

PUBLIC NOTICE

**CITY OF BERKLEY, MICHIGAN
REGULAR MEETING OF THE CITY PLANNING COMMISSION**

Tuesday, December 11, 2018
7:30 PM - City Hall
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES -- *Meeting of November 27, 2018*
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **SPECIAL LAND USE REQUEST**: PSU-02-18—MICHIGAN STATE FEDERAL CREDIT UNION, 3165 TWELVE MILE RD
Attachments: [Special Use Application](#), [Applicant Narrative](#), [3165 12 Mile Rd Floor Plan](#), [Lighting & Photometrics](#), [3165 12 Mile Site Plan](#)

2. **DESIGN OVERLAY DISTRICT**: DISCUSSION
Attachments: [Design Overlay District-Revised 12/4/18](#), [Site Plan Review Ordinance-Proposed Revisions](#)

3. **SITE PLAN REVIEW**: DISCUSSION
Attachments: [Sec 138-678 Administrative Review](#)

4. **MEETING SCHEDULE**: 2019 PLANNING COMMISSION MEETING DATES
Attachments: [2019 Planning Commission Meeting Schedule](#)

LIAISON REPORTS
COMMISSIONER/STAFF COMMENTS
ADJOURN

Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk.

The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 PM, NOVEMBER 27, 2018 AT CITY HALL BY CHAIR KAPELANSKI.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city's government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city's YouTube channel: <https://www.youtube.com/user/cityofberkeley>.

PRESENT: Mark Richardson Martin Smith Ann Shadle
 Michele Buckler Greg Patterson Tim Murad
 Kristen Kapelanski Lisa Kempner Matt Trotto

ABSENT:

ALSO PRESENT: Ross Gavin, City Council Liaison
 Tim McLean, Community Development Director
 Vivian Carmody, DDA Director
 Several members of the public

* * * * *

APPROVAL OF AGENDA

It was moved by Commissioner Kempner to approve the agenda as written and supported by Commissioner Patterson.

AYES: Buckler, Kempner, Murad, Patterson, Richardson, Shadle, Smith, Trotto, Kapelanski

NAYS: None

Motion Carried.

* * * * *

APPROVAL OF MINUTES

It was moved by Commissioner Patterson to approve minutes from October 25, 2018 with one revision and supported by Commissioner Richardson.

AYES: Kempner, Murad, Patterson, Richardson, Shadle, Smith, Trotto, Buckler, Kapelanski

NAYS: None

Motion Carried.

* * * * *

COMMUNICATIONS

Received written communication from residents (attached to minutes)

* * * * *

CITIZEN COMMENTS

None

* * * * *

1. **REZONING REQUEST:** RZ-01-18—GEORGE BANOT & EDDIE HANNA, 3910 ELEVEN MILE ROAD IS REQUESTING A REZONING FROM ELEVEN MILE DISTRICT TO SINGLE FAMILY RESIDENTIAL (R-1D).

Community Development Director McLean introduced this item. The applicant is seeking to rezone 3910 Eleven Mile Rd. from its current designation of Eleven Mile District to R-1D (Single Family Residential).

Applicant George Banot stated that due to the small size of the parcel, it will be difficult to impossible to provide off-street parking for principal permitted uses in the Eleven Mile District. Mr. Banot also stated that in an effort to provide more parking, the detached garage on the property has been demolished. The existing building is 1,400 square feet and has a full basement. Mr. Banot is asking that the property be rezoned so it can be redeveloped as residential.

Chair Kapelanski opened the Public Hearing at 7:37PM

Anne McMinn, Cummings Ave: Stated that she has seen work being done to the building. Ms. McMinn felt that having one property as residential in the middle of the Eleven Mile District would be strange.

Linus Droggs, Eleven Mile Rd: Stated that he owns the business at 2916 Eleven Mile Rd. next to 3910 Eleven Mile Rd. Mr. Droggs stated that he has concerns about parking for that property if it is rezoned as residential. He also stated that there is no parking on-site if a garage is constructed. Mr. Droggs also stated he has concerns for overflow parking from 3910 Eleven Mile onto his property.

Chair Kapelanski closed the Public Hearing at 7:41PM

Commissioner Murad asked about the dimensions of the property. He stated that there is space for some on-site parking.

