

PUBLIC NOTICE

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

Tuesday, July 24, 2018
7:30 PM - City Hall
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES -- *Meeting of June 26, 2018*

Attachment: [Written Comments on PUD-01-17](#)

COMMUNICATIONS— [Letter from Jim Phillips](#)
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **PUBLIC HEARING:** Ordinance Amendment—Ch.138-Article VI, Division 7—Site Plan Review
2. **ORDINANCE AMENDMENT:** Ch.138-Article VI, Division 7—Site Plan Review
Attachment: [Accessory Structure Ordinance Amendment](#)
3. **DISCUSSION:** Master Plan Update
Attachments: [RRC Master Plan Update Guide](#), [MML-Mastering the Update Process](#)
[DDA-Downtown Plan RFP & Proposal](#)
4. **ORDINANCE AMENDMENT:** Ch.138-Article III, Division 1—Accessory Buildings & Structures
Attachment: [Draft Ordinance-Exterior Appliances](#)
5. **ELECTIONS:** Matter of electing a chairperson, vice chairperson, and secretary of the Planning Commission
6. **APPOINTMENTS:** Matter of appointing Planning Commission liaisons to the Downtown Development Authority (meets the second Wednesday of every month at 8AM), the Parks & Recreation Advisory Board (meets the second Thursday of every month at 7PM), the City Council (meets the first and third Monday of every month at 7PM), and the Chamber of Commerce (meets the fourth Friday of every month at 8AM).

LIAISON REPORTS
COMMISSIONER/STAFF COMMENTS
ADJOURN

Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk.

The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 PM, JUNE 26, 2018 AT CITY HALL BY VICE CHAIR BARNETT.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city's government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city's YouTube channel: <https://www.youtube.com/user/cityofberkeley>.

PRESENT: Mark Richardson Lisa Kempner Martin Smith
Ann Shadle Kristen Kapelanski David Barnett
Tim Murad Joe Tangari

ABSENT: Michele Buckler

ALSO PRESENT: Ross Gavin, City Council Liaison
Tim McLean, Community Development Director
Richard Carlisle, Planning Consultant
Roland Alix, Engineering Consultant
Joe Novitsky, Architect
W. Keith Owen, Architect
Steve Friedman, Applicant
Brad Friedman, Applicant
Several members of the public

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APPROVAL OF AGENDA

It was moved by Commissioner Richardson to approve the agenda as written and supported by Commissioner Shadle.

AYES: Kapelanski, Kempner, Murad, Richardson, Shadle, Smith, Tangari, Barnett

NAYS: None

ABSENT: Buckler

Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Murad to approve minutes from April 24, 2018 and supported by Commissioner Shadle.

AYES: Kempner, Murad, Richardson, Shadle, Smith, Tangari, Kapelanski, Barnett

NAYS: None

ABSENT: Buckler

Motion Carried.

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COMMUNICATIONS

Written comments from residents on PUD-01-17

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CITIZEN COMMENTS

Kurt Hite, Robina Ave.: Referenced a traffic study done by TIA on Coolidge Hwy. He also stated that the traffic counts done on Coolidge and Harvard were similar to his own counts.

Wendi Zabramski, Gardner: Referenced the TIA traffic study and asked why the report has not been released to the public.

Vivian Carmody, Berkley DDA: Clarified that the TIA traffic study was commissioned by the DDA to explore the feasibility of a road diet on Coolidge Hwy, and that the report was still in draft form.

STAFF RESPONSE TO COMMENTS

Community Development Director McLean echoed the comments made by DDA Director Carmody that the report was in draft form and was not commissioned as a result of PUD-01-17.

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7. Public Hearing: Ordinance Amendment for Eleven Mile District

Public Hearing opened at 7:41PM

No public comments

Public Hearing closed at 7:41PM

2. Ordinance Amendment: Eleven Mile District:

Community Development Director McLean stated that final revisions have been made to the proposed amendment to uses in the Eleven Mile District. Language has been added to prohibit the use of outdoor loudspeakers or public address systems for automobile showrooms. A minimum building size requirement was also added for offices for automobile showrooms.

