CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES – Meeting of November 24, 2020, Work Session December 1, 2020
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **MEETING DATES:** Matter of reviewing and approving meeting dates for 2021 calendar year.

2. **DISCUSSION:** Discussion of projections into setbacks.

3. **DISCUSSION:** Discussion of regulations for exterior appliances.

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 link below or call the telephone number.

Join Zoom Meeting: [https://berkleymich.zoom.us/j/93323204434](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 7:00 PM, NOVEMBER 24, 2020 VIA ELECTRONIC MEETING 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: Joe Bartus, Berkley Michigan  Julie Stearn, Berkley Michigan
Kristen Kapelanski, Berkley Michigan  Lisa Kempner, Berkley Michigan
Greg Patterson, Berkley Michigan  Martin Smith, Berkley Michigan
Matt Trotto, Berkley Michigan  Mark Richardson, Berkley Michigan

ABSENT: None

ALSO, PRESENT: Mark Zimmerman, Zimmerman Designs
Erin Schlutow, Community Development Director
Ross Gavin, City Council Liaison
Stan Lisica, Chief Innovation Officer
Torri Mathes, Community Engagement Officer
Dan Hill, Public Policy Assistant
Jennifer Finney, DDA Director

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

AYES: Kempner, Patterson, Richardson, Smith, Stearn, Trotto, Bartus, Kapelanski
NAYS: None
ABSENT: None

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APPROVAL OF MINUTES
It was moved by Commissioner Trotto to approve the minutes from September 22, 2020 and supported by Commissioner Patterson.

AYES: Patterson, Richardson, Smith, Stearn, Trotto, Bartus, Kempner, Kapelanski
NAYS: None
ABSENT: None

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COMMUNICATIONS
Commissioners received the newsletter from the Michigan Planner.

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

None.
1. **SP-04-20; 3180 Coolidge Hwy – Façade Change:** Sadier Abro, owner, is proposing a height addition and a façade change to the existing building at 3180 Coolidge Hwy.

   Community Development Director summarized the November 19, 2020 review letter and the proposed façade changes at 3180 Coolidge Hwy. This item was tabled at the October 27, 2020 meeting so the applicant could address the items identified by the Planning Commission that needed to be clarified or modified.

   Commissioners noted that the applicant had addressed the outstanding issues that were noted at the previous meeting.

   Commissioner Richardson inquired about trash removal and resurfacing of the south parking lot.

   Commissioner Richardson motioned to approve SP-04-20, subject to conditions as noted in the review letters from DPW Director, Fire Marshal, and Community Development Director. Motion supported by Commissioner Patterson

   **AYES:** Richardson, Smith, Stearn, Trotto, Bartus, Kempner, Patterson, Kapelanski
   **NAYS:** None
   **ABSENT:** None

2. **SP-03-20; 3082 Coolidge Hwy – Site Improvements:** Mark Zimmerman Designs, on behalf of Vibe Credit Union, is requesting site plan approval for improvements to the parking area, include a parking modification to reduce the off-street parking requirement.

   Community Development Director Schlutow referenced review letter dated November 16, 2020 and provided the history of the property. Vibe Credit Union received site plan approval at the May 26, 2020 meeting for a façade change. Soon thereafter, the owner inquired about site improvements to add landscaping and change the overall layout and maneuvering lanes on site. The proposed changes would include parking lot islands with landscaping but would require the removal of three (3) required parking spaces.

   The applicant requested a parking variance from the Zoning Board of Appeals. The request was postponed so as to allow the applicant to address alternative options and the applicant decided to withdraw the request. The applicant was informed of the development of a parking modification ordinance and decided to wait until the ordinance had been adopted before submitting the plans to the Planning Commission.

   Mark Zimmerman noted that the owner was interested in improving vehicular flow and pedestrian safety and enhance the site.

   Commissioner Kempner inquired if the parking lot had a shared parking agreement with any neighboring businesses.

   Commissioner Smith asked about vehicular travel on the site, photometric plan, elevation changes.

   Commissioner Kempner noted that the parking requirement for banks is higher than what is really needed in the modern day. And noted that the modification is appropriate for this site.

   Commissioner Patterson agreed about the parking modification for banks. He inquired about the electronic tubes for the drive thru lanes.
Commissioner Richardson inquired about bicycle parking on the site.

Commissioner Bartus asked about the brick wall separating the site from adjacent residential properties, the parking requirement and requested reduction.

