

A REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 P.M. JUNE 24, 2014 AT CITY HALL BY CHAIRPERSON BARNETT.

PRESENT: Martin Smith Mark Richardson Michele Buckler
David Barnett Tim Murad Ann Shadle
Dean Smith

ABSENT: Eric Murrell Dottie Popp

ALSO PRESENT: Robert Robinette, 1021 Oxford
Tara Hayes, 1021 Oxford
Roger Ratekin, 1221 Eaton
Diane Cicchini, 1035 Oxford
John Hindo, 255 South Old Woodward, #310 Birmingham
Don Olson, 3442 Devon, Royal Oak
Bradley Thompson, 1072 Eaton
John DuLong, 959 Oxford
Patricia DuLong, 959 Oxford
Jack Guirey, 1009 Oxford
Jim Chamberlain, 1059 Oxford
Melanie Stevens, 1083 Oxford
Molly Campbell, 1080 Oxford
Wendy Becker, 1175 Eaton
Dorothy Bennoune, 3226 Thomas
Martin Prehn, PO Box 80732 St. Clair Shores
Greg and Debbie Tulford, 1405 Oxford
Kamal Tato, 1060 Oxford
Maisoon Tato, 1060 Oxford
Jim Stanis, 1059 Eaton
Marie Baranda, 983 Oxford
Sean and Gabrielle Sweda, 1047 Eaton
Jessi McAlpine, 1610 Dorothea
Matt Mio, 1118 Oxford
Laura Quirk, 1222 Eaton
Joe McHugh, 1940 Columbia
Mike and Sandy Burke, 984 Columbia
Maybelle Fraser, 1317 Oxford
Tina Edgar, Council Liaison
Amy Vansen, City Planner

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APPROVAL OF AGENDA

It was moved by Commissioner Murad to approve the agenda.

Supported by Commissioner Shadle.

AYES: Dean Smith, Murad, Buckler, Richardson, Shadle, Martin Smith, Barnett

NAYS: None

ABSENT: Popp, Murrell

Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Dean Smith to approve the minutes of the regular meeting for May 27, 2014.

Supported by Commissioner Martin Smith.

AYES: Dean Smith, Buckler, Murad, Richardson, Martin Smith, Shadle, Barnett

NAYS: None

ABSENT: Popp, Murrell

Motion Carried.

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COMMUNICATIONS

Ms. Vansen called attention to the Downtown Development Authority minutes.

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CITIZEN COMMENTS

None

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- 1. **REZONING: RZ-02-14** Car Bar LLC, regarding 996 Oxford, north side of Oxford, between Woodward and Stanford, Lot 305 and the east half of Lot 304 of the Larkmoor Boulevard Subdivision is requesting a rezoning from Single Family Residential District (R-1D) to Parking District (P-1).

Curt Catalo, owner of the Car Bar was present. He presented an aerial of the lots in question and advised that he believes that creating parking lot of this size will solve the parking problem and get the cars off the residential streets. He emphasized that the parking would only be accessible from the alley.

Chairperson Barnett advised that the Planning Commission can only make a recommendation to City Council and that the final decision lies with City Council.

Chairperson Barnett explained that he was concerned that the parking described will landlock the three businesses along Woodward that are south of Vinsetta Garage.

Chairperson Barnett then opened the public hearing at 7:39 PM.

Diane Cicchini, 1035 Oxford, reminded the Commission that at last month's meeting the Commission told Mr. Catalo he should reach out and work with the residents. Instead, the residents reached out. She summarized that a meeting between the Car Bar representatives and the residents was frustrating because the Car Bar was unwilling to compromise. The residents then reached out to the owners of 1036 Eaton (T-Mobile or Wireless Vision). A meeting yesterday was held between the Car Bar, Wireless Vision, the City and two resident representatives. Wireless Vision offered a lease agreement. The City representatives urged the Car Bar to take the offer. But she recently found out that the Car Bar has declined the lease agreement that would enable a larger parking lot on Eaton.

Robert Robinette, 1021 Oxford, urged the Commission to vote no on both rezoning proposals. He stated that Mr. Catalo can't manage his employees or his valets. He reminded the Commission that Mr. Catalo has asked for community guidance on how to handle the problem. He urged the City to give Mr. Catalo guidance.

Mr. Campbell, 1080 Oxford read Jacqueline Bergeron's letter into the record. She was opposed to the rezoning.

