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

1. **MASTER PLAN 2020**: Community engagement activity for the Master Plan and update on future community engagement activities.

2. **DISCUSSION**: Review and discussion for ordinance text amendments for modifying parking requirements.

3. **DISCUSSION**: Review and discussion for ordinance text amendments for projects requiring site plan approval.

4. **DISCUSSION**: Review and discussion for ordinance text amendments related to administrative review for dimensional variances.

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 7:00 PM, JANUARY 28, 2020 AT CITY HALL BY VICE-CHAIR MARTIN SMITH

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: Mark Richardson Tim Murad Jeffrey Campbell
Lisa Kempner Greg Patterson Michele Buckler
Martin Smith Matt Trotto

ABSENT: Kristen Kapelanski

ALSO PRESENT: Erin Schlutow, Community Development Director
                John Staran, City Attorney
                Joseph Aiello
                Chris Aiello
                Ian Whitelaw
                Several members of the public

* * * * * * * * *

APPROVAL OF AGENDA
It was moved by Commissioner Richardson to approve the Agenda supported by Commissioner Patterson.

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

* * * * * * * * *

APPROVAL OF MINUTES
It was moved by Commissioner Trotto to approve the minutes from December 17, 2019 and supported by Commissioner Kempner.

Vice-Chair Smith added one comment related to the conditions for approval for the multi-tenant building at 2485 Coolidge Hwy. Commissioners accepted the minor revision.

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

* * * * * * * * *

COMMUNICATIONS
The Community Development received two email communications related to the Conditional Rezoning proposed at 1256 Franklin Rd. that is on the agenda.

* * * * * * * * *

CITIZEN COMMENTS
None.

* * * * * * * * *

1. PUBLIC HEARING: Matter of Conducting a Public Hearing to review application PRZ-03-19 for proposed
conditional rezoning for 1256 Franklin Rd. from RM, Multiple Family Residential to Parking District.

Community Development Director Schlutow summarized the staff’s January 16, 2020 review letter related to the conditional rezoning request. The applicant is proposing the rezoning of the property from RM, Multiple Family Residential to Parking District. The applicant is interested in demolishing the existing residential structure on the property and redevelop as a surface parking lot that will support the commercial businesses on Woodward Ave. The applicant is interested in redeveloping adjacent properties on Woodward Ave as a marihuana business and sufficient parking is required in order to submit an application to the City.

The applicant, Chris Aiello, presented existing and proposed renderings of the property.

Ian Whitelaw, owner of one of the Woodward Ave. properties proposed for redevelopment and representative of the owner of the residential property proposed for rezoning, provided background information regarding the Woodward properties and limitations for redevelopment.

Vice-Chair Smith asked why the rezoning was contingent upon receiving a marihuana business license.

The applicant said it was a package deal with the three buildings on Woodward Ave.

Vice-Chair Smith opened the Public Hearing at 7:32pm.

Joanna Bryant, owner of two duplexes across the street on Franklin, noted that she has put some money into the properties and feels that the rezoning to parking would harm her properties. Concerns were expressed related to who would want to live across the street from a parking lot and that it would change the nature of the neighborhood.

Kurt Hite, resident, noted the rezoning would align with the Future Land Use Map and the goals and objectives of the Master Plan.

Kay Bradley, resident, asked if the dry cleaners was included in the proposed project and redevelopment on Woodward.

Mike G., owner of the residential property subject to the public hearing, noted that he did not anticipate any negative impacts on the neighborhood.

Vice-Chair Smith closed the Public Hearing at 7:38pm.

2. **CONDITIONAL REZONING REQUEST: PRZ-03-19** Joseph Aiello, 1256 Franklin, Parcel ID#25-17-257-024, is requesting a conditional rezoning from RM, Multiple Family Residential to Parking District

Commissioner Buckler is concerned about setting a precedent wherein several properties may be coming before the Planning Commission for rezoning requests, contingent upon granting a marihuana business license.

Commissioner Kempner agreed and is concerned about having so many applications submitted with three properties permitted to have licenses.

Commissioner Smith agreed but noted that if there wasn't this redevelopment opportunity, the property would most likely remain as is. He also noted there is uncertainty related to how many rezoning applications will be coming to the Planning Commission for review.
Commissioner Campbell noted his similar experience and the rezoning request is based upon policy decisions set forth. The applicant is trying to optimize their development to fit the merit points. The hoarding of properties is bound to happen. Commissioner Murad noted the business would be required to meet minimum retail parking requirements. He also noted that it would be prudent to require additional landscaping or masonry wall to separate the retail use from residential neighborhood. Commissioner Murad also noted that he did not expect that the rezoning would impact the adjacent residential neighborhood.