Commissioner Smith motioned to approve SP-03-20, with the three-parking space modification and changes to the elevations, as presented. Motions supported by Commissioner Kempner.

AYES: Smith, Stearn, Trotto, Bartus, Kempner, Patterson, Richardson, Kapelanski
NAYS: None
ABSENT: None

3. **DISCUSSION:** Discussion of projections into side yard setbacks.

   Community Development Director Schlutow discussed the updates to the proposed ordinance language, based on the previous month’s meeting.

   Commissioner Smith noted that 30% of a surface is generous.

   Commissioner Kempner agrees that 30% is fine and the modified language.

   Commissioner Trotto asked how many times this has been an issue.

   Commissioner Patterson inquired about lowering the 30% maximum allowed projection into a side yard.

   Commissioner Smith asked if the projection total has caused problems.

   Commissioner Bartus noted that the distinction of projections with and without foundations should be clarified.

4. **DISCUSSION:** Discussion of accessory structure ordinances in relation to air conditioning units and generators.

   Director Schlutow summarized the November 19, 2020 review letter and provided draft ordinance language to discuss.

   Chair Kapelanski noted that reference to non-conforming exterior appliances continuing in the same place to be included in the ordinance and the 12 ft. separation from adjacent dwelling.

   Commissioner Kempner noted that non-conforming exterior appliances should be allowed to continue and be replaced.

   Commissioner Patterson inquired about the 12 ft. separation from adjacent dwelling and if that included a detached garage.

   Chair Kapelanski noted screening around the whole yard would satisfy the screening requirement.

   Commissioner Smith asked about how often non-residential properties place exterior appliances at grade and discussed the appropriate places on the property for such appliances.

   Commissioner Trotto asked about the separation distance between property line and appliance or
screening.

Chair Kapelanski noted that it does not need to include minimum distance from building as long as the appliance is screened.

Commissioner Trotto noted that non-residential generators are much louder than residential and may want to include additional sound barrier provisions.

Commissioners discussed noise levels for generators.

Commissioner Bartus inquired about screening for residential units and noted it may not be needed.

Commissioners discussed screening requirements for aesthetics and noise reduction. Commissioner Bartus asked if there were separate regulations stipulated for corner lots.

Commissioner Stearn noted that she spoke on screening for generators in the side yard.

Chair Kapelanski noted to be not in favor of a generator in side yard of a corner lot.

Commissioner Bartus specified allowing generators on corner lots where the side yard faces the rear yard of adjacent property and inquired about street level viewing for rooftop exterior appliances.

Commissioners discussed separating generators from a/c units on residential properties.

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**LIAISON REPORTS**

Chair Kapelanski noted that City Council approved the second reading of the parking modification and site plan ordinances, as well as the first reading of the permeable pavement ordinance.

Commissioner Richardson noted the Environmental Committee discussed the potential of a community garden and green infrastructure.

Commissioner Trotto provided an update on the DDA meeting and the status of wayfinding signs.

Commissioner Stearn attended the Chamber of Commerce meeting and they discussed distributing PPE to chamber members over the next month.

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**STAFF/COMMISSIONER COMMENTS**

Commissioners expressed wishes of Happy Thanksgiving.

Community Development Director noted the work sessions will be held monthly starting December to discuss the Master Plan.

Commissioner Trotto noted he will be absent at the next meeting, as he will be out of town.
Commissioner Kempner motioned to adjourn. Motion supported by Commissioner Patterson.

AYES: Stearn, Trotto, Bartus, Kempner, Patterson, Richardson, Smith, Kapelanski
NAYS: None
ABSENT: None

With no further business, the meeting was adjourned at 8:50pm.
PRESENT: Joe Bartus, Berkley Michigan  Julie Stearn, Berkley Michigan
Kristen Kapelanski, Berkley Michigan  Lisa Kempner, Berkley Michigan
Greg Patterson, Berkley Michigan  Martin Smith, Berkley Michigan
Mark Richardson, Berkley Michigan (joined at 7:10pm)

ABSENT: Matt Trotto

ALSO, PRESENT: Megan Masson-Minock, Carlisle Wortman Associates
Ben Carlisle, Carlisle Wortman Associates
Erin Schlutow, Community Development Director
Ross Gavin, City Council Liaison
Torri Mathes, Community Engagement Officer

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

None.

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Community Development Director Schlutow provided a brief background on the work sessions and an introduction to Megan Masson-Minock and Ben Carlisle from Carlisle Wortman Associates.

