

PUBLIC NOTICE

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

Tuesday, September 25, 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 August 28, 2018*
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **SITE PLAN REVIEW: SP-02-18** SP-02-18 Erin Bodwell of Michigan State University Federal Credit Union, 1833 Coolidge Highway, Parcel ID # 25-18-479-028, is requesting site plan approval for a new building.
Attachments: [11x17 Site Plan](#)
[HRC Engineering Review Letter](#)
[HRC Correspondence](#)
[PSP-02-18 Application](#)
2. **PUBLIC PARTICIPATION PLAN: 2nd Draft**
Attachment: [Public Participation Plan 2nd Draft](#)
3. **PROPOSED ORDINANCE:** Creation of Design Review Board
Attachments: [Draft Ordinance](#)
4. **ORDINANCE AMENDMENT:** Ch.138-Article III, Division 1—Accessory Buildings & Structures
Attachments: [Exterior Appliances Ordinance](#)
[Generator Specs 1](#)
[Generator Specs 2](#)

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, AUGUST 28, 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 Kristen Kapelanski Martin Smith (arrived 7:43PM)
Ann Shadle Michele Buckler Greg Patterson
Tim Murad Matt Trotto Lisa Kempner (arrived 7:31PM)

ABSENT: Ross Gavin, City Council Liaison

ALSO PRESENT: Tim McLean, Community Development Director
Ari Zartarian, FSZ Holdings
Daniel Stakhiv, FSZ Holdings
Grant Jeffries, Five Eighths Architecture
Some 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 Buckler.

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

NAYS: None

Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Richardson to approve minutes from July 24, 2018 and supported by Commissioner Buckler.

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

NAYS: None

Motion Carried.

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COMMUNICATIONS

None

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CITIZEN COMMENTS

None

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1. SITE PLAN REVIEW: PSP-01-18 2838/2850 Coolidge—Façade Change

Community Development Director McLean introduced this item. Applicant is seeking a façade change for the front and rear façade of the buildings located at 2838/2850 Coolidge.

Commissioner Murad asked if wall pack lighting will be shielded.

Mr. Jeffries responded that shielding could be added.

Commissioners Murad and Shadle had questions and expressed concern about the proposed vertical section of awning on the front façade.

Commissioner Richardson asked if the vertical sheeting noted on the site plan is located where the existing door should be.

Mr. Jeffries responded that the store front door will be moved and that the vertical sheeting on the plan would go where the existing door is located.

Chair Kapelanski asked if the majority of the building façade will be the material sample shown to the Planning Commission.

Mr. Jeffries responded that would be the case, with some steel added.

Chair Kapelanski asked about window transparency.

Mr. Jeffries stated that the majority of the windows are intended to be transparent with the possibility of a frosted window for the meeting space for added privacy.

Chair Kapelanski suggested that the applicant utilize window tinting as opposed to a frosted window.

Commissioner Trotto questioned the brightness of the proposed wall packs in the alley. Mr. Trotto stated that he felt the lights may not be bright enough for patrons parked behind the building.

Mr. Jeffries stated that the applicant is comfortable with the lighting as proposed but that the lights could be brighter.

Commissioner Trotto suggested that emergency lighting have a battery backup. Mr. Trotto also asked if the proposed cedar siding would be affected by salt applied to the sidewalk in the winter,

Commissioner Buckler stated that the cedar deck at her residence has not been negatively impacted by regular application of salt in the winter months.

Commissioner Shadle asked about the purpose for the proposed fence enclosure.

Mr. Jeffries responded that the enclosure would be utilized as an outdoor patio for the building tenants.

It was moved by Commissioner Murad to approve PSP-01-18 with the following conditions: Wall pack lighting must be shielded towards the ground, vertical section of awning removed from the final plan, and supported by Commissioner Buckler.

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

NAYS: None

Motion Carried.

2. ORDINANCE AMENDMENT: CH.138-ARTICLE III, DIVISION 1—ACCESSORY BUILDINGS & STRUCTURES

Community Development Director McLean briefly reviewed revisions that were made, based upon feedback from the previous meeting.

Commissioner Kempner expressed concern for the proposed decibel level standards. Ms. Kempner also suggested that a setback of five feet instead of three feet in cases of exterior appliances placed in a side yard.

Commissioner Buckler stated that the side yard setback for exterior appliances should be the same for all districts. Ms. Buckler stated that she believes a decibel standard is necessary but this is an item that can be revisited as needed.

Commissioner Richardson questioned the necessity for a different decibel standard for exterior appliances in a side yard vs a rear yard.

