

**A REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER
AT 7:30 P.M. MAY 27, 2014 AT CITY HALL BY CHAIRPERSON BARNETT.**

PRESENT: Martin Smith Mark Richardson Eric Murrell
David Barnett Tim Murad Dottie Popp
Dean Smith Ann Shadle Michele Buckler

ABSENT: None.

ALSO PRESENT: Kathy Moir, 1197 Oxford
Pat Moir, 1197 Oxford
Gail Linden, 25840 Concord, Huntington Woods
Jim Stanis, 1059 Eaton
Jack Guirey, 1009 Oxford
Maggie Johnson, 73 Oakdale, Pleasant Ridge
Matt Mio, 1118 Oxford
Tara Hayes, 1021 Oxford
Robert Robinette, 1021 Oxford
Don Olson, 3442 Devon #233, Royal Oak
Diane Cicchini, 1035 Oxford
Jacquelyn Bergeron, 1022 Oxford
Mike Korsak, 1967 Catalpa
Julie Ferris, 1176 Eaton
Resident, 1175 Eaton
Marty Preston, National Elder Advocate, Macomb County
Joe McHugh, 1940 Columbia
Mark Maisonneuve, 3517 Kipling
John Skok, 36801 Woodward, Birmingham
Patricia DuLong, 959 Oxford
John DuLong, 959 Oxford
Sarah Cahill, 995 Oxford
Marie Baranda, 983 Oxford
Jim Chamberlain, 1059 Oxford
Pat Chamberlain, 1059 Oxford
Kamal Tato, 1060 Oxford
Maisoon Tato, 1060 Oxford
Jon Murrell, 1836 Beverly
Jessica McAlpine, 1610 Dorothea
Sean Sweda, 1047 Eaton
Julia Willhoft, 3713 Oakshire
Melanie Stevens, 1083 Oxford
Scott and Molly Campbell, 1080 Oxford
Laura Quirk, 1222 Eaton
Wilfred MacDonnell, 1079 Eaton
Ilene Jabbooi-Ryan, 959 Harvard
Tina Edgar, Council Liaison
Amy Vansen, City Planner

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APPROVAL OF AGENDA

**It was moved by Commissioner Richardson to amend the agenda, moving Item #2 to Item #1.
Supported by Commissioner Martin Smith.**

AYES: Dean Smith, Popp, Richardson, Shadle, Martin Smith, Murrell, Barnett

NAYS: Murad, Buckler

Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Murad to approve the minutes of the regular meeting for April 22, 2014.

Supported by Commissioner Martin Smith.

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

NAYS: None

Motion Carried.

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COMMUNICATIONS

Ms. Vansen brought attention to the City Council approval of the bike routes and the Downtown Development Authority minutes.

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CITIZEN COMMENTS

None.

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- 1. **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).

Commissioner Murrell declared a conflict of interest. He stated that his brother owned the house at 960 Oxford which had been sold to the applicant. Commissioner Murrell stated that there would be an appearance of prejudice and requested that he be allowed to abstain from this item. There was some discussion about allowing Commissioner Murrell to participate in the discussion but abstain from voting as he is a valued commissioner. Commissioner Murrell appreciated the accolades, but stated his presence would not be proper.

It was moved by Commissioner Richardson to allow Commissioner Murrell to abstain.

Supported by Commissioner Shadle.

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

NAYS: None

Motion Carried.

Curt Catalo, owner of the Car Bar was present. He presented the history of his pursuit of parking. He had an agreement with Charter One Bank. Employees are supposed to park there. He reminded the Commission that Vinsetta Garage is this great old building. The customers do park on the streets. The one-way alley, the changes made by MDOT to the service drive and the no right turn onto Oxford are challenges for the valet and customers. He had tried to buy the Margarita's (now T-Mobile) property, but was beat out at the last minute. He tried to buy three lots on Eaton, but the owner of T-Mobile bought the middle property. They have moved their pursuit to Oxford where they have bought three lots, a fourth is under contract. He advised that he is a strong advocate of residents only permit parking on local streets.

Mr. Catalo had presented an aerial and then asked to present a parking lot plan. Chairperson Barnett advised the applicant that specific plans for a proposed parking lot were not to be presented. The matter

before the Planning Commission was whether or not to recommend rezoning, not how to design a parking lot.

Commissioner Dean Smith asked the applicant about the parking agreement with Charter One Bank. Mr. Catallo advised that the bank withdrew the agreement after this winter. He was not sure exactly when and wasn't sure if the City was copied on the letter.

