

City Of Birmingham
Regular Meeting Of The Planning Board
July 24, 2024
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 24, 2024.
The meeting was convened at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce

Absent: Vice Chair Bryan Williams; Board Member Daniel Share; Alternate Board Members Jason Emerine, Nasseem Ramin

Staff: Planning Director Dupuis; Senior Planner Cowan, City Transcriptionist Eichenhorn

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

07-28-24

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board meeting of July 10, 2024 as amended.

Motion carried, 5-0.

VOICE VOTE

Yeas: Koseck, Whipple-Boyce, Boyle, Clein, 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

J. Site Plan & Design Reviews

- 1. 245 Townsend – Parkview Townhomes – Request for Final Site Plan & Design Review for New Attached Single Family Development**

SP Cowan presented the item. Chris Longe, architect, spoke on behalf of the project. Both answered informational questions from the Board.

Board members raised the following points during discussion:

- There was some preference for the aesthetics of the vertical screenwall panels. If the neighbors were concerned about the vertical screenwall panels, that could be modified administratively.
- The waiver of the required four foot variation in front setbacks was requested by the applicant because the design was intended to meet the spirit of the ordinance.
- The four foot variation in front setbacks between units does not necessarily result in good design. In this instance, in particular, it would cause two of the units to have less of a view. This design has enough articulation in the facade to achieve what the ordinance intended.
- The design meets the spirit of the ordinance, and the granting the waiver would be appropriate.

07-29-24

Motion by Mr. Koseck

Seconded by Mr. Boyle to approve the Final Site Plan & Design Review for 245 Townsend St. with the following conditions:

- 1. The Planning Board adopts as findings the factual matters set forth in the Planning Division's report;**
- 2. The Planning Board approves a waiver of the required 4' variation in front setbacks between units;**
- 3. The applicant comply with the requests of all City Departments.**

Board member comments on the motion were as follows:

- **The four foot variation in front setbacks came from discussing articulation as a design concept a number of years ago, and sometimes a more nuanced understanding of that design aspect must be used.**
- **This project represents a substantial improvement over the extant building, uses quality materials, has valuable variations on the design theme, and will complement its context.**

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

L. Study Session

1. Triangle District Mixed-Use Requirements – Study Session

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

Board members raised the following points during discussion:

- It would be useful to calculate whether tying bonus stories to dedicated urban open space

- would likely be a financially prohibitive, generous, or balanced option for a developer.
- Including aspects of the Parks and Recreation Master Plan in these requirements was beneficial.
 - It would be necessary to clarify whether the urban open space would be deeded to the City or reserved for public park use.
 - Many properties ceding a relatively small amount of urban open space might be contrary to the goals for the Triangle. It would be more appropriate to aim for one larger, contiguous open space.
 - The City has property near Walgreens that it could use as the start of an open space. It might be appropriate to ask the adjacent properties for land in exchange for extra floors, and more distant property owners for payment-in-lieu.
 - Other City boards or resources could help recommend ideal locations for an open space, park, piazza, or other public amenity.
 - Smaller pocket parks could actually be desirable and worth considering. It would be positive to achieve a public park for the Torry neighborhood. The public amenity fund could also be used to enhance other parks.
 - It would be helpful to clarify whether the City would be willing to purchase property for a larger park.
 - The City wants developers in the Triangle to build as densely as the market allows, and in return, wants to receive a public good. For this reason, allowing developers to contribute to a fund that would be tied to the Triangle Plan and used to improve the Triangle could make sense.
 - It might be worthwhile to consider only granting extra floors in exchange for payment into a Triangle improvement fund.
 - The language would need to be worked on, but the fund could be used to create recreational or other pedestrian-scale amenities, potentially including improvements to the street scape.
 - Developments along Bowers or Worth could possibly be permitted to contribute land directly in exchange for additional floors.
 - In the longer-term, the Board may recommend rezoning areas within the Triangle for required mixed use.
 - Having public amenities in the Triangle would make developments more attractive as well.
 - There may be opportunities to create a public amenity via a public-private partnership.
 - Creating a park by relocating Worth may no longer be feasible.
 - For the shorter term, a fund could be used for improvements in the Triangle. If the Commission were interested, the fund could be longer-term to move Worth and build a park.
 - Bethesda, Maryland has done something like the fund idea being discussed and could be looked into as an example.
 - While small parks can be valuable, allowing each developer leeway in the design could be too haphazard.
 - Sites should be tested to determine what a small public amenity might look like.
 - Bowers has a piece of vacant, City-owned property that is next to a large, empty parking lot, which is in turn next to an under-used building.
 - The north side of Bowers should be transitional housing such as townhomes. It becomes less appropriate to consider requiring first-floor commercial-type uses for Bowers once the Haynes Square plans are completed.
 - Alternatively, commercial-type uses that would support residential could be considered for

the south side of Bowers, especially if the Haynes Square plans face headwinds.

- The east side of Adams should remain residential.
- The definition of 'commercial' and number five should both be discussed as part of longer-term efforts to revise this language.

Direction to Staff was summarized as follows:

- Return to the original language of number two, including 25% of an additional floor area being an improved public plaza, and add a line about payment-in-lieu. It would be necessary to know how to convert the square footage into an appropriate contribution amount.
- The 'improved public plaza' language could be changed to 'public urban open space in the form of mini-parks, public plazas, or neighborhood parks'. It should also include improved streetscape in some way.
- The 25% should be test fit.
- Staff should consult the City Attorney on:
 - The legalities of a payment-in-lieu fund in exchange for bonus stories,
 - Whether a developer could say that changing the criteria for bonus stories adversely legally impacts them in some way,
 - Whether a developer seeking bonus stories via LEED certification could be required to put money in escrow that would be used for parking or another amenity in the event of non-certification, and
 - Whether a lien could be put on a development in the above circumstances instead of having money in escrow.
- The framework should be that if developers want extra floors, they need to contribute.
- A key should be added to the map, and the west side of Adams from Bowers to Woodward should be trialled as green on the map.
- Number five should be studied with the HDC.
- Open urban space will need to be defined.

M. Miscellaneous Business and Communications

- 1. Pre-Application Discussions**
- 2. Communications**

PD Dupuis answered an informational question about one project.

- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**
- 5. Action List - 2024**
- 6. Other Business**

N. Planning Division Action Items

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

- Future sample motion language for site plans, design reviews, and special land use permits should include something to the effect of 'The Planning Board adopts as findings the factual matters set forth in the Planning Division's report' as the first condition.

- The Board stressed how essential tree cover is to quality-of-life in cities.
- It was noted that trees on ~~the east side of~~¹ Forest, south of the AAA Building, were removed, and that there was not presently a plan to restore greenery to that area.
- The Board asked staff to inform the City Manager that the removal of trees from that area would render the adjacent building in violation of the site plan.
- It was noted that modern landscape architects have updated techniques for planting trees that significantly increase the chances of survival. It was recommended that alternative greenery also be considered for circumstances that would not be conducive to street trees.

O. Adjournment

No further business being evident, the meeting was adjourned at 9:09 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist

¹As amended at the August 14, 2024 Planning Board meeting.