It was moved by Commissioner Tangari to recommend approval of the proposed amendments to the Eleven Mile District to City Council and supported by Commissioner Richardson.

AYES: Murad, Richardson, Shadle, Smith, Tangari, Kapelanski, Kempner, Barnett

NAYS: None

ABSENT: Buckler

Motion Carried.

3. Public Hearing: Berkley-Coolidge LLC, PUD-01-17

Public Hearing open at 7:42PM

Mike Kulka, PM Environmental: Stated that his company in Berkley has experience building redevelopment and brownfield cleanup. He voiced support for the proposed PUD.

Zoe McGrath, Royal Oak: Stated she is a parishioner at the LaSalette Church and expressed concerns about the City being short-sighted. She also stated concerns about the former school building being boarded up and falling into disrepair.

Elizabeth Petry, Gardner: Commented that the City is not responsible for the Church congregation.

Charles Tyrell, Berkley: Commented that he does not believe the criteria for a PUD has been met. He

stated that other developers will be interested in the proposed property. In referencing the engineering review by HRC, he would like to see the PUD request denied.

Kurt Hite, Robina: Referenced parking issues in Royal Oak. He also voiced concerns about traffic from the proposed development during peak hours. He stated he disagrees with the parking study done by Giffels-Webster in 2017. He believes the parking demand is understated by the applicant. He stated he is not opposed to development but would like to see responsible development.

Patti Curtis, Kenmore: Voiced support for the comments made by Mr. Hite. She commented that the proposed development should not be a PUD and could be achieved through conventional zoning. She believes the proposed development is too large for the property. She stated that she favors the PUD being denied.

Jim Cox, Oxford: Stated his belief that this project is too large for the size of the property. He commented that he believes this will lead to traffic issues. He stated that he does not support this project and that it is not in the best interests of the community.

Kevin Gee, Huntington Woods: Stated he is a parishioner at LaSalette Church. He voiced support for the PUD. He stated that the school building is deteriorating and that a solution needs to be found for this property.

Jim Felts, Berkley: Stated that parking demands are changing in cities. He referenced a reduction in the number of parking spaces at Atlanta International Airport. He stated that he believes over time, less people will own cars, and that parking requirements need to adapt.

Carol Barton, Sunnyknoll: Expressed disappointment with the length of time this project has been discussed and debated. She stated that there are no rental housing options for senior citizens in Berkley.

Kevin McDade, Oak Park: Stated that his parents settled in Berkley many years ago and that he is a parishioner at LaSalette Church. He voiced support for the community and seeing this project get developed.

Mark Burke, Berkley: Referenced city infrastructure and that delays in deciding on this project can lead to blight. He thanked the City for continuing to stick with this project. He stated that currently this property is generating no tax revenue for the City.

Fred McDonald, Berkley: Urged the Planning Commission to support this project. He stated he believes the project will be good for the City. He believes there is a disproportionate tax burden for residents in single family homes and that this type of housing option will help with revenue. He stated a belief that this project will be for the common good of the City.

Mark Meek, Harvard: Stated he is a parishioner at LaSalette Church and has spent 54 years in the area. He voiced concerns about stagnation. He commented that he wants to see development in the city and that a decision should be reached tonight.

Wendi Zabramski, Gardner: Stated that she would like to see a smaller development on this site. She stated that she doesn't believe the project as it is proposed is responsible development. She stated that tax revenue should not factor into the decisions of the Planning Commission.

Joshua Hunter, Thomas: Stated that he is in favor of seeing this property developed but that the size and scale as it is proposed is too large. He stated a PUD is not appropriate for this proposal. He stated that the applicant has not presented data to justify the size of this development.

Andy McAvoy, Berkley: Stated he is upset with the length of the application process with this PUD. He voiced concerns about finances and the Church.

