

A REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 P.M. APRIL 26, 2016 AT CITY HALL BY CHAIRPERSON BARNETT.

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

ABSENT: None

ALSO PRESENT: Karen Kohute, 2391 Ellwood
Melanie Stevens, 1083 Oxford
Kathleen Moore, 3269 Wakefield
Robert Robinette, 1021 Oxford
Patricia DuLong, 959 Oxford
John DuLong, 959 Oxford
Donald MacDonnell, 1079 Eaton
Sean and Gabrielle Swedo, 1047 Eaton
Mark Bischak, 4227 Bacon
Jim Stanis, 1059 Eaton
Matt Mio, 1118 Oxford
John Marusich, 2400 Greenfield
Dan Winter, 2400 Greenfield
Jack Blanchard, City Council
David Sabuda, Finance Director/Treasurer
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: Richardson, Murrell, Popp, Shadle, Tangari, Buckler, Smith, Murad, Barnett
NAYS: None
Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Murad to approve the minutes of March 22, 2016.
Supported by Commissioner Shadle.
AYES: Richardson, Popp, Murrell, Shadle, Tangari, Buckler, Smith, Murad, Barnett
NAYS: None
Motion Carried.

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COMMUNICATIONS

Ms. Vansen directed the Commission to Downtown Development Authority minutes, a letter from Oakland County relative to the Southfield Master Plan, and the Planned Unit Development rezoning ordinance.

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CITIZEN COMMENTS

Mr. MacDonnell of 1079 Eaton stated that Vinsetta Garage is serving alcoholic beverages on the outdoor patio. He recalled that the patio was not to be used until the parking situation was remedied.

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- 1. **PRESENTATION:** Presentation and consideration of the City’s Capital Improvements Program.

Finance Director Sabuda was present. He presented a 7-Year Capital Improvements Program. This year about \$168,000 is planned for recreation upgrades include ball field material, park drainage and a linear park along Coolidge. The Library is planning to upgrade its parking lot lighting to LED. There is \$103,000 slated for the architectural plans for city hall. There are many upgrades under the auspices of Public Works including a rebuilding of Harvard including water lines from Woodward to Cass. Coolidge will also be restriped and the Twelve Mile sidewalks from Tyler to Greenfield will be designed this year. Public Safety has \$40,000 slated for basement flooding mitigation. The DDA has extended its plan until 2040.

The Commission asked about how streets are prioritized. Mr. Sabuda stated that the roads have been graded by the City’s Engineer as well as the number of water main breaks in a given area.

The Commission was happy to see master plan projects coming to fruition. It also asked about the future of the Ice Arena. Mr. Sabuda stated that there are no plans to eliminate the ice arena, the question is whether to rebuild or renovate and how that should be financed. The Commission also asked about a residential sidewalk program.

It was moved by Commissioner Murad to approve the City’s Capital Improvements Program and recommend it to City Council.

Supported by Commissioner Smith.

AYES: Richardson, Popp, Murrell, Shadle, Tangari, Buckler, Smith, Murad, Barnett

NAYS: None

Motion Carried.

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- 2. **SITE PLAN REVIEW: SP-02-16** Mark Bischak for Linda Hartfield, regarding 3490 Twelve Mile Road, north side of Twelve Mile, between Buckingham and Oakshire, is requesting site plan approval for a façade change.

Mr. Bischak, the architect, was present. He advised that new windows will be in the lounge area. The new façade faces Twelve Mile and the parking lot. The existing stucco will be removed. It is believed that there is cinderblock construction behind. Mr. Bischak had a sample of the stone material which would be installed.

The Commission cautioned that any water issues will need to be addressed before installing the new façade material. The stone material is a concrete material. However, it was observed that some façade materials which moisture into the façade which is problematic. There was also concern that the material will have a lot of wear and tear given the salt and dirt from Twelve Mile Road.

Mr. Bischak confirmed that the downspout will be relocated. The proposed door on the west side may not be included in the plans.

The Commission confirmed that the proposed windows are about 25% of the lounge area's façade.

It was moved by Commissioner Tangari to approve SP-02-16 with the following conditions:

- 1. Provide one copy of a sign, sealed plans to the City for the Planning Commission file.**
- 2. Provide specification that the proposed façade material can be installed at grade or provide a detail of an alternative.**
- 3. The proposed door on the west elevation is not integral to the approval.**

Supported by Commissioner Smith.

AYES: Richardson, Popp, Murrell, Shadle, Tangari, Buckler, Smith, Murad, Barnett

NAYS: None

Motion Carried.

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- 3. REZONING: RZ-01-16 City of Berkley, regarding 1046 Eaton, north side of Eaton, between Woodward and Stanford, Parcel ID #25-17-428-014, Lot 335 of the Larkmoor Boulevard Subdivision is requesting a rezoning from Single Family Residential District (R-1D) to Parking District (P-1).**

Chairperson Barnett reviewed that consideration tonight was a rezoning and not a site plan review. No design issues will be considered. Should the rezoning be approved, a site plan will be considered at a later date. The Planning Commission will hold a public hearing and then make a recommendation to the City Council.

