



City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

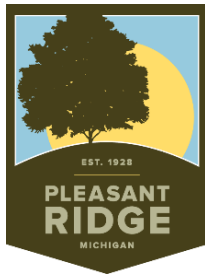
Regular Planning Commission Meeting
Monday, October 23, 2017

Members of the Planning Commission, and Residents: This shall serve as your official notification of the Regular Meeting of the Planning Commission to be held Monday, October 23, 2017, 7:00 P.M., in the City Commission Chambers, 23925 Woodward Avenue, Pleasant Ridge, Michigan 48069. The following items are on the Agenda for your consideration:

REGULAR PLANNING COMMISSION MEETING-7:00 P.M.

1. Meeting Called to Order.
2. Roll Call.
3. Consideration of the following minutes:
 - a. Regular Planning Commission Meeting held Monday, July 24, 2017.
4. **PUBLIC DISCUSSION** – Items not on the Agenda.
5. Zoning Ordinance discussion regarding solar power systems.
6. Zoning Ordinance discussion regarding liquor sales at the property commonly known as 23701 Woodward Avenue.
7. City Manager's Report.
8. Other Business.
9. Adjournment.

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the City at least seventy-two (72) hours in advance of the meeting, if requesting accommodations.



City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

**Planning Commission Meeting
July 24, 2017**

Having been duly publicized, Chairman Treuter called the meeting to order at 7:02 p.m.

Present: Commissioners Martin-Campbell, Stiffman, Schlesinger, Treuter,
McCutcheon, Corrigan, Wilkinson, McAuliffe.

Also Present: City Manager Breuckman, City Commission liaison Perry.

Absent: None.

Minutes

PC-2017-1539

Motion by Commissioner Schlesinger, second by Commissioner Corrigan, to approve the minutes of the previous meeting as presented. Unanimously approved.

Public Discussion - Items not on the Agenda

None.

Concept Plan - 23675 Woodward Avenue

City Manager Breuckman was contacted by the new property owners about the possibility of this concept plan. Given the history of the site, which was the first location of the court a very long time ago, Brueckman suggested that the most appropriate course of action would be to bring the plan before the Planning Commission. It is not a site plan. There is no formal action being requested at this time. The purpose of the concept plan is to allow the Commission to become familiar with the development. The residents who live on Cambridge between Ridge and Woodward would be most directly impacted by this development. This meeting will allow input, comments and guidance from the property owners before moving forward with any approval process. There are a number of actions that will have to be taken before the project is ready to submit for actual approval, so bringing the plan to the Commission as early as possible will allow as much time as possible to incorporate any suggestions made into the final plan.

The property owners will present their plan. Breuckman will discuss any zoning requirements or restrictions and then the Commission will hear from some of the residents.

Mark Alfonsi and Brian Bolhuis from ABD Architects introduced themselves. Mr. Alfonsi made a presentation introducing their plan. He noted that they do not own the building at this time but are attempting to acquire it. They are interested in making improvements to the building as well as developing it for potential mixed use including offices on the first floor and residential on the upper floors. They want to maintain all of the parking on the site as much as possible. They originally wanted to add on to the back of the building because, while the radiant heat still works, the bathrooms are not up to date, one is broken, and they want to make them handicapped accessible. The plan was to add new bathrooms and a kitchen into the back without disrupting the radiant heat. There is enough depth there so it would not impact parking and it would be back from the face of the building and would allow for a modern loft above with a vegetative roof.

It appears that the plan is slightly in excess of what is required for parking by one but that does not include the valid parking on Woodward. They do not want to go past the building for parking and they want to set it up so you can pull in off of Woodward and turn around without having to go into the neighborhood by using the depth of the lot. They do not want to be bad neighbors or cause problems. They are trying to do the opposite.

Chairman Treuter inquired as to the number of employees. Alfonsi responded that there are currently ten employees. Treuter noted that there was, then, the potential for ten cars. Alfonsi noted that one person does not live far away and that there is a bike rack on the plan. Commissioner Corrigan confirmed that the offices that are included in the plan will be the offices for ABD Architects. Treuter noted that there could potentially be eight people living in the building who could each also have a vehicle. Bolhuis noted that the business would be open from nine to five and that the residents would likely return home after that. It was noted that that would work in many situations unless the residents are retirees. Corrigan inquired whether the residents would want a dedicated space. Bolhuis stated that they intended to give the residents the whole back part of the lot. The Woodward side would be the business side while the residents would have privacy including their own stairwell and back area of the building. Treuter confirmed that there would be one or two parking spots per unit. Commissioner McCutcheon inquired about the use of the spaces on Woodward for the business. Breuckman confirmed that MDOT would permit the use of those spaces for this purpose. Alfonsi noted that they would like to relocate the bus stop which is currently directly in front of the entrance. Treuter noted that that would be a difficult task. Corrigan inquired whether there were many clients that visited the offices. Bolhuis stated that there were not many clients that visited. They do a lot of design work electronically and communicate by email. He noted that the space was a little bit bigger than they need. Corrigan commented that they might then get more employees. Bolhuis stated that they needed larger individual work spaces. Alfonsi confirmed that not very many people visit the office and Bolhuis added that they typically go to their clients' offices instead. Commissioner Martin-Campbell noted that the required parking called for 13 spaces and they currently show 12 so they are actually short one space. The four spaces on Woodward brings them to 16. Alfonsi noted that there are more parking spaces on Woodward to the south but those have not been counted in the plan. McCutcheon noted that previous, similar plans caused problems with people using the parking on Devonshire to cut through off of Woodward. There will need to be some way to work around the AT&T box to get a couple more spaces. There were also concerns about backing into traffic.

Alfonsi noted that they kept the green space away from the main side of Woodward so that there would be better visibility. Corrigan noted that all of the spaces, except the ones behind the building, are public spaces so anyone could park there. Some of the new spaces would be built by the

developer and so they would potentially own them. Breuckman noted that they could be restricted spaces for the office building. There is not a need for them to be publicly available. McCutcheon noted that most of the opposition stated in emails is related to the Cambridge parking spots. Martin-Campbell inquired regarding existing safety concerns. Breuckman responded that there is a baseline condition that exists with cars coming out of the gas station. A lot of people will pull onto Cambridge from the gas station and turn left rather than using the gas station driveway. As a result, there are cross-turning patterns occurring regularly. Additionally, during pick up and drop off times at the school all of the traffic is routed down Cambridge onto Woodward. This traffic pattern was created to avoid bottlenecks on Ridge which is only a two-lane street. Martin-Campbell indicated that it seemed that those problems would be able to be worked out with this type of use given that it would be business hours. Breuckman indicated that the morning hours would likely be the most problematic. School drop off is in full swing from 7:45 a.m. to about 8:05 a.m. and it would be 8:15 or later before all the cars were flushed out of the streets. The afternoon will be less problematic because, while it is more prolonged, it is less intense.

