PUBLIC NOTICE

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

Tuesday, May 26, 2020
7:00 PM – Virtual Electronic Meeting
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES -- Meeting of April 28, 2020
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **SP-01-20; 3082 Coolidge Hwy – Vibe Credit Union Façade Change:** Zimmerman Designs LLC, on behalf of Vibe Credit Union, is proposing a façade change to the existing structure.

2. **SP-02-20; Oxford Merchants Park:** The City of Berkley is proposing to develop Oxford Merchants Park that will include restroom facilities, splash pad, walking path, etc.

3. **DISCUSSION:** Zoning Ordinance Text Amendment Section 138-298 to remove references to BOCA.

4. **DISCUSSION:** Local Business District (LB) site regulations in the Schedule of Regulations, Section 138-526.


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.

If you would like to attend the electronic Planning Commission meeting, follow the below link or call the telephone number.
Join Zoom Meeting: https://berkleymich.zoom.us/j/93323204434

Dial by Phone: 1-312-626-6799

Meeting ID: 933 2320 4434
THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:02 PM, APRIL 28, 2020 AT CITY HALL BY CHAIR KRISTEN 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/cityofberkley.

PRESENT: Michele Buckler Tim Murad Kristen Kapelanski
Lisa Kempner Greg Patterson Mark Richardson (joined at 7:07pm)
Martin Smith Matt Trotto Jeffrey Campbell

ABSENT: None

ALSO PRESENT: Erin Schlutow, Community Development Director
Ross Gavin, City Council Liaison
Matt Baumgarten, City Manager
Torri Mathes, Community Engagement Officer
Dan Hill, Public Policy Assistant
Stan Lisica, Innovation Officer

* * * * * * * * * *

APPROVAL OF AGENDA
It was moved by Commissioner Murad to approve the Agenda supported by Commissioner Kempner.

AYES: Campbell, Kempner, Murad, Patterson, Richardson, Smith, Trotto, Buckler, Kapelanski
NAYS: None
ABSENT: None

* * * * * * * * * *

APPROVAL OF MINUTES
It was moved by Commissioner Buckler to approve the minutes from February 25, 2020 and supported by Commissioner Patterson.

AYES: Kempner, Murad, Patterson, Richardson, Smith, Trotto, Buckler, Campbell, Kapelanski
NAYS: None
ABSENT: None

* * * * * * * * * *

COMMUNICATIONS
None.

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CITIZEN COMMENTS
Chair Kapelanski read instructions for public to submit comments during the virtual meeting.

None.
1. **PUBLIC HEARING:** Matter of holding a public hearing for proposed zoning text amendment to repeal Section 138-603 of the Zoning Ordinance, which gives the building official and city planner the authority to grant dimensional variances during administrative review.

Community Development Director Schlutow referenced the April 22, 2020 memo which outlines the history of the text amendment and the reasons for the repeal.

Chair Kapelanski gave instructions for the public to provide comments during the public hearing.

Chair Kapelanski opened the Public Hearing at 7:11pm

None.

Chair Kapelanski closed the Public Hearing at 7:13pm.

All commissioners agreed with repealing the ordinance, as presented.

Commissioner Richardson motioned to recommend to City Council to repeal Section 138-603 of the Zoning Ordinance. Motion supported by Commissioner Smith.

**AYES:** Murad, Patterson, Richardson, Smith, Trotto, Buckler, Campbell, Kempner, Kapelanski

**NAYS:** None

**ABSENT:** None

2. **CAPITAL IMPROVEMENT PLAN:** Presentation and consideration of the proposed Berkley CIP.

Community Development Director Schlutow referenced the April 21, 2020 memo which provides information on the purpose of a Capital Improvement Plan, as well as the steps for approval.

City Manager Baumgarten went through the proposed CIP, giving detail to the future capital projects.

Commissioner Trotto voiced his opposition to road spray patching and inquired if there is another technique that would serve the same purpose. City Manager Baumgarten addressed the concerns of the Commissioner.

Commissioner Kempner inquired about the sidewalk replacement program. City Manager Baumgarten noted that the sidewalk replacement program will begin in Section 5; however, the timeline may shift.

Commissioner Richardson asked about the proposed parking area for Oxford Merchants Park, the Dorothea Pocket Park development status, lead service line replacement project, and the stormwater audit and study. City Manager Baumgarten provided answers to all questions.

Commissioner Murad asked about the streetscape improvements in the DDA. City Manager Baumgarten noted that the streetscape elements would be on Coolidge and Twelve Mile, west of Coolidge.

Commissioner Smith motioned to recommend approval of the 2020 – 20207 Capital Improvement Plan to City Council. Motion supported by Commissioner Patterson.

**AYES:** Patterson, Richardson, Smith, Trotto, Buckler, Campbell, Kempner, Murad, Kapelanski

**NAYS:** None

**ABSENT:** None
3. **MASTER PLAN 2020**: Review and consideration to disperse the Community Survey for the Berkley Master Plan.

Community Development Director Schlutow provided an update of the community engagement activities related to the Master Plan and provided the draft Berkley Master Plan Survey for the review of the Planning Commission.

Commissioners asked questions about the survey questions, organization and method of monitoring responses, etc.

* * * * * * *

**LIAISON REPORTS**
Commissioner Trotto noted he attended the DDA meeting for April 2020. He noted there were updates related to COVID-19 and possible funding opportunities for small businesses in the community.

Commissioner Murad attended three Chamber meetings. They discussed protocols related to social distancing and cancelling summer City events.

* * * * * * *

**STAFF/COMMISSIONER COMMENTS**
Commissioner Campbell thanked the staff for facilitating the electronic meeting.

Commissioner Smith noted that he looked forward to getting back to normal meeting procedures, but thanked staff for putting together the electronic meeting.

Commissioner Trotto inquired about the Downtown Master and adoption.

Chair Kapelanski thanked city staff for putting together the electronic meeting.

Commissioner Murad motioned to adjourn the meeting. Motion supported by Commissioner Trotto.

**AYES:** Patterson, Richardson, Smith, Trotto, Buckler, Campbell, Murad, Kempner, Kapelanski
**NAYS:** None
**ABSENT:** None

With no further business, the meeting was adjourned at 8:23pm
CITY OF BERKLEY, MICHIGAN
APPLICATION FOR SITE PLAN REVIEW

A complete application, a check payable to the 'City of Berkley', and 18 copies of a complete set of signed, sealed and folded plans must be submitted to the City of Berkley one month prior to the date of the Planning Commission meeting. If engineering review is required, an additional fee must be submitted. Should the review fees be greater than the required minimum, sufficient additional charges will be imposed to satisfy the additional review fees. All fee obligations must be satisfied prior to permit approval.