Ms. Vansen reviewed that the City had been in discussions with Vinsetta Garage and Lugo Properties to arrive at a sensible solution to the properties on Eaton and how best utilize them as parking. A collaboration agreement was signed. As part of that agreement, the City would be the applicant regarding the rezoning of 1046 Eaton and the City will provide surveyors to prepare the lot split/combination surveys. Once/If those are complete, Vinsetta Garage would move forward with a site plan for City consideration.

Chairperson Barnett opened the public hearing at 8:15 PM.

Sean Swedo, 1047 Eaton, reviewed the history of the restaurant parking situation. 1010 Eaton was promptly rezoned and the house razed and then the property sat unimproved for years. The Car Bar then moved over to Oxford and bought the properties there. The proposed rezoning was defeated by the City. The preservation of the residential character of the neighborhood is at stake. The aesthetics of any development, including a parking lot, are very important. He passed pictures of the parking lot at 1010 Eaton around for the Commission. He was very concerned about the lack of greenery on that site. He expressed concern that if this rezoning goes through there will be two blocks of solid parking. Rezoning should only be approved if the City is assured of what the parking lot will look like. In addition, if the customers cannot self-park, the lots will continue to go unused. The collaboration agreement should have included a clause about preserving the character of the neighborhood. He is concerned that the houses will be demolished on Eaton, then Vinsetta Garage will be unwilling to comply with the City's site plan conditions, and the property will sit vacant. The houses should not be demolished until the site plan is approved.

John DuLong, 959 Oxford, reminded the Commission that the CarBar has misled the City of Berkley and has antagonized neighbors since the very beginning. The valet is not operating in accordance to what was promised to the residents. Any rezoning should be conditional on the site plan and valet operations. But the Eaton rezoning is regrettable.

Patricia DuLong, 959 Oxford, stated that the valet operating in the abutting parking lots, channels self-parkers onto the City streets. The valet does not use the parking lot at Northpointe. She expressed concern about the rezoning of 3 lots into the residential area setting a precedent.

Melanie Stevens, 1083 Oxford, stated that Vinsetta Garage has a pattern of not complying with City conditions or ordinances. The valet has not operated in accordance with its agreement. There are no parking signs in the abutting parking lots forcing customers to park on the streets. The CarBar is using the garages on several of its residential properties for restaurant storage. The business consistently says one thing and does another. The City has not enforced the conditions or the ordinances. There is already so much parking near the restaurant why can't a shared parking agreement be approved? Charter One Bank recently changed to Citizens Bank; has the City approached the leadership at Citizens about a joint parking agreement? How will the rezoning on Eaton affect the Oxford properties?

Rob Robinette, 1021 Oxford, stated that the parking lot at 1010 Eaton looks terrible with marginal materials. Rezoning three lots into the residential district is just too much.

Jim Stanis, 1059 Eaton, was concerned about the houses being demolished on Eaton and an unimproved muddy lot sitting there. Ms. Vansen advised that there are requirements that the property have grass seed or sod installed before any bonds are refunded. In the case of 1010 Eaton, so much was in negotiation relative to the rezoning of 1036 Eaton and the parking agreement, that the City didn't enforce grass seed being planted. Unfortunately, Vinsetta then placed gravel there and began parking on the unimproved surface. The City then had to choose on whether having a few less cars on the street was better or worse than parking on gravel. Given that the collaboration agreement has been signed, Ms. Vansen didn't anticipate any of the delays that 1010 Eaton experienced.

Don MacDonnell, 1079 Eaton, expressed concern that even with this rezoning, there is not enough parking for that restaurant. Public Safety made promises regarding the on-street

parking on Eaton and those promises have not been realized. When Vinsetta compacted the 1010 Eaton lot, the machine shook the ground so much that it damaged his foundation. He also expressed concern that the collaboration agreement was executed without the neighbors' knowledge. He also inquired about having the curbs replaced on Eaton.

Gabrielle Swedo, 1047 Eaton, is opposed to the rezoning. More parking is not needed in this area. There are so many parking spaces nearby that are sitting unused. The valet uses the abutting parking lots rather than driving the cars to Northpointe. The business does not communicate to customers about where to park. Businesses do not last forever, but the neighborhood will be converted to parking permanently. The parking situation has been going on for years, there is no urgency to decide the rezoning. She is concerned about the precedent of rezoning 3 lots to parking. The parking decision needs to be made with the following in mind: the needs of current and future businesses in the area; the site plan; it should be business friendly for everyone, not just serving one business; and set reasonable precedence for future rezonings.

Gary Polk, 1440 Eaton, did not want to see the site rezoned without a site plan.