Vice-Chair Smith noted rezoning requests are the hardest applications to review, as the properties are usually abutting residential properties.

Commissioner Richardson agreed that rezoning request are the most difficult to review and parking being a difficult topic in general. Commissioner Richardson asked staff to explain the minimum parking requirement for retail establishments. Commissioner Richardson noted he supported the conditional rezoning and that it does not guarantee that the house will be torn down. It will only be removed if the property is selected for a marihuana license.

Commissioner Buckler noted her concern regarding hoarding of properties for the purpose of a marihuana license.

Vice-Chair Smith asked Commissioner Campbell about the process in Hazel Park. Commissioner Campbell noted that there have been stalls.

Commissioner Patterson noted his concern about the house to the west of the subject property and how that could impact those property owners.

Commissioner Trotto noted more screening and landscaping would be appropriate to screen the future parking area. Vice-Chair Smith noted that that would be discussed during site plan approval.

Vice-Chair Smith permitted representative Chris Aiello to provide any final comments regarding the rezoning application.

Commissioner Richardson motioned to recommend approval of the conditional rezoning PRZ-03-19 at 1256 Franklin from RM, Multiple Family Residential to Parking District. Seconded by Commissioner Trotto.

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


Community Development Director Schlutow summarized the proposed amendments related to public hearing notification requirements for public hearings before Planning Commission and Zoning Board of Appeals. The City will continue to follow state requirements related to the publishing the public notice in a general circulation newspaper, notifying property owners within 300 feet of subject property. The proposed amendment is specific to requiring a temporary sign to be placed on the subject property prior to the date of the public hearing.

Vice-Chair Smith opened the public hearing at 8:03pm.
No comment.

Vice-Chair Smith closed the public hearing at 8:03pm.

Vice-Chair Smith asked city staff of the placement procedure of the temporary signs.

4. **ZONING ORDINANCE TEXT AMENDMENT:** Matter of reviewing the proposed text ordinance amendment pertaining to public hearing notification requirements. Commissioner Trotto motioned to recommend approval of the ordinance text amendments related to the public hearing notice requirements, as presented. Seconded by Commissioner Campbell.

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

5. **DISCUSSION:** Matter of discussing ordinance text amendment for modifying parking requirements.

Director Schlutow summarized the discussion that had taken place at the December 17, 2019 regarding allowing the Planning Commission the authority to modify parking requirements during site plan review.

Commissioner Buckler noted that parking will always be an issue in a built-out community but that some flexibility should be allowed.

Commissioner Kempner liked the flexibility and the burden on the applicant to demonstrate the need to a parking modification.

Commissioner Campbell agreed to the flexibility as well as the discretion of the Planning Commission to determine if a modification is warranted on a case by case basis.

Commissioner Richardson agreed to the modification possibility; however, there should be some criteria for review. Also, the applicant should demonstrate the least impactful parking arrangements in order to be eligible for parking modification.

Kurt Hite, resident, stated that parking modifications are not a bad idea but a limit should be included.

6. **MASTER PLAN 2020:** Matter of updating the Planning Commission on the progress of the Master Plan.

Director Schlutow provided a summary of the progress of the plan thus far including the joint Planning Commission and City Council Plan to Plan meeting, the formation of the Master Plan Steering Committee, with the first MPSC meeting taking place January 21, 2020.

* * * * * * * * * *

**LIAISON REPORTS**

Commissioner Murad reported the Chamber was gearing up for the year and noted the County’s Twelve Mile repaving project.

Commissioner Trotto was unable to attend the DDA meeting.

Commissioner Richardson reported that the Environmental Advisory Committee is sponsoring a Rain Barrel Workshop at the Library on February 18, 2020. Contact information is available on the City’s
website for ordering a rain barrel. On February 27, 2020 there will be a meeting at the library to discuss stormwater management and strategies. The Committee will give a Recycler of the Year award and hope to present the award at the ArtBash. Nomination forms will be at various city locations.

* * * * * * * *

**STAFF/COMMISSIONER COMMENTS**
Commissioner Campbell was recently in London and Scotland and noted the mass transit does very well.