Ben Carlisle updated the PC on the revised schedule for the remainder of the Master Plan project and projected dates for adoption. Lots of time was spent on demographics and community input.

Existing Land Use
Megan Masson-Minock went over the Existing Land Use Map, which include changes to the roads that were incorrectly designated as parcels and Oxford Park.

Draft Chapters
Megan Masson-Minock went through draft chapters. Commissioners discussed the focus on the COVID pandemic, using different pictures, adding a timeline in the history section, verifying figures of demolished homes and adding graphics to the document.

Commissioners inquired about qualifying terms, explanation of walkability score for context and the survey results focused on restaurants.

Megan Masson-Minock went through the Vision, Mission and Values, which is the framework of the Master Plan. Commissioners discussed including pictures of senior residents and removing the numbers ranking on values.

Future Land Use
Megan Masson-Minock went over the draft Future Land Use map.

Commissioners noted that the green transitional buffer is better than a dotted line, but needs clarity for future uses. A need for educational component to the maps and plan that needs to go to the public and concern that nothing will happen to any properties located in the green transitional zone.
Commissioners noted that they would like to see a more realistic corridor, rework the language for what is intended and to see the map in context. It was agreed to bring the FLU back to the next work session with precise language, in context, and how to communicate the map and intentions to the public.

Ben Carlisle noted that the Future Land Use Map is one of the most important issues in the Plan and can continue to be resolved throughout the process.

Commissioners discussed Oxford Towers and whether that should be a separate land use category. Concern was noted that the density should not be reduced, and the existing building fills a need in the community.

Megan Masson-Minock highlighted the multi-family parcels west of Coolidge Hwy behind the commercial properties and if that wanted to continue. Commissioners noted it was a good area for multi-family and there isn’t enough in the city.

Commissioners noted favor of duplexes in the single-family neighborhood and can fit with design guidelines. It was also noted that duplexes may be easier for the public if located on the corridors. The Accessory Dwelling Units are a bit more difficult in relation to setbacks and on-street parking restrictions.

**Neighborhood**

Commissioners discussed home occupations allowed in residential areas.

Commissioners discussed infill development in existing neighborhoods, including regulations for height, roof pitch, floor-to-area ratio, impervious surface ratio.

Commissioners discussed housing diversity in terms of stock, design, income, etc. They noted wanting to encourage redevelopment while preserving the existing housing stock.

**Actions to Help Neighborhoods**

Megan Masson-Minock reviewed the actions from the current Master Plan designed to help neighborhoods. Commissioners discussed actions to keep and actions to delete or modify.

Commissioners discussed aging in place, Universal Design, housing rehabilitation programs, and home loan programs.

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Meeting ended at 8:54pm.
The Berkley Planning Commission is scheduled to meet on the fourth Tuesday of the month. The following schedule for the 2021 Planning Commission meetings is submitted for your consideration.

Tuesday, January 5, 2021 – WORK SESSION
Tuesday, January 26, 2021
Tuesday, February 2, 2021 – WORK SESSION
Tuesday, February 23, 2021
Tuesday, March 2, 2021 – WORK SESSION
Tuesday, March 23, 2021
Tuesday, April 6, 2021 – WORK SESSION
Tuesday, April 27, 2021
Tuesday, May 25, 2021
Tuesday, June 22, 2021
Tuesday, July 27, 2021
Tuesday, August 24, 2021
Tuesday, September 28, 2021
Tuesday, October 26, 2021
Tuesday, November 23, 2021
**Tuesday, December 21, 2021**
MEMORANDUM

To: Berkley Planning Commission

From: Erin Schlutow, Community Development Director

Subject: Discussion on Projections into Side Yard Setbacks on Residential Dwellings #4

Date: December 9, 2020

The Zoning Ordinance permits projections into rear and side yard setbacks, as stated below:

Section 138-192. – Projections

Projections may extend into a required side yard setback not more than two inches for each one foot of width of such setback; and may extend or project into a required front or rear yard setback not more than three feet. Such projections shall not have a foundation and shall be above grate at least 12 inches. The total of all projections into a given yard shall not exceed 30 percent of that wall’s surface area.

In nonresidential districts, where no front yard setback is required, a projection may extend into the right of way three feet provided that it is at least 11 feet above the sidewalk. The total of all projections into a given right of way shall not exceed 30 percent of that wall’s surface.

The Ordinance does not distinguish between different kinds of projections, such as cantilevers, awnings, chimneys, etc. Some communities give different projection allowance for cantilevers and chimneys.