The Planning Commission meets the fourth Tuesday of every month. The meetings are held at 7:30 p.m. in the Council Chambers at the City Hall, 3338 Coolidge

 Applicant:
Name: VICE CREDIT UNION (BARKER)  Phone: 248 735.9500
Complete Address: 44515 W. 12 MILE RD., NOVI, MI 48377
Property Owner (if different than above):
Name: SAME AS ABOVE  Phone: 
Complete Address: 
Representative:
Name: MARK ZIMMERMAN (DESIGN)  Title: 734.358.0007
Description of Property for Review:
Lot Number 25 17.029 Subdivision 
Street Address: 3082 COOLIDGE HWY.
Reason for Review by Planning Commission: FACADE UPGRADES

I understand that Planning Commissioners may need to access my property to better understand my case.

Signature of Applicant  04/17/20
Date

Fees:
Site Plan Review: $350.00 Façade Change: $200.00 Revision: $100.00
Engineering (Multiple Family): $1,100 Engineering (Non Residential): $800

If an application is withdrawn more than 2 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 2 weeks prior to the meeting, no refund will be given. Engineering review fees are not refundable.

Office use only  Account Number: 1019

Received 4/27/20  Receipt # Hearing Date 
Case # PS-01-20

City Planning Commission Disposition: 

January 2017
Vibe Credit Union
Berkley Branch
Facade Renovation
3082 Coolidge Hwy
Berkley, MI 48072

Site Plan Review

List of Drawings

Code Information

Plan View

Floor Plan

Elevation

VICINITY MAP
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: SP-01-20; 3082 Coolidge Hwy. – Façade Change
Date: May 17, 2020

Dear Planning Commissioners:

The applicant, Zimmerman Design, LLC is proposing a façade change on the Vibe Credit Union at 3082 Coolidge Hwy., located in the Coolidge District. Parcel ID #25-17-107-029.

The existing façade of the structure is composed entirely of brick with windows facing Coolidge Hwy and the main entrance is accessible from the parking lot facing the south of the property. There is one (1) existing wall sign facing Coolidge Hwy. The property also has a drive-thru, located to the east of the property.

The façade change, proposed by the applicant, includes an increase in height and a change of façade materials that complements the existing brick. The applicant has also proposed additional landscaping, but no other site improvements are changes are proposed that would impact vehicular or pedestrian access, safety, or parking requirements.

ZONING/LAND USE

The surrounding properties include residential, commercial, and office.

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<th>Property</th>
<th>Occupant</th>
<th>Land Use</th>
<th>Zoning District</th>
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<td>Subject site</td>
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<tr>
<td>West</td>
<td>Office</td>
<td>Office</td>
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</tbody>
</table>
STANDARD FOR REVIEW

The proposed façade change at 3082 Coolidge Hwy requires review and approval of the site plan by the Planning Commission.

The six (6) standards for granting site plan approval are set forth in Section 138-679 of the Zoning Ordinance. We have reviewed the proposal for the façade change with respect to these standards and offer the following findings:

1. **The site meets the requirements of this Code.**
   
   **Window Coverage**
   
   Section 138-447(a) requires that a building that fronts a street shall be composed of a minimum of 40 percent and a maximum of 80 percent windows. It is unclear the percentage of window cover facing Coolidge Hwy. We recommend the applicant provide details as to the percent of window coverage to the satisfaction of the Planning Commission.

   **Building Entrance**
   
   Section 138-447(b) requires that a building elevation that fronts a street shall contain an entrance. The existing entrance for the Vibe Credit Union is located on the south side of the building, accessible from the parking area. Based on the layout of the credit union, any alteration to the location of the main entrance will require a redesign and remodel of the interior of the building. **Per Section 138-447(d), the Planning Commission may revise the building design requirements, if the commission finds the standards for site plan approval have been met. The Planning Commission shall determine if a modification to the building design requirement is appropriate.**

   **Height**
   
   The height of the proposed façade change (23 ft. 2 in.) is below the height maximum of the Coolidge District (40 ft.) and is in compliance with the Zoning Ordinance.

2. **The proposed development does not create adverse effects on public utilities, roads, or sidewalks.**

   The proposed façade change will not have an impact on public utilities, roads or sidewalks.

3. **Pedestrian and vehicular areas are designed for safety, convenience, and complement adjacent site design.**

   The pedestrian and vehicular areas will not be impacted or changed as part of this application.

4. **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.**

   The proposed façade change includes alterations of architecture and materials. The applicant is proposing to include blue accent metal panels, green metal flying beam, and limestone panels. A
large portion of the brick façade will remain. The applicant has provided a materials sample page with the site plan for Planning Commission consideration.

The proposed façade includes a change in height, but it complies with the maximum height, as noted above.

The DDA Design Committee has reviewed the site plan for the proposed façade change. The DDA Executive Director has provided an email reporting the Committee’s findings. It is attached for your consideration.

The applicant proposes moving the circular Vibe Credit Union sign from the front façade of the building. Any new sign installation will require a separate sign permit to be submitted and approved by the Building Department. One wall sign is permitted to face each street. A wall sign facing the south parking area is not permitted.

5. **Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.**
   The applicant has provided a landscaping plan that includes additional plantings to enhance the aesthetic appeal of the property.

   The applicant has not provided a photometric plan or lighting diagram for the site. We recommend the applicant to provide a photometric plan to be approved administratively to ensure any changes in site lighting does not impact adjacent property owners.

6. **Site engineering has been provided to ensure that existing utilities will not be adversely affected.**
   DPW has submitted a review letter under separate cover. It is attached for your reference. Any outstanding issues as noted by DPW shall be addressed prior to building permits being issued.

   Full engineering review is not required for a façade change project with minimal landscaping site improvements.

**SUMMARY**

The applicant has proposed a façade change to the existing building at 3082 Coolidge Hwy, with landscaping improvements throughout the site.

Based on the submitted plans, we recommend approval of the site plan with the following conditions:

1. The applicant can demonstrate the window composition is within the acceptable minimum/maximum coverage; 40 – 80% of the front façade facing Coolidge Hwy. to the satisfaction of the Planning Commission.
2. The main entrance location facing the parking lot to the south of the property rather than facing Coolidge Hwy, is accepted by the Planning Commission.
3. The applicant can provide a photometric plan with illumination levels throughout the site and at the property lines.
4. Final site plan approval from DPW, Fire Marshal, and Community Development Departments.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Erin Schlutow
Community Development Director

c: Matthew Baumgarten, City Manager
   Victoria Mitchell, City Clerk
   John Staran, City Attorney
   Derrick Schueller, DPW Director
   Jennifer Finney, DDA Executive Director
   Matt Koehn, DPS Director
   Pete Kelly, Fire Marshal
   Mark Zimmerman, mzimmerman19@gmail.com
To: Erin Schlutow, Community Development Director (via email)
Cc: Kim Anderson, Community Development (via email)
      Shawn Young, DPW Foreman (via email)

From: Derrick Schueller, DPW Director

Date: May 1, 2020

Subject: Vibe Credit Union
         Façade Change, Landscaping & Interior Renovations
         3082 Coolidge

We have reviewed the drawing provided by the Community Development Department and prepared by Zimmerman Design LLC dated April 17, 2020. Please find below our general comments:

1. No changes are proposed to the existing water and sewer connections servicing the building.

2. A restricted catch basin cover shall be added at the existing catch basins to moderate flows into the combined sewer system (see attached samples).