McCutcheon inquired whether they would consider leaving the sidewalk in the existing location. He also said it looked like then two more parking spots could be put behind the sidewalk. It was noted that the existing sidewalk is pictured. He then asked whether the sidewalk could be moved out. Alfonsi replied that, if they pushed the sidewalk north, there would not be enough depth for additional spaces. There was some discussion that adding a couple of more spaces might work with some modifications. Treuter commented that, if those spaces were used for employee parking, there would arrive, stay the day, and leave, and would not create a lot of traffic. Breuckman added that you might be able to add two spaces behind the sidewalk on the building side and then could potentially put a couple of parallel parking spaces on Cambridge which would eliminate some of the backing out problems. Alfonsi indicated that he was not a fan of the parallel parking because of people turning off of Woodward but Breuckman noted that there is an alley that people could turn into. Stiffman indicated that it would alleviate a lot of the concerns of the citizens on Cambridge if there was parallel parking. It was generally agreed that there are a number of options with regard to parking. The traffic engineers are still working on the project. Their report has not yet been completed. It was noted that moving the parking as far away as possible from Woodward would be the best as far as safety is concerned. Minimum length for a parking space is twenty feet pursuant to ordinance.

Breuckman walked through the powerpoint presentation. There are some scenarios that would not require Planning Commission approval at all. The zoning is commercial. Residential and office uses are principal permitted uses. Therefore, so long as they meet the zoning approval requirements, the project would have to be approved. Those requirements include parking, set backs and height. The existing building can be reoccupied without any approvals necessary. The fact that they are adding onto the building does require Planning Commission approval. Additional approval would be necessary to add the parking spaces on Cambridge which are in the PR public right-of-way. They could add spaces on Woodward without input from PR because that is in MDOT's right-of-way. MDOT has already indicated that the new spaces would be allowed. If the project were scaled back so that they did not need the spaces on Cambridge, the Commission would have very little to comment on.

Three emails were received. Two were from Cambridge residents who are concerned and one from a resident who is in favor. Approximately eight parking spaces are required if the building were to just be reoccupied. There are some modifiers in the ordinance that allow you to reduce your parking

requirement for commercial space only because there is on-street parking on Woodward. The project is within the range of feasibility at this point. Twenty spaces are required: twelve for the office and eight for the residential. Two spaces can be reduced per ordinance which leaves a requirement of eighteen spaces. McCutcheon asked whether that accounted for the change over in parking from the work day to residential needs. Ordinance also allows a reduction of one space if you have six bicycle spaces up to 20% of the maximum requirement. The DDA can also allow for a shared parking modification for dual use of office and residential. The multiplier that is often used for an office/residential mix is 0.8 so the parking requirement can be reduced to 80 percent. Breuckman noted that that is pretty aggressive. This project would then need two shared parking spaces to meet the requirement. So, by ordinance standards the project is close to meeting the parking requirement.

Brueckman described a slide that depicted the intersection at Woodward including the gas station. He discussed where the ideal location of the street parking spaces would be. He showed a slide indicting summer time traffic counts. He indicated that you could add two to three hundred cars coming and going during the school year. He discussed why there is a no left turn sign on Oxford. He then discussed trip generation which is based on studies in suburban settings. Pursuant to those studies you could expect the existing office to generate 36 trips per day and each apartment unit would generate approximately 6.5 vehicle trips per day. The proposed office space would generate about 13 more trips per day. He presented information regarding traffic by hour. He noted that the morning hours are always more concentrated than the afternoon hours because people typically go to work at the same time but return at different times.

McCutcheon inquired whether the project meets with all of the city's other design standards. Breuckman noted that they would need a variance for lot coverage. He indicated that the ordinance needed to be reviewed and potentially revised. It currently mandates a 40% maximum lot coverage for businesses along Woodward. There is 35% maximum lot coverage for single family houses. He stated that he did not think a 40% maximum lot coverage for businesses on Woodward made sense and he noted that a lot of existing sites already exceed that. So long as the buildings meet the parking and set back requirements, adding a maximum lot coverage requirement seems unnecessary.

Martin-Campbell inquired how they planned to address the lack of accessible units in the building, requirements for greenspace and rooftop unit screening. There is no requirement for greenspace and the nuisance ordinance addresses the rooftop screening issue. Corrigan asked whether the residential units would be rentals or purchased condominiums. Bolhuis responded that it was anticipated that they would be high-end rentals. They have a level of quality that they want to maintain similar to their other unit at 445 East Breckinridge. Martin-Campbell indicated that, at the next meeting, she would like to see renderings and examples of what the exterior of the building would look like. She noted that the residential units are shown as two-bedroom and she asked about the size. Bolhuis responded that they are now approximately 1400 square feet but that they may reduce that to 1100 or 1200 square feet before the project is finished. Martin-Campbell asked if they are looking to renovate any part of the existing building. Bolhuis indicated that they were planning to renovate and update all of the existing space. There was a discussion regarding the age of the building and the need to remove asbestos and modernize the materials. Martin-Campbell noted that the DDA had approved a site improvement grant for this site that included cleaning the stone and the parapets and replacement of the facia. She asked if the work had actually been done or was planning to be done. Alfonsi indicated that they and the current owner had been discussing doing that work. She asked whether the multi-purpose room on the second floor would be public or

private. Bolhuis indicated that it might be both. They intend to use it as a conference room for the office but others may be able to use it and the patio as well.