Commissioner Richardson stated that the existing building is 1,400 square feet and asked the applicant how many parking spaces could be provided.

Mr. Banot stated that there is room to accommodate four parking spaces.

Vice Chair Smith stated that he believes rezoning one parcel on Eleven Mile Rd. to R-1D would not be appropriate. Mr. Smith pointed out that the applicant does own a residential property on Eleven Mile Rd.

Mr. McLean informed the Planning Commission that if the rezoning is denied, the applicant has the option to seek a variance for parking from the Zoning Board of Appeals if a business meeting permitted uses in the Eleven Mile District wanted to use the building.

Commissioner Richardson stated that he believes rezoning this property would be a spot zoning, which is contrary to good planning.

Commissioner Shadle referenced the character of the Eleven Mile District. Ms. Shadle stated that it would be difficult to support the rezoning of this property.

Commissioners Kempner and Patterson agreed with comments made by Ms. Shadle.

It was moved by Commissioner Murad to recommend that City Council deny RZ-01-18 and supported by Commissioner Patterson.

AYES: Murad, Patterson, Richardson, Shadle, Smith, Trotto, Buckler, Kempner, Kapelanski

NAYS: None

Motion Carried.

- 2. REZONING REQUEST:** RZ-02-18—ATEX BUILDERS, LLC, 3339 CUMMINGS AVE, IS REQUESTING A REZONING FROM PARKING DISTRICT (P-1) TO SINGLE FAMILY RESIDENTIAL (R-1D).

Community Development Director McLean gave a brief summary on the zoning history for this property. In 1986, the City initiated several rezonings of residential property to Parking District (P-1). Currently this property has an existing residence. The applicant is seeking a rezoning so that the existing residence may be demolished and a new home constructed.

Applicant Grant Dryovage stated that he has spoken with the neighbors about what he is proposing. He has received positive feedback from the neighbors. Mr. Dryovage stated that his company, Atex Builders, has several ongoing projects in Berkley. He indicated that when he recently purchased the property it was not disclosed to him that it was zoned P-1. He is proposing to demolish the existing structure and build a new single-family residence with an attached garage if the property is rezoned.

Chair Kapelanski opened the Public Hearing at 7:57PM

Wendi Zabramski, Gardner: Stated that there is a lack of parking in parts of the city.

Kurt Hite, Robina: Stated that in the cases where the City initiated rezonings of residential property to P-1 and the land was not developed as parking, the burden to have it rezoned to residential should not be on the property owner.

Chair Kapelanski closed the Public Hearing at 7:59PM.

Vice Chair Smith stated he was surprised that a title search on the property did not reveal that it was zoned Parking District (P-1). Mr. Smith also pointed out that the property was rezoned 32 years ago and it has remained residential in use. Mr. Smith believes the request to rezone to residential is appropriate. He also indicated that a similar rezoning request was approved in the last few years.

Commissioner Buckler disagreed with Commissioner Smith. Ms. Buckler stated that the City had a vision for those properties when they were rezoned in 1986. She also stated that there is a lack of parking in that area of Twelve Mile Rd.

Commissioner Shadle asked if there were additional residential properties zoned as P-1 in proximity to 3339 Cummings Ave.

Mr. McLean stated that the property to the west, 3340 Thomas currently has a residence and is zoned P-1.

Commissioner Shadle stated that it would be a tough decision to rezone the property in question.

Mr. McLean stated that 3339 Cummings was rezoned as P-1 in 1986 and has never been developed as parking. The Planning Commission must consider whether Parking District is the highest and best use for that property.

Commissioner Richardson stated that he was on the fence about the rezoning request. Mr. Richardson said there was no question that lack of parking was an issue in some parts of the city. He indicated it was possible that there could be less demand for parking in the future. He also noted that this property has not been developed as parking after 32 years.

Commissioner Kempner stated she was struggling with how to decide on this request. Ms. Kempner stated she sees a need for parking and that the City did have a vision for it when it was rezoned in 1986. Ms. Kempner stated she was very conflicted but was leaning toward keeping the property zoned as P-1.

Chair Kapelanski asked DDA Director Carmody about the parking study as part of the Downtown Master Plan.

Director Carmody stated that this property would fall within the DDA district and that the parking study was in process.

