

PUBLIC NOTICE

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

Tuesday, August 28, 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 July 24, 2018*
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **SITE PLAN REVIEW: SP-01-18** FSZ Holdings LLC, 2838-2850 Coolidge Hwy, east side of Coolidge between Franklin Rd and Wiltshire Rd is requesting site plan approval for a façade update in the Downtown District
Attachments: [Application for Site Plan Review](#)
[Memo from Dept of Public Works](#)
[11x17 Site Plan](#)

2. **ORDINANCE AMENDMENT:** Ch.138-Article III, Division 1—Accessory Buildings & Structures
Attachment: [Revised Ordinance Amendment](#)

3. **PUBLIC PARTICIPATION PLAN:** First Draft
Attachments: [1st Draft Public Participation Plan](#)

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, JULY 24, 2018 AT CITY HALL BY CHAIR 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
Ann Shadle Michele Buckler Greg Patterson
Tim Murad Matt Trotto

ABSENT: Kristen Kapelanski

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

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APPROVAL OF AGENDA

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

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

NAYS: None

ABSENT: Kapelanski

Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Smith to approve minutes with two revisions (corrections on Public Hearing comments and Liaison Reports) from June 26, 2018 and supported by Commissioner Shadle.

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

NAYS: None

ABSENT: Kapelanski

Motion Carried.

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COMMUNICATIONS

Written communication from resident Jim Phillips.

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CITIZEN COMMENTS

None

NEW COMISSIONERS

Chair Buckler introduced new Planning Commissioners Greg Patterson and Matt Trotto.

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4. PUBLIC HEARING: ORDINANCE AMENDMENT: CH.138-ARTICLE VI, DIVISION 7—SITE PLAN REVIEW

Public Hearing opened at 7:39PM

No public comments

Public Hearing closed at 7:40PM

2. ORDINANCE AMENDMENT: CH.138-ARTICLE VI, DIVISION 7—SITE PLAN REVIEW

Community Development Director McLean briefly reviewed proposed changes to the ordinance. The changes would allow for administrative approval of all accessory structures.

Commissioner Murad asked about approval for façade changes. By ordinance, a façade not altered more than 50% does not have to go for plan review by the Planning Commission. He asked if it should be considered that all façade changes be approved administratively.

Commissioner Smith stated he agreed with comments made by Commissioner Murad.

It was moved by Commissioner Richardson to recommend approval of the proposed amendments to Ch.138-Article VI, Division 7—Site Plan Review of the Berkley City Code to City Council and supported by Commissioner Kempner.

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

NAYS: None

ABSENT: Kapelanski

Motion Carried.

3. DISCUSSION: MASTER PLAN UPDATE

Community Development Director McLean gave an introduction of the Master Plan update. He stated that the Master Plan had not been fully updated since 2007. Prior to 2007, the Master Plan was last updated in 1989.

Chair Buckler asked about timelines, funding, and if the City would utilize a planning consultant for the Master Plan update.

Community Development Director McLean responded that before a request for proposals (RFP) could be sent out, a scope of work for the plan needs to be determined. He suggested that a joint meeting between the Planning Commission and City Council would be the appropriate venue to determine project scope. He stated that \$70,000 to be spread out over two fiscal years had been budgeted for the Master Plan. He also pointed out that the Downtown Development Authority is going through the process to create a Downtown Master Plan and that the City Master Plan should work in concert with that document.

Chair Buckler pointed out that there are many “moving parts” associated with the Master Plan update. The City has recently created a Complete Streets Ordinance. Also, the City’s involvement in the MEDC RRC program, participation in the Main Street program are items that need to be considered in the scope of work for the project.

Chair Buckler asked DDA Director Carmody about the next steps in the Design Guidelines process.

DDA Director Carmody stated that the process to establish the Design Guidelines is underway. There is considerable work to be done for the guidelines relative to the zoning ordinance. Establishing a Design Review Board is an essential part of the process.