Analise Pietras, Franklin: Stated that she works in architecture and has lived in many apartments over the years. She commented that she would like to see a better development than what is being proposed. She stated she does not believe the PUD requirements have been met and that there are major details missing from the site plan. She referenced issues with the proposed floor plans. She expressed concern that if developed, this project would have negative effects on the Coolidge District. She referenced the need for middle housing types in the Master Plan. She stated that the school could be redeveloped. She referenced a former municipal building in Dearborn as a successful example of adaptive re-use.

Nancy Stimac, Princeton: Believes the property can be developed with a better plan. She voiced concern about the size of new houses being constructed in Berkley. She also voiced concerns about the City Building Department regarding new residential construction.

Becky Burek, Berkley: Stated she is a parishioner at the LaSalette Church. She expressed confusion as to why the school property has been vacant for so long. She stated she wants to see development and not an abandoned building.

Brandon Alger, Berkley: Stated he wants to offer a balanced perspective. He referenced redevelopment projects happening in Ferndale and Royal Oak. He stated he wants to see redevelopment in Berkley, but that the project as it is proposed is not true redevelopment. He referenced the timeline of this project and that the applicant is seeking too much relaxation of City codes for this project.

John Cooper, Berkley: Voiced support for approval of the PUD. He referenced timelines for redevelopment. He believes the City should strive for viable development and not hold out for a perfect project.

Patty Wilson, Berkley: Stated she is a new resident in Berkley and that while she had concerns about the length of time to decide on this project, she is supportive of approval.

Linda Gable-Smith, Berkley: Stated she is a parishioner at LaSalette Church. She stated that commentary at meetings is often not fact-based. She stated that if this project is approved, it isn't a case of the City bailing out the Church. She stated that there is a demand for larger houses in Berkley, based on sales of new homes being constructed. She referenced vacant property on 11 Mile Rd. She stated that the city needs more rental housing options.

Public Hearing closed at 8:42PM.

4. Planned Unit Development: PUD-01-17, Berkley-Coolidge, LLC.

W. Keith Owen, architect for the applicant gave a presentation of the revised site plan and played a short video of what the development would look like.

The Planning Commission had an extensive discussion on the following topics:

- Proposed greenspace on the site plan.
- HRC's Engineering Report and whether the site plan could be approved with the condition that engineering requirements are met.
- The height of the building and the tops of the fifth floor lofts project up to the proposed

penthouse mechanical room.

- The proposed floorplan for the various apartment types.
- The interpretation of whether or not this is a six story building and the building codes relative to a building that size.
- Shared parking.
- The number of onsite parking spaces and how the Berkley multiple-family residential requirement compares to other communities.
- Trash removal.
- Lighting plan.
- Height and mass of the proposed building.

It was moved by Commissioner Smith to recommend approval of PUD-01-17 to City Council and supported by Commissioner Shadle with the following conditions:

- **Compliance with engineering requirements**
- **Reduce the size of the 6th floor loft units by one-third**
- **Provide an exterior light fixture sheet**
- **Provide a detailed plan for the south masonry wall.**
- **Provide plan for the re-use of Parducci architectural features of existing building**
- **Provide plans for proposed signs**
- **Correct apartment analysis sheet**
- **Replace low masonry wall on the north with landscaping**
- **Provide a parking agreement that complies with parking requirements**

AYES: Kapelanski

NAYS: Richardson, Shadle, Smith, Tangari, Kempner, Murad, Barnett

ABSENT: Buckler

Motion Failed.

It was moved by Commissioner Richardson to recommend denial of PUD-01-17 to City Council on the grounds that the proposed development fails to fulfill the requirements of Sec.138-537—Standards for Approval, sub-sections (2) and (7) and supported by Commissioner Kempner.

AYES: Shadle, Smith, Tangari, Kempner, Richardson, Barnett

NAYS: Kapelanski, Murad

ABSENT: Buckler

Motion Carried.

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LIAISON REPORTS

Commissioners Richardson discussed the bike corral at Art Bash. Poor weather conditions led to a low bike turnout for Art Bash. Despite the low turnout, the committee had the opportunity to discuss city environmental issues with residents and sustainable development.

