

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JANUARY 4, 2011**

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<p>SPECIAL LAND USE PERMIT (“SLUP”) REVIEW 34300 Woodward Ave. Walgreen’s Pharmacy (former Border’s Books) – (postponed from December 14, 2011) Request for Final Site Plan and Special Land Use Permit (“SLUP”) approval to allow the operation of a drive-through pharmacy on the first floor, with office use and storage on the second floor</p>	2
<p>FINAL SITE PLAN REVIEW 34300 Woodward Ave. Walgreen’s Pharmacy (former Border’s Books) – (postponed from December 14, 2011) Request for Final Site Plan and Special Land Use Permit (“SLUP”) approval to allow the operation of a drive-through pharmacy on the first floor, with office use and storage on the second floor</p>	2
<p>Motion by Mr. DeWeese Seconded by Mr. Koseck that the Planning Board recommends approval of the applicant’s request for Final Site Plan and a SLUP to permit a drive-through pharmacy at 30300 Woodward Ave., Walgreen’s, to the City Commission with the following conditions:</p> <ol style="list-style-type: none"> 1) The applicant obtain variances from the BZA for the building height, number of stories, setback along Haynes, width of sidewalk along Worth Street, lighting levels in excess of 1.5 fc at all property lines and for the expanse of parking along both Woodward Ave. and Haynes; 2) The Planning Board approves a deviation of the architectural requirements to allow 49.2% glazing on Haynes and to allow only one entrance on Woodward Ave. 3) Applicant work with staff to come up with an acceptable solution to add an ADA compliant ramp to the northwest corner of Woodward Ave. and Haynes; 4) Applicant remove the four wall pack non-shielded fixtures in the transformer area; 5) Applicant provide all pavement improvements recommended by the Engineering Dept.; 6) Applicant work with planning staff to add appropriate second-floor windows on the east elevation of the building; 7) Applicant provide the City with a signed agreement to donate the required right-of-way to the City along Worth Street, for the future use 	5

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<p>of the City in implementing the Triangle Plan; 8) Applicant limits hours of retail operation from 7 a.m. to 11 p.m. on any given day; and 9) Applicant work with staff to review the loading areas and see if two can be contained in the drive-through area. If so, expand the landscape area accordingly.</p>	5
<p>Motion carried, 7-0.</p>	6

**CITY OF BIRMINGHAM
SPECIAL MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 4, 2012
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the special meeting of the City of Birmingham Planning Board held January 4, 2012. Chairman Robin Boyle convened the meeting at 7:31 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

Absent: Student Representative Kristen Thut

Administration: Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

01-01-12

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD DECEMBER 14, 2011**

Motion by Mr. DeWeese

Seconded by Mr. Clein to approve the Minutes of the Regular Planning Board Meeting of December 14, 2011 as presented.

Motion carried, 7-0.

VOICE VOTE

Yeas: DeWeese, Clein, Boyle, Koseck, Lazar, Whipple-Boyce, Williams

Nays: None

Absent: None

01-02-12

CHAIRPERSON'S COMMENTS (none)

01-03-12

APPROVAL OF THE AGENDA

Discussion of Action Items 2011-2012 has been added to the agenda.

01-04-12

SPECIAL LAND USE PERMIT (“SLUP”) REVIEW

34300 Woodward Ave.

Walgreen’s Pharmacy (former Border’s Books) -
(postponed from December 14, 2011)

Request for Final Site Plan and Special Land Use Permit (“SLUP”) approval to allow the operation of a drive-through pharmacy on the first floor, with office use and storage on the second floor

FINAL SITE PLAN REVIEW

34300 Woodward Ave.

Walgreen’s Pharmacy (former Border’s Books) -
(postponed from December 14, 2011)

Request for Final Site Plan and Special Land Use Permit (“SLUP”) approval to allow the operation of a drive-through pharmacy on the first floor, with office use and storage on the second floor

Ms. Ecker summarized the changes that the applicant has made since the last meeting. She recalled that the subject site is located at 34300 Woodward Ave., on the east side of Woodward Ave., and on the southeast corner of Haynes and Elm. The parcel is zoned B-2, Business-Residential and MU-5 and MU-7 in the Triangle Overlay District. A retail pharmacy is a permitted use on this site. The proposal for a drive-through requires a SLUP. Since the use is being expanded, the site must be brought into full compliance at this time.