Public Comment

Paul Eisenstein, 22 Cambridge, has lived on Cambridge since 1985. He indicated that he liked the idea of having things done to the property but he sees a number of problems being created. He feels that dealing with the gas station is critical. He works unusual hours and noted that many people do not work a regular full business day. He feels that the study, which only measured vehicles going 13 miles per hour or over so the study spot was moved farther back, is missing the vast majority of traffic that turns at Woodward. He said that when you turn off of Woodward onto Cambridge it can be dangerous. He feels that there are more people at that corner that are exiting the gas station than are actually travelling up and down Woodward. There is also blockage due to people pulling in and out at the same time. Any additional street parking will narrow the road further -- perpendicular parking would be particularly problematic. He said that the cars are often travelling above the speed limit. He feels that any parking will cause serious problems during school hours. He feels that there will be many accidents at that location especially involving parents and children going to and from the school. He said that the number of trips will increase more because these businessmen said they go visit their clients rather than having their clients come to them. He was concerned about the potential loss of trees on the site. He noted that there were plusses and minuses, especially considering the additional tax dollars for the city, but is particularly concerned about the parking issue. He noted that there are already frequent fender benders at that intersection. He said he loves seeing people on bike and rides his bike a lot but felt that the parking variance for bicycles was not reasonable. Commissioner Wilkinson asked whether he would be less concerned if there were only parallel parking spaces on Cambridge. Eisenstein said he would be more comfortable with a couple of parallel spots but still feels that it is a dangerous spot because of the gas station. Alfonsi noted that they would also reduce the number of spots if it was parallel parking. Eisenstein wanted it known that he was not trying to stop the project.

Jennifer Quennville, 22 Cambridge, said she is not clear how the sidewalk is being handled. Alfonsi noted that the sidewalk would still exist without changes. She also asked how the bus stop was going to be addressed. Bolhuis said they would like to have it slid down the sidewalk a little so that it did not block the entrance. Breuckman has been in contact with SMART who indicated that they deal with bus stops getting adjusted all the time so after the development gets to the approval stage, they will work on finding a new location for that stop. Eisenstein noted that would be better for all concerned because the bus stop adds to the overall congestion at that intersection.

Gary Meiers, 1 Cambridge, echoed the concerns already expressed about the traffic. He added that there are concerns with traffic on the service drive (alley). He noted that currently the alley is primarily used by residents and there is very little traffic on it. People walk their dogs and ride their bikes on that street. He was concerned with it becoming more of a thoroughfare and the dangers that would pose to the pedestrians. He is also concerned with the height of the building. People on the third floor would be looking right into his windows. He noted that many of his concerns were personal to his own property and did not affect others on the street. They do not yet know what the price point for the residential units. He noted that there were similar apartments along the alley in Ferndale that are not very well kept. He would like to facility to be refreshed and would not mind a two-story facility. A two-story facility would also reduce the traffic and the need for parking.

Brian Church, 30 Cambridge, agreed with the concerns previously raised and indicated that the Commission and the City Council would likely receive an email about the loss of oak trees.

Sandi Marvar, 37 Cambridge, confirmed that there is an extremely high volume of traffic especially on the mornings of school days. She agreed with the previous issues that had been raised especially regarding the pre-existing condition of the gas station driveway. She asked whether there were any ordinances regarding the set back of parking off of Woodward. Brueckman said that there were regulations for off-street parking but the ordinances are silent regarding on-street parking. She noted that the farther back from the corner would be better. She also raised concerns regarding the additional workload that would be placed on the police department and the city offices. She also noted that there are people that are using the school that are also using the bus stop and asked that that be kept in consideration when looking at moving the bus stop. She said that parallel would be better than perpendicular although no parking at all would be ideal.

Open Discussion

McCutcheon noted that there were a lot of concerns with parking and traffic. He said that the Commission is certainly listening, but he stated that those concerns could also be raised about any other intersection in Pleasant Ridge that meets Woodward. It might be best to eliminate the gas station or install a speed bump. There was discussion regarding whether the access to the gas station needed to accommodate trucks.

Eisenstein stated that any vehicles coming southbound and using the gas station can run into a back up caused by vehicles using the pumps meant for northbound traffic. People pull onto Cambridge because it is safer than trying to pull onto Woodward but they cause problems by pulling in front of Cambridge traffic without looking. There was discussion regarding whether better signage would help. Eisenstein requested whether police officers could be directed to ticket drivers who do that.

Wilkinson confirmed that traffic can be pretty bad at any intersection with Woodward especially on school mornings. Treuter noted that problems with the gas station already exist and the project would only add two or three parallel parking spaces which is not a lot. Breuckman noted that they would not find an overall solution to the problem with the gas station at this time. McCutcheon commented that people would likely use the alley to access the parallel parking spaces. Treuter suggested that the alley could be made northbound only if necessary. It has been done with other alleys in the city.

Stiffman noted that the Commission needed to be concerned about the impact of a new project on the nightmarish problem that already exists at that intersection. He asked for more analysis regarding the impact of an additional twelve people coming in and out of this space. Breuckman said that realistically it is going to require using their judgment. He said it is not really a question of science in this case but rather whether the new office development, which adds two cars per hour, will really significantly change what is already happening at that intersection. Stiffman asked whether this new project would reach critical mass that is going to end the world. Breuckman said he was more concerned with the traffic flow -- what do cars have to do to get in and out of the new parking spaces. There was a general discussion regarding other options and ideas. Eisenstein agreed that the most dangerous action to consider was driver's needing to back up within feet of Woodward; especially considering the people leaving the gas station, the high-speed traffic on Woodward, the two alleys and the school traffic. Eisenstein felt it was reaching critical mass because it is already bad at any time of day and really bad during school hours, and you are adding to it.

Commissioner Schlesinger agreed that the traffic concerns are paramount and have been made clear. She asked Breuckman to describe the next steps. He indicated that they have to refine their proposal and come back to present it to the Commission. There will be a high level of scrutiny because the traffic engineering consultants will review it and present a report.

McCutcheon confirmed that the project will not include angled or perpendicular parking. He felt that it would be best if the sidewalk were moved to create more room for the parking. He asked what issues that move would raise. Breuckman stated that it did not really raise any issues. The sidewalk can be located anywhere within the right-of-way. Moving the sidewalk might actually solve a problem because it currently jogs across the alley and moving it would make it line up better.

Wilkinson asked whether the traffic engineers would consider looking at angle parking coming in off of Cambridge. It would then force people to circle around and come in off of the alley rather than trying to pull in straight off of Woodward. Breuckman stated that a car backing out of a 90-degree space is going to move into both lanes of traffic. A car backing out of an angled space could do so and only enter one traffic lane.