Ms. Vansen advised that the City was not copied on the letter.

Mr. Catallo advised that he has formed a "parking alliance" with the Donut Cutter and that plans to construct the parking lot at 1010 Eaton have been submitted.

Commissioner Martin Smith asked about 1036 Eaton and the possibility of purchasing that property. Mr. Catallo advised that the owner wanted \$1.5 million for the property.

With regard to the valet service, Mr. Catallo stated that it costs his business \$54,000 a year to provide it. He was not sure if the valet service would continue if the parking on Oxford was approved.

Commissioner Richardson totaled up the proposed parking: 26 on site, 15 at 1010 Eaton and approximately 50 at the proposed Oxford lot. He wondered what the applicant was going to do with the 30 excess parking spaces. Mr. Catallo countered that the parking lot would be filled because the business is very successful.

Commissioner Dean Smith observed that Vinsetta Garage is a place where people meet so rather than a group of four traveling by a single car, four individuals driving four different cars are meeting at Vinsetta Garage. He then asked where the valet was parking cars.

Mr. Catallo advised that he has eight different valets parking cars. They do not park in the parking lot immediately abutting the property but they do park at 1010 Eaton. The valets are told not to park on the residential streets. Mr. Catallo stated that while it is legal to park on city streets, it is against the restaurant's policy.

Chairperson Barnett opened the public hearing at 8:00 PM

Diane Cicchini, 1035 Oxford, reminded the Commission that Westborn Market was repeatedly denied and redirected before finally developing a sensitive design. While the restaurant has benefitted the community, the traffic on Oxford has increased. The applicant has not honored his agreement with Charter One Bank and 1010 Eaton has not been finished. She urged the Commission to deny the request.

John DuLong, 959 Oxford, is opposed to the rezoning. Parking lots pay less in property taxes than houses do. The residents recently supported a millage for City services. There will be less residents to help pay for services if this proposal is approved. There was never a real effort to use the bank parking; it was just done to appease the City. The restaurant has never notified customers that they can park at the bank.

The resident at 1060 Oxford is opposed to the rezoning. The parking issues at the bank and at 1010 Eaton should be resolved.

Jacqueline Bergeron, 1022 Oxford, is opposed to the rezoning. Initially she was thrilled with the restoration of the Vinsetta Garage and the restaurant. But 2 years later there is still a parking problem. T-Mobile and Vinsetta should work together.

Julie Ferris, 1176 Eaton, is in favor of the rezoning. There is congested street parking on Eaton. It is no longer a quiet residential street. The restaurant is open from 12 PM to 10 PM on weekdays and 12 PM to 2 AM on weekends. Residents no longer can use the street for visitors. There is much more foot traffic with strangers walking up and down the street. Sometimes customers are loud.

Molly Campbell, 1080 Oxford, is opposed to the rezoning. She is concerned about property values. She believes that a parking lot on Oxford will not decrease business traffic.

James Stanis, 1059 Eaton reminded the Commission that there is a vacant muddy lot and 2 empty houses on Eaton since Vinsetta opened.

Melanie Stevens, 1083 Oxford, is opposed to the rezoning. She praised the applicant for rescuing a building but stated it has been at the expense of the residences. 1010 Eaton was rezoned, demolished and then nothing has been done. The applicant has not followed through. Charter One Bank parking was never promoted. She urged the Commission to not reward the applicant's recklessness.

Jack Guirey, 1009 Oxford, is opposed to the rezoning. Bank parking was never used. He has counted 45 cars on the streets, but not in the bank's parking lot.

Marilyn Cichoracki, 1881 Larkmoor, is opposed to the rezoning. She recalled that before Westborn Market there was the bar, Coral Gables, which caused many problems. She indicated that perhaps the valet was causing more problems than solving them.

Jim Chamberlain, 1059 Oxford, is concerned about property values. He wondered about making the alley northbound and thought the privacy fence by the bank should be removed. He is opposed to the rezoning.

Tara Hayes, 1021 Oxford, is opposed to the rezoning. She referenced a use study and parking count study that had been provided to the Planning Commission. Most of the parking lots in the City are not filled. Most parking lots along Woodward are north of the business. She thought Vinsetta Garage should fulfill its obligations and promises. She added that she spoke with the Charter One Bank manager and the agreement was terminated in the fall.