Commissioner Kempner stated that she had read the recently updated Master Plan done by the City of Ferndale. She stated that it was very easy to read and navigate through that document. She also stated that the Berkley Master Plan could use some cleaning up.

Commissioner Smith stated that he doesn’t believe a wholesale change to the Master Plan is necessary. He stated that the Cities of Troy and Ferndale had undergone comprehensive changes to their respective Master Plans.

Chair Buckler asked City Council Liaison Ross Gavin for some guidance from City Council on next steps.

Commissioner Richardson asked if the DDA’s Design Guidelines would be adopted as an ordinance.

DDA Director Carmody responded that the Design Guidelines is a stand-alone document and not an ordinance. She referenced the design guidelines process in the City of Ann Arbor as an example. She also stated that all powers of site plan approval rest with the Planning Commission.

Citizen Comments

Wendi Zabramski, Gardner: Asked if the Design Review Board would have any approval powers for a Planned Unit Development (PUD).

Chair Buckler responded that the Design Review Board does not have any authority for approval or denial of a PUD.

Analise Pietras, Franklin: Asked if the Master Plan update would cover just the items outside of the DDA District since a Downtown Master Plan is being developed.

4. DISCUSSION: ORDINANCE AMENDMENT—CH.138-ARTICLE III, DIVISION 1.5—ACCESSORY BUILDINGS & STRUCTURES

Community Development Director McLean introduced this item. The Zoning Board of Appeals had heard a number of cases regarding generators in a residential side yard. Due to no clarity in the ordinance over generators, the ZBA had opined that generators fall under the category of accessory structures. Currently, by ordinance no accessory structures are permitted in a residential side yard.

Chair Buckler stated that it has been one year since the Planning Commission last discussed this item.

Commissioner Murad stated that he doesn't believe a generator should be placed in a side yard and that it can be placed in a rear yard.

Commissioner Trotto discussed building codes relative to the placement of generators.

Commissioner Smith discussed decibel levels. He stated that the permitting of up to 65 decibels in the draft ordinance is too high. He stated that normal conversation between people registers around 60 decibels. He believes this is too loud and that generators should not be in a residential side yard.

Commissioner Shadle stated that she doesn't see an issue with generators in a residential side yard.

Chair Buckler suggested that there be a different decibel standard for generators in a side yard and in a rear yard.

Commissioner Murad asked about the number of permits issued for generators.

Commissioner Trotto stated that the standards for generators in industrial and residential districts is typically different. He stated that a number of communities have language in their ordinances for the use of generators during emergencies.

Commissioner Richardson asked the Community Development Director to look at ordinances for generators in similar sized communities.

Chair Buckler instructed the Community Development Director to revise the draft ordinance based on feedback this evening and bring it back to the Planning Commission.

5. ELECTION OF OFFICERS:

Chair Buckler stated that due to the commitment of time necessary for the Chair, she would like to step down from this role. She also stated that she would be open to nominating Kristen Kapelanski for the Chair position.

Community Development Director McLean informed the Planning Commission that although she is absent from tonight's meeting that Kristen Kapelanski had informed him via email that she is interested in becoming the Chair.

It was moved by Chair Buckler to nominate Kristen Kapelanski as Planning Commission Chair and supported by Commissioner Smith.

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

NAYS: None

ABSENT: Kapelanski

Motion Carried.

It was moved by Commissioner Richardson to nominate Marty Smith as Planning Commission Vice Chair and supported by Chair Buckler.

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

NAYS: None

ABSENT: Kapelanski

Motion Carried.

It was moved by Chair Buckler to nominate Mark Richardson as Planning Commission Secretary and supported by Commissioner Murad.

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

NAYS: None

ABSENT: Kapelanski

Motion Carried.