Chair Kapelanski stated she could understand both sides of the argument on whether or not to rezone this property.

Vice Chair Smith asked the schedule for completion of the Downtown Master Plan.

Director Carmody replied that a draft could be tentatively presented to the Planning Commission in May 2019.

Mr. McLean stated that the Planning Commission could opt to postpone action until the parking study was completed

Commissioner Patterson stated that the existing residential structure has continued for 32 years after the property is rezoned. He also stated that the applicant has support from the neighbors for the proposed rezoning. Mr. Patterson stated he is leaning in favor of rezoning the property.

Vice Chair Smith asked the applicant could afford to wait until the parking study is completed.

Mr. Dryovage stated he could not wait, and would proceed with minor renovations to the existing building and use it as a rental property if the rezoning was not approved. He stated it would not be his preference to utilize this property as a rental.

Commissioner Richardson stated that decisions related to parking often lead to community opposition. Mr. Richardson stated that parking is not a happy issue.

Commissioner Buckler stated that the applicant should have looked at the zoning map to see how it was zoned before purchasing the property. Ms. Buckler indicated that the City had a vision for parking when it was rezoned in 1986.

Commissioner Trotto asked about what would be allowed with a non-conforming structure.

Mr. McLean responded that the applicant could make renovations to the existing building but increasing the size of the non-conformity would not be permitted.

It was moved by Commissioner Buckler to recommend that City Council deny RZ-02-18 and supported by Commissioner Kempner.

AYES: Richardson, Shadle, Buckler, Kempner, Kapelanski

NAYS: Patterson, Smith, Trotto, Murad

Motion Carried.

3. SPECIAL LAND USE REQUEST: PSU-02-18—MICHIGAN STATE FEDERAL CREDIT UNION, 3165 TWELVE MILE RD

Community Development Director McLean gave a brief description of the proposed Special Use. The applicant is seeking to utilize the property at 3165 Twelve Mile Rd. as a bank.

Applicant Erin Bowdell gave a brief description of the business, Michigan State Federal Credit Union. Ms. Bowdell indicated the only changes to the exterior of the building would be the addition of new wall signage.

Chair Kapelanski opened the Public Hearing at 8:33PM

Wendi Zabramski, Gardner: Referenced the written correspondence provided to the Planning Commission. Ms. Zabramski stated that an ATM was installed on the exterior of the building. Ms. Zabramski stated that she believes parking will be an issue.

Brian Grapentien, Building Manager: Stated that MSUFCU erred in stalling the ATM. Mr. Grapentien misunderstood what was required to install the ATM.

Chair Kapelanski closed the Public Hearing at 8:37PM

Mr. McLean clarified that an ATM was installed on the premises without any permits or site plans. He stated that this is an ordinance violation and that the occupant received a violation notice with a timeline for correction.

Chair Kapelanski asked applicant about the status of the ATM.

Commissioner Buckler stated there should be a complete set of site plans.

It was moved by Vice Chair Smith to postpone PSU-02-18 until a complete site plan is submitted and supported by Commissioner Richardson.

AYES: Richardson, Shadle, Smith, Trotto, Buckler, Kempner, Murad, Patterson, Kapelanski

NAYS:

Motion Carried.

4. PUBLIC PARTICIPATION PLAN: APPROVAL

Mr. McLean stated that final revisions had been made to the Public Participation Plan. Mr. McLean stated that there was an extended public comment period for residents to leave feedback on the plan.

Vice Chair Smith asked what revisions had been made.

Mr. McLean responded that only a few minor typos were corrected.

Commissioner Kempner pointed out an additional revision.

Mr. McLean replied that the revision would be made.

Commissioner Richardson stated that the plan has the flexibility to adapt and that he was comfortable with the final draft.

It was moved by Commissioner Buckler to approve the final draft of the Public Participation Plan with the minor final revisions and supported by Commissioner Patterson.

AYES: Shadle, Smith, Trotto, Buckler, Kempner, Murad, Patterson, Richardson, Kapelanski

NAYS:

Motion Carried.

5. DESIGN OVERLAY DISTRICT: DISCUSSION

Mr. McLean discussed revisions that had been made to the proposed draft.

