq. (1971). Under the Special Theater District zoning, Broadway area developers could earn a 20% bonus including a legitimate theater in their plans, resulting in five new theatres being proposed. *See* Richard Weinstein, How New York's Zoning Was Changed to Induce the Construction of Legitimate Theaters, in The New Zoning: Legal, Administrative, And Economic Concepts And Techniques 131 (N. Marcus & M. Groves eds. I970).

24 Lueck, *supra*.

25 New York, Zoning Resolution art. VIII, ch. 6, § 86-oo et seq. (1971). *See* John Costonis, The Chicago Plan: Incentive Zoning and the Preservation of Urban Landmarks, 85 Harvard L.R. 574, 577 n.13.

26 Huxtable, Concept Points to "City of the Future," N.Y. Times, Dec. 6, 1970, § 8, at 1.

27 Huxtable, *supra* note 13, at 52.

28 Tom Fox, Urban Open Space: An Investment That Pays 34-35 (1990).

29 Jerold S. Kayden, Market-Based Regulatory Approaches: A Comparative Discussion of Environmental And Land Use Techniques In The United States, 19 BC Envtl. Aff. L. Rev. 566, 570 (1991) (internal footnotes omitted) (emphasis added).

30 NYU Center for Housing Policy, The Effects of Inclusionary Zoning on Local Housing Markets: Lessons from the San Francisco, Washington D.C. and Suburban Boston Areas (2008), *available at* http://furmancenter.org/files/publications/IZPolicyBrief.pdf. Inclusionary zoning techniques can include density bonuses, or other types of incentives such as tax credits, waiver of review proceedings. See James A. Kushner, Subdivision Law & Growth Management § 6:27(2d ed. May 2017 update).

31 Josh Barbanel, The Alchemy of a Zoning Bonus, N.Y. Times, Dec. 14, 2003.

32 BAE Urban Economics, Inc., Market & Financial Study NYC Mandatory Inclusory Housing (2015), available at http://www1.nyc.gov/assets/planning/download/pdf/plans-studies/mih/bae_report_092015.pdf.

33 NYC Planning website, Mandatory Inclusionary Zoning, http://www1.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page.

34 J. Spencer Clark, Rocking the Suburbs: Incentive Zoning as a Tool to Eliminate Sprawl, 22 BYU J. Pub. L. 255, 264 (2007). Prior to the enabling legislation, municipalities could enact incentive zoning through the Municipal Home Rule Law, and the enabling legislation specifically preserves the validity of pre-existing legislation and bonuses granted thereunder, Town Law § 261-b(4), Village Law § 7-703(4), and General City Law § 81-d(4).

35 N.Y. Town Law § 261-b(2); N.Y. Village Law 7-703(2); N.Y. General City Law 81-d(2).

36 Town Law § 261-b(3)(a); Village Law § 7-703(3)(a); General City Law § 81-d(3)(a).

37 *Id.*

38 Town Law 261-b(3)(e); Village Law § 7-703(3)(e); General City Law § 81-d(3)(e).

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39 Town Law § 261-b(3)(b); Village Law § 7-703(3)(b); General City Law § 81-d(3)(b).

40 Patricia E. Salkin, 3 N.Y. Zoning Law & Prac. § 32A:78 ("Communities must establish both the incentives to be received and the bonuses to be provided. State law requires the incentives to be specifically laid out, rather than just broad categories inviting contract for zoning bargaining," citing Town Law § 261-b(3)(e); Village Law § 7-703(3)(e); General City Law § 81-d(3)(e)).

41 Town Law § 261-b(2); Village Law 7-703(2); General City Law 81-d(2).

42 Town Law § 261-b(3)(h); Village Law § 7-703(3)(h); General City Law § 81-d(3)(h).

43 *Id.*; 1 N.Y. Zoning Law and Practice § 7:17 (Nov. 2016) ("In the event that money is received, this amount is to be deposited into a trust fund to be used by the municipality exclusively for the specifically authorized community benefits.").

