

PUBLIC NOTICE

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

Tuesday, June 26, 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 May 22, 2018*
COMMUNICATIONS—
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **PUBLIC HEARING:** Ordinance Amendment—Eleven Mile District
2. **ORDINANCE AMENDMENT:** Eleven Mile District
Attachment: [Eleven Mile District Ordinance Amendment](#)
3. **PUBLIC HEARING:** Berkley-Coolidge LLC, regarding the southwest corner of Oxford and Coolidge, Parcel ID # 25-18-431-015 through 25-18-431-017 and a portion of 25-18-431-022, is seeking input and consideration of a Planned Unit Development in accordance with Section 138-534 of the Berkley City Code.
4. **PLANNED UNIT DEVELOPMENT:** PUD-01-17 Berkley-Coolidge LLC, 2219 Coolidge Hwy, southwest corner of Coolidge and Oxford, Tax ID# 25-18-431-015, -016, -017 and a portion of -022, Lots 13-15 and 52-53 of the Denler Acres Subdivision is requesting Planned Unit Development approval for a mixed residential development.
Attachments: [Proposed Site Plan](#), [PUD Project Narrative](#), [Carlisle-Wortman Report](#), [HRC Civil Engineering Report](#), [City Attorney Letter on Shared Parking](#), [Architect Rebuttal on Shared Parking](#)

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, May 22, 2018 AT CITY HALL BY CHAIRPERSON BUCKLER.

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 Lisa Kempner Martin Smith
 Michele Buckler Ann Shadle Kristen Kapelanski
 David Barnett Tim Murad Joe Tangari

ABSENT:

ALSO PRESENT: Ross Gavin, City Council Liaison
 Tim McLean, Community Development Director
 A few members of the public

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APPROVAL OF AGENDA

It was moved by Commissioner Murad to approve the agenda as written and supported by Commissioner Kapelanski.

AYES: Kapelanski, Kempner, Murad, Richardson, Shadle, Smith, Tangari, Barnett, Buckler

NAYS: None

Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Barnett to approve minutes from April 24, 2018 and supported by Commissioner Murad.

AYES: Kempner, Murad, Richardson, Shadle, Smith, Tangari, Barnett, Kapelanski, Buckler

NAYS: None

Motion Carried.

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COMMUNICATIONS

E-mail from concerned resident about beekeeping (photos included)

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CITIZEN COMMENTS

Kurt Hite, Robina Ave.: Discussed a post-meeting interaction with the Planning Commission Chair. The discussion focused on a disagreement over the interpretation of comments made by Consultant Richard Carlisle at the April meeting. Resident felt he was treated rudely by the Chair and that he has been berated by other Commissioners in the past.

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5. PSP-10-17: 3427 12 Mile Rd—Accessory Structure

Applicant Kevin Sharrak is proposing to construct an 18x30 accessory structure (garage) on the premises of the Berkley Marathon Gas Station. The proposed structure would be located near the rear lot line. The site plan indicates that the structure meets setback requirements established by ordinance. The building would have a rear setback of five feet and a twelve foot side yard setback.

Commissioner Barnett asked if there was a utility easement on the property due to the proximity of power lines.

Applicant indicated that there was no recorded utility easement and that the surveyor had spoken with representatives from DTE to confirm this.

Commissioner Tangari stated that the site plan appears consistent with ordinance requirements.

Commissioner Richardson asked to see samples of the building material (applicant did bring samples).

Commissioner Smith asked about the type of brick for the proposed structure.

Commissioner Murad asked if the garage would be heated.

Applicant indicated that the garage would not be heated.

It was moved by Commissioner Tangari to approve PSP-10-17 as written, and supported by Commissioner Richardson.

AYES: Murad, Richardson, Shadle, Smith, Tangari, Barnett, Kapelanski, Kempner, Buckler
NAYS: None

Motion Carried.

2. Ordinance Amendment: Eleven Mile District

Community Development Director McLean stated that suggested revisions from the March 2018 meeting had been written into the proposed amendments and had been reviewed by the City Attorney. McLean discussed additional revisions that the Planning Commission might consider. First, due to the proximity to residential districts, a prohibition on loudspeakers or PA system for outdoor displays of vehicles could be considered. Also, the Planning Commission could add a requirement for a five foot greenbelt on parcels fronting Eleven Mile Road.

