

## PUBLIC NOTICE

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

Tuesday, April 23, 2019  
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 March 26, 2019*  
COMMUNICATIONS- [Citizen Letter-Design Overlay District](#)  
CITIZEN COMMENTS  
ORDER OF BUSINESS

1. **CAPITAL IMPROVEMENTS PLAN**: PRESENTATION & CONSIDERATION  
Attachment: [2019-20 Capital Improvements Plan](#)
  
2. **SITE PLAN REVIEW**: SP-03-19—DEPARTMENT OF PUBLIC SAFETY, 2395 TWELVE MILE RD.  
Attachments: [Application for Site Plan Review](#)  
[11x17 Site Plan](#)
  
3. **ZONING MAP AMENDMENT**: PROPOSED DESIGN OVERLAY DISTRICT—PUBLIC HEARING & RECOMMENDATION  
Attachments: [Public Hearing Notice](#)  
[Design Overlay District Map](#)
  
4. **DISCUSSION**: USES IN LOCAL BUSINESS DISTRICT & OFFICE DISTRICT  
Attachments: [Letter-Zoning Text Amendment Request](#)  
[City of Clawson-Childcare Ordinance Requirements](#)  
[City of Oak Park-Accessory Uses](#)

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, MARCH 26, 2019 AT CITY HALL BY CHAIR KAPELANSKI.**

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*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  
                 Lisa Kempner                              Greg Patterson                      Matt Trotto  
                 Kristen Kapelanski                      Tim Murad

**ABSENT:** Michele Buckler

**ALSO PRESENT:** Tim McLean, Community Development Director  
                         Ross Gavin, City Council Liaison  
                         Matthew Baumgarten, City Manager

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**APPROVAL OF AGENDA**

It was moved by Commissioner Kempner to approve the Agenda with one addition under Communications and supported by Commissioner Patterson.

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

NAYS: None

ABSENT: Buckler

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**APPROVAL OF MINUTES**

It was moved by Commissioner Patterson to approve minutes from February 26, 2019 and supported by Commissioner Trotto.

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

NAYS: None

ABSENT: Buckler

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**COMMUNICATIONS**

Letter to the Planning Commission regarding the proposed Design Overlay District, letter to the Planning Commission regarding decibel standards for the proposed Exterior Appliances Ordinance, letter to the Community Development Director requesting a zoning text amendment, Flyer from MEDC on training opportunities for RRC program.

[Hunter-Letter to PC](#)

[Novitsky-Letter to PC](#)

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**CITIZEN COMMENTS**

N/A

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**5. PRESENTATION: CAPITAL IMPROVEMENTS PLAN**

City Manager Baumgarten gave a presentation of a draft of the Capital Improvements Plan. Mr. Baumgarten provided highlights of proposed capital improvements by Parks & Recreation, Public Library, City Hall, Public Works, and Public Safety. Mr. Baumgarten stated that the proposed Capital Improvements Plan would be on the agenda for the regularly scheduled meeting in April.

## **6. DISCUSSION: EXTERIOR APPLIANCES ORDINANCE**

Community Development Director McLean provided a summary of revisions that were made to the proposed ordinance since it was last discussed by the Planning Commission. Mr. McLean stated that language was added to address exterior appliances that could be rendered legally non-conforming due to ordinance change. Mr. McLean also asked for a consensus of the Planning Commission regarding the placement of exterior appliances in side yards.

Commissioner Shadle asked about the percentages listed in the section on non-conformities.

Mr. McLean responded that this language was similar to the current ordinance on non-conforming structures and uses.

Vice Chair Smith suggested that language be revised to allow for the replacement of legal non-conforming exterior appliances.

Commissioner Trotto stated that generators are different from air conditioning units and that they create more noise. Mr. Trotto stated that the 60bd standard was not feasible for generators.

Commissioner Murad stated that a generator doesn't have to be close to the house and that the setback requirements could be changed.