Vice Chair Smith inquired about the vinyl siding market on eleven Mile Rd.

With no further business, the meeting was adjourned at 9:33pm.
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Master Plan Public Engagement Activity
Date: February 18, 2020

As part of the public engagement for the Master Plan, Carlisle Wortman and city staff have conducted the following activity with Parks and Recreation Board, Berkley Area Chamber of Commerce, and several business owners in the DDA in which four questions are asked to the group:

1. What do you like about Berkley?
2. What would you like to see improved?
3. What do you think should be changed?
4. What do you think is missing?

The activity is done by writing stakeholder’s responses on color coordinated sticky notes and placing them in mason jars. This has provided a visual representation of how the responders feel about the community.

For example, after posing all four questions, if the groups responses are predominately focused on what people like about the community or the things that could be improved, it shows that they are largely satisfied with their community as a whole. It demonstrates that the community may want to see improvements, but are not looking to move out of the area.

Please brainstorm on the four questions above. The activity should take 15-20 minutes and will serve to assist Carlisle Wortman, the Master Plan Steering Committee, and the Planning Commission as we brainstorm long-range goals for the Master Plan.

If you have any questions about the activity, please do not hesitate to contact me.
In the past month, the following work for the Master Plan has been completed:

**Master Plan Web Page:** City staff Torri Mathes and Erin Schlutow developed and launched a Master Plan web page on the City of Berkley’s website: [www.berkleymich.org/departments/building_planning/masterplan.php](http://www.berkleymich.org/departments/building_planning/masterplan.php).

**Interviews:** Megan conducted three interviews with groups of City staff, a member of City Council, a Berkley High School administrator and several active residents. The City staff interviewed had either grown up in Berkley or were residents. We plan to conduct another round of interviews in the upcoming months and will then share a report on these meetings. The interview template is attached.

**Pop Up Exercise at Parks and Recreation Advisory Board:** Megan and Erin Schlutow conducted a pop up exercise with the Parks and Recreation Advisory Board, asking what the board members liked about Berkley and what they felt was missing, could be improved or changed. City staff will repeat this exercise with groups and boards in Berkley between now and the end of May. CWA will document and share the results with the Steering Committee in May and with the community at the Assets and Challenges workshop.

**Steering Committee Meeting:** Ben met with the Steering Committee on February 18, 2020. He shared data on demographics, market preferences and existing land use. Our presentation from the meeting is attached. At the next Steering Committee meeting, we will review a draft survey and plan for the Assets and Challenges workshop.

Thank you again for the opportunity to assist with your Master Plan!

Yours Truly,

Benjamin R. Carlisle, AICP
Leed AP
Principal

Megan Masson-Minock, AICP
Planner
Open by asking if they are familiar with what a master plan is and the intent of the process. If the answer is “no”, briefly go over what a master plan is using a hard copy of slides from last Steering Committee meeting.

Share that this interview will be used to draft initial goals for the plan and to shape community conversations that will be part of the Master Plan. Let them know that the shared with the steering committee leading the process, as well as elected and appointed officials. Their identity will be kept anonymous, identified by relationship to the City of Berkley (resident/business owner/employee). Ask them if they are comfortable answering questions under those circumstances.

QUESTIONS

1. What are Berkley’s top three assets? (Prompts: Events? Sense of place? Community? Schools?)

2. What could be improved? (Prompts: We have heard that parking is an issue.)
3. What is missing? (Prompts: We have heard there is a need for different types of housing)

If housing or parking are not mentioned, state that we have heard that both housing and parking are tough conversations that the community needs to have. What do you think the main problem is for parking? For housing? What is your advice for us in having these conversations?

4. What would you change? (Prompts: Don’t let reality constrain your answer. If a genie showed up and gave you three wishes for Berkley, what would you say)
5. What do you hope Berkley is in 5 years? 10 years? 20 years? (Prompts:)

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

6. We are having a series of events in the summer. What is the best way to invite people to participate? (Prompts: Social media? Flyers? Videos?)

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

7. What other ideas or suggestions do you have as Berkley undertakes a Master Plan process?
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Parking Requirement Modification during Site Plan Review
Date: February 18, 2020

Based upon the conversation with the Planning Commission at the December 17, 2019 and the January 28, 2020 meetings, there was expressed interest in discussing the authority of the PC to modify or reduce parking requirements during site plan review. While, it is common for the planning commission to have such authority to modify a parking requirement, it should be based upon evidence that the parking requirement in the Zoning Ordinance does not fit the proposed use of the building.