Citizen Comments

Nancy Stimac, Princeton: Stated that the proposed district appears to be regulatory

Analise Pietras, Franklin: Stated that she likes the guidelines. Ms. Pietras stated that she believes residents and business owners should have the opportunity to serve on any Design Review Board. Ms. Pietras stated she was confused about language for new construction and renovations to existing buildings. She expressed concerns about criteria to meet the guidelines and if the guidelines were fair or clear enough.

Director Carmody stated that the Design Review Board is not a function of the Downtown Development Authority; rather a board established by the City.

Kurt Hite, Robina: States he likes the design guidelines but is concerned about recommendations vs requirements.

Wendi Zabramski, Gardner: Expressed concerns about the design review process. Ms. Zabramski expressed concerns about administrative review and stated she was not in favor of approval.

Commissioner Richardson asked about administrative review for existing buildings.

Director Carmody stated that a newer draft of the proposed overlay district was available.

Mr. McLean recommended that additional discussions be deferred until the Planning Commission has an opportunity to view the latest version.

* * * * *

LIAISON REPORTS

Commissioner Trotto stated he went to the November DDA meeting. Mr. Trotto suggested that the façade plan for 2838 Coolidge may need to come back to the Planning Commission.

Commissioner Richardson stated that the Environmental Committee would meet on November 29.

Chair Kapelanski stated that the open house for the Downtown Master Plan was well done and well attended.

* * * * *

STAFF/COMMISSIONER COMMENTS

Vice Chair Smith asked that ordinance language for administrative review be brought before the Planning Commission in December.

Chair Kapelanski asked that an annual calendar of meetings be brought before the Planning Commission in December.

* * * * *

With no further business, the meeting was adjourned at 9:33PM.

MEMORANDUM

DECEMBER 5, 2018

TO: CITY OF BERKLEY PLANNING COMMISSION
FROM: TIMOTHY MCLEAN, COMMUNITY DEVELOPMENT DIRECTOR
RE: REPORT FOR THE PLANNING COMMISSION MEETING, DECEMBER 11, 2018

1. **SPECIAL LAND USE REQUEST:** PSU-02-18—MICHIGAN STATE FEDERAL CREDIT UNION, 3165 TWELVE MILE RD, SOUTH SIDE OF TWELVE MILE RD. TAX ID# 04-25-18-203-004 IS REQUESTING SPECIAL USE APPROVAL FOR A BANK IN THE DOWNTOWN DISTRICT.

EXISTING ZONING / LAND USE: Downtown District/Existing, unoccupied building

SURROUNDING ZONING / LAND USE:

NORTH	Downtown District / Downtown Business
SOUTH	Parking District / Municipal Parking Lot
EAST	Downtown District / Downtown Business
WEST	Downtown District / Downtown Business

DISCUSSION:

The following standards for Special Use approval should be met in order to recommend the matter for City Council's approval.

1. *The proposed use will promote the use of land in a socially and economically desirable manner.*
2. *The proposed use is necessary for the public convenience at that location.*
3. *The proposed use is compatible with adjacent land uses.*
4. *The proposed use is designed so that the public health, safety and welfare shall be protected.*
5. *The proposed use will not cause injury to other property in the neighborhood.*

The applicant, Michigan State Federal Credit Union is proposing to utilize the property at 3165 Twelve Mile Rd as a bank while the new facility at 1833 Coolidge is being constructed. The property is currently zoned as Downtown District. Banks are permitted in the Downtown District as a Special Use.

Municipal parking is located at the rear of the building. By ordinance, the proximity of municipal parking to the building is such that no on premise parking is required. Minimum parking standards for banks are: *One per 200 square feet of usable floor area plus three per teller station plus eight stacking spaces for the first drive-in window and six stacking spaces per each additional window plus two per automatic teller machine (ATM).* Since there is no drive-in window or drive-up ATM, the standard would be one space per 200 square feet of usable floor area. Based on the usable floor area, the applicant would have needed six parking spaces.

At the conclusion of the Public Hearing on November 27, 2018, the Planning Commission unanimously postponed action on the proposed Special Use until the applicant provided a detailed site plan for any façade

renovations. The applicant has submitted a site plan for some façade changes. Proposed exterior renovations include the removal of existing awning signage, adding wall signage, reducing the size of a window to install an ATM.