Commissioner Murad stated he was not in favor of permitting exterior appliances in side yards.

Commissioner Trotto stated he was in favor of permitting exterior appliances in side yards.

Commissioner Shadle stated she was not in favor of permitting exterior appliances in side yards.

Commissioner Patterson state he was in favor of permitting exterior appliances in side yards.

Chair Kapelanski stated she was in favor of permitting exterior appliances in side yards.

Commissioner Kempner stated she was not in favor of permitting exterior appliances in side yards.

Commissioner Richardson stated he was not in favor of permitting exterior appliances in side yards.

Vice Chair Smith stated he was not in favor of permitting exterior appliances in side yards.

The Planning Commission also agreed that there was a consensus against the proposed decibel level as well.

## **CITIZEN COMMENTS**

Wendi Zabramski, Gardner: Stated that due to lot sizes it would be difficult not to permit exterior appliances in side yards.

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**LIAISON REPORTS**

Mr. Trotto stated that he attended the DDA meeting on the proposed artwork on Twelve Mile Rd.

Mr. Murad stated that the Berkley Chamber of Commerce was hosting a “State of your Business” event on Wednesday, March 27.

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**STAFF/COMMISSIONER COMMENTS**

Ms. Kempner stated that she signed up for the RRC Best Practices training online and suggested this as an alternative to attending training in person.

**With no further business, the meeting was adjourned at 9:02PM.**



# **MEMORANDUM**

**APRIL 23, 2019**

**TO: CITY OF BERKLEY PLANNING COMMISSION**  
**FROM: TIMOTHY MCLEAN, COMMUNITY DEVELOPMENT DIRECTOR**  
**RE: REPORT FOR THE PLANNING COMMISSION MEETING, APRIL 23, 2019**

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## **1. CAPITAL IMPROVEMENTS PLAN: PRESENTATION & CONSIDERATION**

The Michigan Planning Enabling Act of 2008, in addition to requiring a Planning Commission to create and adopt a master plan, states that a Planning Commission shall prepare a coordinated and comprehensive program of public structures and improvements. The Commission shall prepare such a program annually. The Finance Department, with the help of all other departments, has put together a capital improvements program for your consideration. City Manager Baumgarten will be in attendance to present the capital improvements plan and answer any questions that the Planning Commission may have.

A motion is necessary to adopt the capital improvements plan and recommend adoption by City Council.

### **ATTACHMENT:**

[2019-20 Capital Improvements Plan](#)

## **2. SITE PLAN REVIEW: SP-03-19 CITY OF BERKLEY-DEPARTMENT OF PUBLIC SAFETY, 2395 TWELVE MILE RD., PARCEL ID # 25-17-101-003, IS REQUESTING SITE PLAN APPROVAL FOR AN ADDITION TO THE EXISTING BUILDING.**

**EXISTING ZONING / LAND USE:** Office District (O-1) / Municipal

### **SURROUNDING ZONING / LAND USE:**

**NORTH:** Cemetery District/Cemetery

**SOUTH:** Parking District/Municipal Parking Lot

**EAST:** Gateway District/Non-Profit

**WEST:** Parking District/Municipal Parking Lot

### **DISCUSSION:**

The Berkley Department of Public Safety is proposing a minor addition to the existing building. The proposed addition is an expansion of the existing truck bay. The truck bay would be extended by 12' with a proposed height of 19'4".

The existing overhead door would be replaced with a 14'x14' sectional insulated overhead door with motor operated opener and insulated clear acrylic windows. For exterior materials, the applicant is proposing brick to match the existing brick on the building. Additionally, prefinished metal coping would be installed above the proposed overhead door.

**SETBACKS AND HEIGHT:**

The only change in setback would be on the side setback where the truck bay is being expanded. With the 12' expansion, the building would be set back 25' on the side lot line. However, in the Office District (O-1), no side yards are required along the interior side lot lines except as otherwise specified in the building code.

