

PUBLIC NOTICE

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

Tuesday, June 25, 2019
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 May 28, 2019*
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **PUBLIC HEARING: POSTPONED**
2. **REZONING REQUEST: RZ-01-19—POSTPONED**
Attachment: [Memo to Planning Commission & Zoning Board of Appeals](#)
3. **PUBLIC HEARING**: PUBLIC HEARING FOR PROPOSED ORDINANCE AMENDMENTS TO SEC.138-383-SPECIAL USES IN OFFICE DISTRICT AND SEC.138-388-SPECIAL USES IN LOCAL BUSINESS DISTRICT
Attachment: [Public Hearing Notice](#)
4. **ORDINANCE AMENDMENTS**: PROPOSED AMENDMENTS TO SEC.138-383-SPECIAL USES IN OFFICE DISTRICT AND SEC.138-388-SPECIAL USES IN LOCAL BUSINESS DISTRICT
Attachments: [Local Business District-Special Use Amendment](#)
[Office District-Special Use Amendment](#)
5. **PLANNING COMMISSION BYLAWS**: AMENDMENT
Attachment: [PC By-Laws & Rules of Procedure-Draft Amendment](#)
6. **PLANNING COMMISSION**: ANNUAL REPORT
Attachment: [Planning Commission Annual Report: 2018-19](#)

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, MAY 28, 2019 AT CITY HALL BY CHAIR 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/cityofberkeley>.

PRESENT: Mark Richardson Martin Smith Ann Shadle
 Lisa Kempner Greg Patterson Matt Trotto
 Kristen Kapelanski Tim Murad Michele Buckler

ABSENT: NONE

ALSO PRESENT: Tim McLean, Community Development Director
 Ross Gavin, City Council Liaison
 Mark Kellenberger, Eig14t Development

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APPROVAL OF AGENDA

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

AYES: Buckler, Kempner, Murad, Patterson, Richardson, Shadle, Smith, Trotto, Kapelanski

NAYS: None

ABSENT: None

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APPROVAL OF MINUTES

It was moved by Commissioner Patterson to approve minutes from April 23, 2019 and supported by Commissioner Kempner.

AYES: Kempner, Murad, Patterson, Richardson, Shadle, Smith, Trotto, Buckler, Kapelanski

NAYS: None

ABSENT: None

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COMMUNICATIONS

N/A

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CITIZEN COMMENTS

N/A

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1. ORDINANCE AMENDMENT: PROPOSED LANGUAGE FOR DAYCARE CENTERS AS A SPECIAL USE IN LOCAL BUSINESS DISTRICT AND OFFICE DISTRICT

Community Development Director McLean gave a summary of proposed language to allow daycare centers as a special use in the Local Business District and Office District.

Mr. Kellenberger stated that the process to be licensed by the State of Michigan for a daycare center often occurs when the site is being constructed.

Commissioner Richardson stated that State regulations appear confusing regarding fencing for outdoor play areas.

Commissioner Buckler stated that a daycare use can be challenging in downtown areas due to traffic and parking.

Chair Kapelanski suggested the language be revised to allow for licensing to be required during the application for a business licensing process rather than in site plan approval. Ms. Kapelanski also recommended parking and screening requirements near residential areas.

Commissioner Murad stated he would like to see screening requirements.

Vice Chair Smith stated that it can be difficult to have a daycare use in a building with multiple tenants.

Chair Kapelanski directed Mr. McLean to set a date for the public hearing for the June meeting of the Planning Commission.

2. PUBLIC HEARING: ORDINANCE REPEAL-SEC.138-132

Chair Kapelanski OPENED the Public Hearing at 7:53PM.

No comments were made

Chair Kapelanski CLOSED the Public Hearing at 7:54PM.

3. ORDINANCE REPEAL: RECOMMENDATION TO REPEAL SEC.138-132

Mr. McLean provided a summary regarding the request to repeal Sec.138-132. City staff and consultants from McKenna and HRC have developed new standards for residential grading and stormwater management. The intent is to move these standards out of the zoning ordinance and into regulatory ordinances. Part of that process is to repeal the existing standards for residential grading under Sec.138-132.

Commissioner Buckler discussed questions and concerns related to the new standards for new residential construction and stormwater management.

It was moved by Vice Chair Smith to recommend that City Council repeal Sec,138-132 of the Berkley City Code and supported by Commissioner Richardson.