Marie Baranda, 983 Oxford, would live across from the proposed parking lot. She stated that even when the agreement with Charter One Bank was in place, no one knew about it. She referenced the lot on Eaton that has not been developed. She does not think Mr. Catallo is trustworthy and wonders why the bank terminated the agreement.

Sean Sweda, 1047 Eaton, lives next to the apartments on Eaton. He does not think Vinsetta is a good neighbor. He wonders if Eaton is going to be restored if the Oxford properties are rezoned.

Rob Robinette, 1021 Oxford, stated that Mr. Catallo owns many restaurants, but the residents each own only one house.

Sarah Cahill, 995 Oxford, is opposed to the rezoning. She doesn't think a parking lot will eliminate the congestion. She referenced a conversation she had with a Vinsetta Garage waitress who allegedly didn't know where employees were supposed to park.

Patricia DuLong, 959 Oxford, is opposed to the rezoning. She stated that the business has already been using the driveways of the three houses. She mentioned the removal of the No Right Turn sign which was removed and found on her property.

Mr. Catallo stated that the solution would be the Eaton properties. He was hoping to work with T-Mobile. The Oxford parking lot is an alternative. Access would be from the alley only. He doesn't have the ability to fight Charter One Bank, but perhaps the community could. The community could convince T-Mobile and Charter One Bank to work with Vinsetta Garage. He asked the community for its guidance.

Marty Prinn, Macomb County resident, referenced deed restriction language and alleged that properties in the Larkmoor Boulevard Subdivision that face local streets could not be converted to business purposes but must remain residential. Ms. Vansen advised that the City, by law, does not enforce deed restrictions.

Susan Casper, 1164 Oxford, is opposed to the rezoning and suggested the Northpointe Medical Center would have ample parking in the evening.

Patrick Moir, 1197 Oxford, is opposed to the rezoning.

Ilene Jabbooi-Ryan, 959 Harvard, stated that Harvard is busy, too and had heard that Westborn Market might expand its parking, also.

Dale Witzke, 996 Oxford, is in favor of the rezoning. He stated that denying the rezoning won't make the parking problem go away.

Joe McHyl, 1940 Columbia, summarized the issues before the Planning Commission. He wondered if denying the request might motivate the business to sit down with residents. He thought building a parking garage was the solution.

Hearing no further comments, Chairperson Barnett closed the public hearing at 9:14 PM.

Commissioner Dean Smith stated that the master plan acknowledges that Woodward properties are too shallow and that some depth may be necessary. However he did not think that the City needed more parking lots. He added that given the termination of the Charter One Bank parking agreement, the City should reconsider Vinsetta Garage's occupancy.

Commissioner Martin Smith stated that he was not aware of the bank terminating the agreement. Customers park a long way down the side streets. The bank isn't half that distance. Northpointe Medical is also closer. The City prides itself on being a walkable community. 1046 Eaton would allow access to the bank parking lot.

Commissioner Richardson stated that the Planning Commission when considering rezoning is supposed to follow the master plan as best we can; use sound zoning and planning principles as best we can; minimize disruptions as best we can; and look at the whole neighborhood and obtain the right balance as best we can. It is not an easy task. He voted for 1010 Eaton being rezoned because he felt it would not change the character of the neighborhood. If Oxford can be preserved, then it should be. Sufficient off-street parking is within the neighborhood; just accessing it is the issue. People would rather walk down a residential street than a muddy alley.

Commissioner Murad observed that successful businesses equal parking problems. But finishing the lot on Eaton won't solve the parking problems. He was not ready to make a recommendation this evening.

Commissioner Buckler advised that in Royal Oak there are parking structures and people walk many blocks to get to businesses. A shared parking lot would be beneficial. However she did not think the City could impose that wish. She did not think this request was inconsistent with the master plan.

Commissioner Shadle was concerned about the lack of a shared parking agreement. She would like that possibility discussed further. She can't support this proposal until the opportunity for a win-win, shared parking lot has been better explored.

Commissioner Popp agreed with the others. There is a solution but the unfinished parking lot needs to be addressed. She stated that she lives next to a parking lot and it is okay. But she stated that customers need to be willing to walk.

Commissioner Martin Smith stated that the Planning Commission are appointed, unpaid volunteers. He advised the audience that the Commission takes rezoning very seriously.

Chairperson Barnett stated that he has been on the Commission since 1994 and has never seen this kind of turnout. He advised he could support some rezoning but not all of it. He was also not ready to make a decision. He added that parking lots can be developed so they are assets to the community.