Commissioner Barnett indicated support for prohibiting a PA system or loudspeakers in the Eleven Mile District.

Commissioner Kemper discussed a minimum building size for offices on properties with outdoor automobile display.

Commissioner Kapelanski suggested 400 square feet as a minimum building size.

Commissioner Murad suggested 400-500 square feet for minimum size.

Commissioner Kapelanski asked about regulating pole lighting to 15 feet instead of 20 feet in the Eleven Mile District.

Commissioner Murad stated that the outdoor lighting ordinance as a whole needs to be revised. He also voiced support for a required greenbelt.

Commissioner Richardson asked about signage for automobile showrooms in the Eleven Mile District.

Public Comment on Item #2:

Wendi Zabramski, Gardner: Asked if there had been a high level of interest in more automobile showrooms on Eleven Mile Road.

The consensus of the Planning Commission was to add language to prohibit PA systems/loudspeakers, include minimum building size requirement of 400 square feet, and a requirement for a five foot greenbelt for outdoor displays along Eleven Mile Rd. Additionally, the date for the public hearing could be set for the regularly scheduled June meeting.

3. Ordinance Amendment: Site Plan Review/Administrative Approvals

Community Development Director McLean discussed revisions to the site plan review process to allow for administrative approval for site plans for accessory structures. The Planning Commission first raised the possibility of this in October 2017. In the proposed amendment, the Building Official and Community Development Director would act as the Planning Commission for site plan review of accessory structures. In cases where there was disagreement on approval, the case would be forwarded to the Planning Commission for site plan review.

Commissioner Tangari stated he was generally in favor of this. He recommended a square footage threshold for administrative approval.

Commissioner Kapelanski stated she was not in favor of a threshold for square footage. She also made some suggestions to revise the drafted amendments.

Public Comment on Item #3

Analise Pietras, Franklin: Asked if accessory structures could be added later and approved administratively on sites that are Planned Unit Developments.

Commissioner Tangari responded that this would require changes to the master deed and PUD by-laws.

It was the consensus of the Planning Commission to make some minor revisions to the proposed amendment. It was recommended that a Public Hearing be scheduled for the regularly scheduled meeting in June.

4. Public Participation Plan: Survey Results & Next Steps

Community Development Director McLean included a summary of the Public Participation Open House and survey results. McLean stated that the next step be to create a draft of a Public Participation Plan. It was recommended that the plan be presented to the Planning Commission and

that extended public comment be allowed for to offer input on the draft plan.

Public Comment on Item #4

Analise Pietras, Franklin: Asked to see pictures of the white boards from the Public Participation Open House. She also was seeking clarification on how the Public Participation Plan and Master Plan will be tied together.

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LIAISON REPORTS

Commissioners Richardson discussed the upcoming meeting of the Environmental Committee.

Commissioner Murad discussed Art Bash scheduled in June.

Commissioner Tangari discussed the Berkley DDA becoming a “Michigan Main Street Select Community.” He also indicated that there is a great deal of effort, energy, and enthusiasm among the membership of the Berkley DDA.

Chair Buckler briefly discussed the rent approval of SU-01-18 by City Council for the shared office use at 2838 Coolidge.

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STAFF/COMMISSIONER COMMENTS

Community Development Director McLean congratulated Commissioner Kempner on competing the Michigan State University Extension—Citizen Planner program.

Commissioner Kempner discussed the possibility of undertaking the Master Citizen Planner Course through the Michigan State University Extension. She also discussed the inclusion of findings of fact in the decisions of the Planning Commission in meeting minutes.

Commissioner Tangari stated he was glad to be getting into ordinance review and possible rewrite.

Commissioner Shadle thanked those who attended Berkley Days.

Commissioner Barnett expanded upon the reasoning for questions on utility easements that he posed during the site plan review for 3427 12 Mile Rd.

Commissioner Murad encouraged residents to come to Art Bash in June.

Commissioner Richardson spoke about the importance of Memorial Day and paying tribute to those who serve in the military.

Commissioner Smith echoed the sentiments of Commissioner Richardson, stating it is important to honor those who serve and have served.

Chair Buckler wished all a safe and happy Memorial weekend. She urged all to remember those who serve.

With no further business, the meeting was adjourned at 8:43PM.