44 Municipal Art Soc. of New York v. City of New York, 137 Misc. 2d 832, 837-38, 522 N.Y.S.2d 800 (Sup 1987). Although commentators have suggested that *Municipal Art Society* undermines incentive zoning authority, it is a more complicated case as it involved the intersection of the City's efforts as a property owner to maximize revenue while also acting as a regulator in authorizing the bonus. *See* Jerold S. Kayden, Zoning for Dollars: New Rules for an Old Game: Comments on the Municipal Art Society and Nollan Cases, 39 Wash. UJ Urb. & Contemp. L 3, 3 (1991). Further, the transaction at issue was authorized by a New York City Zoning Resolution that was not adopted under the authority of the State Incentive Zoning enabling legislation (General City Law § 81-d). What Municipal Art Society does clearly stand for is the prohibition on contract zoning, the sale of zoning benefits for general fund revenues. Cf *Residents for Reasonable Development v. City of New York, 128 A.D.3d 609, 11 N.Y.S.3d 116 (1st Dep't 2015)*(payment for parkland was not an illegal "quid pro quo" in return for floor area ratio bonus because the funds were paid directly to the Department of Parks to pay for the improvements).

45 *See* 3 N.Y. Zoning Law & Prac. § 39:61, Incentive zoning provisions, Town of Pavillion Zoning Ordinance (Nov. 2016).

46 Town of Ogden Code, available at http://ecode360.com/14755087.

47 Town Law § 261-b(3)(g); Village Law 7-703(3)(g); General City Law 81-d(3)(g).

48 *Id.*

49 3 Am. Law. Zoning § 22:44 (5th Ed. May 2017).

50 Affordable Housing and Zoning Techniques, Erie County Community Development Block Grant Consortium at 15 (Oct. 2012), available at http://www2.erie.gov/environment/sites/www2.erie.gov.environment/files/uploads/AFFORDABLE_HOUSING_ZONING_SM.pdf.

51 Village of Briarcliff Manor Code § 220-10 (2017), available at http://ecode360.com/7691303?highlight=bonus#7691303.

52 Town of Orangetown Code § 4.6, Added by L.L. No. 1-2004.

53 Town of Orangetown Code § 4.66 (2017), available at http://ecode360.com/26867331?highlight=bonus#26867331.

54 *Id.* at §§ 4.67 and 4.68.

55 Town of Bethlehem Town Code, § 128-51 (2017), available at http://ecode360.com/8994916?highlight=incentives,incentive#8994916.

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56 Town Law § 261-b(1)(a, b, and c); Village Law 7-703(1)(a, b, and c); General City Law 81-d(1)(a, b, and c).

57 Udell v. Haas, 21 N.Y.2d 463, 288 N.Y.S.2d 888, 235 N.E.2d 897 (1968). *See* Town Law § 263; Village Law § 7-704). For cities, the statute uses the term "well considered plan," General City Law § 20 (25).

58 Town Law § 261-b(2); Village Law 7-703(2); General City Law 81-d(2).

59 *Asian Americans, supra*.

60 Town of Bedford v. Village of Mount Kisco, 33 N.Y.2d 178, 188, 351 N.Y.S.2d 129, 136, 306 N.E.2d 155 (1973).

61 Town Law § 261-b(1)(a); Village Law § 7-703(1)(a); General City Law § 81-d(1)(a).

62 *See* Daniel R. Mandelker, The Basic Philosophy of Zoning: Incentive or Restraint?, in THE NEW ZONING, supra note 25, at 14, 18-21.

63 Nollan v. California Coastal Com'n, 483 U.S. 825, 837 n.5, 107 S. Ct. 3141, 97 L. Ed. 2d 677, 26 Env't. Rep. Cas. (BNA) 1073, 17 Envtl. L. Rep. 20918 (1987). *See* Steven J. Eagle, On Engineering Urban Densification, 4 Brigham-Kanner Property Rights Conf. Journal 73, 91-92 (2015).

64 *Asian Americans for Equality v. Koch, supra*, 72 N.Y.2d at 129, 531 N.Y.S.2d at 786, (1988).

65 Town of Beekman, N.Y., Town Code ch. 155, § 155-55(B) (2001), available at http://www.farmlandinfo.org/sites/default/files/Town-of-Beekman-Incentive-Zoning_1.pdf.

66 Id. at § 155-55(C).

67 *See supra* note 2 and cases and statutes cited therein; *see also* Jenad, Inc. v. Village of Scarsdale, 18 N.Y.2d 78, 271 N.Y.S.2d 955, 218 N.E.2d 673 (1966)(upholding local statute requiring the allocation of land in a subdivision for park purposes).

