

A REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:31 P.M. JULY 26, 2016 AT CITY HALL BY CHAIRPERSON BARNETT.

PRESENT: Martin Smith Mark Richardson Dottie Popp
David Barnett Ann Shadle Dean Smith
Michele Buckler Joe Tangari

ABSENT: Tim Murad

ALSO PRESENT: Diane Weiland, 3641 Phillips
Gary and Tammie Polk, 1440 Eaton
Kelly Bean, 3650 Phillips
Georgia Dixon, Bloomfield Hills
Chris Copacia, 3152 Bacon
Eugene Dixon, Bloomfield Hills
Danny Miller, 3632 Cumberland
Georgia Halloran, 3811 Kipling
Donnie Dykes, 3715 Gardner
Josephine Brewer, 3991 Ellwood
Marieda and Lew Bishop, 1404 Eaton
Kurt Hite, 3525 Robina
Joe Novitsky, 1755 Royal
Ron Strobel, 2112 Cummings
Terry Schules, 3183 Robina
Lisa Kempner-Allen, 2660 Columbia
Rachel Piacentini, 1726 Oxford
Rachel Postelnic, 1117 Oxford
Christopher Keller, 2312 Buckingham
Dennis Hennen, 2411 Earlmont
Greg Cloutier, 2272 Rosemont
Kaylyn Milan, 2359 Bacon
Monica Vasquez, 2218 Catalpa
Mark Nuppau, 2218 Catalpa
Joshua Hunter, 2240 Thomas
Jodi Rittman, 2957 Thomas
Shannon McMahon, 1657 Wiltshire
Susan Citraro, 2827 Sunnyknoll
Cathy and Steven Snyder, 2343 Cummings
Kathryn DuRocher, 2841 Royal
Veronica Caramagno, 2520 Royal
Robert Brus, 2135 Dorothea
Barbara Morris, 1714 Wiltshire
Wendy Zabramski, 3340 Gardner
Paul Shkrelli, 2059 Royal
Mike Hood, 3742 Twelve Mile
Lori Robertson, 1964 Dorothea
John Staran, City Attorney
Amy Vansen, City Planner

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APPROVAL OF AGENDA

It was moved by Commissioner Dean Smith to approve the agenda.

Supported by Commissioner Richardson.

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

NAYS: None

ABSENT: Murad

Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Shadle to approve the minutes of June 28, 2016.

Supported by Commissioner Buckler.

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

NAYS: None

ABSENT: Murad

Motion Carried.

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COMMUNICATIONS

Ms. Vansen directed the Commission to Downtown Development Authority minutes.

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CITIZEN COMMENTS

Eugene Dixon, property owner, asked why there wasn't more openness about the form based code. He read the minutes from the July 2015 Planning Commission meeting. He thought that the City should have had displays up at City Hall showing what the Planning Commission was working on. He thought the agendas should be more detailed. He then advised that the September 2015 Planning Commission work session minutes were not on the website and he had to come into City Hall to get a copy. He read those minutes as well.

Donnie Dykes, 3715 Gardner, was following up on his comments from the last Planning Commission meeting. He stated that he had a call into the City Manager and hadn't yet heard from him. The Planning Commission iterated that the matter Mr. Dykes was concerned about was not the purview of the Planning Commission.

Chris Copacia of Bacon stated he wanted more bike lanes in the City. He disagreed with the bicycle lanes currently indicated on the City's plan stating that the roads are not in great condition. He thought the City should at least have painted sharrows on the roads.

Chairperson Barnett acknowledged that signage needs to be purchased but that is an issue of funding. Commissioner Richardson encouraged him to attend an Environmental Advisory Committee meeting.

Wendy Zabramski of Gardner stated that sidewalk repairs are needed, especially on Gardner south of Twelve Mile.

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1. **SITE PLAN REVIEW: SP-03-16** Joe Novitsky for Michigan Graphics and Awards, 3742 Twelve Mile Road, northeast corner of Twelve Mile and Bacon, is requesting site plan approval for a façade change.

Mike Hood, business owner, and Joe Novitsky, architect were both present. A color rendering and building material samples were provided. The color rendering also included a detailed landscape plan.