MEMORANDUM

June 18, 2018

TO: City of Berkley Planning Commission
FROM: Timothy McLean, Community Development Director
RE: Report for the Planning Commission Meeting, June 26, 2018

1. **PUBLIC HEARING: Ordinance Amendment—Eleven Mile District**

By statute, when the Planning Commission amends the Zoning Ordinance, a public hearing must be held.

2. **ORDINANCE AMENDMENT: Eleven Mile District**

Final revisions have been made to uses and requirements in the Eleven Mile District. Language has been added to prohibit outdoor loudspeakers or public address systems. A minimum building requirement of 400 square feet was also added. A motion is necessary to recommend adoption of this amendment to City Council.

Attachments: [Eleven Mile District Ordinance Amendment](#)
[Public Hearing Notice](#)

3. **PUBLIC HEARING: PUD-01-17 Berkley-Coolidge LLC**

This item is reserved for the Public Hearing portion of the PUD Application.

4. **PLANNED UNIT DEVELOPMENT: PUD-01-17 Berkley-Coolidge LLC**

USE:

The proposed use is a variety of multiple-family residential units (apartments).

MAXIMUM LOT COVERAGE:

24.1% is the proposed lot coverage. As the property is currently zoned (Office O-1), there is no maximum permitted lot coverage. However, the standard for maximum lot coverage in the Multiple Family Residential (RM) District, lot coverage cannot exceed 35%.

PARKING:

The site plan shows 142 parking spaces at the rear of the building, plus 50 parking spaces in a partial parking podium, for a total of **192 parking spaces**. With 129 proposed apartment units, this is a ratio of 1.49 parking spaces per unit. Under conventional zoning, the parking requirement for multiple-family residential is 2 spaces per unit. Under this requirement, 258 parking spaces would be required. For comparative purposes, parking standards for the cities of Clawson, Ferndale, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Rochester, and Wixom were reviewed. Huntington Woods, Lathrup Village, and Oak Park mirror the requirements for Berkley for multiple-family residential. Therefore, those communities would require 258 parking spaces under conventional zoning. Ferndale and Hazel Park have the same standards for multiple-family residential. Please see table below.

TABLE 1: PARKING COMPARISON

	Berkley	Clawson	Ferndale	Rochester	Wixom
Studio	(2) 24	(1) 24	(1.5) 24	(1) 24	(1.5) 24
1-Bed	(2) 76	(1.5) 76	(1.5) 76	(1.5) 76	(1.5) 76
2-bed	(2) 27	(2) 27	(1.5) 27	(2) 27	(2) 27
3-Bed	(2) 2	(2) 2	(1.5) 2	(3) 2	(2) 2
Guest	-	-	13	-	-
Total Units	129	129	129	129	129
TOTAL	258	196	207	198	208

Parking spaces must be 9 feet x 20 feet; however 30% of the required parking may be identified as compact car spaces. Those spaces can be 8 feet x 16 feet. 30% of total is 78 parking spaces.

Bicycle parking is required when a parking lot is developed. At least 2 bicycle parking spaces are required and Berkley City Code requires that the bicycle rack be visible from the main entrance of the structure or facility. A property owner may elect to add additional bicycle rack space. If more bicycle parking is provided, the business is credited with two parking vehicular parking spaces. Additional credit is not provided even if additional bicycle racks are added.

Aisle width sizes are set forth by Berkley City Code but can be adjusted by the Planning Commission.

The applicant has submitted many documents with regard to parking needs.

It should be noted that the site plan and previous versions of the site plan have indicated that an additional 84 parking spaces could be gained by a shared parking agreement with the Church. However, as the Church is currently not in compliance with minimum parking standards established by ordinance, and due to an outstanding Special Land Use request that has not been acted upon by City Council, City staff and the City Attorney have opined that shared parking may not be applied toward parking counts at this time. Shared parking may be possible at some point when action on the Special Land Use is taken by City Council and when interior renovations are made to the Church. Interior renovations would include reducing pew size, thereby reducing the number of required parking spaces.

HEIGHT:

The proposed height of the building is 54'4" plus 7'8" for a penthouse mechanical room.

LANDSCAPING:

Landscaping is shown on the site plan on pages L1-L5. Shown on page L-2, extensive landscaping is indicated on the south side of Oxford in the area where townhouses had previously been proposed. With the elimination of the townhouses from a previous site plan, this landscaping provides an adequate buffer between the parking area and Oxford Rd.

The courtyard at the rear entrance of the building will also be landscaped. The proposed Community Plaza on the south side of the building also indicates extensive landscaping.