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

Commissioner Murrell pondered if the on-street parking situation is satisfactory to the residents then there is no need to consider the proposed solution of rezoning the third lot on Eaton. The Commission periodically discusses whether to draw the line between residential and business uses or let the market decide. In the end, the Commission has always said let the market decide. Two years ago, the market said it needed four residential lots and then the City said no we don't want that. He concurred that businesses don't last forever and then asked Ms. Vansen to review the business uses allowed along Woodward. After Ms. Vansen finished, he concluded that the Woodward business corridor is too shallow for today's business needs and needs to expand. He conceded that his decisions are made with the idea of what is best for the City but that those decisions may not be the best for a given resident.

Commissioner Tangari inquired about a conditional rezoning. Ms. Vansen stated that such a rezoning could be considered; however, in this case, the City was the applicant for the rezoning. The applicant for the site plan would be Vinsetta Garage. No site plan has been prepared as of yet.

There was discussion about the order of items to be completed according to the collaboration agreement.

Commissioner Richardson expressed concern about the amount of parking on the residential streets and felt this rezoning would make the situation better.

Commissioner Popp was concerned about the design at 1010 Eaton and was concerned about Vinsetta Garage's past behavior.

It was moved by Commissioner Smith to recommend RZ-01-16 for City Council approval. Supported by Commissioner Buckler.

AYES: Richardson, Popp, Murrell, Shadle, Tangari, Buckler, Smith, Murad, Barnett

NAYS: None

Motion Carried.

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Chairperson Barnett adjourned the meeting at 9:33 PM for a brief recess. The meeting was reconvened at 9:41 PM.

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4. **SITE PLAN REVIEW: SP-01-16** John Marusich for William Winter, regarding Lots 13-15 of the Thomas Park Subdivision, #25-18-301-031, east side of Greenfield, between Oxford and Catalpa is requesting site plan approval for the development of a 12-unit apartment building.

Ms. Vansen advised that given the quick turnaround time between the last submittal and this one, Ms. Vansen did not send this submittal to the Engineer. Any approval should be subject to engineering approval.

Mr. Marusich and Mr. Dan Winter were present. Mr. Marusich reviewed the landscape plan. He also clarified that the screenwall will not be a poured in place wall, but will be a brick masonry constructed wall.

The Commission determined that there will be a metal cap on the parapet painted to match the building. The balconies will have metal hand rail and glass baluster. The applicant was still not sure of the balcony floor material.

The Commission voiced concern about the long term viability of a vinyl fence on the north property line. The concern is that snow will be piled against the fence and the fence will not last. The applicant believes the fence will last and if it does not, understands that he must replace it.

The site photometric plan was more legible. However, the measurements were still taken on either side of the property line, rather than at the property line.

The Commission suggested that that the parking lot may be better lit with a few low lights (approximately 5 feet tall) rather than one 15-foot tall pole.

The Commission inquired about the location of gas meters. The location was still to be determined, but the Commission recommended the south wall.

Commissioner Murad was concerned about the 3 foot screenwalls parallel to the building from a safety standpoint.

Commissioner Tangari expressed concern regarding the use of a single type of tree. Given the various tree blights in recent years, it would be better to have some species diversity.

It was moved by Commissioner Smith to approve SP-01-16 with the following conditions:

1. **Gas meters should be installed on the south side of the building.**
2. **Provide a site photometric plan showing footcandles at the property line.**
3. **Provide catalog cuts of all outdoor light fixtures.**
4. **Engineering and Public Works concerns be addressed.**
5. **The screenwall will be a 6 foot tall brick masonry wall, 8 inches thick.**

6. The balconies will have metal handrails and glass balusters.
Supported by Commissioner Murrell.
AYES: Richardson, Popp, Murrell, Shadle, Tangari, Buckler, Smith, Murad, Barnett
NAYS: None
Motion Carried.

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5. **DISCUSSION:** Discussion regarding ordinances regulating tourist homes.

It was moved by Commissioner Murrell to postpone this matter.
Supported by Commissioner Smith.
AYES: Richardson, Popp, Murrell, Shadle, Tangari, Buckler, Smith, Murad, Barnett
NAYS: None
Motion Carried.

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CITIZEN COMMENTS

None.

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STAFF/COMMISSIONER COMMENTS

Ms. Vansen thanked the commissioners for their support at the joint City Council / Planning Commission meeting held last week.

Commissioner Smith had some suggestions to ensure that signed, sealed plans are received for Planning Commission consideration.

He also advised relative to the Robina project, that the post office and the City must have an agreement regarding the placement of the mailbox in the alley off of Wakefield. Ms. Vansen advised that she would let the City Clerk know.

The Commission thanked the residents for coming to the meeting and for their thoughtful remarks this evening.

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There being no further business, Chairperson Barnett adjourned the meeting at 10:39 PM.