Such evidence can include, but not limited to:

- the minimal number of employees working in the facility at a given time,
- the amount of interior floor area designated for storage that will not be utilized by the public,
- a retail use that is for online sales only and does not include over-the-counter sales.

The responsibility of producing such evidence would be exclusive to the applicant making said request.

Modifications of parking requirements during site plan review

The long, narrow design of the commercial corridors with shallow parcels has been problematic for potential business owners looking to make a home in Berkley. Oftentimes, the size of the properties does not allow for the required minimum on-site parking to serve each individual business. While there are provisions in the Zoning Ordinance that permits shared parking agreements between properties as well as eliminating parking requirements for properties within 500 ft. of a municipal parking lot, there are still issues that are hindering occupancy of vacant commercial properties.

I recommend discussing an ordinance amendment that would give the Planning Commission the authority to grant modifications to parking requirements during site plan review. This flexible approach to development can provide business owners opportunities in Berkley that may have been deemed too difficult in the past.

The numerical modification afforded to the Planning Commission can be capped at a certain percentage, so as the reduction cannot exceed 10 percent of the existing requirement for that use, or it can be as flexible as the Commission deems fit. Communities have approached the modification in different ways. Zoning Ordinance examples from Lyon Township and the City of Ferndale are provided below to...
demonstrate how two vastly different communities have addressed parking modifications approved by the planning commission.

**Lyon Township – Section 14.01(C)(8)**

*Minimum number of spaces for each use.* The amount of required off-street parking space shall be determined in accordance with the schedule. The planning commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.

**City of Ferndale – Section 24-223(g)**

*Reduction of parking requirements.* The planning commission may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to one or more of the following factors:

1. Shared parking by multiple uses with peak parking demands during differing times of the day or days of the week;
2. Convenient municipal off-street parking or on-street spaces are located within 500 feet that have the capacity to handle additional parking;
3. Expectation of walk-in business due to sidewalk connections to adjacent residential neighborhoods or employment centers. The site design incorporates pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance;
4. Availability of other forms of travel such as transit. The planning commission may require that the site design incorporates transit stops, pedestrian connections to nearby transit stops or enhanced bicycle parking facilities;
5. The applicant has provided a parking study, conducted by a qualified traffic engineer, that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic or actual counts at a similar establishment. The planning commission may require a parking study to document that any one of the criteria (1) through (4) above would be met.

Requests for parking requirement modifications would encourage an applicant to review and analyze the proposed project and think critically about alternatives that would benefit the community. It has proven a useful tool in other communities where land for development is scarce and has garnered positive pedestrian and bicycle transit opportunities.

One of the concerns regarding a parking modification is a limit or cap to the number or percentage allowed to be reduced. As an example, the approved site plan for the La Salette multi-family development included six (6) parking spaces on the south of the building that will occupy existing green space on the site. The developer had noted that they wanted to preserve as much green space as possible; however, it
was necessary to include the six (6) parking spaces on the side of the building in order to satisfy the parking requirement.

For multi-family residential developments, the Zoning Ordinance requires two (2) spaces per dwelling unit.

<table>
<thead>
<tr>
<th>Parking Requirement</th>
<th>Number of Units</th>
<th>Number of Provided Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two (2) per dwelling unit</td>
<td>55 units</td>
<td>110 parking spaces</td>
</tr>
</tbody>
</table>

Based on the size of the units, including efficiency and one bedroom units, two (2) parking spaces per dwelling unit means that the residential development may be saturated with surface parking.

<table>
<thead>
<tr>
<th>Residential Unit</th>
<th>Number of units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>7 units</td>
</tr>
<tr>
<td>One bedroom</td>
<td>41 units</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>7 units</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>55 units</strong></td>
</tr>
</tbody>
</table>

During the site plan approval process of the redevelopment of La Salette, the applicant may have requested such a parking numerical modification in which additional green space may be preserved.

I have included proposed language for the Zoning Ordinance text amendment that would grant the Planning Commission the authority to modify parking requirements. Based upon the discussion with the Planning Commission, we can set the public hearing for the March 24, 2020 meeting.

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

Sincerely,

Erin Schlutow
Community Development Director
Sec. 138-226 - Parking Requirement Modification.