68 Town Law § 261-b(3)(c); Village Law § 7-703(3)(c); General City Law § 81-d(3)(c).

69 *Id.*

70 Useful Community Development, Incentive Zoning as a Tool for Public Purposes, at http://www.useful-community-development.org/incentive-zoning.html.

71 Jerold S. Kayden, Zoning for Dollars: New Rules for an Old Game: Comments on the Municipal Art Society and Nollan Cases, 39 Wash. UJ Urb. & Contemp. L 3, 3 (1991).

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MEMORANDUM

Planning Division

DATE: July 24, 2024

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 October 11, 2023
- 707 S. Worth – Under construction
- 36877 Woodward – Gasow Veterinary Hospital – Under construction
- 243 Merrill – La Strada – Final inspections
- 320 Martin – Birmingham Post Office – Design Development
- 185 N. Old Woodward – Bell Bistro – Permitting/construction
- 460 N. Old Woodward – Wilders – Final inspections
- 295 Elm St. – Forest Townhomes – Building permits under review
- 34350 Woodward – Fred Lavery Porsche – Design Development
- 479 S. Old Woodward – Birmingham Tower – Under construction
- 245 S. Eton – Big Rock – Under construction
- 33866 Woodward – Polestar – Permitting/Design development
- 370 E. Brown – Under construction
- 33816 Woodward – Auto Europe – Design development

City Commission

- 219 Elm St. – All Seasons 2 – Public hearing postponed to August 12, 2024
- 155 Willits – Sprazzo (Formerly "Mare") – Ownership change
- 260 N. Old Woodward – Terra (Formerly "The Morrie") – Ownership change

Ordinance Amendments/Master Planning

- **-**

Non-Planning Board Projects

- 185 Oakland – Belfor – Façade renovations, permitting
- 33680 Woodward – Petrucci Studio – Under construction
- 163 W. Maple – Seven Daughters – Under construction
- 138 W. Maple – Blakeslee Building – Façade renovations, permitting
- 172 N. Old Woodward – National Bank Building – Façade renovations, under construction
- 151 N. Eton – Façade and screening improvements, permitting
- 34500 Woodward – Golling Fiat – Façade renovations, design development

- Church Signs Ordinance Amendment – Public hearing set at City Commission on July 22, 2024
- Historic Preservation Master Plan – In progress.

Sustainability & Climate Action Plan/Greenhouse Gas Emissions Inventory

- Next meeting – July 29, 2024
- Greenhouse Gas Emissions inventory – COMPLETE
- Sustainability and Climate Action Plan – In progress (95%)

BIRMINGHAM
A WALKABLE CITY

AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY AUGUST 14, 2024 – 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 24, 2024**
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. **Triangle District Mixed-Use Requirements – Study Session**
   2. **The Birmingham Plan 2040 – Next Steps**
L. Miscellaneous Business and Communications:
   1. Pre-Application Discussions
   2. Communications
      i. **Project Updates**
      ii. **Joint Meeting – October 21, 2024**
   3. Administrative Approval Correspondence
      i. **July 19, 2024 – August 9, 2024**
   4. Draft Agenda – **August 21, 2024**
   5. Action List – **2024**
   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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*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 dia 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).

DRAFT

BIRMINGHAM
A WALKABLE CITY

AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY AUGUST 28, 2024 – 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 **August 14, 2024**
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
L. Miscellaneous Business and Communications:
1. Pre-Application Discussions
2. Communications
    i. **Project Updates**
3. Administrative Approval Correspondence
    i. **August 9, 2024 – August 23, 2034**
4. Draft Agenda – **September 11, 2024**
5. Action List – **2024**
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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*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 dia 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).

DRAFT

Updated 7/5/2024

Planning Board Action List – 2024

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	☐	☐
Mixed Use Requirements	Consider changing the requirements for mixed use in the Triangle District.	☐	☐	1st (January-March)	☒	☐
"Encourage renovations to expand existing houses rather than the construction of new houses."	Support neighborhoods.	☐	☒	2nd (April-June)	☐	☐
"Create a Woodward Safety and Beautification Plan."	Begin to bridge the Woodward divide.	☐	☒	3rd (July-September)	☐	☐
Ordinance Enforcement	Maintain a vibrant community.	☐	☐	4th (October-December)	☒	☐

APPROVED