3. There are a few uneven sidewalk slabs on the Earlmont side of the building that need to be replaced (faulting).

4. There appears to have been a private street light removed near the Coolidge drive entrance. This light was not City-owned and was powered by the bank. The light shall either be replaced or the existing pedestal/foundation removed.

5. At this time, there are no changes to the site that would cause a change in the Storm Water (ERU) Fee calculations assigned to this parcel.

Feel free to call with any questions or concerns. Thank you.

Attachments
DLS
J:\Site Plan Reviews\2020\3082 Coolidge Vibe Credit Union Façade and Landscaping\Review Letters\Vibe Credit Union Renovations 3082 Coolidge Review #1 5-1-20.doc
Hello Enn,

Thank you for the follow up email. Members of the design committee were able to review the facade change and all the materials appear to be within our design guidelines so Vibe Credit Union can move forward with the proposed facade changes.

Thank you,
Jennifer

Jennifer Finney
Executive Director
Berkley Downtown Development Authority (DDA)
City of Berkley
Office: 248-658-3353
Cell: 248-752-0589
**SPLASHPAD® COMPONENTS**

- **Total area:** 2200 ft² (204 m²)
- **Spray area:** 1446 ft² (134 m²)

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**TOTAL WATER FLOW**

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*Colored concrete and Environment are for illustration purpose only and not supplied by Vortex. Not for construction.*
### SPLASHPAD DIMENSION

- **TOTAL AREA**: 2200 ft², 204 m²
- **SPRAY AREA**: 1446 ft², 134 m²
- **GRID SIZE**: 2 x 2 ft, 0.6 x 0.6 m

### PRODUCT LEGEND

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Oxford Park Splashpad, MI
33110 Version-C (* Low Flow) October 25, 2019

SPLASHPAD LAYOUT DRAWING

SCALE : 1/8:1'

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MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: SP-02-20; Development of Oxford Merchants Park
Date: May 17, 2020

Dear Planning Commissioners:

The City of Berkley Parks and Recreation Department has been working closely with DPW and HRC to design and develop Oxford Merchants Park. The park is located between Oxford and Cambridge, and between Bacon and Oakshire, and encompasses 7.5 acres.


The site currently includes two baseball diamonds, playground structures, large open field, and parking areas on Bacon (approx. 50 spaces) and Cambridge (approx. 23 spaces).

Theresa McArleton, Parks and Recreation Director, has been leading this project in consultation with HRC and DPW and has submitted the below application materials and plans for a Land and Water Conservation Fund grant, administered through the Michigan Department of Natural Resources. Ms. McArleton, Eddie Zmich and Adrianna Melchoir from HRC, will be in attendance and will be able to answer any questions you may have regarding the grant application process or site engineering.

ZONING/LAND USE

The surrounding properties are exclusively residential.

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<th>Land Use</th>
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<tr>
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<td>R-1D, Single Family Residential</td>
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<tr>
<td>East</td>
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The proposed development of Merchants Park, located within the Community Centerpiece District, requires review and approval of the site plan by the Planning Commission. Per Section 138-409 of the Zoning Ordinance, public notice shall be given not less than 15 days prior to the scheduled meeting to all property owners within 300 feet of the property proposed for development. Such notices were mailed by City staff.

The six (6) standards for granting site plan approval are set forth in Section 138-679 of the Zoning Ordinance. We have reviewed the proposal for the development of City parkspace with respect to these standards and offer the following findings:

1. **The site meets the requirements of this Code.**
   The proposed restroom facility structure meets the height and setback requirements for the District. The walls shall be constructed of splitface block and the gabled roof is proposed to be wood trim with metal siding. The structure shall include two (2) unisex bathrooms and an equipment room, each with separate entry doors.

   All setback and site requirements have been met, as presented.

2. **The proposed development does not create adverse effects on public utilities, roads, or sidewalks.**
   The proposed development does not create adverse effects on public utilities, roads, or sidewalks.

3. **Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.**
   The pedestrian and vehicular areas will not be impacted or changed as part of this application.

   The application materials includes additional parking along Cambridge. This will be considered at a later date and is no longer part of this application. If additional parking will be pursued on the site in the future, additional approvals will be required.

4. **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.**
   The design of Merchants Park and architecture of the restroom facility and splash pad will enhance and bring members of the community together.
The splash pad hours will either be 10am-8pm or 11am-8pm. The pad will operate Memorial Day to Labor Day. The water will not run constantly and is based off a sensor.

The site plan includes a walking path, rain gardens, a 4,000 sq. ft. playground structure, and a concrete seating area with umbrellas. The design of proposed park amenities shall provide active and passive recreation opportunities for Berkley residents.

5. **Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.**
   Parks and Recreation Director Theresa McArleton has noted that the initial development of Merchants Park will include the construction of the restroom facility and splash pad. In the future, the intent is to work with the city's tree board and an arborist to plant trees in the best locations to ensure aesthetic appeal and the survival of the plantings. The P&R Department would be cognizant of the adjacent residential properties and would not force a yard into shade.

6. **Site engineering has been provided to ensure that existing utilities will not be adversely affected.**
   HRC and DPW have been working closely with Theresa McArleton and the Parks and Recreation Department to ensure compliance with site engineering. The departments will continue to work closely together so that the new park development will not cause adverse effects upon the adjacent residential property owners.

**SUMMARY**

The development of Merchants Park would enhance the surrounding neighborhood and provide a recreational opportunity to all Berkley residents. Based on the submitted site plan, we recommend approval of the development of Merchants Park, as presented.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Erin Schlutow
Community Development Director
c: Matthew Baumgarten, City Manager
    Victoria Mitchell, City Clerk
    John Staran, City Attorney
    Theresa McArleton, Parks and Recreation Director
    Derrick Schueller, DPW Director
    Eddie Zmich, HRC
    Adrianna Melchoir, HRC
    Matt Koehn, DPS Director
    Pete Kelly, Fire Marshal
Good afternoon Erin, My wife and I received the public hearing notice for the Oxford Merchants Park. First, we would like to say that we are very excited to see the development starting up. We have been waiting a long time for this.

