



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
 - 1. **Triangle District Bonus Height Requirements – Study Session**
- 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. **August 9, 2024 – August 23, 2024**
 - 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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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
August 14, 2024
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on August 14, 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, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Members Jason Emerine (non-voting), Nasseem Ramin (non-voting)

Absent: None

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of July 24, 2024

08-29-24

Motion by Mr. Boyle

Seconded by Mr. Koseck to approve the minutes of the Regular Planning Board meeting of July 24, 2024 as amended.

Motion carried, 7-0.

VOICE VOTE

Yeas: Share, Williams, 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

L. Study Session

1. Triangle District Bonus Height Requirements – Study Session

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

Board members raised the following points during discussion:

- The final sentence in Article 3, Section 3.08(E)(2) and the whole of Article 3, Section 3.08(E)(2)(a) raised enough questions that they should be removed from the shorter-term changes and should instead be reserved for longer-term study.
- Staff should return with a proposed definition of 'open space'.
- It might be more appropriate to have developers pay some amount towards the development of a larger, City-designed urban open space than it would be to allow each participating developer to choose the design and location of a neighborhood or mini park on their property. There was some concern that the latter option might not result in quality design or adequate public benefit.
- The suggested changes to Article 3, Section 3.08(E)(1) and Article 3, Section 3.08(E)(4) should be made.
- The suggested map changes reflected the Board's prior feedback. Potential further map changes would be studied in the longer-term.
- In the future, it will be necessary to define 'commercial', to determine how payments-in-lieu would fit in with the City's overall planning, and to determine whether the City might mandate a certain level of LEED certification for new developments.
- Staff would integrate the Board's recommended changes to the ordinance language. If the Board is comfortable with the updates at the next meeting, a public hearing should be scheduled.

The Board thanked PD Dupuis for his work on the item.

M. Miscellaneous Business and Communications

1. Pre-Application Discussions

i. 2159 E. Lincoln – Lincoln Yard

PD Dupuis introduced the proposal. Curt Catallo, co-owner of Lincoln Yard, spoke on behalf of the request.

Board consensus was that the request should be administratively approved.

2. Communications

i. Project Updates

PD Dupuis provided two project updates in reply to Board inquiry and provided an update on the Commission's August 12, 2024 action regarding All Seasons II.

ii. Joint Meeting – October 21, 2024

The Board suggested that their approach to the Triangle District ordinance changes could be an appropriate topic for the October 21, 2024 joint meeting with the Commission.

3. Administrative Approval Correspondence

4. Draft Agenda

Fall topics could include the process for public projects, the definition of impervious surfaces, and the Board's rules and procedures.

5. Action List - 2024

6. Other Business

Mr. Boyle was congratulated for his receipt of a certificate from the American Planning Association honoring his 25-year membership.

08-30-24

Motion by Mr. Share

Seconded by Mr. Williams to move that the meeting of August 28, 2024 be held as a hybrid meeting with site plans and study matters.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

N. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

The Planning Board would have a brief study session regarding the Sustainability and Climate Action Plan at an upcoming meeting.

Birmingham might have opportunity to play a role in the American Planning Association's 2025 Conference, which is scheduled to be held in Detroit.

O. Adjournment

No further business being evident, the meeting was adjourned at 8:23 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Division

DATE: August 28, 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](#) - [Minutes](#)) 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.

Study Session #3

On August 14, 2024 ([Agenda](#)), the Planning board reviewed refined language that included a payment in lieu option for the public urban open space. Ultimately, the option was removed from the language and the Planning Board requested a definition of public urban open space to consider before a public hearing is set.

Study Session #4

The Planning Department has amended the language in Article 3 according to the direction given to the Planning Board. In addition, the language was refined further to add clarity, consistency and specificity to the bonus height provisions. In addition, a definition of Public Urban Open Space has been created, and the Triangle District Regulating Plan has been refined.

Sample Motion Language

I move that the Planning Board set a public hearing date of September 25, 2024 to review amendments to Article 3, Section 3.08 and Article 9, Section 9.02, to modify the provisions for additional building height in the Triangle District of Birmingham.

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 on the same property upon which the new building is being constructed** 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 **urban open** space shall be based upon 25% of the building floor area on the top floor. The location and design of the plaza **public urban open space** shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan **applicable master plans**.
 3. **For those properties located along the commercial frontage boundary, as specified on the Triangle District Regulating Plan identified in Exhibit 2;**

Appendix C, 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 Triangle District Regulating Plan, shall consist of commercial uses 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.**

- ~~3. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.~~
4. 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

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 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITION OF PUBLIC URBAN
OPEN SPACE

Public Urban Open Space – Land appropriated for public use that is designed to provide recreation opportunities accessible to the public of which contain landscaping, seating and other amenities.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND APPENDIX C, TO ADD MAP OF TRIANGLE DISTRICT REGULATING PLAN

Exhibit 2 Triangle District Regulating Plan



Triangle District Regulating Plan

Reference Article 3, Section 3.08 (E)(3)

2024





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
- 239 N Old Woodward – Bloom Bistro – Under Construction
- 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 – SLUP was denied on August 12, 2024
- 260 N. Old Woodward – Terra (Formerly “The Morrie”) – SLUP Amendment for new ownership approved on August 12, 2024.

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 – September 16, 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
08/14/2024	PAA24-0060	Need to make adjustments to seating inside restaurant.	210 S OLD WOODWARD AVE	IN PROGRESS

Total Processes For Type:

1



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY SEPTEMBER 11, 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 28, 2024**
- C.** Chairpersons' Comments
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- G.** Rezoning Applications
- H.** Special Land Use Permits
- I.** Community Impact Studies
- J.** Site Plan & Design Reviews
- K.** Study Session
 - 1. **The Birmingham Plan 2040 – Next Steps**
 - 2. **Impervious Surface – Study Session**
 - 3. **Planning Board Rules of Procedure**
- 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. **August 23, 2024 – September 6, 2024**
 - 4. Draft Agenda – **September 25, 2024**
 - 5. Action List – **2024**
 - 6. Other Business
- M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
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AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY SEPTEMBER 25, 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 **September 11, 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. **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
 - 1. **Triangle District Bonus Height Requirements – Public Hearing**
- 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. **September 6, 2024 – September 20, 2024**
 - 4. Draft Agenda – **October 9, 2024**
 - 5. Action List – **2024**
 - 6. Other Business
- M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
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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)	☒	☐