



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 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
- K.** Study Session
 - 1. **Triangle District Bonus Height Requirements – Study Session**
- L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - i. **2159 E. Lincoln – Lincoln Yard**
 - 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 28, 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

*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 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 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.

A blue ink signature of Nick Dupuis, consisting of a stylized 'N' and 'D'.

Nick Dupuis, Planning Director

A black ink signature of Laura Eichenhorn, appearing as a cursive 'L' followed by a horizontal line.

Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Division

DATE: August 14, 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 minimum 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.

Study Session #2

On July 24, 2024 ([Agenda](#)) the Planning Board considered amendments to the ordinance that focused on the second provision regarding public space. In addition, the mixed-use requirement was discussed and the Planning Department was directed to amend the materials to reflect a desire for commercial on the west side of Adams Rd. and the south side of Bowers.

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 **public urban open space in the form of mini-parks or neighborhood parks** 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 **applicable master plans. The applicant may provide payment-in-lieu to the City for construction of public urban open space at an offsite location at rates that will be calculated as follows:**

- a. **The rate of one-half (0.5) of current market value of the land area that is at least equal to 25% of the additional floor area of building area allowed in the additional stories.**
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 Mixed-Use Map



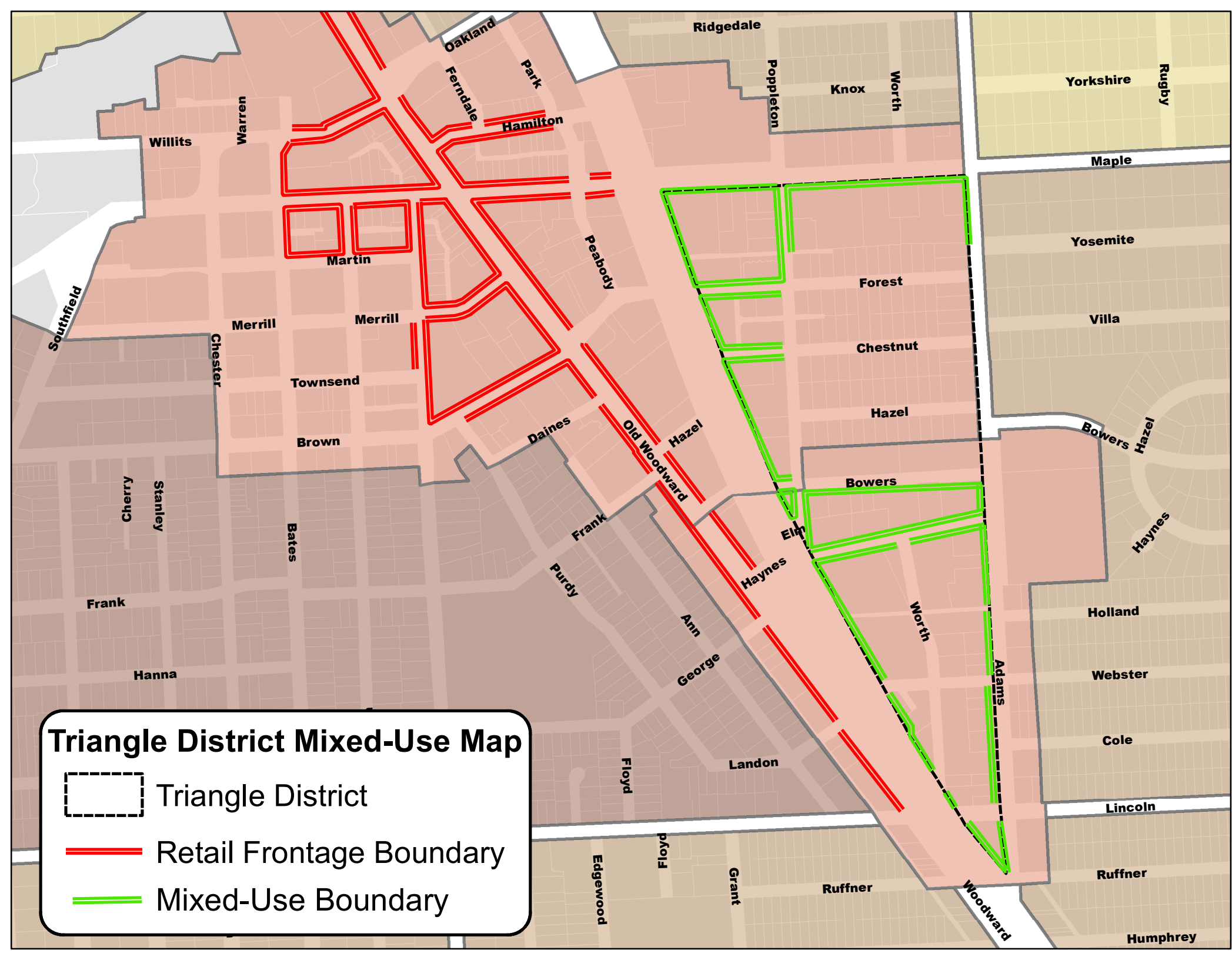
Triangle District

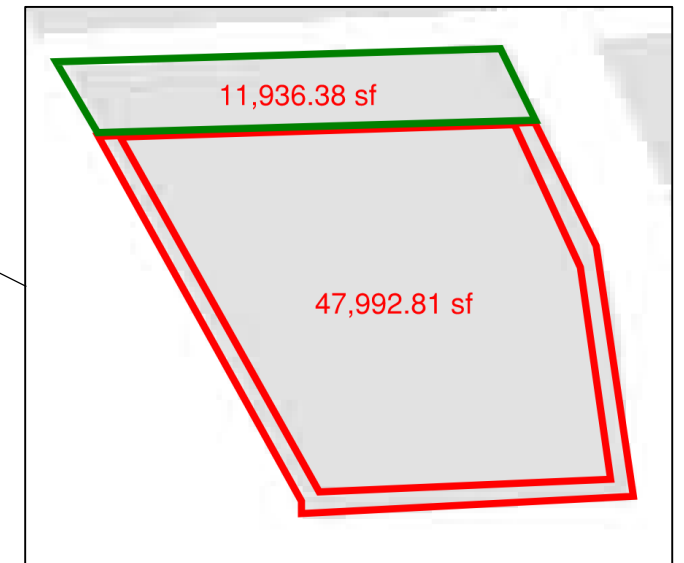
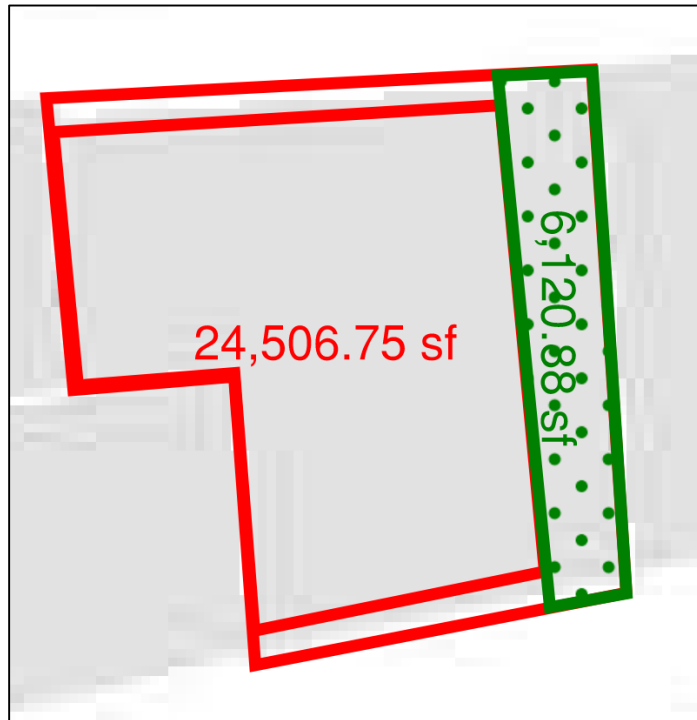
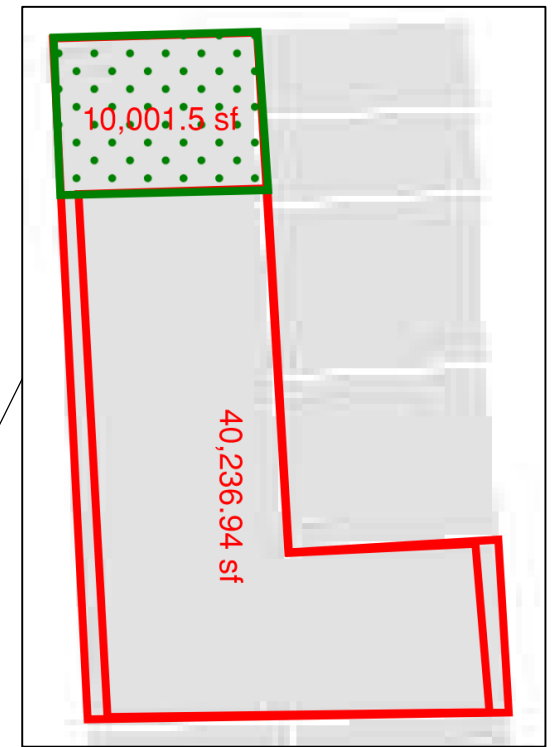
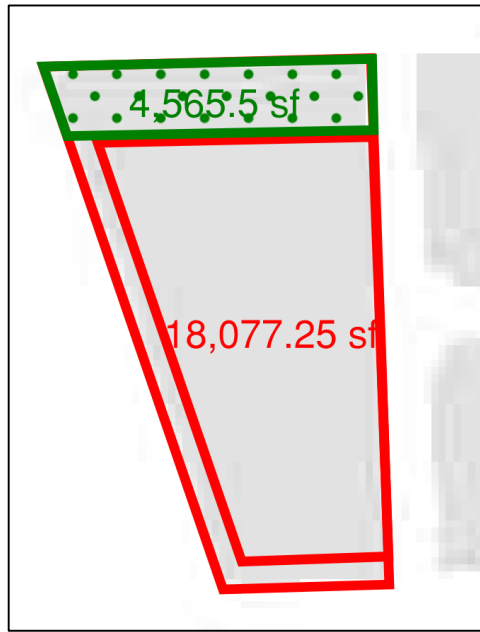