We do have a few concerns:

1. We know that parking will be an issue and hope that more can be incorporated into the plan such as extending the lot on Cambridge farther to the east.
2. That the restrooms be located in an area where public safety can monitor it easily. We have a feeling this could become an after-hours teenager hangout area. Possible in the area between the ballfields by Bacon. Then it would also be easily accessed by the people that are using the ballfields also.
3. We really hope that the Berkley Steelers will still have areas to practice at this park. We have lived here for 38 years and really enjoy the activity that the Steelers bring each season.

Thank you

Joe & Kim Krug
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Zoning Ordinance Amendment – Section 138-298 to Remove BOCA and Replace with Michigan Residential Code
Date: April 18, 2020

Over the past few weeks, the Building Department has been working closely with Public Safety to update all applicable building and fire codes. During our review, it was noted that the BOCA code was referenced several times in the Code of Ordinances and once in the Zoning Ordinance.

The BOCA code is outdated and has been out of use for several years and it is necessary to remove all references of BOCA in Berkley’s ordinances.

In order to expediate the process, the regulatory ordinances were reviewed by the City Council at the May meetings; however, as Section 138-298 is located in the Zoning Ordinance, it is required to be reviewed by Planning Commission prior to City Council.

I have provided amended text language for Section 138-298, attached, wherein references to BOCA are removed in favor of the Michigan Residential Code.

If you have any questions related to this case, please do not hesitate to contact me.

Thank you.
AN ORDINANCE

Of the City Council of the City of Berkley, Michigan to Amend Section 138-298 of Article 5, Division 2 of Chapter 138, Zoning, to Update the Citation to the City’s Adopted Building Codes, and to Prescribe a Penalty for Violations.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-298 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-298. - Mobile homes in single-family residential districts.

One individual mobile home located on a parcel of land or lot in a single-family residential district shall be permitted, provided that all of the following conditions are met:

(1) It shall comply with all pertinent building and fire codes for single-family dwellings including but not limited to the BOCA code Michigan Residential Code.

(2) It shall be firmly and permanently attached to a solid foundation or basement not less in area than the perimeter area of the dwelling. The foundation and/or basement shall be constructed in accordance with the BOCA code Michigan Residential Code.

(3) It shall not have any exposed wheels, towing mechanism or undercarriage.

(4) It shall be connected to a public sewer and water supply.

(5) It shall be aesthetically comparable in design and appearance to conventionally constructed homes in the zoning district in which it is located. It shall be the responsibility of the city council to determine whether this standard is met. The city council shall make a determination that this standard has been met if it finds that all of the following conditions exist:

   a. The proposed mobile home will have a combination of roof overhang and pitch comparable to the overhang and pitch of conventionally constructed homes typically found in the zoning district in which it is to be located.

   b. The proposed mobile home will have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the mobile home structure, and which are comparable to steps and/or porches of
conventionally constructed homes typically found in the zoning district in which it is to be located.

c. The proposed mobile home will be covered with a siding material which is in color, texture, malleability, direction of joints, and method of fastening to the structure comparable to siding of conventionally constructed homes typically found in the zoning district in which it is to be located.

d. The proposed mobile home will have the glass on its windows recessed at least 1½ inches behind the exterior surface of its siding.

e. The proposed mobile home will have front and rear or front and side exterior doors if such combination of doors is found in a majority of homes in the zoning district in which it is to be located.

f. The proposed mobile home will have a 1-car garage or a 2-car garage if such a garage is found in a majority of the homes in the zoning district in which it is to be located.

The city council may approve a mobile home as aesthetically comparable in design and appearance to conventionally constructed homes in the district in which it is to be located even if all of the above conditions do not exist, provided that it finds that the mobile home and/or its site has other design features which make it aesthetically comparable to conventionally constructed homes in the district.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than $500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

SECTION 4: Effective Date

This Ordinance shall be effective 30 days following the date of adoption.

SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on _____________________.

Attest:

Victoria Mitchell  
City Clerk

Daniel J. Terbrack  
Mayor
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Property Regulations in Local Business District (LB)
Date: May 15, 2020

In reviewing several sections of the Zoning Ordinance, I found that the Schedule of Regulations, Section 138-526, does not contain site regulations for the Local Business District (LB).

There were several amendments made to the Schedule of Regulations table in 2007 and 2008, and it appears that the regulations for Local Business District (LB) may have been inadvertently omitted during an update in 2008. This is due to the extensive changes made to Division 6.5, Local Business District (LB), regulations for principle, special land uses, and building design requirements, O-04-08, which has been included in the packet.

The Local Business District (LB) includes nine (9) parcels on the south side of Twelve Mile Rd. from Berkley to just east of Henley. There are six (6) structures located within the District, including Knights of Columbus, a residential structure, MacQueen Insurance Group, Sawyer-Fuller Funeral Home, American Legion Post 374, and a Beaumont Medical Office building.

There have not been any major site improvements to these nine (9) parcels within the District that would require reference to the Schedule of Regulations since before 2007, when the last instance of Local Business District (LB) was included in the Schedule of Regulations. Permits have been issued for many of these properties since 2007 but they include roof repairs, parking area repairs, signs, interior remodeling, etc.

Based on the above information and the adopted ordinance amendments attached, we recommend Planning Commission review the setback, maximum height, lot coverage requirements in order to add it back to the Schedule of Regulations.

Attached is a proposed revised table that includes site regulations for the Local Business District (LB), which is consistent with the design of the existing buildings, the regulations in 2007, as well as the regulations in the Coolidge District, Gateway District, Eleven Mile District, and Industrial District.

If you have any questions, please do not hesitate to contact me.
### Schedule of Regulations

**Sec. 138-526. - Schedule of regulations.**

<table>
<thead>
<tr>
<th>Districts</th>
<th>Minimum Size of Lot per Unit</th>
<th>Maximum Height of Buildings</th>
<th>Minimum Yard Setback</th>
<th>Minimum Floor Area Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Areas in Square Feet (a)</strong></td>
<td><strong>Width in Feet</strong></td>
<td><strong>In Feet</strong></td>
<td><strong>Front</strong></td>
<td><strong>At Least 1 Side Yard</strong></td>
</tr>
<tr>
<td>R-1A</td>
<td>12,000</td>
<td>100</td>
<td>40</td>
<td>25(b)</td>
</tr>
<tr>
<td>R-1B</td>
<td>8,800</td>
<td>80</td>
<td>30</td>
<td>25(b)</td>
</tr>
<tr>
<td>R-1C</td>
<td>6,600</td>
<td>50</td>
<td>30</td>
<td>25(b)</td>
</tr>
<tr>
<td>R-1D</td>
<td>4,400</td>
<td>40</td>
<td>30</td>
<td>25(b)</td>
</tr>
<tr>
<td>R-2</td>
<td>4,000</td>
<td>40</td>
<td>30</td>
<td>25(b)</td>
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<tr>
<td>R-M</td>
<td>(e)</td>
<td>(e)</td>
<td>30</td>
<td>25(b)</td>
</tr>
</tbody>
</table>