The Commission asked about lighting and signage. Lighting was not planned. Specific signage had not yet been selected.

Mr. Novitsky stated that while the plans show thin brick on the west side to match the existing brick on the south side, they had decided to use a full brick instead. They understand this will involve digging and pouring a footing.

The Commission was pleased with the proposed improvements, including the landscaping.

It was moved by Commissioner Martin Smith to approve SP-03-16 with the following condition:

- **The proposed wall finish on the south side of the building be continued on the east side of the building.**

Supported by Commissioner Tangari.

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

NAYS: None

ABSENT: Murad

Motion Carried.

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2. **DISCUSSION:** Discussion to amend the 2015 Master Plan amendment related to future residential land use to include:
 - a. Discussion/recap of resident concerns expressed at the previous City Council and Planning Commission meetings
 - b. When should an inclusive dialogue be held to identify what residents want to see in the next 10 years

Chairperson Barnett asked for the Planning Commissioners impressions from the last meeting and over the last month.

Martin Smith stated that there was a lot of misinformation and miscommunication and accusations. He was glad to see the community engaged. But he reiterated that the Planning Commission did discuss the matter for 12 months. He acknowledged that a better job could be done in engaging the residents. He spoke to various residents about the petition that was circulating. Many of the residents he spoke to said they were worried about the character changing. However, some stated that they were worried about high rise subsidized housing coming into the City. Mr. Smith stated that high rises and subsidized housing was never part of the conversation. He asked community leaders to be honest.

Commissioner Richardson stated that he had found many people express support for the Planning Commission in general. There have been many misconceptions, so the Planning Commission will start again. The communication strategy did not work and that isn't good. However, Mr. Richardson advised that he voted for the plan amendment and was in favor of the form based code because he believes they were positive steps forward. If his mind is going to be changed, it would take additional information. The Planning Commission gives the best advice it can. It is up to the City Council to adopt ordinances; the Planning Commission can study and advise only. He welcomes the additional input from the residents.

Commissioner Popp stated that she has been on the commission for eight years. The room is not often filled. It is better to have people engaged. But she found the last meeting upsetting and did not understand why people were so angry.

Commissioner Shadle stated that the commission needs to do a better job at communicating. The city can look at doing this in ways that are productive and economical. She desires an open forum on what the residents want to see. She was looking forward to a respectful and productive dialogue.

Commissioner Buckler stated the Planning Commission put a lot of time and effort into the plan. She has a sincere desire to move forward but also wants to move forward with communication. She stated that all of the master plan amendments had the same type of notification. She is willing to start the discussion again and stated that the future is coming whether we like it or not.

Commissioner Tangari heard lots of feedback; some of it was very valid. The vast majority of the comments were polite. This didn't land how we wanted it to land and now we are back at Stage One.

Commissioner Dean Smith stated that he had positive interactions with the community. He acknowledged that this process started 10 years ago and was looking 10 years into the future. The Planning Commission wants to keep Berkley relevant, safe and desirable. The Planning Commission failed to let folks see the vision it sees. In reading the master plan amendment, if one didn't know the context, he could see that some of the comments may be alarming. He was disappointed that the form based code has been withdrawn.

Commissioner Martin Smith stated he had several phone calls at home after the meeting. There were productive conversations. However, no minds were changed on either side. He then read from the 2007 Master Plan regarding alternative housing types. He stated that this issue has been talked about off and on for 15 years.

Chairperson Barnett stated that he has taken a lot of verbal abuse over the past month. He understands the community's frustration. He vowed the commission will do a better job at

communicating. The commission will address the 2015 master plan amendment. He then asked the City Attorney to speak about the master plan and the adoption process.

City Attorney John Staran reviewed the Municipal Planning Enabling Act and how that law requires a community to adopt a master plan. He reviewed the parts of the master plan including the future land use plan. State law prescribes that 9 appointed residents' collective wisdom will arrive at a good plan. The master plan never gets done. It looks 20 years into the future and is reviewed at least every 5 years.