The applicant, Lormax Stern on behalf of Walgreen’s Pharmacy, is seeking approval to open a retail pharmacy with a drive-through in the existing vacant Borders’ building. Corporate offices are proposed for the existing second floor of the building, along with a small storage area. The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP and approval from the City Commission to allow a drive-through facility in the MU-7 district. **Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan and SLUP.**

Ms. Ecker advised that on December 14, 2011, the applicant appeared before the Planning Board for a Final Site Plan and SLUP review. After extensive discussion of the proposed use and site improvements required, the Planning Board postponed the matter to a Special Meeting of the Planning Board on January 4, 2012 to allow the applicant time to amend their plans and submit a clean set for the board’s review.

Ms. Ecker advised that as the applicant is requesting an expansion of the previous retail use to add a drive-through facility that requires site plan review, the existing building and site must be brought into compliance with the standards of the Triangle District Overlay. **Thus the applicant will be required to obtain variances from the Board of Zoning Appeals (“BZA”) for the building height, number of stories, setback along**

Haynes, and for the expanse of parking along both Woodward Ave. and Haynes. The applicant has submitted an application to the BZA for the required variances.

The existing sidewalk along Woodward Ave. is 8 ft. wide, and thus meets the 7 ft. minimum width along Woodward Ave. However, the existing sidewalks on both Haynes and Worth are only 4 ft. wide, and thus do not meet the Triangle District requirement of minimum 12 ft. wide sidewalks throughout the District. **Thus, the applicant must increase the width of the sidewalk on Haynes and Worth to 12 ft. or obtain a variance from the BZA. The applicant has amended the plans to show the required 12 ft. sidewalk along Haynes. The applicant has submitted an application to the BZA for a variance for the existing sidewalk width on Worth.**

In accordance with the lighting standards in the Zoning Ordinance, the maximum luminance levels at the property line are 1.5 fc. The photometric submitted shows light levels in locations on all property lines in excess of 1.5 fc, with levels as high as 8.8 fc. **Thus, the applicant will be required to reduce luminance levels at the property lines to comply with the lighting regulation or obtain a variance from the BZA.**

The applicant proposes to install two channel letter signs and one two-sided ground sign, along with directional signage in the proposed drive-through canopy. The total linear building frontage is 157.5 ft., permitting 236.3 sq. ft. of sign area, given the building's location on Woodward Ave. The total area of all proposed signage is 155.64 sq. ft. which meets the requirement of Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance.

In response to a question from Mr. DeWeese, Ms Ecker described the interior lighting. Pendant light fixtures will not hang below the portion of the windows covered by the awnings. Mr. DeWeese went on to note that the northwest corner of Haynes and Woodward Ave. needs to have an ADA pedestrian ramp going across Hayes.

Mr. Clein said improvements to the intersection at the northeast corner of Haynes and Woodward Ave. should be coordinated with the efforts of the Porshe dealership across Haynes Street. Ms. Ecker went on to say the contract between the applicant and the City for the realignment of Worth St. can be negotiated prior to going to the City Commission for the SLUP.

Mr. Jason Horton from Lormax Stern Development Co. was present with Mr. Mark Drane, Rogvov Architects; and Mr. Larry Brozak, Regional Manager for Walgreen's. Mr. Horton advised they are under contract to Related Companies to purchase the property. They will then lease it to Walgreen's. He sees their proposal as a win/win situation for everyone involved. The City benefits from the provision for the realignment of Worth; a mixed-use development with a Walgreen's regional headquarters on the second floor; and many thousands of dollars of improvements to the building and the site in order to bring them into conformance as much as possible with current zoning standards. Walgreen's is making these improvements in order to qualify for a drive-through within a SLUP.

Mr. Drane explained that although the Triangle District Overlay architectural requirements specify that two additional pedestrian entrances are needed along Woodward Ave., they have not been added. They believe that adding additional entrances would create safety and security issues because the store will sell pharmaceuticals as well as beer and wine.