SCREENING:

The west property line provides screening for the adjacent residential dwelling from vehicles entering and exiting the parking lot. The proposed screening will be 17 Norway Spruces and 12 Colorado Blue Spruces.

ENGINEERING:

The applicant has submitted information consistent with ordinance requirements for preliminary civil engineering on a site plan. Engineering consultants from Hubble, Roth, and Clark have prepared a detailed report on the proposed civil engineering plan that was submitted. It should be noted that HRC has not recommended approval based upon a review of the civil engineering. However, if the Planning Commission is inclined to recommend site plan approval, it could do so with the condition that a revised engineering plan that addresses the items noted in the HRC report.

PUBLIC SAFETY:

Public Safety has received a set of plans for review and comment. Chief Koehn and Lt. Miller have reviewed the plans and saw no issues from a public safety perspective. Fire Marshal Kelly also indicated no issues with the proposed site plan.

DRIVEWAYS:

As indicated on the site plan, ingress and egress are shown on Coolidge at the south side of the building. Residents would also be able to enter and exit from Harvard Road.

OUTDOOR SPACES:

A community plaza is shown in the landscaping plan on L-4. It is not a substantial utilization of greenspace. However, it addresses one of the required Recognizable Benefits under the ordinance section for Planned Unit Developments.

LIGHTING:

Berkley City Code requires the following for developments:

Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.

The level of lighting shall not exceed 0.5 footcandles at any residential property line or 1.0 footcandles at any non-residential property line.

Any Canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy.

Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and non-protruding diffusor.

While this ordinance was written with business parking lots in mind, the provisions are certainly applicable to apartment parking lots as well.

The proposed lighting plan is indicated in the site plan.

WASTE MANAGEMENT:

Dumpster enclosures are noted in the northwest corner of the community place on the site plan. The enclosures are screened by 6’ masonry walls.

FLOOR PLAN:

Detailed floor plans have been provided in the site plan.

ELEVATIONS—PROPOSED APARTMENT BUILDING:

North: The north elevation faces Oxford. There are a number of windows in this elevation. Balconies are also featured on the site plan. The façade is brick.

South: There are a number of windows in this elevation. Balconies are also featured on the site plan. The façade is brick.

East: The east elevation faces Coolidge. It is brick façade. There are a large number of windows and balconies in this elevation. The proposed circular access drive from the previous site plan has been removed. An additional change from the previous site plan is the removal of sections of podium parking on the north and south corners fronting Coolidge. Those grand floors have been activated with a club room being indicated on the north corner of Coolidge and a fitness center on the south corner of Coolidge. The activated ground floors are noted on page AA-1 of the site plan.

West: There are a number of windows in this elevation. Balconies are also featured on the site plan. The façade is brick.

TABLE 2: DEVIATIONS:

	Proposed PUD	Ordinance for Front Portion of Property (Office)	Ordinance for Rear Portion of Property (Multiple Family)	Berkley’s Ordinance for Multiple Family High Rise (RMH)
Uses	Multiple Family	Office, business schools, funeral homes, assembly uses (Berkley City Code, Sections 138-382, 138-383)	Single family detached, attached and multiple family (Berkley City Code, Sections 138-336 and 138-337)	Multiple Family, Senior Housing and limited business uses within the apartment buildings (Berkley City Code, Sections 138-357 and 138-358)
Location Requirements	Southeast corner of Coolidge and Oxford	None	None	Must abut a major thoroughfare unless senior housing in which case the property can be 200 feet away from a major thoroughfare
Minimum Land Area	3.1 acres	Not Applicable	Not less than 10,000 square feet.	At least 3 acres

Parking	192 parking spaces provided on site for 129 apartment units. Applicant is proposing 1.49 parking spaces per unit.	One per 100 square feet of usable floor area for medical office Shared parking agreements permitted. LaSalette = 62,333 square feet. If it was converted to medical office then 436 parking spaces required	2 per unit 2 x 129 = 258
Height	54'4" plus 7'8" for mechanical penthouse	30 feet	30 feet Minimum is 3 stories not less than 26 feet Maximum is 10 stories or 120 feet.