R-M-H

(See article V, division 5, High-Rise Multiple-Family Residential District)

Greenfield

(See article V, division 7, Greenfield District)

Community centerpiece

(See article V, division 8, Community Centerpiece District)

<p>| Office | — | — | 30 | 10(j, k) | (m) | (m) | 10 | — | — | — |
| Downtown | — | — | — | (n) | (n) | (n) | 10 | — | — | — |
| <strong>Local Business</strong> | — | — | 40 | 10(j, k) | (m) | (m) | 10 | — | — | — |
| Twelve mile | — | — | 40 | (n) | (n) | (n) | 10 | — | — | — |
| Coolidge | — | — | 40 | 10(j, k) | (m) | (m) | 10 | — | — | — |</p>
<table>
<thead>
<tr>
<th>Gateway</th>
<th>—</th>
<th>—</th>
<th>40</th>
<th>10(j, k)</th>
<th>(m)</th>
<th>(m)</th>
<th>10</th>
<th>—</th>
<th>—</th>
<th>—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Woodward</td>
<td>—</td>
<td>—</td>
<td>50</td>
<td>10(j, k)</td>
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<tr>
<td>Eleven mile</td>
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<td>40</td>
<td>10(j, k)</td>
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<td>40</td>
<td>10(j, k)</td>
<td>(m)</td>
<td>(m)</td>
<td>10</td>
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<tr>
<td>Parking</td>
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<td>(See sections 138-496—138-503)</td>
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<td>Cemetery</td>
<td>(See article V, division 16, Cemetery District)</td>
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</table>


**Sec. 138-527. - Notes to schedule of regulations.**

(a) In calculating the area of a lot that adjoins an alley, one-half the width of such alley abutting the lot shall be considered as part of such lot.

(b) The front yard setback shall be 25 feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater.

(c) Exterior side yards on corner lots:

   When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten feet.

   When a rear yard abuts a side yard, the exterior side yard setback shall be as follows:

<table>
<thead>
<tr>
<th>Distance from Rear Lot Line to Structure</th>
<th>Setback Required</th>
</tr>
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<tbody>
<tr>
<td>0 to 5 feet</td>
<td>No structures permitted</td>
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<tr>
<td>5-35 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Greater than 35 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

(d) There shall be a distance of at least 15 feet between dwellings.

(e) Maximum lot coverage for corner lots shall not exceed 45 percent. See chapter 138, article III, division 1, for additional requirements.
(f) No multiple dwelling shall be erected on a lot or parcel of land that has an area of less than 10,000 square feet. The total number of rooms (other than kitchen and sanitary facilities) provided shall not be more than the area of the parcel in square feet divided by 500.

\[
\text{Total number of rooms} = \frac{\text{Area of parcel}}{500}
\]

(g) Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one-half foot for each ten feet or part thereof by which the length of the multiple dwelling exceeds 50 feet in overall dimension along the adjoining lot line.

(h) The following minimum floor areas shall be met (the number of rooms listed is in addition to the kitchen and sanitary facilities):

- Efficiency apartment: One-room—250 square feet minimum floor area per unit.
- One-bedroom: Three-room—450 square feet minimum floor area per unit.
- Two-bedroom: Four-room—600 square feet minimum floor area per unit.
- Three-bedroom: Five-room—750 square feet minimum floor area per unit.

The maximum floor area for an efficiency apartment shall not exceed 300 square feet (in addition to the kitchen and sanitary facilities).

(i) Reserved.

(j) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

(k) Front yard setbacks shall be ten feet or equal to the setback of the adjacent buildings, whichever is less.

(l) Reserved.

(m) No side yards are 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 ten feet on the side or residential street.

(n) No setback shall be permitted, unless the planning commission finds that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space.


Secs. 138-528—138-530. - Reserved.
Sec. 138-526. - Schedule of regulations.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Minimum Size of Lot per Unit</th>
<th>Maximum Height of Buildings</th>
<th>Minimum Yard Setback</th>
<th>Maximum Percentage of Lot Coverage (Area of All Structures)</th>
<th>Minimum Floor Area Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area in Square Feet (a)</td>
<td>Width in Feet</td>
<td>In Feet</td>
<td>At Least 1 Side Yard</td>
<td>Total of 2 Side Yards</td>
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<td>R-1A</td>
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<td>100</td>
<td>40</td>
<td>25(b)</td>
<td>5(c, d)</td>
</tr>
<tr>
<td>R-1B</td>
<td>8,800</td>
<td>80</td>
<td>30</td>
<td>25(b)</td>
<td>5(c, d)</td>
</tr>
<tr>
<td>R-1C</td>
<td>6,600</td>
<td>50</td>
<td>30</td>
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<td>5(c, d)</td>
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<tr>
<td>R-1D</td>
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<td>5(c, d)</td>
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<td>Community centerpiece</td>
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<td>30</td>
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<tr>
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<tr>
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<td>(n)</td>
<td>(n)</td>
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<tr>
<td>Coolidge</td>
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<td>40</td>
<td>10(j, k)</td>
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<tr>
<td>Gateway</td>
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<td>Woodward</td>
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<td>10(j, k)</td>
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<td>Eleven mile</td>
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<td>Industrial</td>
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<td>10(j, k)</td>
<td>(m)</td>
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<tr>
<td>Parking</td>
<td></td>
<td></td>
<td>15</td>
<td>(See sections 138-496—138-503)</td>
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</tr>
</tbody>
</table>

AN ORDINANCE

of the Council of the City of Berkley, Michigan
renumbering, Chapter 138 Zoning, Article V District Regulations,
Divisions 5.5, 6.5, and 7-18
of the Berkley City Code

THE CITY OF BERKLEY ORDAINS:

SECTION 1: That Chapter 138 Zoning, Article V District Regulations, be renumbered as follows:

Division 5.5 Industrial District
Sections 138-362—138-366

Division 6.5 Local Business District
Sections 138-386—138-392

Division 7 Greenfield District
Sections 138-391—138-405 Reserved.

Division 8 Parks and Recreation District
Sections 138-406—138-415 Reserved.

Division 9 Downtown District
Sections 138-416—138-425

Division 10 Gateway District
Sections 138-426—138-440 Reserved.

Division 11 Coolidge District
Sections 138-441—138-455 Reserved.

Division 12 Twelve Mile District
Sections 138-456—138-470 Reserved.