Commissioner Smith had nothing to report on Parks & Rec but briefly discussed the City Council meeting on June 18. He discussed the millage proposals and mentioned that City Hall renovations have been removed from millage proposal discussions at this time.

Commissioner Murad mentioned that he was a volunteer for Art Bash. He also discussed Street Art on July 14.

Commissioner Tangari discussed the Berkley DDA design guidelines.

Chair Buckler briefly discussed the rent approval of SU-01-18 by City Council for the shared office use at 2838 Coolidge.

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STAFF/COMMISSIONER COMMENTS

Commissioner Tangari discussed the overall process for the PUD discussion. He indicated that it was hard to vote against this project because he feels that some type of multiple-family development is a good use of that land. He also stated that this would be his last meeting as his term is expiring. Due to work commitments, he is unable to continue serving the Planning Commission. He also indicated that someday he would like to be part of the Planning Commission again.

Commissioner Shadle stated that she will miss having Commissioner Tangari’s expertise on the Planning Commission. She also discussed the length of time to render a decision on the PUD application.

Commissioner Murad stated he had a difficult time making a decision on the PUD application. He expressed support for a multiple-family residential development for the property. He also stated he will miss working with Commissioner Tangari on the Planning Commission.

Commissioner Kapelanski stated she understood the reasoning for the recommendation to deny the PUD application. She stated that the process took too long and there was much to learn from this. She stated she would miss working with Commissioner Tangari.

Commissioner Richardson thanked Commissioner Tangari for his service on the Planning Commission and stated he will miss his expertise. He stated he really wanted to support the PUD application. He feels some type of multiple-family residential development is necessary for the property. He discussed the long time line to render a decision and stated that the responsibility for the long timeline falls on both the Planning Commission and the applicant.

Commissioner Smith stated that the City needs new apartment development. He believes the property for the proposed PUD would be ideal for that type of development, but that in this case, the size and mass of the building was too much to overcome.

Vice Chair Barnett agreed that the PUD decision was very difficult. He felt that the proposed building was too large for the property site. He also stated that this would be his last meeting on the Planning Commission. His term is expiring and he will be stepping down after 24 years. He stated he is grateful to previous Mayors for support. He also thanked the first City Planner he worked with for the City (get name). He expressed thanks to his mentor Charles (get last name), former Planner in Detroit. He also thanked the Michigan Association of Planning for his recent award.

Community Development Director McLean thanked Commissioner Tangari for his service to the Planning Commission. He also thanked Vice Chair Barnett for his many years of service and stated that the 24 years of institutional knowledge that Mr. Barnett brought to the Planning Commission could not be replaced.

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With no further business, the meeting was adjourned at 10:52PM.

MEMORANDUM

July 18, 2018

TO: City of Berkley Planning Commission
FROM: Timothy McLean, Community Development Director
RE: **Report for the Planning Commission Meeting, July 24, 2018**

1. Public Hearing: Ordinance Amendment—Ch.138, Article VI, Division 7—Site Plan Review

By statute, when the Planning Commission amends the Zoning Ordinance, a public hearing must be held.

Attachments: [Public Notice](#)

2. Ordinance Amendment: Ch.138, Article VI, Division 7—Site Plan Review

Minor revisions have been made to the draft amendment. A motion is necessary to recommend adoption of this amendment to City Council.

Attachments: [Accessory Structure Ordinance Amendment](#)

3. Discussion: Master Plan Update

The last full update to the Master Land Use Plan was in 2007. Prior to the 2007 update, a Master Land Use Plan had not been done since 1989. After the 2007 Master Land Use Plan was adopted, there have been some minor revisions and stand-alone amendments.

- **January 2007:** Master Land Use Plan Update approved by the Planning Commission.
- **January 2012:** The Planning Commission adopted the Woodward Avenue Corridor Study as part of the Master Plan.
- **May 2012:** The Planning Commission adopted a Multi-Modal Transportation Plan.
- **August 2015:** The Planning Commission approved an amendment to the Master Plan in the Residential Future Land Use document.
- **February 2017:** The Residential Future Land Use document was again amended and approved by Planning Commission.