6. APPOINTMENT OF PLANNING COMMISSION LIAISONS:

Chair Buckler made the following appointments:

Downtown Development Authority: Matt Trotto

Parks & Rec Advisory Board: Greg Patterson

Chamber of Commerce: Tim Murad

Environmental Committee: Mark Richardson

Zoning Board of Appeals: Michele Buckler

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LIAISON REPORTS

Commissioners Richardson discussed the recent meeting of the Environmental Committee. He stated that the focus of the discussion was on annual activities.

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STAFF/COMMISSIONER COMMENTS

Commissioner Smith confirmed that the current Master Plan was approved January 2007.

Commissioner Richardson welcomed new Planning Commissioners Patterson and Trotto.

Commissioner Shadle welcomed new Planning Commissioners Patterson and Trotto.

Commissioner Kemper welcomed new Planning Commissioners Patterson and Trotto.

Commissioner Trotto stated he was happy to be serving on the Planning Commission.

Commissioner Richardson thanked Michele Buckler for her service as the Chair.

Commissioner Smith thanked former commissioners David Barnett and Joe Tangari for their years of service.

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With no further business, the meeting was adjourned at 8:58PM.

MEMORANDUM

AUGUST 21, 2018

TO: CITY OF BERKLEY PLANNING COMMISSION
FROM: TIMOTHY MCLEAN, COMMUNITY DEVELOPMENT DIRECTOR
RE: REPORT FOR THE PLANNING COMMISSION MEETING, AUGUST 28, 2018

1. **SITE PLAN REVIEW:** SP-01-18 Ari Zartarian of FSZ Holdings, 2838-2850 Coolidge Highway, Parcel ID # 25-17-153-005 and 25-17-153-004, is requesting site plan approval for a façade change.

EXISTING ZONING / LAND USE: Downtown District / Office Building

SURROUNDING ZONING / LAND USE:

NORTH: Downtown District/Heating & Cooling

SOUTH: Downtown District/Medical

EAST: R-1D (Residential)/Single-Family Residence

WEST: Coolidge District/Restaurant

SECTION 138-678 OF THE BERKLEY CITY CODE SAYS THAT THE SITE PLAN SHALL BE REVIEWED AND APPROVED BY THE PLANNING COMMISSION UPON FINDING THAT:

- The site meets the requirements of this Code.
- The proposed development does not create adverse effects on public utilities, roads, or sidewalks.
- Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.
- Site design, architecture, signs, orientation, and materials are consistent with the city's master plan objectives and the design of the neighboring sites and buildings.
- Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.
- Site engineering has been provided to ensure that existing utilities will not be adversely affected.

DISCUSSION:

In April 2018, the Planning Commission recommended approval of a Special Land Use for a shared office use at this property. City Council approved the Special Land Use request in May 2018. The applicant is seeking site plan approval for a proposed façade change.

SIGNAGE:

Applicant is proposing a wall sign sized 8 square feet. In the Downtown District, wall signs are permitted with a maximum size of 10% of the adjoining wall up to 100 square feet. The sign is well within the permitted size. The sign will be illuminated by hidden linear LED lighting.

The rear façade will have a directional sign directing overflow parking to the municipal lot. Dimensions for the directional sign have not been indicated on the site plan. Directional signage not exceeding 3 square feet does not require a permit.

LIGHTING:

The site plan shows recessed LED downlights above the entry doors facing Coolidge. Photometric plan and product detail are indicated in the site plan. New wall pack lighting is indicated on the rear façade above the existing aluminum storefront door in the middle. New wall pack lighting is also indicated above the existing steel door to the north. The photometric plan and product details for the wall pack lighting are indicated on the site plan.

DRIVEWAYS AND SIDEWALKS:

No changes are proposed.

ELEVATIONS:

The building at 2850 Coolidge is currently composed of block/brick. There are extensive proposed changes to the building façade. On the front façade facing Coolidge, the northwest corner will have 1/8" steel fastened to cedar siding (powdercoated orange). Below that steel, on the west corner of the building will be 1/8" perforated steel fastened to cedar siding (powdercoated black). Above and below the windows, extending to the end of 2850 Coolidge will be horizontal cedar screening (charred charcoal color). At the top of the building will be channel painted black with the hidden LED lighting. The brick will be painted white. Aluminum storefront frames around the windows will be painted dark bronze.