Mr. Brozak stated the intended hours of this facility and the drive-through are from 7 a.m. until no later than 11 p.m.

Mr. Clein asked if anything could be done to the east elevation to soften the large expanse of blank wall. Mr. Drane replied they could give some relief by adding vertical landscape in that area. He expects that potentially there will be another building on that side. Mr. Koseck initiated discussion that concluded landscape could be added in place of one loading zone. He thought that windows could be installed on the second floor without compromising the way their business is conducted. Ms. Ecker advised the applicant that the City Commission can attach conditions to the SLUP based on the fact that the blank wall does not meet the design intent they would like to see, regardless of the fact that it technically meets the requirements of the Zoning Ordinance or the Building Code.

Several options were then discussed that would modify the expanse of blank wall on the east elevation. Mr. Koseck suggested trading space from the stock room and adding it to the office area so that the workers would have exposure to daylight. He announced that he would not support the proposal unless windows are added.

Ms. Lazar expressed her belief that another door should be added to the Woodward Ave. elevation. Mr. Horton was adamant that would not work for this pharmacy. He went on to advise that shopping carts will be stored inside the building.

Mr. Brozak explained how the lighting will work. Typically, the cosmetic shelves will be lit from the top. In other areas track lighting from the ceiling will spotlight the merchandise.

Mr. DeWeese observed the applicant has shown great effort to take a building that was built with different objectives and re-purpose it into something useful. Therefore, he is not so convinced that additional entrances are needed along Woodward Ave., considering all the improvements that are being made.

Mr. Horton hoped there would be some form of resolution this evening with respect to the windows. He was amenable to working with staff to come up with a design solution prior to appearing before the City Commission. Mr. Koseck recommended that the windows added to the east elevation be consistent with those on the other three elevations so they don't look like faux windows.

The chairman called for comments from members of the public at 8:32 p.m. and no one spoke.

Ms. Ecker read a letter into the record that opposed the operation of a drive-through in a walkable community.

Mr. Williams announced that he is prepared to go with the applicant's suggestion with regard to leaving out the entrance on Woodward Ave. Security is not imagined; it is a real issue. Secondly, in response to the letter, the drive-through gives the City authority to request much of the SLUP improvements.

It was discussed that the drive-through could function as two loading spaces.

Motion by Mr. DeWeese

Seconded by Mr. Koseck that the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP to permit a drive-through pharmacy at 30300 Woodward Ave., Walgreen's, to the City Commission with the following conditions:

- 1) The applicant obtain variances from the BZA for the building height, number of stories, setback along Haynes, width of sidewalk along Worth Street, lighting levels in excess of 1.5 fc at all property lines, and for the expanse of parking along both Woodward Ave. and Haynes;**
- 2) The Planning Board approves a deviation of the architectural requirements to allow 49.2% glazing on Haynes and to allow only one entrance on Woodward Ave.**
- 3) Applicant work with staff to come up with an acceptable solution to add an ADA compliant ramp to the northwest corner of Woodward Ave. and Haynes;**
- 4) Applicant remove the four wall pack non-shielded fixtures in the transformer area;**
- 5) Applicant provide all pavement improvements recommended by the Engineering Dept.;**
- 6) Applicant work with planning staff to add appropriate second-floor windows on the east elevation of the building;**
- 7) Applicant provide the City with a signed agreement to donate the required right-of-way to the City along Worth Street, for the future use of the City in implementing the Triangle Plan;**
- 8) Applicant limits hours of retail operation from 7 a.m. to 11 p.m. on any given day; and**
- 9) Applicant work with staff to review the loading areas and see if two can be contained in the drive-through area. If so, expand the landscape area accordingly.**

Mr. Koseck commented Walgreen's has done a great job and their proposal fits the fabric of the community. Ms. Lazar commended them for having taken their normal prototype design to another level and one that is much more compatible with the Birmingham neighborhood. Therefore, she is pleased to support the motion.

Chairman Boyle sees this as a real opportunity for the City to take this generous offer and start moving Worth in order to implement the core of the Triangle Plan. Mr. Williams stated it is important for the City to get the Walgreen's regional headquarters employees into the City. He agrees with the Chairman's comment regarding Worth. The burden now is on the City to take advantage of this offer which comes as a result of requirements of the SLUP for a drive-through. This is a break that was really needed.