The Planning Commission may at their discretion and in limited circumstances, consider the modification of the numerical parking requirements for off-street parking, based upon evidence provided by the applicant that indicates that another parking standard would be more appropriate for the proposed property use.

Such authority is granted to provide the planning commission flexibility in reviewing sites, which would allow for shared parking or alternate means of providing parking, when a site is unable to accommodate all of the required parking per the zoning ordinance or to avoid variances for the same use, which would run with land in perpetuity. Such flexibility or deviation from the ordinance standard would be tied to the specific use and site plan approved and will cease to exist once the use on the site terminates or changes to another use. Such evidence may include any or all of the following and shall be presented to the Planning Commission so as to make a determination on the request:

a. Anticipated current or future levels of employees and/or patrons
b. Peak period usage versus normal usage
c. Banked or reserved parking for future use
d. Environmental factors which accommodate green space, additional landscaping and the minimization of impervious areas on the site
e. Provision of valet parking or other means of accommodating patrons on a private lot that does not burden public parking. Further, submission of proof that such valet parking is available for the days and times noted and not in conflict with other businesses using the same valet facility.
f. Demonstration by the applicant that surrounding characteristics unique to the property justify the requested deviation.
g. Demonstration by the applicant that the strict application of the ordinance would prevent ability to develop the site as proposed for an appropriate allowed use.
h. Demonstration that such modification will not impact or negatively affect public parking in the city.
i. Proximity to local or regional transit, including but not limited to SMART bus stops, bicycle sharing stations, lite rail, etc.

Any planning commission modification under this section shall be continued on the use of the property continuing as approved. Any change in the use, scope or intensity of the property use will result in the standard parking requirements being applied.
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Projects Requiring Site Plan Approval
Date: February 18, 2020

At the November 26, 2019 meeting, it was suggested to review Sections 138-677 and Section 138-678 for the purpose of determining which projects within the City should be reviewed by the Planning Commission and which projects within the City can be reviewed administratively.

In reviewing the language, I have noted several items that should be addressed and discussed:

Section 138-677

1. Eleven Mile District was not included in the development list requiring site plan review.
2. The inclusion of additional parking should be clarified. Perhaps a threshold of how many spaces added would trigger Planning Commission review. Review by DPW would be required.
3. Façade alterations including change in material and size or number of windows is in contrast with Section 138-678 (2). This should be revised to prevent confusion with applicants or property owners.

Section 138-678

1. Façade alterations changing surface material does not specify if that is one façade or the entire structure.
2. Increase in number and size of windows is in contract with Section 138-677, as noted above.
3. Accessory structures are typically reviewed administratively, but there may be instances where Planning Commission may want the authority to review and approve; such as, when an accessory structure is proposed to be more than 50% of the principal structure.

Additionally, it may be prudent to review additional sections of the Site Plan Review process, under Chapter 138, Article VI, Division 7. Suggestions include:

1. Sec. 138-679 – Standards
The six (6) review criteria are vague without clear indicators of how the site plans will be reviewed and weighed for approval. Expanding the review criteria and including topics such as energy efficiency, will allow for the applicant to design the building and site with such elements that are most important to Berkley.

2. Sec. 138-682 – Revisions
The Zoning Ordinance allows for a previously approved site plan to be revised, however, it is recommended to determine if some revisions can be approved administratively. If so, it is necessary to include parameters for revisions that can be approved administratively (minor) and those that should be approved by the Planning Commission (major).

Some minor revisions to an approved site plan may include: additions or alterations to the landscape plan or landscape materials, relocation or screening of trash enclosure, alterations to the internal parking layout of the off-street lot, etc.

The construction of a new building or structure, adding or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.

3. Sec. 138-684 – Conformity
The Zoning Ordinance does not allow extensions to a site plan approved by the Planning Commission. As a way to show flexibility to work with property owners, I would recommend an applicant may submit a request for site plan extension, subject to approval by the Planning Commission.

This would allow for an extension of a project, but would require the applicant to appear in person, wherein the PC can inquire about the reason for delays and anticipated construction timeline. The request for site plan extension should be submitted to Planning Commission prior to the expiration date of the site plan.

The number of allowed site plan extensions can be determined by the Planning Commission. Some communities allow for a one-time only, one-year extension, while others allow for two, one-year extensions.