John DuLong, 959 Oxford, is opposed to the rezoning. He had done some research into deed restrictions at Oakland County and found that many lots within the Larkmoor Boulevard Subdivision have deed restrictions regarding the use of the property tied to them. He reminded the Commission that the City is aware of deed restrictions in the Stephenson Barber's Oakland Manor Subdivision and has zoning regulations in that area that reflect those restrictions. He asked that the same courtesy be extended to the Larkmoor Boulevard Subdivision. He advised the Car Bar that the Subdivision would file a lawsuit if the rezoning is pursued.

Melanie Stevens, 1083 is opposed to the rezoning. While the residents have reached out to the Car Bar, the Car Bar has not compromised. She praised T-Mobile's collaboration. She cited similar parking problems in Fenton near another of Mr. Catallo's restaurants.

Tara Hayes, 1021 Oxford, is opposed to the rezoning. She submitted a parking study showing that there is enough parking in this area. She stated that her study shows that most of the parking lots are at most only 60% full. She favored collaboration between businesses.

Jack Guirey, 1009 Oxford, is opposed to the rezoning. He brought up the issue of stormwater retention and how more impervious surface will add to flooding issues in this area. He suggested that all this parking may mean that Vinsetta wants to expand the restaurant.

Marie Baranda, 983 Oxford, is opposed to the rezoning. She cited concerns about safety and property values.

Patricia DuLong, 959 Oxford, is opposed to the rezoning. She offered that restaurants come and go and mentioned names of restaurants that were very popular at one point in time but have since closed. She offered that stable, residential neighborhoods take time to develop and are valuable to a City.

John Hindo, representative for Wireless Vision (T-Mobile). He stated that Margarita's restaurant and 1036 Eaton were owned by the same person. His client bought 1036 Eaton right after they purchased Margarita's. They are open to collaboration with businesses and want to be a good neighbor. He wished Mr. Catallo the best in his business pursuits.

Molly Campbell, 1080 Oxford, is opposed to the rezoning.

Maisoon Tato, 1060 Oxford, is opposed to the rezoning.

Martin Prehn, PO Box 80732 St. Clair Shores, stated that he is a National Elder Advocate. He brought up deed restrictions. He also advised the Commissioners that according to the Supreme Court if they usurp their duties they could get sued personally. He then advised Mr. Catallo that he was aware of some vacant land in Macomb County that would be ideal for a new restaurant venture.

Jim Stanis, 1059 Eaton, asked about the City exercising eminent domain. Ms. Vansen advised that she had asked the City Attorney that question a year ago and was advised that it will take a very long time and cost a lot of money.

Jessi McAlpine, 1610 Dorothea, was concerned that Vinsetta Garage was the new business and was trying to tear the neighborhood apart.

The owner of 1089 Oxford did not believe a parking lot would benefit the neighborhood.

Joe McHugh, 1940 Columbia, thought the businesses should work together.

Jim Chamberlain, 1059 Oxford, is opposed to the rezoning and thought the alley direction should be changed and the fence removed between Charter One and T-Mobile.

Hearing no further comments, Chairperson Barnett closed the public hearing at 8:59 PM.

Commissioner Shadle asked how 996 Oxford was important to Vinsetta Garage's parking plans.

Mr. Catallo stated that 996 Oxford will allow the business to build a 50-car parking lot.

Chairperson Barnett reminded the applicant that he once said that Charter One Bank's parking lot was too far to walk. Mr. Barnett then suggested that the parking being proposed on Oxford was about the same distance.

Mr. Catallo offered that it is a different kind of walk. Charter One Bank was around the block. He stated that it is against human nature to drive past available on street parking to park at a parking lot that is around the block. His parking lot would be more readily visible.

Commissioner Martin Smith asked both business owners why sharing parking is not possible.

Mr. Catallo stated that duration is an issue for him. He wants an agreement or a solution that is longer than 4 or 5 years. He wants to be able to control his business operation and can't do it if he is at the mercy of another property owner. He stated that he would do anything to put this parking issue to rest.

John Endo of T-Mobile/Wireless Vision stated that Mr. Catallo was looking for a 20 year commitment. His client is in the technology business and technology changes too quickly to have a 20 year commitment. His client's need flexibility. They thought that a 4 year lease would allow Mr. Catallo some time to figure out other possible options.