Mr. DeWeese commented that Walgreen's has gone above and beyond in anticipating issues and dealing with them. He thinks the plan is a good solution for everybody.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: DeWeese, Koseck, Boyle, Clein, Lazar, Whipple-Boyce, Williams

Nays: None

Absent: None

01-05-12

ACTION ITEMS 2011-2012

Mr. Williams discussed Item 3 – O-1 and O-2 Zoning, and Item 11 – Woodward Ave. (Lincoln to Fourteen Mile Rd.). To him the problem is bigger than just looking at O-1 and O-2. It is really the whole city and includes a lot of the B-1 areas that are adjacent to residential. Every lot has a different demarcation line. He knows the City is not well served by the Planning Board not dealing with the issue.

Mr. Clein thinks that Complete Streets couples in with the land uses adjacent to the street. Mr. Williams added that when Lincoln to Fourteen Mile Rd. along Woodward Ave. is viewed in the context of everything that has gone on in Birmingham, it is embarrassing. Ms. Whipple-Boyce agreed and would love to deal with this in the coming year. Another important matter the board should be looking at is moving forward in the Rail District and locating a train platform in Birmingham. Mr. Williams added that maybe the answer is to bring all of the neighborhood associations into the discussion from the start because this affects their communities.

Ms. Ecker advised that a lot of what the board is talking about will be discussed at the Long Range Planning Meeting on January 21. The planning staff has completed three reports:

- A review of the master plans that are in place and what is left to be implemented;
- A Complete Streets report which discusses what has been done over the past year and recommends doing a Complete Streets Master Plan for the City as a whole; and
- A Regional Collaboration report which includes the Transit Oriented Development ("TOD") Task Force; Alternatives Analysis for the extension of

mass transit from Eight Mile Rd. to Fifteen Mile Rd.; and also collaboration through the Woodward Ave. Action Assoc. on Complete Streets along Woodward Ave. from the river to Pontiac.

Mr. Koseck did not think the Triangle and MX Districts can be accomplished without first bringing in a consultant to analyze the issues.

Chairman Boyle said perhaps the Planning Board should direct staff and recommend to the City Commission that Lincoln to Fourteen Mile Rd. needs to be identified as a defined area (Gateway Corridor Plan) that takes on board the issue of the road, the TOD overlay, Complete Streets, and deals with the zoning matters.

Mr. DeWeese thought the board could proceed on O-3 and O-4 in terms of O-1 and O-2; develop a S. Woodward Ave. corridor plan as a Sub-Master Plan; and look at the whole issue of putting mixed uses close to each other. The biggest problem is that some of the neighborhood associations fear creeping commercial.

Ms. Ecker noted the City Manager has asked her to look into different alternatives for developing a train platform on the Birmingham side of the tracks. Mr. DeWeese said if the Rail District is to be developed a road is needed that goes along the railroad tracks. Otherwise, all of those streets are basically dead-end. Also, school busses don't need to be parked there.

01-06-12

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)

01-07-12

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

Communications (none)

Administrative Approvals

- 1043-1 N. Old Woodward Ave., Glennwood Terrace – L. Frost Sliders replacement windows; Bow Tie Sliders replacement windows.
- 885 N. Old Woodward Ave. – Replace existing AC unit with ground-mounted unit.

Draft Agenda for the next Regular Planning Board Meeting on January 25

- New bistro on Hamilton with a SLUP;
- Single-family home on Brown between Cherry and Stanley which is zoned Multi-Family;

- The Balmoral is applying for a SLUP for an Economic Development License for a first-floor restaurant in their approved building.

Other Business

Chairman Boyle noted difficulty in making a right hand turn from Oak onto Woodward Ave. on a red light. This is because the Mobil Gas Station comes pretty far out.

Discussion concluded that the changes to Holy Name are absolutely remarkable.

01-08-12

PLANNING DIVISION ACTION ITEMS

Staff report on previous requests (none)

Additional items from tonight's meeting (none)

01-09-12

ADJOURNMENT

No further business being evident, the board motioned to adjourn at 9:34 p.m.

Jana Ecker
Planning Director