Current Practice for Chimney Projections into Side Yards

As noted in our previous discussions, a former Building Official interpreted and determined projections only apply to extensions of the livable space within a dwelling. It was determined that chimneys are not considered extensions of the livable space and are therefore exempt from building envelope calculations.

This standard was reviewed in 2017, after there was concern from local residents that new construction was violating the standard for projections. After investigating the issue at length, the following information was provided to local residents detailing the City’s practice and explanation of projection calculations.

“This has been the practice for the building department since 1950 to consider a chimney ancillary to any home featuring a fireplace. Those fireplaces that utilize natural gas still require the same such spacing as a traditional, log burning fireplace. As such they are measured based on a requirement of the amount of capacity needed to function property and separate from that of a projection intended to expand upon the
floor space of the interior of the home. Since this is a past practice it ought to be re-examined from time-to-time to ensure it still serves the community well.”

Discussion for Projections on Residential Dwellings

Based on conversations from the past Planning Commission meetings, it is determined that projections including chimneys, bay windows, or other types of cantilevers should be regulated in the same manner.

The existing and proposed ordinance has been provided for your review and continued discussion. The revised copy does not include any substantive changes from last meeting but provides more clarity and has modified the formatting for ease of reference.

If you have any questions, please feel free to contact me.
Existing Ordinance with proposed changes in red (11.24.2020)

Sec. 138-192. - Projections.

Projections may extend into a required side yard setback not more than two inches for each one foot of width of such setback; and may extend or project into a required front or rear yard setback not more than three feet. Such projections shall not have a foundation and shall be above grade at least 12 inches. The total of all projections into a given yard shall not exceed 30 percent of that wall's surface area.

Projections without foundations may include box fireplaces, bay windows, and other types of cantilevers, including second story cantilevers.

Projections with foundations, such as brick or masonry fireplaces, shall be permitted to extend not more than two inches for each one foot of width of setback, and not more than three feet into the required front or rear yard setback.

In nonresidential districts, where no front yard setback is required, a projection may extend into the right of way three feet provided that it is at least 11 feet above the sidewalk. The total of all projections into a given right of way shall not exceed 30 percent of that wall's surface area.

Proposed Ordinance (12.15.2020)

Sec. 138-192. - Projections.

(a) Residential. Projections may be permitted to extend into a required front, side or rear yard setback and may or may not have a foundation.

1. Types of projections.
   a. Brick or masonry fireplaces with foundations.
   b. Cantilever projections may include box fireplaces, bay windows, awnings, and other similar cantilevers including second story cantilevers that do not have a foundation. Such projections shall be above grade at least 12 inches.

2. Extension.
   a. Projections may extend into a required side yard setback not more than two inches for each one foot of width of such setback.
   b. Projections may extend or project into a required front or rear yard setback not more than three feet.

3. Total. The total of all projections into a given setback shall not exceed 30 percent of that wall's total surface area.

(b) Non-Residential. In nonresidential districts, where no front yard setback is required, a projection may extend into the right of way three feet provided that it is at least 11 feet above the sidewalk. The total of all projections into a given right of way shall not exceed 30 percent of that wall's surface area.
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Discussion of Exterior Mechanical Equipment on Residential and Commercial Properties #4
Date: December 9, 2020

Over the past several years, the Berkley Planning Commission and Zoning Board of Appeals have discussed the standards and appropriate locations for exterior mechanical equipment on residential properties in the community; specifically, generators and air conditioning units.

The Planning Commission discussed the exterior a/c units and generators at the November 24, 2020 meeting. The discussion was helpful in moving forward with fine tuning the draft ordinance.

The attached draft ordinance is provided to facilitate the discussion on a/c units and generators on residential and commercial properties. Words or sentences that are struck through have been removed from the draft text, and underlined language has been added.
Exterior Appliances

Sec. 138-XXX. - Definitions

Air Conditioning Condenser Unit: The central air conditioning system located on the exterior of a building including a compressor, fan, condenser coil, evaporator coil and a refrigerant.

Emergency Power Generator: A stationary internal combustion device, such as a reciprocating internal combustion engine or turbine that serves solely as a secondary source of mechanical or electoral power whenever the primary energy supply is disrupted or discontinued during power outages or natural disasters. An emergency generator operates only during emergency situations or during regularly scheduled testing.

Exterior Appliance: Mechanical equipment located on the exterior of a residential or commercial building. Such types of equipment shall include air conditioning condenser unit, emergency power generators, and any noise producing mechanical system components located at the exterior of a building. Exterior appliances specific to swimming pools are subject to the regulations in Section 138-59.