	Proposed PUD	Ordinance for Front Portion of Property (Office)	Ordinance for Multiple Family	Berkley's Ordinance for Multiple Family High Rise (RMH)
Front Setback (Coolidge)	12 feet 8 inches	10 or equal to adjacent buildings whichever is less	25 feet	50 feet
Side Setback (Oxford and LaSalette Church property)	5 feet 1 inch	None	One not less than 10 feet plus add 6 inches of side yard for each 10 feet of length that the apartment building exceeds 50 feet as measured adjoining the lot line = 13.5 feet Minimum of 20 feet for both side yards (if same formula is used for both sides then 27 feet)	50 feet
Rear Setback (single family residential)	40 feet	10 feet	35 feet	50 feet. When it abuts a residential district, 20 feet of landscaping required.
Maximum Lot Coverage	24.1%	Not Applicable	35% (buildings and swimming pools are included)	Not expressly stated, but 40% of the land not composed of building is to be landscaped.
Minimum Floor Area per Unit	Varies, but the smallest are: Studio: 450 sq. ft. One Bedroom: 730 sq. ft. Two Bedroom: 870 sq. ft. Three Bedroom: 1,471 sq. ft.	Not Applicable	Maximum Floor Area for Studios is 300 sq. ft. Studio: 250 sq. ft. One Bedroom: 450 sq. ft. Two Bedroom: 600 sq. ft.	No Studios permitted One Bedroom: 450 sq. ft. Two Bedroom: 600 sq. ft.
Projections into Required Yards	Balconies	Not Applicable	2 inches for every one foot of required side yard setback; 3 feet into the front or rear yard setback; not to exceed 30% of that wall's surface area = 27 inches for the sides	

			= 36 inches for the rear and front
Screening	Various species of trees with heights up to 10 feet	Masonry screenwall at least 6 feet in height when a nonresidential property abuts a residential property	

NEXT STEPS:

The applicant has submitted a narrative that addresses the content required by ordinance for a Planned Unit Development. A site plan has been submitted that addresses items required under Sec.138-579. The Planning Commission must decide if the content of the narrative and the proposed site plan meets ordinance standards.

The site plan has undergone significant revisions since this item last appeared for review by the Planning Commission. In its previous deliberations, the Planning Commission had noted the following items as issues:

- The size of the building.
- The mass of the building.
- On-site parking.

The height of the building has not changed from the previous site plan. The proposed height of the building is still 54' 4". Regarding the mass of the building, the north and south corners facing Coolidge have been stepped back a few additional feet. The half-circle drive on Coolidge has been removed, allowing for continuity of pedestrian access along the sidewalk. The ground floor on the north and south corners fronting Coolidge have been activated, which is a change from the originally proposed parking podium at ground level.

Proposed on-site parking has gained ten additional spaces from the previous site plan. Some spaces were eliminated with the changes from a full ground-level parking podium to a partial podium. However, with the elimination of the townhouses, this gained back additional spaces. On-site parking has increased from 182 spaces to 192 spaces.

Having gone through an exhaustive review process over the past year, this site plan checks the boxes on the checklist for information that is required on a site plan. Information required as part of the Planned Unit Development process has also been provided by the applicant. It will be up to the Planning Commission to render its decision based upon the content provided in this latest version of the site plan. The Planning Commission is tasked with taking action to provide a detailed recommendation to City Council.

The Planning Commission can recommend approval, recommend denial, recommend approval with conditions, or postpone the matter. The standards for approval are outlined below. If the plans are acceptable to the Commission either with or without conditions, the following items still need to be accomplished: The applicant will need to produce a survey to split the property from the church. The applicant needs to provide revised, final civil engineering documents and a final PUD agreement would need to go before City Council.

SECTION 138-537 STANDARDS FOR APPROVAL

The City shall consider the following standards when determining whether to approve, approve with conditions or deny a proposed PUD:

1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.

2. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
3. There shall be underground installation of utilities, including electricity and telephone, unless otherwise approved by the City.
4. The proposed development shall be consistent with the public health, safety and welfare of the City.
5. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
6. The proposed development shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with this Ordinance.
7. The proposed development shall be consistent with the Goals and Policies of the Master Plan.

Attachments:

[Proposed Site Plan](#)
[PUD Project Narrative](#)
[Carlisle-Wortman Report](#)
[HRC Civil Engineering Report](#)
[City Attorney Letter on Shared Parking](#)
[Architect Rebuttal on Shared Parking](#)
[Public Hearing Notice PUD](#)
[Occupant Mailing Labels](#)
[Property Owner Mailing Labels](#)