Division 13 Woodward District
Sections 138-471—138-485

Division 14 Eleven Mile District
Sections 138-486—138-495 Reserved.

Division 15 Parking District
Sections 138-496—138-515

Division 16 Cemetery District
Sections 138-516—138-525

Division 17 Schedule of Regulations
Sections 138-526—138-530
Division 18 Planned Unit Development
Sections 138-531—138-545

SECTION 2: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, October 6, 2008.

Approved on the Second Reading at the Regular City Council Meeting on Monday, October 20, 2008.

Marilyn V. Stephan
Mayor

Attest:

Mary V. Hughes
City Clerk
AN ORDINANCE

of the Council of the City of Berkley, Michigan
amending, Chapter 138 Zoning,
Article V District Regulations, Division 17 Schedule of Regulations
of the Berkley City Code

THE CITY OF BERKLEY ORDAINS:

SECTION 1: That Article V District Regulations, Division 17 Schedule of Regulations, Sections 138-526 and 138-527 of the Berkley City Code be and hereby are amended as follows:
## DIVISION 17. SCHEDULE OF REGULATIONS

### Section 138-526 Schedule of Regulations.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Minimum Size of Lot per Unit</th>
<th>Maximum Height of Buildings</th>
<th>Minimum Yard Setback</th>
<th>Maximum Percentage of Lot Coverage (Area of All Structures)</th>
<th>Minimum Floor Area per Unit With Basement</th>
<th>Minimum Floor Area per Unit Without Basement</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1A</td>
<td>12,000 Ft.</td>
<td>100 Width in Feet</td>
<td>40 In Feet</td>
<td>25 (b) At least one side yard</td>
<td>35 (e)</td>
<td>1800</td>
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<tr>
<td>R-1B</td>
<td>8,800</td>
<td>80</td>
<td>30</td>
<td>25 (b) 5 (c, d)</td>
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<td>1500</td>
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<td>R-1C</td>
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<td>25 (b) 5 (c, d)</td>
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<td>1300</td>
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<td>R-1D</td>
<td>4,400</td>
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<td>25 (b) 5 (c, d)</td>
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</tr>
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<td>R-2</td>
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<td>25 (b) 5 (c, d)</td>
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<tr>
<td>R-M</td>
<td>(f)</td>
<td>(f)</td>
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<td>25 (b) 10 (g)</td>
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<td>—</td>
<td>30</td>
<td>10 (j, k) (n)</td>
<td>10</td>
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<tr>
<td>Downtown</td>
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<tr>
<td>Twelve Mile</td>
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<td>10 (j, k) (n)</td>
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<tr>
<td>Woodward</td>
<td>—</td>
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<td>50</td>
<td>10 (j, k) (n)</td>
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<tr>
<td>Eleven Mile</td>
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<td></td>
<td>40</td>
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</tr>
<tr>
<td>Parking</td>
<td>—</td>
<td>—</td>
<td>15</td>
<td>(See Sections 138-483 through 138-489)</td>
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<tr>
<td>Cemetery</td>
<td>(See Article V, Division 11 Cemetery District)</td>
<td></td>
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</tr>
</tbody>
</table>
Section 138-527 Notes to the Schedule of Regulations

(a) In calculating the area of a lot that adjoins an alley, one half the width of such alley abutting the lot shall be considered as part of such lot.

(b) The front yard setback shall be 25 feet or equal to the average setback of the 6 adjacent buildings on the same block, whichever is greater.

(c) Exterior side yards on corner lots:

   When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten (10) feet.

   When a rear yard abuts a side yard, the exterior side yard setback shall not be less than 25 feet.

(d) There shall be a distance of at least fifteen (15) feet between dwellings.

(e) Maximum lot coverage for corner lots shall not exceed 45%. See Article III General Provisions, Division One Accessory Buildings and Structures for additional requirements.

(f) No multiple dwelling shall be erected on a lot or parcel of land that has an area of less than 10,000 square feet. The total number of rooms (other than kitchen and sanitary facilities) provided shall not be more than the area of the parcel in square feet divided by 500.

   \[ \text{Total number of rooms} = \frac{\text{Area of parcel}}{500} \]

(g) Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one-half foot for each 10 feet or part thereof by which the length of the multiple dwelling exceeds 50 feet in overall dimension along the adjoining lot line.

(h) The following minimum floor areas shall be met (the number of rooms listed is in addition to the kitchen and sanitary facilities):

   Efficiency apartment: One-room—250 square feet minimum floor area per unit.

   One-bedroom: Three-room—450 square feet minimum floor area per unit.

   Two-bedroom: Four-room—600 square feet minimum floor area per unit.

   Three-bedroom: Five-room—750 square feet minimum floor area per unit.

   The maximum floor area for an efficiency apartment shall not exceed three hundred (300) square feet (in addition to the kitchen and sanitary facilities).

(i) Reserved.
(j) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

(k) Front yard setbacks shall be 10 feet or equal to the setback of the adjacent buildings, whichever is less.

(l) Reserved.

(m) No side yards are 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.

(n) No setback shall be permitted, unless the Planning Commission finds that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space.

Secs. 138-528--138-530. Reserved.

SECTION 2: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, October 20, 2008.

Approved on the Second Reading at the Regular City Council Meeting on Monday, November 3, 2008.

Marilyn V. Stephan
Mayor

Attest:

Mary V. Hughes
City Clerk
AN ORDINANCE

of the Council of the City of Berkley, Michigan
amending, Chapter 138 Zoning,
Article II Definitions, Section 138-32 and
Article V District Regulations, Division 12 Schedule of Regulations,
Sections 138-526 through 138-527
of the Berkley City Code

THE CITY OF BERKLEY ORDAINS:

SECTION 1: That Article II Definitions, Section 138-32 Definitions of the Berkley City Code be and hereby are amended as follows:

Floor Area, Minimum Residential: The total area of each floor measured from the exterior faces of the exterior walls or from the centerline of the walls separating two dwelling units. The first floor shall be the lowest floor which is at every point above the average grade line around the structure.
SECTION 2: That Article V District Regulations, Division 12 Schedule of Regulations, Sections 138-526 and 138-527 of the Berkley City Code be and hereby are amended as follows:

**DIVISION 12. SCHEDULE OF REGULATIONS**

Section 138-526 Schedule of Regulations.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Minimum Size of Lot per Unit</th>
<th>Maximum Height of Buildings</th>
<th>Minimum Yard Setback</th>
<th>Maximum Percentage of Lot Coverage (Area of All Structures)</th>
<th>Minimum Floor Area per Unit</th>
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</thead>
<tbody>
<tr>
<td>R-1A</td>
<td>12,000</td>
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<td>25 (b) 15 20 35 (e)</td>
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<tr>
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<td>25 (b) 15 35</td>
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<tr>
<td>R-M</td>
<td>(f)</td>
<td>(f)</td>
<td>30</td>
<td>25 (b) 10 20 35</td>
<td>(h) (h)</td>
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<tr>
<td>R-M-H</td>
<td></td>
<td></td>
<td></td>
<td>(See Article V, Division 5, High Rise Multiple Family Residential District)</td>
<td></td>
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<tr>
<td>O-1</td>
<td>-</td>
<td>-</td>
<td>30</td>
<td>10 (j, k) (m) (m) 10</td>
<td>- -</td>
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<tr>
<td>DT</td>
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<td>-</td>
<td>(n)</td>
<td>(n) (n) 10</td>
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<tr>
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<td>-</td>
<td>50</td>
<td>10 (j, k) (m) (m) 10</td>
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</tr>
<tr>
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<td>-</td>
<td>-</td>
<td>40</td>
<td>10 (j, k) (m) (m) 10</td>
<td>- -</td>
</tr>
<tr>
<td>P-1</td>
<td>-</td>
<td>-</td>
<td>15</td>
<td>(See Sections 138-483 through 138-489)</td>
<td>(See Article V, Division 11 Cemetery District)</td>
</tr>
</tbody>
</table>
Section 138-527 Notes to the Schedule of Regulations

(a) In calculating the area of a lot that adjoins an alley, one half the width of such alley abutting the lot shall be considered as part of such lot.

(b) The front yard setback shall be 25 feet or equal to the average setback of the 6 adjacent buildings on the same block, whichever is greater.

(c) Exterior side yards on corner lots:

   When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten (10) feet.

   When a rear yard abuts a side yard, the exterior side yard setback shall not be less than 25 feet.

(d) There shall be a distance of at least fifteen (15) feet between dwellings.

(e) Maximum lot coverage for corner lots shall not exceed 45%. See Article III General Provisions, Division One Accessory Buildings and Structures for additional requirements.

(f) No multiple dwelling shall be erected on a lot or parcel of land that has an area of less than 10,000 square feet. The total number of rooms (other than kitchen and sanitary facilities) provided shall not be more than the area of the parcel in square feet divided by 500.

   \[
   \text{Total number of rooms} = \frac{\text{Area of parcel}}{500}
   \]

(g) Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one-half foot for each 10 feet or part thereof by which the length of the multiple dwelling exceeds 50 feet in overall dimension along the adjoining lot line.

(h) The following minimum floor areas shall be met (the number of rooms listed is in addition to the kitchen and sanitary facilities):

   Efficiency apartment: One-room—250 square feet minimum floor area per unit.

   One-bedroom: Three-room—450 square feet minimum floor area per unit.

   Two-bedroom: Four-room—600 square feet minimum floor area per unit.

   Three-bedroom: Five-room—750 square feet minimum floor area per unit.

   The maximum floor area for an efficiency apartment shall not exceed three hundred (300) square feet (in addition to the kitchen and sanitary facilities).

(i) Reserved.
(j) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

(k) Front yard setbacks shall be 10 feet or equal to the setback of the adjacent buildings, whichever is less.

(l) Reserved.

(m) No side yards are 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.

(n) No setback shall be permitted, unless the Planning Commission finds that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space.

SECTION 3: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, December 17, 2007.

Approved on the Second Reading at the Regular City Council Meeting on Monday, January 7, 2008.

CERTIFICATION:

I certify that the foregoing is a true and correct copy of an Ordinance approved by the Berkley City Council at a Regular Meeting on January 7, 2008 and that I did publish the synopsis of this Ordinance in the Royal Oak Daily Tribune and posted the complete Ordinance for ten days at City Hall, Library, and Community Center.

Karen L. Brown
Clerk/Treasurer
(j) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

(k) Front yard setbacks shall be 10 feet or equal to the setback of the adjacent buildings, whichever is less.

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Introduced on the First Reading at the Regular City Council Meeting on Monday, December 17, 2007.

Approved on the Second Reading at the Regular City Council Meeting on Monday, January 7, 2008.

Marilyn V. Stéphan
Mayor

Attest:
Karen L. Brown
City Clerk
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: 2019 Planning Commission Annual Report and 2020 Work Plan
Date: May 16, 2020

It is my pleasure to provide the 2019 Planning Commission Annual Report and 2020 Work Plan. The annual report is required per the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, which states in part:

“A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.”

The Planning Commission held 12 meetings during 2019 and reviewed:

- 9 site plans
- 2 special land uses
- 2 rezonings
- 5 zoning text amendments

A. SITE PLAN REVIEW:

1. **SP-04-18 – 2685 Coolidge Hwy.** Jenna In White proposed to construct a second floor addition, increasing the size of the building to 1,847 sq. ft. Planning Commission gave conditional approval of the site plan at the January 22, 2019 meeting. Building permits have not been submitted to the City for this project.

2. **SP-01-29 – 2838 / 2850 Coolidge Hwy.** FSZ Holdings LLC proposed a façade change for the FOLIO offices. Planning Commission reviewed the plans at the February 26, 2019 meeting and approved the plans, subject to minor lighting conditions to be reviewed administratively. The building permits were secured and all inspections were conducted in accordance with City code.
3. **SP-02-19 – 3171 Twelve Mile Rd.** Stumar LLC proposed a façade change for the building. Planning Commission reviewed the plans at the February 26, 2019 meeting and approved the façade change, as presented. All necessary permits were secured and all inspections were conducted in accordance with City code.

4. **SP-03-19 – 2395 Twelve Mile Rd.** The Department of Public Safety submitted plans to expand the existing emergency vehicle bays facing Twelve Mile Rd. Planning Commission reviewed the plans at the April 23, 2019 meeting and approved the building expansion, as presented. All necessary permits were secured and all inspections were conducted in accordance with City code.

5. **SP-04-29 – 3212 Twelve Mile Rd.** St. Mary’s Orthodox Church requested site plan approval for the addition of a decorative dome to represent the Church. At the July 23, 2019, the Planning Commission approved the decorative addition to the building, as presented. The necessary building permits were secured and the construction was finished fall 2019.

6. **SP-05-29 – 3818 Twelve Mile Rd.** Tim and Nicolette Yanke requested site plan approval for a façade change for an art studio. At the July 23, 2019 meeting, the Planning Commission engaged in discussion with the applicant, noting the residential character of the design and requested minor changes be made to the exterior to address the residential character. The applicant returned to the Planning Commission with revised plans on August 27, 2019 and the Planning Commission granted conditional approval. The conditions are to be reviewed and approved administratively. The applicant and City staff have been working through the site plan conditions of approval and anticipate building permits to be issued in the next month.