Zoning Ordinance Discussion Regarding Solar Power Systems

Breuckman noted that the city has been very focused on improving energy use at city facilities. They conducted a resident survey asking what home owners had done to improve their energy use and what were they interested in doing. He indicated that they got a lot of strong interest. The city is putting together an aggregate solar purchasing program focusing on the lower Woodward corridor. Right now, the ordinance allows you to put solar panels on your house so long as they are not visible from the street. There are competing interests with the historic preservation of the community and installing new technology. Almost all of the streets in the city are east/west so nearly half of residents would not be able to participate in a solar purchasing program. So, the question is whether the ordinance should be amended to allow placing solar panels on front-facing facades. Breuckman is not advocating one way or the other but feels that a community discussion needs to be held on the subject. No one has yet asked for a variance, but Breuckman noted that the level of interest is increasing. There was a discussion regarding that you could not install panels on a garage if it was visible from the street. There was discussion regarding alternatives and whether this was a short-term conversation because solar technology is evolving very rapidly to include shingles and sidewalks. Breuckman presented regarding some of the options with current technology rather than waiting on new technology. He indicated that an ordinance would speak to solar energy systems that generate electricity from the sun and then you set design standards that can be easily redefined such as only black panels. Stiffman inquired regarding cost efficiency of these systems. Breuckman indicated that, for a residential system, you are probably looking at a cost of \$3.00 per watt. With tax credits you would probably be looking at a payback period of eight or nine years. He suggested a community survey with some pictures and just a couple of questions including whether you think this is something that should be allowed in Pleasant Ridge. Then the Commission should look at the responses and decide how to proceed. The audience was polled as to their thoughts. There was discussion regarding whether this would work in a city with many trees. There was additional discussion regarding heating the pool. The Commission agreed that a survey would be a good idea.

With no further business or discussion, Chairman Treuter adjourned the meeting at 8:38 pm.

Chairman Treuter

Martha Schlesinger, Secretary

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City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman, City Manager
To: Planning Commission
Date: October 18, 2017
Re: Solar Energy System Regulations

Overview

We have conducted a community survey to gauge the opinion of residents regarding solar panels that are visible from the street. The results of the survey are attached to this memo.

It is now before the Planning Commission to weigh whether we want to retain our current standards, or to amend them to allow for solar panels on street-facing facades of houses.

Background

The crux of the question before us is that historic preservation is a significant concern in Pleasant Ridge. Our Zoning Ordinance recognizes this in many ways, large and small. Our exterior design standards are a major example. So is the current prohibition of solar panels anywhere on a property where they are visible from the street.

The question is, do historic preservation considerations that strive to keep houses looking as close as possible to how they looked when they were built outweigh the need to allow for solar energy systems where they are visible from the street.

The reason why this is a particularly salient question for Pleasant Ridge is that the majority of our residential streets (20 out of 22) run east and west, meaning that houses face either north or south. A house on the north side of the street can only install a roof-mounted solar energy system on the south-facing roof, which means that it is visible from the street. In effect, our current solar energy standards prohibit nearly half of our properties from installing a rooftop solar energy system.

Survey Results

The survey had three questions, and was very straightforward. The survey was published online and was included in the most recent edition of the Ridger. We received a total of 64 responses to the survey.

The first question asked if solar panels should be allowed where visible from the street. 62.5% were in favor and 37.5% were opposed.

The second question asked if all black panels, or other design requirements to make the panels less noticeable and obtrusive, should be required. 54.84% agreed, 45.16% disagreed.

There were also a number of open-ended comments that were provided, which are included in the attached survey results summary.

Considerations

I offer the following as thought-starters for your consideration as we examine this issue.

- Solar panels aesthetically change the appearance of a historic structure, but do not necessarily change the structural integrity of the house. They do not destroy or permanently alter the historic resource. When the panels are removed, the house can easily be restored to its original appearance. We do not run the risk of permanently altering or destroying historic resources, so objections on historic preservation grounds are purely aesthetic.

Is it appropriate to prohibit solar energy systems based on aesthetic concerns alone?

- An oft-cited reason to wait on doing something with solar panels is because technology is advancing. A common opinion for this matter is that solar shingles will obviate this discussion. However, it is uncertain if solar shingles will ever be as cost effective as traditional solar panels. Perhaps they will, but there is still a large price difference. Solar shingles have been the next big thing for at least 10 years now. I was at a conference in 2007 where Dow Chemical was displaying and marketing solar shingles that would be coming to market “soon.” Instead, Dow shut down the program because it was never market viable.

Furthermore, regulations can be changed. If emerging technologies that are more aesthetically pleasing and are cost-competitive with solar panels do pan out, we can revise our regulations accordingly in the future.

Is it worth waiting for an technological outcome that may or may not materialize?

- Prices on solar energy systems have declined to the point where it is now feasible for homeowners to put in a residential system. Payback periods are now in the 7-10 year range, meaning that homeowners can reasonably put in systems which will save them money over time, and also reduce the carbon intensity of our energy system.

Is it appropriate to retain a regulatory barrier in the short term that impacts the economic and environmental bottom lines in the hope that a more aesthetically pleasing hardware option will be price effective at some point in the future?

Potential Amendment

If the Planning Commission wishes to amend our Solar Energy System standards to allow for street-facing solar energy systems, the following is a first draft of a potential amendment:

Section 82-204. **Solar Energy Systems** Panels

Solar ~~panels~~ energy systems shall be include solar collector surfaces and ancillary electrical equipment that are either affixed to a permanent principal or accessory building, or as a freestanding structure. A solar energy system collects, stores, and/or distributes solar energy for heating or cooling, generating electricity, or heating water.

Solar energy systems are permitted in all districts as an accessory use ~~as a special use~~ subject to the following:

- (1) ~~Placement of ground-mounted solar energy equipment is not permitted within the required front yard setback. Ground mounted solar energy systems shall meet the location and setback requirements applicable to detached accessory buildings (see Section 82-193).~~
 - ~~(2) Ground-mounted solar panels shall only be located in a side or rear yard and shall meet or exceed required yard setbacks and shall be located to minimize any glare to adjacent properties.~~
 - (2) Roof mounted solar energy equipment shall be permitted on principal and accessory buildings provided that located so as not to the panels or solar collector surface does not increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
 - (3) Solar energy collectors shall be designed to minimize glare, and shall be uniform in color. Frames (internal and external) shall be the same color as the collector.
- ~~Solar panels, requiring a frame and/or brackets for mounting on the roof, shall not be visible from the public right of way.~~