He continued that the master plan is not self-implementing or the law. Unless the City Council takes action, it doesn't happen. The City Council has made it clear; it will not be pursuing the implementation of any changes in the residential zoning. The City Council has asked the Planning Commission to revisit the plan amendment.

He then referenced the master plan adoption flowchart handout. The process for adopting the master plan amendment was legal. But nothing precludes a more enhanced process.

Commissioner Richardson clarified that the master plan amendment cannot simply be repealed, that the process for any amendment is the same as outlined in the flowchart.

Chairperson Barnett reviewed that the master plan process actually started in 2000. The commission looked at master plans from around the state and country. The commission then began an Envision Berkley process where the commission hosted a lot of public meetings and workshops and visited schools. The master plan process then started in 2005 and was adopted in 2007. An open house was held at the library. At this point, the commission will develop a whole new amendment which will supersede the 2015 amendment. There will be an envision process at the community center on Tuesday, August 23, 2016 from 5 PM to 9 PM. Let's talk about where you see yourself, your house, your neighborhood and your community in 20 years.

The Commission then discussed that there would be updated demographic data available at the meeting on August 23.

Barbara Morris of Wiltshire asked that the City notify via E-blast and newsletter as information becomes available on the website.

Tammie Polk of Eaton asked about televising the open house and providing both hard copy and electronic comment cards for attendees. Perhaps an additional open house for people who work afternoons.

Lori Robertson of Dorothea took exception to Commissioner Martin Smith's criticism of the petition volunteers. She did not think that any of them had been untruthful. She asked the commissioners to be mindful of their tone and body language.

Joshua Hunter of Thomas liked the flowchart and then read the beginning of the petition.

Chairperson Barnett reiterated that the commission is looking into the residential land uses and that any amendment will supersede the 2015 amendment. No rezoning is anticipated.

There was then discussion about master plans and zoning ordinances.

City Attorney Staran offered that zoning follows the master plan but there are differences. Changing one does not necessarily mean the other has to be changed.

Commissioner Buckler stated that the commission was doing what we thought was good. We will do better next time. None of the decisions the commission makes are done lightly.

Marieda Bishop of Eaton asked the commission to consider two open houses.

Paul Shkreli Royal observed that some of the rhetoric had turned rancid. The intent of the petition should not be lost. He also really liked the flowchart handout. People need to be mutually respectful.

Dennis Hennen of Earlmont wants to learn more about master plans. He suggested a weekend session for commissioners and residents. He asked about the city providing the commissioners with city emails so that residents could reach them.

Commissioner Buckler observed that all conversations with the commission need to be done in an open meeting. The very transparency that is being discussed tonight would be lost if emails were sent back and forth before a meeting.

City Attorney John Staran concurred stating that City Council is different than the advisory, quasi-judicial boards. Discussions need to be confined to an open meeting.

Rachel Piacentini of Oxford questioned the City Attorney's use of the term 'quasi-judicial' to describe the Planning Commission. She also asked when the election of chairperson would happen. Chairperson Barnett advised that the commission had one member absent so it would need to wait until September. She reminded Chairperson Barnett that the commission's by laws state that elections are to be held in July. Chairperson Barnett advised that he was aware of the by-laws.

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CITIZEN COMMENTS

None.

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LIAISON REPORTS

Commissioner Popp reported that minutes from the last two Downtown Development Authority meetings were included in the packet.

Commissioner Murad was absent. In his absence, Commissioner Martin Smith reported that the Chamber is planning a pub crawl, a golf outing and the upcoming state of the city.

Commissioner Richardson did not have a report from the Environmental Advisory Committee.

Chairperson Barnett reported that the City Council approved a Harvard water main and road project and Twelve Mile sidewalks are going to be replaced.

Commissioner Smith stated that at the last ZBA meeting a setback issue was reviewed and approved.

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STAFF/COMMISSIONER COMMENTS

The Commissioners thanked the residents and stated they are looking forward to the August meeting.

The Commission acknowledged Eric Murrell's service to the commission and welcomed Dean Smith.

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There being no further business, Chairperson Barnett adjourned the meeting at 10:09 PM.