Commissioner Kempner suggested that a side yard setback of six feet could help alleviate noise concerns.

Commissioner Murad expressed support for a side yard setback of six feet.

Commissioner Smith stated that he believes an ordinance that defines exterior appliances separately from accessory structures is necessary but he is not in favor of permitting exterior appliances in side yards by right.

Commissioner Trotto stated that it would be very difficult for generators to meet the decibel standard in the proposed ordinance. Mr. Trotto stated the standard would be easier to meet for air conditioning units. Mr. Trotto also clarified that most generators come with a noise reducing enclosure.

Commissioner Shadle expressed support for a standard of 65 decibels at 23 feet.

Commissioner Buckler pointed out that when used, generators run constantly, whereas air conditioning units cycle.

Commissioner Kempner asked if the proposed decibel standard is unenforceable.

Commissioner Trotto stated that generators don't usually get quieter than 60 decibels.

Commissioner Patterson stated that he prefers exterior appliances in a side yard as opposed to a rear yard.

Commissioner Buckler asked about the time duration for weekly generator tests.

Community Development Director McLean responded that the tests are usually around 10 minutes and that the generators do not run at full power.

Chair Kapelanski stated that she was fine with placing exterior appliances in a side yard. She asked for more information on decibel levels at 15 feet. Ms. Kapelanski also voiced support for an increased side yard setback of at least 5 feet.

Commissioner Richardson asked for more information on size and materials for generator enclosures.

3. DISCUSSION: PUBLIC PARTICIPATION PLAN

Community Development Director McLean gave a summary of the first draft of the plan. The proposed plan borrows language from plans in other communities. The plan is also intended to meet best practices of the MEDC's Redevelopment Ready Communities program.

Commissioner Buckler stated that she liked the first draft but felt it got too specific in some areas. Ms. Buckler suggested that language is added to differentiate between the levels of engagement for specific types of development.

Commissioner Richardson asked for language specifically identifying timelines for engagement in a PUD process.

Commissioner Shadle asked that the language regarding the communicating results of public engagement include more transparency. Ms. Shadle also pointed out a few typos in the draft.

Commissioner Trotto asked that language for participation between Boards and Commissions be included. Mr. Trotto used the example of DDA interaction with the Planning Commission.

Commissioner Kempner asked that the draft plan be shared with the City Engagement Advisory Board.

Chair Kapelanski asked that the Zoning Enabling Act be added to the list of statutory requirements. Ms. Kapelanski also asked that there be clarification in the plan regarding types of development and appropriate levels of engagement.

Commissioner Buckler suggested that flowcharts for types of development and levels of engagement be included in the plan. Ms. Buckler pointed out that all development won't have the same level of engagement.

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LIAISON REPORTS

Commissioners Richardson discussed the recent meeting of the Environmental Committee. He stated that the committee would have speakers for the next two meetings. DDA Director Carmody and DPW Director Schueller would address the committee over the next two meetings. The topics of discussion will cover stormwater management and Complete Streets.

Commissioner Trotto reported that he was unable to attend the DDA meeting but that he met with Director Carmody to discuss what is happening.

Commissioner Murad discussed Chamber participation in Cruise Fest and the recent pub crawl.

Commissioner Patterson stated that the Parks & Rec Committee will have an upcoming “Touch a Truck” event and a mystery trip.

Chair Kapelanski gave a summary of events at recent City Council meetings. Ms. Kapelanski touched on ordinance changes to the Eleven Mile District, Chickens, and Administrative Approval for Accessory Structures.

Community Development Director McLean stated that the Zoning Board of Appeals did not meet in August but will be meeting in September to discuss revisions to the Rules of Procedure.

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STAFF/COMMISSIONER COMMENTS

Commissioner Kempner stated things are very busy with school starting back up and summer coming to a close.

Commissioner Buckler wished everyone a safe and happy Labor Day holiday.

Commissioner Richardson congratulated Chair Kapelanski on her recent appointment as the new Chair of the Planning Commission.

Commissioner Smith congratulated Chair Kapelanski on her recent appointment as the new Chair of the Planning Commission and thanked Commissioner Buckler for her time served as the previous Chair.

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With no further business, the meeting was adjourned at 8:44PM.