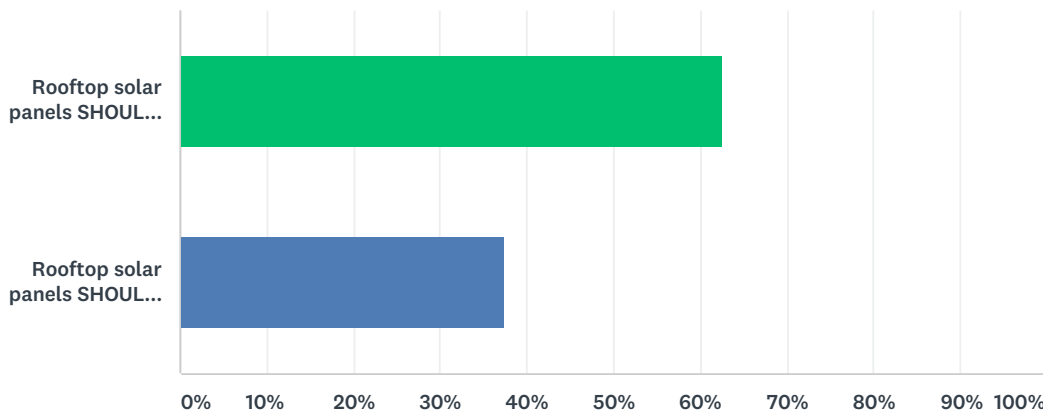
Requested Action

Planning Commission direction to Staff. The Planning Commission can decide to:

1. Take no action and retain the current standards.
2. Schedule a public hearing for an amendment to allow for street-facing solar energy systems.
3. Solicit more community input before proceeding.
4. Other (insert your suggestion here)

Q1 Solar energy systems continue to decrease in price each year, and now residential systems can pay back in as little as 7 years. As solar energy becomes more affordable, more residents are interested in installing solar panels on their house. However, Pleasant Ridge's zoning prohibits solar panels on the front side of houses, where they are visible from the street. This is a problem for nearly half of our residents because most of our streets run east and west. If your house is on the north side of the street, the only good place to put solar panels is on the side of the house that faces the street. Our zoning standards prohibit nearly half of our residents from installing a solar energy system. At this time, the City is re-examining our solar energy system regulations to decide if we should allow them to be installed where they are visible from the street. This survey is intended to gauge public interest in this topic to help the Planning and City Commissions as they consider this matter. Please indicate which of the following statements you most agree with:

Answered: 64 Skipped: 0

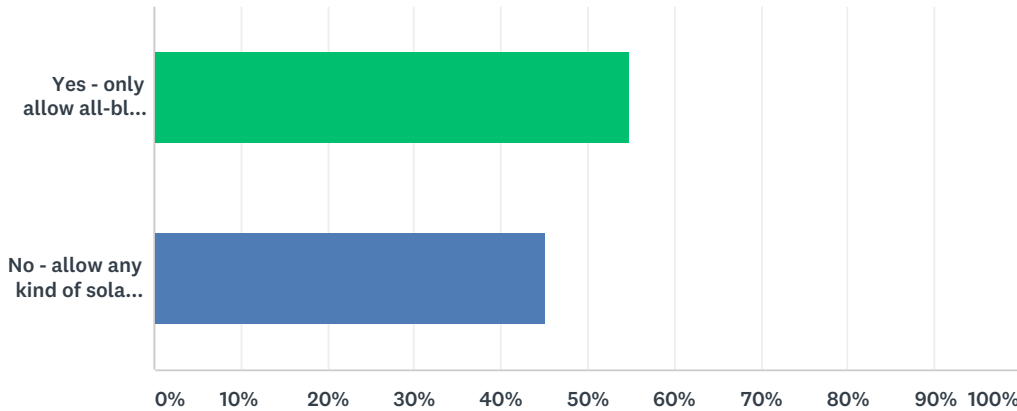


ANSWER CHOICES	RESPONSES	
Rooftop solar panels SHOULD be allowed where they are visible from the street.	62.50%	40
Rooftop solar panels SHOULD NOT be allowed where they are visible from the street.	37.50%	24
TOTAL		64

Q2 All-black solar panels are now readily available, and are considered by some to be less obtrusive or noticeable than the traditional solar panels with silver-colored grid materials. All-Black Panel

Example: Traditional Solar Panel Example: If Pleasant Ridge allows solar panels on the sides of houses that are visible from the street, should we require that only all-black panels may be used?

Answered: 62 Skipped: 2



ANSWER CHOICES		RESPONSES	
Yes - only allow all-black panels		54.84%	34
No - allow any kind of solar panel		45.16%	28
TOTAL			62

Q3 Is there anything else you want to share with us regarding residential solar panels?

Answered: 34 Skipped: 30

#	RESPONSES	DATE
1	make designs be in good taste!	10/13/2017 7:46 PM
2	We are installing a 15 kWh system with the 1st Tesla powerwall 2.0 back up battery system in Michigan this November. We are strong advocates of solar and welcome any questions, and believe limited (if any) restrictions should be in place for rooftop solar. -52 Oakdale Boulevard	10/13/2017 7:42 PM
3	Solar panels are somewhat unsightly and I prefer they are not visible from the street.	10/13/2017 7:59 AM
4	As a city we have strived to maintain the historical elements and atmosphere of the community. The current offerings of solar panels are not aesthetically adequate to uphold the current appearances of the community. At this time solar panels should not be allowed on the front of homes.	10/11/2017 6:44 PM
5	I think they're great and lucky to live in a city that will allow solar power!!!	10/11/2017 1:18 PM
6	Solar power is good.	10/5/2017 12:16 PM
7	Many roofs are not black in our city, so requiring all back panels as a way to make the panels blend seems pointless.	9/5/2017 2:11 PM
8	Please prioritize training for Ferndale Fire, as they need to understand how to fight fires in spite of the panels	9/4/2017 9:01 PM
9	How about garage roofs that you can't see from the street.	9/4/2017 5:45 PM
10	We have a responsibility to be good stewards of our natural resources. It's time to put away the outdated requirements that are driven by esthetics.	9/4/2017 2:42 PM
11	Do not restrict to black only. Instead, broaden restrictions to allow a wider range -- All one color with minimal reflectivity OR Constructed to look similar to traditional roofing shingles such as the ones Tesla is touting. An all-black restriction is very short-sighted. Research what may be coming to the market soon, not just a single product that is now available. Prohibit bright metal and highly reflective surfaces.	9/4/2017 2:20 PM
12	Sustainability is more important than aesthetics.	9/4/2017 10:14 AM
13	While solar panels are green energy and saves money they look terrible.	9/4/2017 8:25 AM
14	Can you see if Elon Musk will use PR as a test study for his solar shingles? Kidding. AP	9/3/2017 10:08 AM
15	Does not fit our historical district. Reduces property value in historic neighborhood.	9/2/2017 11:46 PM
16	I don't know if this is consider to be a solar panel but I definitely think the new Tesla roofs should be allowed as well.	9/2/2017 9:53 AM
17	I'm more concerned about the "view" of the neighborhood (and reflection) when looking out my second storey windows. FYI this could be an unforeseen problem that comes up.	9/2/2017 7:09 AM
18	I'm really pro environment. But I'm also pro historic neighborhood, which is why I bought here. There needs to be a balance. Until solar tiles like those in design by Tesla are readily available, I will not support any solar panels on the front of homes.	9/2/2017 2:51 AM
19	I'm all for renewable energy, but it doesn't sound like the city has done its homework. There are still a number of challenges and problems with solar power.	9/2/2017 12:52 AM
20	Stop being ridiculous and allow people to efficiently energize their home.	9/1/2017 11:02 PM
21	No	9/1/2017 10:19 PM
22	No visible solar panels should be allowed, they destroy the historical character of our beautiful unique city. Also some home have portions of there roofs which are flat on top so it is inaccurate to say that half of the city is excluded under the current ordinance.	9/1/2017 9:13 PM