Sec. 138-XXX. - Location

Exterior appliances are prohibited from being located in the front yard or within a dedicated easement or right-of-way.

(a) Residential.
   1. Generators shall be located in the rear yard at least six (6) feet from side property line.
   2. A/C Units may be permitted in the side yard under the following conditions:
      a. The unit must be at least 18 inches from side property line;
      b. The unit must be at least 12 feet from adjacent dwelling;
      c. The unit must be screened on at least three (3) sides by opaque fencing or landscaping, measured at least four (4) feet in height from grade.
         1. The principal structure may be considered one side of screening.
         2. Screening must be provided from street view and facing the closest adjacent property.
         3. Chain link fencing is not permissible as a screening material for exterior appliances.

(b) Nonresidential.
   1. At Grade.
      a. Exterior appliances at grade shall be located within at least 10 feet of the principal building.
      b. Exterior appliances shall be at least five (5) feet from a property line.
      c. Generators shall be enclosed in a sound-attenuated enclosure, if located adjacent to residential property.
      d. Exterior appliances shall be screened on at least three (3) sides with opaque fencing or landscaping, measured at least four (4) feet in height from grade.
         1. The principal structure may be considered one side of screening.
         2. Screening must be provided from street view and facing the closest adjacent property.
3. Chain link fencing is not permissible as a screening material for exterior appliances.

2. **Rooftop.**
   a. Exterior appliances located on the rooftop of commercial buildings shall be screened so as to not be visible from street level. Screening materials shall be consistent with the color, materials, design and aesthetic of the building.

3. Planning Commission may modify location of the exterior appliances on non-residential properties during site plan review, if the applicant can demonstrate an alternative location does not negatively impact adjacent properties, pedestrian or vehicular traffic.

**Sec. 138-XXX. – Restrictions.**

Generator testing shall be permitted Monday – Friday, 9:00am – 6:00pm.

**Sec. 138-XXX. – Non-Conforming Exterior Appliances.**

Non-conforming exterior appliances include appliances that were lawfully installed but are no longer in compliance with the provisions of this chapter.

Exterior appliances rendered non-conforming due to the placement on a property may be continued, maintained and replaced provided there is no increase or enlargement of the area occupied or devoted to such use.

If a non-conforming exterior appliance is damaged or partially destroyed by less than 50 percent of its market valuation, the exterior appliance may be restored and its previous use continued. If a non-conforming exterior appliance is damaged or partially destroyed by 50 percent or more than 50 percent of its market valuation, then any restoration or new construction must comply with all current building and zoning codes.

**Sec. 138-XXX. – Permits required.**

Permits are required for the installation of exterior appliances.
DRAWING CREATED FROM PRO/ENGINEER 3D FILE. ECO MODIFICATION TO BE APPLIED TO SOLID MODEL ONLY.

MINIMUM OPEN AREA

DO NOT LIFT BY ROOF

MAIN CONTROL WIRING HOLE FOR 1 1/4" CONDUIT
MAIN CONTROL WIRING HOLE FOR 3/4" CONDUIT
REAR VIEW
NO FUEL INLET
NPT (9-11kW)
3/4" NPT (16-22kW)
REQUIRED FUEL PRESSURE:
NATURAL GAS: 3.5-7" WATER COLUMN
LIQUID PROPANE (VAPOR): 10-12" WATER COLUMN

MAINTENANCE AND CLEANING:
CLOSE ANY UNUSED HOLE WITH A NEMA 3R RATED PLUG (FIELD SUPPLIED)
- REMOVE FACTORY PLUGS AND DISCARD
- 1/2" NPT (A - 1/2"
- 3/4" NPT (B - 1/4"
- RECOMMENDED STRAND ROD SIZE:
- 3/8" DIA. MASONRY ANCHOR HOLE (3) PLACES,
- 5/8" DIA. CLEARANCE HOLE LOCATIONS FOR MOUNTING TO CONCRETE PAD
- MUST BE LIFTED WITH STEEL RODS
- RECOMMENDED LIFTING ROD SIZE:

TRANSFER SWITCH (IF SUPPLIED)
WIRELESS MODULE
AUXILIARY SHUTDOWN SWITCH

FUEL INLET
1/2" NPT (A - 1/2"
3/4" NPT (B - 1/4"

SITE: INSTALL HSB GENERATOR 18860HZ

SPECIFICATIONS:

INSTALLATION DRAWING