There are some exciting items to consider as the Planning Commission dives into the Master Land Use Plan process. The City is now engaged in the Redevelopment Ready Communities program through the Michigan Economic Development Authority (MEDC). This program is essentially a partnership between the MEDC and the City of Berkley. The intent of the program is to ensure that the City is utilizing best practices in order to create a development process that is streamlined, consistent, and predictable. Getting to the point where the City is meeting best practices will involve evaluating current procedures for the planning and development process, as well as how the Zoning Ordinance ties in with this process. Attached to this report is a Master Plan Update Guide from the Michigan Economic Development Corporation. In this guide is a checklist that should help facilitate discussion on our scope of work.

The Downtown Development Authority has been working with a consultant to create Design Guidelines for new development. The next step is for the DDA to work with the Planning Commission on adopting these procedures.

The DDA has also just completed the process to engage the services of a consultant to draft a Downtown Master Plan. Of the consulting firms that responded to the RFP, two were selected for interviews. After the interview process, the consulting firm Lakota Group was selected to do the work. The timeline for the completion of the Downtown Master Plan is June of 2019.

The Michigan Planning Enabling Act has specific requirements in terms of what must be included in a Master Plan:

125.3807 Master plan; adoption, amendment, and implementation by local government; purpose.

Sec. 7.

- (1) A local unit of government may adopt, amend, and implement a master plan as provided in this act.
- (2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:
 - (a) Is coordinated, adjusted, harmonious, efficient, and economical.
 - (b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
 - (c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.
 - (d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:
 - (i) A system of transportation to lessen congestion on streets and provide for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians, and other legal users.
 - (ii) Safety from fire and other dangers.
 - (iii) Light and air.
 - (iv) Healthful and convenient distribution of population.
 - (v) Good civic design and arrangement and wise and efficient expenditure of public funds.
 - (vi) Public utilities such as sewage disposal and water supply and other public improvements.
 - (vii) Recreation.
 - (viii) The use of resources in accordance with their character and adaptability.

There are many “moving parts” as we dive into the Master Land Use Plan process. All of these moving parts will help shape the vision for Berkley in the years to come. It is important that these documents work in “concert” with each other. Before we can develop a request for proposals, a scope of work needs to be discussed.

Attachments: [RRC Master Plan Update Guide](#)
[MML-Mastering the Update Process](#)

4. Discussion: Ordinance Amendment—Generators

In recent years, the Zoning Board of Appeals has heard a number of cases related to the installment of emergency generators in residential side yards. Presently, the Berkley City Code does not define nor specify regulations for the installment of emergency generators. In the absence of definition and specific language regarding placement and installation of generators, the Zoning Board of Appeals has opined that generators be treated as Accessory Structures. By ordinance, accessory structures may only be placed in a rear yard.

Most recently, the Zoning Board of Appeals approved a variance for a generator to be installed in a residential side yard on July 9, 2018. In 2017, the previous Planning Director had been working on an ordinance amendment that addresses Exterior Appliances. Generators would fall under the category of an exterior appliance. Ms. Vansen had created a draft ordinance that had been discussed with the Planning Commission and Zoning Board of Appeals in 2017. The Zoning Board of Appeals has asked that the Planning Commission make the creation of this ordinance a high priority.

Attachments: [Draft Ordinance-Exterior Appliances](#)

5. Elections: Matter of electing a Chair, Vice Chair, and Secretary of the Planning Commission

As required by the Berkley Planning Commission bylaws, officers must be elected by a majority of its membership at the regularly scheduled meeting in July. Terms for officers are for a period of one year. A motion is necessary to nominate a Chair, Vice Chair, and Secretary of the Planning Commission.

6. Appointments

Matter of appointing Planning Commission liaisons to the following Boards & Commissions: Downtown Development Authority, Parks & Recreation Advisory Board, Chamber of Commerce.