Pleasant Ridge Residential Solar Survey

23	As much as I see the need to save on energy costs, I also feel that being a historic district PR's ambience would be forever changed by allowing these to be present from the street.	9/1/2017 5:57 PM
24	Limiting the discussion to only these two panel types is in error. The full range of available solar panel types including solar shingles now being developed needs to be included in the language of any ordinance. Technology advances faster than cities can create or revise regulations and any rewrite should allow for types still to be developed, such as solar tracking/ movable installs. Same goes for wind power; new vertical blade systems are small, quiet and unobtrusive. If wind generation is currently prohibited in our zoning regs (I haven't checked), it also should be considered for approval, with sound and footprint limitations.	9/1/2017 5:34 PM
25	I'd prefer not to allow panels facing the street, on the front of the house. They are unsightly. However, corner lots may allow panels facing the rear of the house to be seen from one side, and I think that should be allowed. Only the front should be restricted. For those homes being excluded by this restriction, I think it will not be long before solar shingles are ready for prime time and priced feasibly. This would be a better solution for these cases.	9/1/2017 5:27 PM
26	If solar panels are allowed on a street visible side they must blend in w the roof top of a home, garage or building. Failure to make them less obtrusive looking will significantly degrade the historical perspective look and feel of our city. While modern technologies should be allowed it should be done with the most caution and used not to ruin our city	9/1/2017 5:20 PM
27	Please do not allow the aesthetic value of our historic properties to be negatively impacted by visible solar panels. Thank you.	9/1/2017 5:15 PM
28	They are quite common visible from street views throughout historic districts in Europe. There are new solar panels (shingles) that look great. It is still an emerging technology, like CFLs to LEDs.	9/1/2017 5:13 PM
29	I am an architect and I also use to work for a solar panel company and I am totally okay with this as long as it is done "in good taste".	9/1/2017 4:53 PM
30	This topic should be re-addressed as soon as other emerging technologies are proven both affordable and robust.	9/1/2017 4:48 PM
31	I hesitate to answer either of the questions above, because I think it depends. I am for an increase in solar, but I also feel that the character of the houses would be diminished if the solar implementation is done in a poor way. But, an all-out ban of solar that can be seen from the street doesn't seem right. For example, some homes in PR have a more modern style where even visible solar panels would not be obtrusive in my opinion, and some have low pitched roofs where the panels may not be as visible. If the "non-black"solar panels were installed on a high pitched tudor revival visible from the street, I would have a problem with it. But, if solar panels were installed on the detached garage of a home, even if still visible from the street, that would probably not be bothersome for me. And of course, as your question regarding all-black panels indicates, the style of solar panels is changing. There are solar shingles coming on the market that look like slate. etc. - assuming that they do look nice enough, I don't see why there would be any ban on those regardless of where they were placed.	9/1/2017 4:18 PM
32	If possible no solar panel should be placed on a side of a house if the other side of the house does not have a neighbor. Houses on many OF streets are very close to each other.	9/1/2017 4:06 PM
33	Should not be visible at all. No matter what kind/color they are.	9/1/2017 3:57 PM
34	would love it if the City could negotiate for residents to contract individually, but en masse, with a single contractor to get solar panels installed a reduced rate	9/1/2017 3:56 PM



City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman, City Manager
To: Planning Commission
Date: October 18, 2017
Re: Request to Amend Zoning Ordinance Section 82-197(b)(1)(m)

Overview

Sunny Singh, owner of the Sunoco Station, has applied to the State for a SDM (Specially Designated Merchant) liquor license. This would allow him to sell packaged beer and wine at his gas station for consumption off the premises. These liquor licenses are not subject to quotas.

Background

Section 82-197(b)(1) establishes specific requirements for automobile service stations. Subsection (m) states that “the sale of alcoholic beverages on the premises is expressly prohibited.”

Mr. Singh is asking the Planning Commission to consider amending the Zoning Ordinance to eliminate subsection (m), which would allow him to proceed with securing a SDM liquor license for the site.

If the Planning Commission is amenable to this request, the next step would be to schedule a public hearing for an ordinance to eliminate Section 82-197(b)(1)(m) of the Zoning Ordinance. The public hearing could be scheduled for the next regularly scheduled meeting on January 22, 2018, or a meeting could be held on November 27, 2017 or another date in the interim.

Requested Action

Planning Commission consideration of the request to eliminate 82-197(b)(1)(m), and if necessary, setting a date for the public hearing.

Sunny's Food Mart, Inc.

23701 Woodward Avenue
Pleasant Ridge, MI 48069
248-398-4650

October 17, 2017

Mr. Jim Breuckman
City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, MI 48069

RE: City Ordinance Code; Section 82-197(b)(1)(m)

Dear Jim,

I am writing this letter to you to respectfully request a variance on the City Ordinance Code; Section 82-197(b)(1)(m), which prohibits the sale of alcoholic beverages at my gas station. I was never given notice when this ordinance became effective. I never had the opportunity to attend a meeting and discuss this with the City Commission.

As you know, I have a current application with the State of Michigan to obtain a license to sell beer and wine at my location. I am very close to obtaining this license and will need either a variance for the above mentioned code or it's removal.

The ordinance is causing an unnecessary hardship to my business. Beer and wine sales at gas stations is becoming a very common trend and in order for me to remain competitive and consistent with today's marketing, I need the ability to sell beer and wine at my location.

I have spoken to many residents about this and have gotten nothing but positive responses from them. I have been part of this community for a long time and sincerely hope that the City of Pleasant Ridge will support and permit me to sell beer and wine at my location.