MEMORANDUM

SEPTEMBER 18, 2018

TO: CITY OF BERKLEY PLANNING COMMISSION
FROM: TIMOTHY MCLEAN, COMMUNITY DEVELOPMENT DIRECTOR
RE: REPORT FOR THE PLANNING COMMISSION MEETING, SEPTEMBER 25, 2018

- 1. SITE PLAN REVIEW:** SP-02-18 Erin Bodwell of Michigan State University Federal Credit Union, 1833 Coolidge Highway, Parcel ID # 25-18-479-028, is requesting site plan approval for a new building.

EXISTING ZONING / LAND USE: Gateway District / Bank

SURROUNDING ZONING / LAND USE:

NORTH: Gateway District/Dental Office

SOUTH: Gateway District/Pharmacy

EAST: Industrial (M-1)/Multiple Businesses

WEST: Multiple-Family Residential (R-M)/Condos

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:

Michigan State University Federal Credit Union has purchased the property at 1833 Coolidge that had previously been used as a bank. The applicant is planning to demolish the existing building and construct a new 4,885 square foot facility. The applicant is represented by Joel Smith and Scott Maynard of Neumann-Smith Architecture.

SETBACKS AND HEIGHT:

Front setback requirements in the Gateway District shall be 10 feet or equal to the setback of adjacent buildings, whichever is less. In this case, the front setback on the site plan is noted as being 10 feet.

Side setback requirements in the Gateway District are not required along the interior side lot lines except as otherwise specified in the building code. On the exterior side yard that borders on a residential district, there shall be provided a setback of at least 10 feet on the side or residential street. In this case a side yard does not border a residential district, therefore by ordinance there is not a side yard setback requirement. However, side setbacks are listed as being 53 feet 10 inches on the north side and 25 feet 6 inches on the south side.

By ordinance, there must be a minimum rear yard setback of 10 feet. The rear yard setback indicated on the site plan is 111 feet 10 inches.

Buildings in the Gateway District can have a maximum height of 40 feet. The proposed building, at its highest point is 22 feet 4 inches.

SIGNAGE:

There is a proposed wall sign that would be installed facing Coolidge Hwy. By ordinance, the permitted size of a wall sign is 10% of the adjoining wall up to 100 square feet. The proposed wall sign is 80 square feet. This is consistent with what is permitted by ordinance.

Also indicated on Sheet A501 is an existing monument (ground) sign. By ordinance, a monument sign in the Gateway District is not permitted. The property had previously been zoned Local Business District. Monument signs are permitted in that district. In 2008, the Gateway District was created. This parcel, along with several others, was rezoned as Gateway District. The applicant has the option to remove the existing monument sign or apply for a variance with the Zoning Board of Appeals.

There are two additional signs proposed on the site plan that by ordinance, are generally exempt from requiring a permit. There is a proposed directional sign. Directional signs not exceeding 3 square feet do not require a permit. The dimensions indicated for the directional sign is 3.9722 square feet. The size of the proposed sign would need to be reduced to a maximum of 3 square feet.

An incidental sign for the drive-thru ITN stations is noted on the site plan. Incidental signs not exceeding 2 square feet do not require a sign permit. The proposed incidental sign is 1.75 square feet. However, because this is an illuminated sign, the applicant would need an electrical permit.

LIGHTING:

The site photometric plan indicates six, light poles, 20 feet in height with a 2 foot pole base. The lighting is LED. Sec. 138-143(b)(2) of the Berkley City Code states:

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

The rear property line of the property abuts a residential district. By ordinance, the level of lighting shall not exceed 0.5 footcandles at a residential property line. According to the Site Photometric Plan, the footcandles along the rear property line are in excess of what is permitted by ordinance. Photometrics along this property line indicate a range of 0.6-1.1 footcandles.

The north property line abuts a non-residential district. By ordinance, the level of lighting shall not exceed 1.0 footcandles at a non-residential property line. Photometrics along this property line indicate a range of 0.3-1.6 footcandles.

PARKING:

The standard for parking for banks/financial institutions is one space per 200 square feet of usable floor area plus three spaces 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). The usable floor area is 2,750 square feet. $2,750/200 = 14$ spaces. 8 teller stations are indicated on the floor plan. $8(3) = 24$ spaces. Based on the parking standard for banks, the applicant needs to provide 38 parking spaces. There will be no drive-in windows. Applicant is proposing 2 ITM stations, which are very similar to a traditional ATM. Two stacking spaces per ATM are required by ordinance.

Applicant has 36 parking spaces noted on the site plan. The applicant has also indicated bike racks to be installed on the site plan. By ordinance, credit for two parking spaces is given by installing a bike rack. The applicant meets the minimum standards for on-site parking. Two stacking spaces per ITM/ATM are indicated on the site plan. All minimum on-site parking requirements are met.