7. **SP-07-19 – 1695 Twelve Mile Rd.** 814 LLC, requested site plan approval for the proposed site improvements related to the proposed child care facility. At the October 22, 2019 meeting, the Planning Commission gave conditional approval of the site plan. The applicant is working with City staff to address and correct all conditions. As soon as final site plan approval is granted by city administration, the applicant can pursue building permits.

8. **SP-06-19 – 2219 Coolidge Hwy; La Salette School.** After the approved conditional rezoning approval from City Council, the developer moved forward with site plan approval. At the November 26, 2019 meeting, the Planning Commission granted conditional approval of the site plan. The outstanding issues are being addressed administratively with city staff.

   Height and sideyard setback variances were also approved by the Zoning Board of Appeals at the September 9, 2019 meeting.

9. **SP-08-19 – 2485 Coolidge Hwy.** Tomina Group LLC requested site plan approval to construct a new multi-tenant building including Aqua Tots, two retail establishments and a restaurant with outdoor seating. At the December 17, 2019 meeting, the Planning Commission gave conditional approval of the site plan. The applicant has addressed the outstanding conditions with City staff.
and HRC and was granted final site plan approval. A pre-construction meeting shall be scheduled prior to securing permits to ensure all questions have been answered.

B. SPECIAL LAND USES

1. **SU-01-19 – 1695 Twelve Mile Rd.** 814 LLC, requested special land use approval for a day care facility for a property in the Office District. The applicant proposed to redevelop the first floor of the existing structure for child care and general office use. At the October 22, 2019 meeting, the Planning Commission held a public hearing and recommended approval of the special land use request. At the November 18, 2019 meeting, the City Council approved the special land use request for the child care facility.

2. **SU-02-19 – 2485 Coolidge Hwy.** Tomina Group requested special land use approval for outdoor seating for a proposed restaurant in a multi-tenant building to be constructed at Farina’s Banquet Hall. At the December 17, 2019 meeting, the Planning Commission held a public hearing and recommended approval of the special land use request. At the January 6, 2020 meeting, the City Council approved the special land use request for outdoor seating.

C. REZONINGS

1. **RZ-01-19 – 2219 Coolidge Hwy; La Salette School.** 2219 Coolidge, LLC requested a conditional rezoning of the former La Salette school building from Office District (O-1) to Multiple-Family Residential District (RM). The conditional rezoning is part of a larger project to retrofit the existing structure for apartments and townhouses. At the July 23, 2019 meeting, the Planning Commission held a public hearing and recommended approval of the conditional rezoning to City Council. The first reading of the rezoning request was approved at the August 12, 2019 meeting and the second reading was approved on September 16, 2019.

2. **RZ-02-19 – 3339 Cummings Ave.** Atex Builders, LLC requested a conditional rezoning of 3339 Cummings Ave from Parking District to Single Family Residential District (R-1D). The conditional rezoning was necessary in order to demolish the existing single family structure and construct a new single family residential structure on the parcel. At the August 27, 2019 meeting, the Planning Commission held a public hearing and recommended approval of the rezoning to City Council.

   At the September 16, 2019 meeting, City Council denied the first reading of the conditional rezoning request.

D. ZONING ORDINANCE TEXT AMENDMENTS
1. **DESIGN OVERLAY DISTRICT.** Amendment to create a Design Overlay District to include all properties within the Downtown Development Authority. The Overlay District is proposed to accompany the Downtown Design Guidelines, approved by the DDA. A public hearing was held on January 22, 2019 and the Planning Commission recommended the City Council to adopt the proposed Design Overlay District. The City Council has not yet reviewed the Ordinance text in a public meeting.

2. **RESIDENTIAL GRADING.** At the May 28, 2019 meeting, the Planning Commission held a public hearing and recommended to City Council to repeal Residential Grading Section 138-132, wherein new standards for residential grading and stormwater management would be moved to the regulatory ordinances. New ordinance language was adopted by City Council in May 2019 and later amended in September 2019.

3. **NURSERY SCHOOLS, DAY NURSERIES, CHILD CARE CENTERS.** Amendments to permit nursery schools, day nurseries, and child care centers as Special Land Uses in the Office District (O-1) and Local Business District (LB). At the June 25, 2019 meeting, the Planning Commission held a public hearing and recommended approval of the text amendments permitting child care facilities in the Office and Local Business Districts with Special Land Use approval.

   City Council approved the first reading of the ordinance amendment on August 12, 2019, and approved the second reading on September 16, 2019.

4. **CONVERT MISDEMEANORS TO MUNICIPAL CIVIL INFRACTIONS.** The amendments were proposed to convert misdemeanors to municipal civil infractions. At the September 24, 2019 meeting, the Planning Commission recommended approval of the text amendments.

   City Council approved the first reading of the text amendment on October 7, 2019, and approved the second reading on October 21, 2019.

5. **MARIHUANA BUSINESSES.** City staff proposed amendments to the Zoning Ordinance to permit marihuana businesses in the Coolidge, Downtown, Eleven Mile, Gateway, Industrial, Local Business, Office, Twelve Mile, and Woodward Districts. At the September 24, 2019 meeting, the Planning Commission recommended approval of the proposed amendments to City Council.

   At the October 7, 2019 meeting, the City Council requested additional revisions to the ordinance amendments.

   At the November 26, 2019 meeting, the Planning Commission reviewed revised ordinance language to permit medical provisioning centers and adult use retail marihuana businesses in Eleven Mile, Coolidge, Gateway, Twelve Mile, Industrial, Woodward, Local Business and Downtown Districts. The Planning Commission held a public hearing and recommended approval of the ordinance amendment to City Council.
City Council approved the first reading of the revised text amendment on December 2, 2019, and approved the second reading on December 16, 2019.

2020 WORK PLAN

The Planning Commission is excited to continue its work and serve the residents of Berkley. The upcoming projects include:

1. **Update Community Master Plan.** The City of Berkley has begun the process of updating the Berkley Master Plan, last updated in 2007. Carlisle Wortman Associates has been retained to assist Berkley with this project and a Master Plan Steering Committee has been assembled to advise CWA accordingly. We anticipate the final adoption of the document end 2020/early 2021.

2. **Redevelopment Ready Community Certification.** City staff has begun the process to become certified and has completed the RRC Self-Evaluation Form from the Michigan Economic Development Corporation (MEDC). Based on the checklist, City staff is working to address the deficiencies identified in City processes and procedures. One of the major components that needs to be addressed is the Master Plan, which is currently underway.

3. **Zoning Ordinance Technical Review.** Once the Master Plan has been adopted, it is crucial that we comprehensively review the Zoning Ordinance to ensure compatibility with the MP and to make sure there aren’t any holes or inconsistencies that should be addressed.

The Community Development Department is excited to continue working with the Planning Commission, DDA, City Council and other community groups to serve Berkley residents.