If you have any questions or concerns, feel free to contact me at any time.



Sunny Singh
Sunny's Food Mart



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

October 11, 2017

Gary M. Remer, Esq., Attorney
% Sunny's Food Mart, Inc
gremer@hertzschram.com

**RID # 917507 Reference/Transaction: NEW SDM LICENSE ISSUED
UNDER MCL 436.1533(5) WITH NEW GAS PUMPS TO BE ISSUED UNDER MCL 436.1541(6) 5'
(INSIDE).**

Please let this letter serve as notice the Michigan Liquor Control Commission has referred your application to our Enforcement Division for investigation of your request.

Applicant/Licensee: Sunny's Food Mart, Inc

Business address and phone number: 23701 Woodward Ave, Pleasant Ridge, MI 48069-1131, Pleasant Ridge City, Oakland County

Home address and phone number of partner(s)/subordinates:

Rajbir Singh, 5662 Pembroke Crossing, West Bloomfield MI 48322, B (248) 398-4650 / C (248) 207-3933, Email: sunny007@me.com

Harbhajan Singh, 3876 Vista Lane, Orchard Lake MI 48323, B (248) 398-4650 / C (248) 330-1601, sunny007@me.com

As part of the licensing process, an investigation is required by the Michigan Liquor Control Commission Enforcement Division. The Enforcement investigation will be conducted from the following designated District Office:

Southfield District Office (313) 456-1170

You may contact your designated District Office regarding any appointments or questions on documentation requested by the Investigator. **Failure to provide requested information or to keep scheduled appointments will cause the application to be returned to the Lansing office for cancellation.**

However, a copy of this notice is also being provided to **Local Governmental Unit** should they wish to submit an opinion on the application or advise of any local non-compliance issues.

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION
Retail Licensing Division
(866) 813-0011

rlb

cc: City of Pleasant Ridge via email (cityclerk@cityofpleasantridge.org)
Sunny's Food Mart, Inc via email (sunny007@me.com)



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Constitution Hall – 525 W. Allegan, Lansing, MI 48933
Mailing Address: PO Box 30005, Lansing, MI 48909
Toll Free 866-813-0011 – www.michigan.gov/lcc

Specially Designated Merchant Licensing Requirements & General Information

A Specially Designated Merchant license, as defined by MCL 436.1111(13), is a business licensed to sell, at retail, beer and wine in the original package for consumption off the premises.

Grocery stores, convenience stores, food specialty stores, pharmacies, gas stations, and other establishments selling beer and wine for consumption off the premises require a Specially Designated Merchant license.

How to Apply

All applicants requesting a new Specially Designated Merchant license, seeking to transfer ownership of a Specially Designated Merchant license, or transferring interest (stock or membership interest) in a Specially Designated Merchant license must submit the following:

- **Application Form**

For a new Specially Designated Merchant license or to transfer a Specially Designated Merchant license - [Retail License & Permit Application \(Form LCC-100\)](#)

To transfer interest in a Specially Designated Merchant license – [License Interest Transfer Application \(LCC-101\)](#)

- **Inspection Fee** - A \$70.00 nonrefundable inspection fee is required.
- **License & Permit Fees** – The initial and annual renewal fee for a Specially Designated Merchant license is \$100.00. Additional fees will vary based upon whether permits are requested in conjunction with a Specially Designated Merchant license.
- **Livescan Fingerprints** – Applicants that have never been licensed through the Michigan Liquor Control Commission must submit fingerprints through the Livescan fingerprinting process - [Livescan Fingerprint Background Request Form](#).
- **Purchase Agreement** – Applicants requesting to transfer a license from another licensee must submit an executed purchase agreement or other documentation signed by both the applicant and the current licensee, which details the sale of the liquor license(s) and other business assets.

- Purchase agreements must specifically indicate that the liquor license is being sold and provide the purchase price and terms of the sale.
- Purchasers of on-premises licenses must have at least 10% of the purchase price of the business, excluding real estate.
- Purchase agreements that are not for cash only sales and include real estate must list the personal property, including the licenses, and real estate with the terms and price for each.
- If the personal property and real estate are being purchased by separate people or entities, the purchase agreement must indicate those names and who is purchasing which items.
- If the applicant will not pay the full purchase price at closing, the balance due may be covered by a security agreement or promissory note. Alcoholic beverage inventory cannot be included on a security agreement or promissory note.
- **Property Document** – Applicants must provide documentation that demonstrates they will have control over the property that comprises the proposed licensed premises. Property documents include deeds, land contracts, and lease agreements.
 - A provision to reassign the license in the event of a default on a land contract or termination of a lease agreement may be included, but may only provide for the reassignment subject to Commission approval.
 - If the applicant is a company and its members or stockholders own the real estate as individuals or under another company, a lease agreement is needed.
 - If the applicant is an individual and he or she owns the real estate with a spouse or someone else who will not be named on the license, a lease between the applicant and the owners of the real estate is needed.
- **Retail Food Establishment License or Extended Retail Food Establishment License** – MCL 436.1533(5) requires applicants for Specially Designated Merchant licenses to hold and maintain a Retail Food Establishment License or Extended Retail Food Establishment License issued under the Food Law of 2000, [MCL 289.1101 to MCL 289.8111](#). Applicants for a standalone SDM license or a SDM license to be held in conjunction with a Specially Designated Distributor (SDD) license must provide a copy of their food establishment license.

In addition to the documents required by all applicants:

Corporations must submit the following information per Administrative Rule R 436.1109:

- Copy of current, filed Articles of Incorporation.
- Current Certificate of Good Standing from the state where incorporated and Certificate of Authority to Do Business in Michigan, if incorporated outside of this state.
- Certified copy of the minutes of a meeting of its board of directors or a statement signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- [Report of Stockholders/Members/Partners \(Form LCC-301\)](#)

Limited Liability Companies (LLC) must submit the following information pursuant to Administrative Rule R 436.1110:

- Copy of Articles of Organization and copies of any amendments to the Articles of Organization.
- Current Certificate of Authority to Do Business in Michigan, if the LLC is a non-Michigan LLC.
- Copy of Operating Agreement entered into by members.
- Copy of most recent annual statement filed with the Corporations Division, if an existing LLC.
- Statement signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- [Report of Stockholders/Members/Partners \(Form LCC-301\)](#)

Partnerships must submit the following information per Administrative Rule R 436.1111:

- Partnership Agreement, if a Limited Partnership.
 - [Report of Stockholders/Members/Partners \(Form LCC-301\)](#)
-

Licensing Process

- The Licensing Division reviews the application and corresponding documents for completeness and verifies the appropriate fees have been received. If additional documents, fees, or corrections to documents are needed, Licensing will notify the applicant.
- Once all the necessary documents have been received Licensing will submit the request to the Enforcement Division for its investigation. If an applicant has applied for and meets the requirements for a conditional license, the request will be considered by the Commission.
- The Enforcement Division will contact the applicant to schedule an interview with the applicant (and current licensee for license transfers). At this meeting an investigator will review with the applicant documents, including:
 - purchase agreement
 - financial documents
 - property documents
 - other items pertaining to the application
- After the interview, the investigator will prepare a report for the Commission regarding the investigation and submit the request back to Licensing for further processing.