AYES: Patterson, Richardson, Shadle, Smith, Trotto, Kempner, Murad, Kapelanski

NAYS: Buckler

ABSENT: None

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LIAISON REPORTS

Mr. Murad stated that Art Bash would be held in the second weekend of June.

Mr. Richardson stated that the bike corral would be held during Art Bash next to Berkley Commons. Mr. Richardson also stated that the Environmental Committee had approved a proposed energy efficiency plan.

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STAFF/COMMISSIONER COMMENTS

Mr. Patterson asked if the start time for Planning Commission meetings could be moved up to 7PM instead of 7:30PM.

Mr. McLean responded that he would check to see if the Planning Commission bylaws would need to be amended to allow for a time change.

Mr. Trotto stated that Berkley Days was fantastic this year. He also asked if there could be additional signage for the bike corral

With no further business, the meeting was adjourned at 8:14PM.

MEMORANDUM

JUNE 19, 2019

TO: CITY OF BERKLEY PLANNING COMMISSION
FROM: TIMOTHY MCLEAN, COMMUNITY DEVELOPMENT DIRECTOR
RE: REPORT FOR THE PLANNING COMMISSION MEETING, JUNE 25, 2019

1. **PUBLIC HEARING: POSTPONED**

2. **REZONING REQUEST: RZ-01-19—POSTPONED**

ATTACHMENT:

[Memo to Planning Commission & Zoning Board of Appeals](#)

3. **PUBLIC HEARING**: PROPOSED AMENDMENTS TO SEC.138-383-SPECIAL USES IN THE OFFICE DISTRICT AND SEC.138-388-LOCAL BUSINESS DISTRICT

ATTACHMENT:

[Public Hearing Notice](#)

4. **ORDINANCE AMENDMENTS**: PROPOSED AMENDMENTS TO SEC.138-383-SPECIAL USES IN THE OFFICE DISTRICT AND SEC.138-388-LOCAL BUSINESS DISTRICT

As recommended by the Planning Commission, revisions have been made to the draft language to allow nursery schools, day nurseries, and child care centers as Special Uses in the Office District (O-1) and Local Business District (LB).

Sec.138-383(4)(a) and Sec.138-388(6)(a) have been revised. Previous language would have required proof of State licensing upon application for a Special Use. It was communicated to staff that the process of licensing through the State of Michigan often occurs while a facility is under construction. This language has been revised to require that proof of State licensing be provided as part of the application for a Business License.

Sec.138-383(4)(c) and Sec.138-388(6)(c) has new language stating that facilities must comply with screening requirements that may be required by the Planning Commission; including masonry walls up to six feet in height, decorative fencing, or landscaping.

The Planning Commission raised the question about parking requirements for these uses. Under *Sec.138-219(2)-Parking space requirements by use*, nursery schools, day nurseries, and child care centers are identified. The minimum parking requirement is 1 space per 300 square feet of usable floor area, plus 1 space for each employee.

The Public Hearing for these amendments is on the agenda for June 25. A motion is necessary to recommend adoption of these amendments to City Council. Please see the attached ordinance revisions.

ATTACHMENTS:

[Local Business District-Special Use Amendment](#)

[Office District-Special Use Amendment](#)

5. PLANNING COMMISSION BYLAWS: AMENDMENT

At the May meeting of the Planning Commission, the question was asked if the start time of the meetings could be changed from 7:30PM to 7:00PM. To change the start time of future meetings, the **Planning Commission By-Laws and Rules of Procedure** must be amended. Section Six of the By-Laws states: *“The commission may amend these rules by a concurring vote pursuant to subsection 3.8 during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.”*

It is my recommendation that the Planning Commission consider a motion to amend Section 3.2 of the **Planning Commission By-Laws and Rules of Procedure** to reflect a new start time of 7:00 p.m. for meetings. Please see the attached By-Laws with recommended revisions.

ATTACHMENT:

[PC By-Laws & Rules of Procedure-Draft Amendment](#)

6. INFORMATION: ANNUAL REPORT

Please see the attached annual report of the Planning Commission. The report has a complete listing of site plan reviews, special use applications, requests for rezoning, and planned unit developments from January 1, 2018 to June 1, 2019.

ATTACHMENT:

[Planning Commission Annual Report: 2018-19](#)