The building at 2838 Coolidge is currently composed of block/stone. Horizontal cedar screening from 2850 will continue along the top of the building and the section below the existing windows. New aluminum storefront with double doors will be added. The aluminum will be painted dark bronze. To the east of the proposed double doors will have an infill wall with corrugated metal siding (anodized finish). A steel awning (painted black) will project 2'4" from the cedar siding above the doorway and extending east to the proposed infill wall.

At the rear of the building, the steel door and frame of the west garage elevation will be painted gray. A new 6' wooden fence will also be installed. The garage elevation facing the alley will be painted gray. The exterior elevation facing the patio will have the block painted gray with a new aluminum storefront with double doors, with dark bronze finish.

ENGINEERING:

Public Works Director Schueller has reviewed the proposed site plan. No issues were noted in the review. In his memo, Director Schueller deferred to the Fire Marshal for any comments on fire suppression. Fire Marshal Kelly has reviewed the plans and indicated there were no issues regarding fire suppression. ***Please see attached memo from Public Works.***

ATTACHMENTS:

[Application for Site Plan Review](#)

[Memo from Dept of Public Works](#)

[11x17 Site Plan](#)

2. ORDINANCE AMENDMENT: Ch.138-Article III, Division 1—Accessory Buildings & Structures

This item is a continuation of the discussion on exterior appliances from the July meeting. Based upon feedback from Planning Commissioners, revisions have been made to the draft ordinance. There were some discussions about the proposed permitted decibel levels being too high. Additionally, it was suggested that there be separate decibel standards for exterior appliances in side yards than in rear yards.

There is language in the draft that specifies that an emergency power generator may not be placed within 6 feet of a window or door. The Planning Commission might want to consider stronger language for this specification for cases where a side yard abuts the adjacent dwelling rather than the driveway. The regulation of distance from a window or door is specific to mechanical code.

There was feedback from some Commissioners stating some opposition to allowing exterior appliances in residential side yards. We need to get a consensus from the Planning Commission as to whether or not to proceed with language in the proposed amendment that allows this. It is important to note that there is precedent with permitting air conditioning units in side yards if the affected neighbor signs off on an exception form. This precedent on air conditioning units dates back to the late 1990's. Also in each of the four ZBA cases regarding generators in side yards, variances were granted.

Regardless of which way the Planning Commission decides to go with exterior appliances in a side yard, it is my professional opinion that an amendment needs to be adopted that classifies these items as exterior appliances. While these mechanical devices are currently undefined by ordinance, creating a classification with definitions will eliminate a huge gray area. A classification as exterior appliances is appropriate given that they differ vastly from traditional accessory structures. The proposed decibel levels and language on noise reducing enclosures are other items in which I am seeking some direction from the Planning Commission.

ATTACHMENT:

[Revised Ordinance Amendment](#)

3. PUBLIC PARTICIPATION PLAN: First Draft

A rough draft of a public participation plan has been completed. The draft plan touches on the statutory requirements and current opportunities for public participation. The plan also addresses specific areas where more robust forms of engagement should be utilized. In a similar light in which we might view a master plan, this document does not set in stone the way in which public participation should happen. Rather, it should be viewed as a guiding document for how public engagement might be improved.

As part of its work for the Redevelopment Ready Communities program, MEDC has created a public participation strategy guide. That document was heavily consulted in the preparation of the first draft. Public Participation plans from other communities either certified or enrolled in the RRC program were also utilized. In addition to improving public participation in Berkley, creating a plan that meets RRC Best Practices is a critical goal.

At this stage, I am looking for some feedback and direction in terms of the first draft.

ATTACHMENT:

[1st Draft Public Participation Plan](#)