- Licensing reviews the report from Enforcement and any additional documents received during the interview process. The request is prepared for the Commission to consider and placed on a docket for an upcoming licensing meeting.
 - The Commission considers the request, including:
 - the liquor license operating history of the applicant (if a current or prior licensee)
 - the arrest and conviction record of the applicant
 - whether the applicant meets the requirements for a license
 - the applicant's financial information
 - opinions of the local legislative body or police department, if received.
 - The Commission will approve or deny the request based on these factors. Occasionally, the Commission will request more information from the applicant before making a final decision.
 - After the Commission makes a decision on the request, the file is returned to Licensing for final processing.
 - Approval orders are sent to the applicant requesting any final items before the issuance of the license.
 - Denial orders are sent to the applicant and the applicant may appeal the decision.
 - When all the final items are received by Licensing, the completed request is forwarded to the Renewal Unit for the issuance of the physical license documents.
 - Any changes in financial provisions at the time of closing which do not conform to the terms previously indicated and investigated may require submission of new forms and possible additional investigation.
-

Permits, Permissions, and Authorizations

Sunday Sales Permit (A.M.) - A permit that allows the sale of beer and wine on Sunday mornings between 7:00am and 12:00 noon, if allowed by the local unit of government.

Beer and Wine Sampling Permit - A permit that allows for an off-premises licensee to provide patrons samples of beer or wine under certain circumstances.

Catering Permit - Authorizes a holder of a Specially Designated Merchant license to sell, deliver, and serve beer and wine in the original containers at private events. A licensee must have a food service establishment license or retail food establishment license to qualify for this permit.

Living Quarters Permit - Allows living quarters to be directly connected to the licensed premises.

Direct Connection permission - Allows connections from the licensed premises to unlicensed premises.

Motor Vehicle Fuel Pump permission – Allows the licensee to have motor vehicle fuel pumps on or adjacent to the licensed premises. The minimum distance between the fuel pumps and the site of selection and payment for alcoholic liquor is at least five (5) feet, except for a Specially Designated Merchant license issued to a marina that qualifies under [MCL 436.1539](#).

License Quotas

- Each local governmental unit (city, village, or township) has a limited number of Specially Designated Merchant licenses that may be issued based on the population from the most recent federal census.
- Unless an applicant qualifies for one of the exemptions or waivers below, an applicant requesting a new Specially Designated Merchant license must first verify that the license quota limit for Specially Designated Merchant licenses in the local governmental unit has not been reached and an available Specially Designated Merchant license exists.
- Specially Designated Merchant license quota exemptions and waivers:
 - A Specially Designated Merchant license issued in conjunction with an eligible on-premises license is exempt from the quota under MCL 436.1533(5)(a). The Specially Designated Merchant license is not transferable by location.
 - A Specially Designated Merchant license issued to an applicant whose establishment is at least 20,000 square feet and at least 20% of gross receipts are derived from the sale of food is exempt from the quota under MCL 436.1533(5)(b)(i). The Specially Designated Merchant license is not transferable by location.
 - A Specially Designated Merchant license issued to a pharmacy as defined in the [Public Health Code, MCL 333.17707](#), is exempt from the quota under MCL 436.1533(5)(b)(ii). The Specially Designated Merchant license is not transferable by location.
 - A Specially Designated Merchant license issued to an applicant that qualifies as a marina under [MCL 436.1539](#) is exempt from the quota under MCL 436.1533(5)(e). The Specially Designated Merchant license is transferable by location as long as the applicant at the new location meets the requirements of MCL 436.1539.
 - The Commission may waive the quota requirement under MCL 436.1533(6) for a Specially Designated Merchant license if there is no existing Specially Designated Merchant license within two (2) miles of the applicant, measured

along the nearest traffic route. The Specially Designated Merchant license is not transferable by location.

Proof of Financial Responsibility

- Liquor liability coverage of at least \$50,000.00 is required by Michigan law for active operation of a licensed business. Types of acceptable coverage are:
 - liquor liability insurance
 - cash
 - unencumbered securities
 - constant value bond
 - membership in an authorized group self-insurance pool
 - For more information, please read the instructions in the [Proof of Financial Responsibility form \(Form LC-95\)](#).
-

Direct Shipping of Wine by Specially Designated Merchant Licensees

A Specially Designated Merchant (SDM) licensee located in Michigan may use a common carrier to ship wine directly to a consumer in Michigan. A SDM licensee must comply with all of the following requirements if it chooses to ship wine through a common carrier:

1. Pay any applicable taxes to the Commission and to the Michigan Department of Treasury, as directed by the Department of Treasury. The licensee shall furnish an affidavit to the Department of Treasury to verify payment, if requested.
2. Comply with all Michigan laws, including, but not limited, the prohibition on sales to minors.
3. Verify the age of the individual placing the order by obtaining from him or her a copy of a photo identification issued by Michigan, another state, or the federal government or by using an identification verification service. The person receiving and accepting the order on behalf of the SDM licensee shall record the name, address, date of birth, and telephone number of the individual placing the order on the order form or other verifiable record of a type and generated in a manner approved by the Commission and provide a duplicate to the Commission.
4. On request of the Commission, make available to the Commission any document used to verify the age of the individual ordering or receiving the wine from the retailer.
5. Stamp, print, or label on the outside of the shipping container that the package **"Contains Alcohol. Must be delivered to a person 21 years of age or older"**.

The recipient at the time of the delivery shall provide identification verifying his or her age and sign for the delivery.

6. Place a label on the top panel of the shipping container containing the name and address of the individual placing the order and the name of the designated recipient if different from the name of the individual placing the order.

A Specially Designated Merchant licensee that complies with the provisions listed above may ship wine directly to a consumer through a common carrier without obtaining any additional approval from the Commission.