It was moved by Commissioner Martin Smith to postpone RZ-01-14 to June 24, 2014 to allow the applicant and neighborhood time to come to an agreeable proposal.

Supported by Commissioner Murad.

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

NAYS: None
ABSTAIN: Murrell
Motion Carried.

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Chairperson Barnett called for a temporary adjournment at 9:38 PM. Chairperson Barnett reconvened the meeting at 9:44 PM.

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2. SITE PLAN REVIEW: SP-05-14 Sanoona Investments, 2510-70 West Twelve Mile Road, northwest corner of Twelve Mile and Coolidge, is requesting site plan approval for a new parking lot and façade change.

The applicant Doraid Markus and his architect Mark Drane were present.

The Commission was in favor of the proposed façade change as well as the expansion of the parking lot.

There was discussion on the pedestrian walkway and a potential location. There was discussion on a location for a bike rack. It was determined that placing the bike rack near Kenmore would be better.

The Commission observed that there were no dumpster details provided and adequate screening needed to be provided. There was agreement that grass planted between the wall and the curb was not the best groundcover solution.

There was some discussion on parking needs for the potential tenants at this location. Ms. Vansen stated there is a long history of variances at this location, but did not have the details at the meeting. The applicant advised that he still rents 15 parking spaces from Mr. Millman on the next block.

It was moved by Commissioner Murad to approve SP-05-14 with the following conditions:

- **Comply with Public Works and Fire Inspector comments.**
- **Provide a 5 foot wide opening in the brick wall along Twelve Mile and provide a striped crossing from the wall to the shopping center’s service walk.**
- **Amend the Kenmore driveway to have a 26 foot wide curb cut**
- **Install pavement between the Kenmore sidewalk and the building and provide 2 inverted U or loop style bicycle racks.**

Supported by Commissioner Martin Smith.

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

NAYS: None

Motion Carried.

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3. SPECIAL LAND USE: SU-01-14 Dr. Hassen Saleh, regarding 3270 Greenfield, east side of Greenfield, between Twelve Mile and Beverly, Parcel Number 25-18-101-036, is requesting approval for an urgent care clinic in accordance with *Berkley City Code*, Chapter 138 *Zoning*, Article V *District Regulations*, Division 7 *Greenfield District*, Section 138-395 *Special uses*, (1) Clinics, including outpatient and urgent care.

Dr. Saleh and his architect were present. The applicant indicated that his hours of operation will be from 8 AM to 9 PM, Monday through Friday and 10 AM to 8 PM on Saturdays and Sundays. He currently lives in Dearborn and practices in Monroe. He is looking forward to working closer to home. He plans on pursuing hospital privileges at nearby hospitals.

No changes to the exterior are planned. There was some discussion on the fire inspector comments. Those have been addressed. The Planning Commission appreciated the business plan the applicant submitted.

Chairperson Barnett opened the public hearing at 10:23 PM. Hearing no comments, he closed the public hearing at 10:23 PM.

It was moved by Commissioner Martin Smith to recommend SU-01-14 to City Council for approval with the following conditions:

- **Hours of operation Monday through Friday shall be 8 AM to 9 PM and hours of operation on Saturday and Sunday shall be 10 AM to 8 PM.**

Supported by Commissioner Richardson.

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

NAYS: None

Motion Carried.

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

It was moved by Commissioner Martin Smith to postpone this discussion until June 24, 2014.

Supported by Commissioner Murrell.

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

NAYS: None

Motion Carried.

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CITIZEN COMMENTS

Tara Hayes, 1021 Oxford, reminded the Commission that Vinsetta Garage is in violation of its business license by not having the proper off-street parking.

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LIAISON REPORTS

Commissioner Dean Smith reported that the ZBA did not meet.

Commissioner Popp provided her report from the Downtown Development Authority.

Commissioner Murad reported that the Chamber is working on Art Bash to be held June 14th.

Commissioner Richardson the Environmental Advisory Committee will host a bike corral at the Art Bash and is hosting an Electronics Recycling Day. There will be a public forum on Regional Transit at the zoo on June 4th.

Chairperson Barnett reported that the City Council heard a presentation on the proposed Woodward Transit Alternatives Analysis and approved next year's budget.

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STAFF/COMMISSIONER COMMENTS

Commissioner Shadle appreciated the residents attending the meeting.

Commissioner Dean Smith observed that this meeting demonstrates why businesses should work with neighbors.

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There being no further business, Chairperson Barnett adjourned the meeting at 10:33 PM.