For the purpose of the February 25, 2020 meeting, I have included the entirety of Chapter 138, Article VI, Division 7 for review.

Sincerely,

Erin Schlutow
Community Development Director
DIVISION 7. - SITE PLAN REVIEW

Sec. 138-676. - Purpose.

(a) The intent of this division is to provide for consultation and cooperation between the applicant and the planning commission, so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding area.

(b) It is hereby recognized that peculiarities of lot contour, existing and potential development of adjacent properties and existing and potential traffic and pedestrian circulation patterns require a flexibility in the location of buildings, open spaces, parking lots and driveways that cannot be achieved by detailed specifications. It is therefore required that all development within the districts listed in section 138-677 be submitted to the planning commission for its review and approval prior to the issuance of building permits. Nothing contained in this section is intended to allow a greater density of population nor less required open space than that which is specified.

(Ord. No. O-10-08, § 1, 12-15-2008)

Sec. 138-677. - Applicability.

(a) Any development in the following zoning districts shall require site plan review:

<table>
<thead>
<tr>
<th>District</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-M</td>
<td>Multiple-family residential district</td>
</tr>
<tr>
<td>R-M-H</td>
<td>High-rise multiple-family residential district</td>
</tr>
<tr>
<td></td>
<td>Greenfield district</td>
</tr>
<tr>
<td></td>
<td>Office district</td>
</tr>
<tr>
<td></td>
<td>Downtown district</td>
</tr>
<tr>
<td></td>
<td>Community centerpiece district</td>
</tr>
<tr>
<td>LB</td>
<td>Local business district</td>
</tr>
<tr>
<td></td>
<td>Gateway district</td>
</tr>
<tr>
<td></td>
<td>Coolidge district</td>
</tr>
<tr>
<td></td>
<td>Twelve mile district</td>
</tr>
<tr>
<td></td>
<td>Woodward district</td>
</tr>
<tr>
<td></td>
<td>Industrial district</td>
</tr>
<tr>
<td>P-1</td>
<td>Parking district</td>
</tr>
</tbody>
</table>
(b) Site plan review is also required for development of all institutional uses permitted in single-family districts such as, but not limited to: churches, schools and public facilities.

(c) Development requiring site plan review shall include:
   (1) Construction of a building;
   (2) Structural alteration of a building that includes adding floor area or height to the building;
   (3) Additional parking;
   (4) Facade alterations that include any change in the exterior surface material or changes in the size or number of windows.

Sec. 138-678. - Administrative review.

   Administrative review for site plan review shall be conducted by the building department in cases where:
   (1) The façade alterations do not change the surface material more than 50%; or
   (2) The number or size of the windows are increasing in size.
   (3) The structure requiring site plan review is an accessory structure. An accessory structure must conform to site standards according to ch. 138, article III, division 1 of the Berkley Code of Ordinances.

During administrative review, the building official and city planner shall act as the planning commission in determining compliance with the standards for approval. If the building official and city planner do not agree, then the application is denied. If the property owner is not satisfied with the administrative review, the property owner may take the application to the planning commission for site plan review.

Sec. 138-679. - Standards.

   The site plan shall be reviewed and approved by the planning commission upon finding that:
   (1) The site meets the requirements of this Code.
   (2) 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.
   (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.
   (5) Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.
   (6) Site engineering has been provided to ensure that existing utilities will not be adversely affected.
Sec. 138-680. - Required information.

The following information shall be included on the site plan for final review, unless waived by the planning commission. The site plan shall be to a reasonable scale and indicate:

1. Seal of architect and/or engineer who prepared plans.
2. An appropriate descriptive legend, including north arrow, scale, legal description and the names and addresses of the architect or engineer responsible for the preparation of the site plan.
3. The existing (and proposed) zoning.
4. Location and size of all structures (including location of entrances and loading points).
5. All outside dimensions of each structure, its distance from the property lines, its area and its height.
6. With multiple-family residential proposals, the number and location of one-bedroom units, two-bedroom units, etc., and include typical floor plans with square feet of floor areas.
7. Recorded and measured dimensions of all lot lines and location and design of all lots.
8. Adjacent property's structures, uses, zoning and other significant features of the community, where appropriate (using a location sketch).
9. Location of all existing and proposed drives and parking areas including types of surfacing, parking layout and dimensions.
11. All existing easements and vacated easements and rights-of-way.
12. All required minimum setbacks (from the existing or proposed right-of-way from adjacent properties).
13. Locations of lawns and landscaped areas, types and number of species, and how the landscaping is to be accomplished.
14. Locations, sizes, and types of existing trees over four inches in diameter (before and after proposed development).
15. Location and type of outside lighting, include site and fixture photometrics.
16. All proposed screen and freestanding architectural walls, including typical cross-sections and the heights above ground on both sides of walls.
17. Elevation drawings of all existing and proposed buildings on the site drawn to a scale of one inch equals four feet, or to another scale adequate to determine compliance with this chapter and to provide any other information needed to evaluate the overall site design on the basis of the criteria set forth in this section.
18. Color and type of façade materials.
19. Stormwater engineering including: existing and proposed grading of the site, location of existing and proposed utilities, stormwater calculations for a 100-year storm, the drainage area on site that will detain the 10-year storm, and a profile of the sanitary sewer.
Sec. 138-681. - Approval process.

(a) Sketch plan (optional). An item may be submitted to the planning commission for informal discussion. No approval shall be granted. However, the applicant may wish to present and discuss a proposed project and any anticipated problems before applying for site plan approval.

(b) Site plan approval.

1. An application for site plan approval shall be submitted to the city planning commission on such forms and containing such information that the planning commission shall prescribe.

2. The planning commission is hereby authorized to approve, approve with conditions, or deny all site plans submitted under this chapter.

3. Approval may be issued by the planning commission, subject to the applicant receiving board of appeals variances, as required by the zoning chapter.

4. Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the planning commission and shall state the grounds for the action taken upon each site plan submitted for its approval.

(Ord. No. O-10-08, § 1, 12-15-2008)

Sec. 138-682. - Revisions.

An applicant for site plan approval may wish to revise a previously approved site plan. A site plan outlining the differences in the original approved site plan and the requested changes shall be submitted to the city. The approval process shall be similar to that outlined above. If the revised site plan is denied, the applicant may develop the site plan as originally approved or appeal the matter as outlined below.

(Ord. No. O-10-08, § 1, 12-15-2008)

Sec. 138-683. - Appeals.

An applicant for site plan approval shall have the right of appeal to the zoning board of appeals, and in such cases, the board may reverse, affirm or modify the action of the planning commission by the concurring vote of two-thirds of the members of the board.

(Ord. No. O-10-08, § 1, 12-15-2008)

Sec. 138-684. - Conformity.

When an applicant receives final site plan approval, the site shall be developed in complete conformity with the approved site plan, except as provided for under Revisions and Appeals. The site plan approval shall be valid for a period of 12 months. If a building permit is not procured and construction begun within that time, the site plan approval becomes null and void. No time extension to the site plan approval shall be granted.

(Ord. No. O-10-08, § 1, 12-15-2008)

Sec. 138-685. - Site maintenance.

The city planning commission shall not approve any site plan under this chapter unless and until the applicant signs a site maintenance agreement in a form approved by city council.

(Ord. No. O-10-08, § 1, 12-15-2008)
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Zoning Ordinance Amendment – Administrative approval dimensional variance
Date: February 18, 2020

In 2008, Section 138-603 Administrative review was adopted into the Berkley Zoning Ordinance, wherein the building department may review and grant dimensional variances that meet specific criteria. Section 138-603 is provided below in complete form.

Sec. 138-603. - Administrative review.
Administrative review for dimensional variances shall be conducted by the building department in cases where:

1. The use of the building or land is conforming.
2. No more than two variances have been granted to the property within the last 5 years.
3. The request does not exceed existing building setbacks.

During administrative review, the building official and city planner shall act as the ZBA in determining whether or not a practical difficulty exists and placing reasonable conditions upon any requests. If the building official and city planner agree, the variance shall be granted. Otherwise the variance shall be denied. If the property owner is not satisfied with the administrative review, the property owner may appeal the matter to the zoning board of appeals.

(Ord. No. O-10-08, § 1, 12-15-2008)

I have consulted with other city planners and the city attorney and this type of administrative approval for dimensional variances is not common. Point of fact, I have not found another community that gives administrative control for dimensional variances from the Zoning Ordinance.

Administrative approval for dimensional variances is problematic in that public notices and public hearings are not required and can be approved without neighbors being aware of such activity.

I recommend to repel Section 138-603 of the Zoning Ordinance, so that any variance request will be under the review authority of the Zoning Board of Appeals.