The height of the expansion is proposed as 19'4". As the maximum height of structures in the Office District is 30', the proposed height is well under the maximum requirement.

**SIGNAGE:**

There is address signage above the overhead door on the existing truck bay. Subject to the sign permit approval process, new address signage would be added at a later date.

**LIGHTING:**

No new exterior lighting is proposed for this addition.

**PARKING:**

There will be no change in the amount of required parking for the Public Safety Building.

**ENGINEERING:**

Existing drainage patterns will be unchanged by the addition. The site is currently serviced by sanitary and water main. For the minor addition to the building, a review of civil engineering plans by HRC is not needed.

**SCREENING:**

No screening is being installed for this addition.

**ATTACHMENT:**

[Application for Site Plan Review](#)

[11x17 Site Plan](#)

**3. ZONING MAP AMENDMENT: PUBLIC HEARING & RECOMMENDATION TO CITY COUNCIL**

At the regular meeting in January, the Planning Commission passed a recommendation to City Council that the proposed Design Overlay District be adopted. As part of that process, the Planning Commission must also hold a Public Hearing and make a recommendation to City Council to amend the zoning map to allow for the Design Overlay District.

If the Design Overlay District is adopted, it would apply to all properties that fall within the boundaries of the Downtown Development Authority.

**Attachments:**



**4. DISCUSSION: USES IN LOCAL BUSINESS DISTRICT & OFFICE DISTRICT**

At the March meeting, I shared correspondence from a developer asking that the Planning Commission consider a text amendment to the zoning ordinance to allow for childcare centers as a principal use or special use in the Local Business District (LB) and Office District (O-1). Presently, childcare centers are only principal uses in the Greenfield District and Community Centerpiece District. Childcare centers are a special use in the R-1 District, R-2 District, and R-M District.

The developer has stated that it has been his experience that childcare centers are typically permitted uses in commercial and office districts in many other communities. In looking at surrounding communities, Ferndale and Oak Park have allowed childcare centers are principal uses in business and office districts. Clawson and Royal Oak allow childcare centers in business and office districts as special uses. The City of Clawson has specific guidelines for childcare centers are part of the special use process.

**CHILDCARE CENTERS AS PRINCIPAL USES AND SPECIAL USES**

	<b>PERMITTED USE</b>	<b>SPECIAL LAND USE</b>
Berkley	Greenfield District, Community Centerpiece	R-1, R-2, R-M
Clawson		B-1, B-2, B-3, O-1, R-1, R-2, RM-1, RM-2
Ferndale	Central Business District, MXD-1, MXD-2	Office/Service
Oak Park	R-1 (as accessory use), R-2 (as accessory use), B-1, B-2, Office	
Royal Oak		Office/Service, Neighborhood Business, General Business,

There could be some advantages to including childcare centers as a permitted or special use in the Local Business and Office Districts. First, as this use is only principally permitted in two districts, allowing for childcare centers could fill an underserved need. In large office buildings with multiple tenants, it could be advantageous in terms of business recruitment and retention for employees with young children to be able to drop their kids off at daycare in the same building they are going for work.

If the Planning Commission is inclined to make changes to allow for childcare facilities in those districts, it could be done in a number of ways. Childcare facilities could be added as a principal permitted use in the Local Business District and Office District. Additionally, childcare facilities could be allowed under principal permitted uses but as an accessory use. Or childcare centers could be allowed as a special use. Under **Attachments**, I have included some examples of potential ordinance language. Requirements from the Clawson ordinance on childcare centers are included. If the Planning Commission opted to permit childcare centers as an accessory use to a primary use in the Local Business or Office District, it would be advisable to specify a specific percentage of square footage that could be devoted to an accessory or

incidental use. The City of Oak Park establishes a threshold for incidental uses in residential areas. That language is included under **Attachments**.

**Attachments:**

[Letter-Zoning Text Amendment Request](#)

[City of Clawson-Childcare Ordinance Requirements](#)

[City of Oak Park-Accessory Uses](#)