ELEVATIONS:

EAST: The east elevation is the front elevation facing Coolidge Hwy. The façade is 49.6% glass. The rest of the façade is composed of brick, glazed brick, wood look fiber cement board, and aluminum frame along the curtain wall.

WEST: The west elevation is the rear elevation. The façade is mostly brick and glazed brick. A metal panel canopy is indicated two proposed ITM stations. A corrugated metal panel screen wall enclosure is indicated at the top.

NORTH: The north elevation has a façade composed mostly of windows, brick, and glazed brick.

SOUTH: The south elevation has a façade composed mostly of brick with some windows.

ENGINEERING: An engineering review was completed by Edward Zmich of Hubble, Roth, & Clark, the City engineering consultant. A number of items were noted in the engineering review. The report indicates that site plan approval is not recommended. However, for site plan review purposes, if the Planning Commission is inclined to recommend approval of the proposed site plan, it could do so on the condition that engineering requirements are satisfied. Mr. Zmich confirmed that conditional approval may be given, if the Planning Commission is inclined.

BUILDIN DESIGN REQUIREMENTS:

By ordinance, there are additional building design requirements for new construction in the Gateway District.

Sec. 138-432. - Building design requirements.

(a) 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.

(b) The building elevation that fronts a street shall contain an entrance. The entrance shall access the first floor of the building. 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.

(c) Siding, generally considered residential, regardless of orientation, and T111-type material shall not be permitted.

(d) 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.

The front elevation of the building fronting Coolidge Highway indicates gross footage at 1,406 square feet. The elevation gross area of windows is 698 square feet. By ordinance, there is a minimum standard of 40% windows. Applicant has indicated 49.6% windows for the front elevation. The design standard has been met.

The second design requirement is that an entrance must be provided on the elevation fronting a street. An entrance is indicated on the front elevation of the site plan. The design standard had been met.

SCREENING:

Along the rear property line, there is an existing masonry wall 6'9" in height that abuts a residential district. This wall will remain.

ATTACHMENTS:

[11x17 Site Plan](#)

[HRC Engineering Review Letter](#)

[HRC Correspondence](#)

[PSP-02-18 Application](#)

2. Public Participation Plan: Revised Draft

Revisions have been made to the first draft of the proposed Public Participation Plan. The revisions reflect feedback that was given by the Planning Commission at the August meeting. A number of typos and grammatical corrections were made to the first draft. A section on the statutory requirements of the Zoning Enabling Act was added. Also, the various communication tools have been placed into two classifications: basic and advanced. Basic forms cover statutory requirements, public hearing notices, information on the City website, etc. The advanced tools in the communications tool box include things like community workshops, charrettes, and focus groups. There is also language that details when the more advanced tools would be used.

In the Appendix section, flow charts detailing processes for the following types of development were added: Site Plan Review, Special Land Use Request, Variances, Rezoning, Planned Unit Development (PUD). The flow charts show the process from start to finish.

Attachment:

[Public Participation Plan 2nd Draft](#)

3. PROPOSED ORDINANCE: Creation of Design Review Board

Over the course of the past year, the Downtown Development Authority has been working on the creation of Design Guidelines for new development. Part of this process is the creation of a Design Review Board. The purposed of the DRB is to review the proposed project design for development in the DDA district. This would apply to all development projects in the district that require site plan approval by the Planning Commission or final approval from City Council. The DRB will review a project to determine if it meets the Design Guidelines. The DRB will make recommendations to the appropriate Board/Commission regarding the Design Guidelines.

The establishment of the Design Review Board must be done by ordinance. If the Planning Commission is inclined to approve the proposed ordinance, my recommendation is to set the public hearing date for the regularly scheduled meeting on October 23, 2018.

Attachment:

[Draft Ordinance](#)

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

Additional revisions have been made to the proposed ordinance. Based on feedback from the Planning Commission, a revision was made requiring that an exterior appliance in a side yard have a minimum setback of five feet from the property line.

Additional research has shown that a standard residential generator, even with a sound reducing enclosure or exhaust muffler is going to produce 65-70 db at 23 feet. Language addressing the decibel standard has been revised to reflect this. Commissioner Trotto has provided two examples of specs for a standard residential generator. The increased decibel level may change the general consensus of the Planning Commission regarding the placement of exterior appliances in a side yard.

Attachment:

[Exterior Appliances Ordinance](#)

[Generator Specs 1](#)

[Generator Specs 2](#)