Commissioner Murad offered that instead of T-Mobile leasing the land to Vinsetta Garage, T-Mobile could sell the land and then lease the number of spaces that they need (since a restaurant needs more parking than a cell phone store). Commissioner Murad also suggested that turning the properties into a municipal parking lot was an option that should be considered.

John Hindo was concerned about entering into a long term commitment with T-Mobile and stated (similar to Mr. Catallo) that they want to be able to control the business operation and can't do it if they are at the mercy of another property owner. To the municipal parking question, he advised he would need more information and would take that back to his clients.

Commissioner Dean Smith offered that the issues between the businesses, while important, were outside the scope of the rezoning before the Commission.

Commissioner Richardson stated that the parking on Eaton is more in line with the master plan than Oxford. The Car Bar's past behavior can't play a part in the rezoning just like the deed restrictions can't. Mr. Richardson then reviewed the five points per Berkley City Code that the Commission must examine. He then stated that even a great parking lot design can't entirely mitigate the effects of that parking lot. He added that if the parking were approved, Mr. Catallo would have the second biggest parking lot in the area. Mr. Richardson thought that was too much parking under one business's control.

Commissioner Buckler had reviewed the future land use map and found the rezoning on Oxford to be inconsistent with the Master Plan.

It was moved by Commissioner Martin Smith to recommend denial of RZ-02-14 to the City Council. Supported by Commissioner Murad.

AYES: Dean Smith, Buckler, Murad, Richardson, Martin Smith, Shadle, Barnett

NAYS: None

ABSENT: Popp, Murrell

Motion Carried.

2. **REZONING: RZ-01-14** Car Bar LLC, regarding 960, 972 and 984 Oxford, north side of Oxford, between Woodward and Stanford, Lots 306, 307, and 308 of the Larkmoor Boulevard Subdivision is requesting a rezoning from Single Family Residential District (R-1D) to Parking District (P-1).

Ms. Vansen reminded the Commission that it held the public hearing on this matter last month.

Commissioner Martin Smith stated that there is ample opportunity to share parking.

Commissioner Murad suggested they work together last year and stated that that is still the solution.

Commissioner Buckler offered that shared parking is the way to go because maintenance costs for individual businesses are smaller.

Commissioners Shadle and Dean Smith stated that the proposed rezoning was inconsistent with the master plan.

It was moved by Commissioner Martin Smith to recommend denial of RZ-01-14 to the City Council.

Supported by Commissioner Shadle.

AYES: Dean Smith, Buckler, Murad, Richardson, Martin Smith, Shadle, Barnett

NAYS: None

ABSENT: Popp, Murrell

Motion Carried.

3. **DISCUSSION:** Discussion regarding conditional map amendment provisions.

It was moved by Commissioner Martin Smith to postpone this discussion until July 22, 2014.

Supported by Commissioner Murad.

AYES: Richardson, Buckler, Shadle, Dean Smith, Martin Smith, Murad, Barnett

NAYS: None

ABSENT: Popp, Murrell

Motion Carried.

CITIZEN COMMENTS

Tara Hayes, 1021 Oxford, thanked the Commission for listening.

Sean Sweda, 1047 Eaton, asked what was going to happen now at Eaton and cited the empty houses and unimproved parking lot. Ms. Vansen reviewed the status of those properties and the timeline for improvements.

LIAISON REPORTS

Commissioner Dean Smith reported that the ZBA did not meet.

Commissioner Popp was absent so there was no report from the Downtown Development Authority.

Commissioner Murad reported that the Chamber now has 140 members. The Art Bash was a success. Cruisefest is the next event.

Commissioner Richardson reported the Environmental Advisory Committee is co-sponsoring Electronic Recycling at the Community Center on June 29 from 1-5 PM. The bike corral at the Art Bash was also successful.

Chairperson Barnett reported that he missed the last City Council meeting, but there were no items pertaining to the Commission.

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STAFF/COMMISSIONER COMMENTS

Commissioner Richardson appreciated how polite and on point everyone was at this evening's meeting. He acknowledged that meetings like this can get emotional and heated and he was impressed at how civilized the discourse has been.

Commissioner Shadle stated that having the residents and businesses here working toward a common goal is what makes Berkley a great place.

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There being no further business, Chairperson Barnett adjourned the meeting at 9:49 PM.