SIGNAGE:

Applicant is proposing an aluminum wall sign, painted gray with dark green and white painted lettering. In the Downtown District, wall signs are permitted with a maximum size of 10% of the adjoining wall up to 100 square feet. The size of the proposed sign is 27.5 square feet. The sign will be illuminated by wall mounted LED signage lighting.

FACADE:

There is existing awning signage from the previous occupant of the building. The applicant is proposing to remove that awning signage. The applicant is proposing to reduce the size of the windows on the north elevation. The applicant is seeking site plan approval to remove a portion of the window on the north elevation to install an ATM. Please note that the applicant had previously removed the window and installed the ATM without site plan approval or permits. The applicant received a violation notice and has agreed to remove the ATM and restore the original window by December 7.

On the proposed site plan, the applicant intends to install the ATM and surround it with new glass and aluminum with translucent film. Below the ATM, a metal panel would be installed. The panel would be painted to match the brick. The installation of the ATM presents a problem in building design requirements in the Downtown District. Sec.138-421(a) of the City Code states: ***“The first floor elevation of a building that fronts a street shall be composed of a minimum of 40 percent and a maximum of 80 percent windows. When there is a choice between a major thoroughfare and a minor street, the elevation that faces the major thoroughfare shall be considered the front.”*** The existing window coverage on the front elevation is exactly 40%. The installation of the ATM reduces the window coverage from 40% to 37.6%. As proposed in the site plan, ordinance requirements under Sec.138-421(a) have not been met.

ACTION:

The statutorily required Public Hearing was held at the November 27 meeting. The Planning Commission must make a recommendation to City Council in the form of a motion. If the Planning Commission is inclined to recommend approval of the Special Use, there are conditions that should be applied. As indicated earlier, the proposed site plan does not meeting Building Design Requirements under Sec.138-421(a). However, Sec.138-421(d) states: ***The planning commission may revise these requirements, if the commission finds that the standards for site plan approval, as outlined in section 138-678, have been met.*** Because the applicant is utilizing this facility on a temporary basis (estimated 1 year), the Planning Commission could consider a condition that requires the applicant to remove the ATM and restore the window within a specific timeframe.

Attachments: [Special Use Application](#)

[Applicant Narrative](#)

[3165 12 Mile Rd Floor Plan](#)

[Lighting & Photometrics](#)

[3165 12 Mile Site Plan](#)

2. **DESIGN OVERLAY DISTRICT:** DISCUSSION

DDA Director Carmody has made extensive revisions to the proposed Design Overlay District. The section titled Intent and Purpose has been revised to include specifically where the overlay district would be applied, how the overlay district fits with the requirements of base ordinance, as well as addressing any conflicts between the base zoning and overlay district.

Additionally, a section titled **Overlay District Elements** was added to demonstrate which elements of the design guidelines would be covered by the Design Review Board. Language was also added in the section titled **Design Review Process** that includes the design review process for new construction. Also, it specifies that building additions greater than or equal to 25% of the square footage of the existing building would be classified as new construction.

Language was also added relative to the design review process for additions for existing buildings that don't meet the threshold of new construction. Proposed language allows design review for these projects to be done administratively. It is important to note the similarity in proposed language for Sec.138-552(2), to Sec.138-678 for Administrative Review. This language specifies that if the applicant is not satisfied with the outcome of an administrative review that they have the option to go the Planning Commission for full review.

Finally, in discussions with Director Carmody and the City Attorney, it was determined that if the Design Overlay District it adopted, it would be necessary to add language to **Division 7: Site Plan Review**. Additional language to this section would specifically reference the Design Overlay District and Design Review Board.

Attachments: [Design Overlay District-Revised 12/4/18](#)
[Site Plan Review Ordinance-Proposed Revisions](#)

3. **ADMINISTRATIVE SITE PLAN REVIEW PROCESS:** DISCUSSION

Vice Chair Smith has requested that Sec.138-678 (Administrative Site Plan Review) of the City Code be placed on the agenda for discussion.

Attachments: [Sec 138-678 Administrative Review](#)

4. **MEETING SCHEDULE:** 2019 PLANNING COMMISSION MEETING DATES

A motion is necessary to approve the 2019 Schedule of Meetings. ***Please see the attached 2019 Schedule of Meetings.***

Attachments: [2019 Planning Commission Meeting Schedule](#)