Retail Frontage Boundary



Mixed-Use Boundary







MEMORANDUM

Planning Division

DATE: August 14, 2024

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 2159 E. Lincoln – Lincoln Yard – Pre-Application Discussion

The project at 2159 E. Lincoln, was approved in 2019 and has been operating under a Temporary Certificate of Occupancy since February. At this time, the only major outstanding issue is related to the outdoor dining facility at the front of the building, which remains unfinished per the approved plans. The original plans featured a pergola with arched covering. At this time, the applicant is requesting that the Planning Board consider Administrative Approval to remove the pergola and utilize umbrellas.

An aerial photograph of the Lincoln Yard development in Birmingham, MI. The image shows several multi-story buildings with flat roofs, some with rooftop decks and landscaping. Large parking lots with marked spaces and some parked cars are visible. The surrounding area includes streets with cars and other urban infrastructure. The text 'LINCOLN YARD' is overlaid in the upper left, and 'Proposed Exclusion of the Outdoor Cover Canopy Structure' is in the center. The address '2159 E. Lincoln Street, Birmingham, MI 48009' and the date 'August 8, 2024' are also present. The architect's name 'Krieger Klatt Architects' is in the bottom right.

LINCOLN YARD

Proposed Exclusion of the Outdoor Cover Canopy Structure

2159 E. Lincoln Street, Birmingham, MI 48009

August 8, 2024

**Krieger
Klatt**
Architects

- **REQUEST IS TO OMIT THE OUTDOOR COVERED COVERED CANOPY WHICH IS REPRESENTED BY THE YELLOW SHADING (66'-4" X 19'-2").**
- **PROPOSAL IS TO KEEP PATIO AREA UNCOVERED WITH TABLES, CHAIRS AND UNBRELLAS AS DEPICTED IN PRESENTATION**



Request

**STEEL FRAMED STRUCTURE WITH ACRYLIC
COVERING (SIZE: 66'-4" X 19'-2")**



Original Design Concept at Outdoor Patio



As Proposed Outdoor Patio - Current View



Current View to Northwest



Current View to North



MEMORANDUM

Planning Division

DATE: August 14, 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
- 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 – The Last Bean – Under construction
- 138 W. Maple – Blakeslee Building – Façade renovations, permitting
- 172 N. Old Woodward – National Bank Building – Façade renovations, inspections
- 151 N. Eton – Façade and screening improvements, permitting
- 34500 Woodward – Golling Fiat – Façade renovations, design development
- Historic Preservation Master Plan – In progress.

Sustainability & Climate Action Plan/Greenhouse Gas Emissions Inventory

- Next meeting – August 19, 2024
- Greenhouse Gas Emissions inventory – COMPLETE
- Sustainability and Climate Action Plan – In progress (95%)

ADMIN APPROVAL - PB

App Date	Case #	Scope of Work	Property Address	Status
08/05/2024	PAA24-0051	Install marble facade to front of building and 2 new light fixtures	665 S ADAMS RD	COMPLETED - APPROVED
08/06/2024	PAA24-0055	Would like to change the stone at the bottom of the front windows to match the red brick that the northern neighbors and the multi-story building have used.	653 S ADAMS RD	IN PROGRESS
08/06/2024	PAA24-0057	Replace existing A/C unit. Install new A/C unit.	372 TOWNSEND ST	IN PROGRESS
		Screened by significant landscaping between buildings		

Total Processes For Type: 3



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 - 1. **720 S. Adams – Request for Final Site Plan and Design Review for new 6-story mixed-use building in the Triangle District.**
- K.** Study Session
- L.** Miscellaneous Business and Communications:
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Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

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.	☐	☐	1 st (January-March)	☒	☐
“Encourage renovations to expand existing houses rather than the construction of new houses.”	Support neighborhoods.	☐	☒	2 nd (April-June)	☐	☐
“Create a Woodward Safety and Beautification Plan.”	Begin to bridge the Woodward divide.	☐	☒	3 rd (July-September)	☐	☐
Ordinance Enforcement	Maintain a vibrant community.	☐	☐	4 th (October-December)	☒	☐