

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 PM, NOVEMBER 27, 2018 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
 Michele Buckler Greg Patterson Tim Murad
 Kristen Kapelanski Lisa Kempner Matt Trotto

ABSENT:

ALSO PRESENT: Ross Gavin, City Council Liaison
 Tim McLean, Community Development Director
 Vivian Carmody, DDA Director
 Several members of the public

APPROVAL OF AGENDA

It was moved by Commissioner Kempner to approve the agenda as written and supported by Commissioner Patterson.

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

NAYS: None

Motion Carried.

APPROVAL OF MINUTES

It was moved by Commissioner Patterson to approve minutes from October 25, 2018 with one revision and supported by Commissioner Richardson.

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

NAYS: None

Motion Carried.

COMMUNICATIONS

Received written communication from residents (attached to minutes)

CITIZEN COMMENTS

None

1. REZONING REQUEST: RZ-01-18—GEORGE BANOT & EDDIE HANNA, 3910 ELEVEN MILE ROAD IS REQUESTING A REZONING FROM ELEVEN MILE DISTRICT TO SINGLE FAMILY RESIDENTIAL (R-1D).

Community Development Director McLean introduced this item. The applicant is seeking to rezone 3910 Eleven Mile Rd. from its current designation of Eleven Mile District to R-1D (Single Family Residential).

Applicant George Banot stated that due to the small size of the parcel, it will difficult to impossible to provide off-street parking for principal permitted uses in the Eleven Mile District. Mr. Banot also stated that in an effort to provide more parking, the detached garage on the property has been demolished. The existing building is 1,400 square feet and has a full basement. Mr. Banot is asking that the property be rezoned so it can be redeveloped as residential.

Chair Kapelanski opened the Public Hearing at 7:37PM

Anne McMinn, Cummings Ave: Stated that she has seen work being done to the building. Ms. McMinn felt that having one property as residential in the middle of the Eleven Mile District would be strange.

Linus Droggs, Eleven Mile Rd: Stated that he owns the business at 2916 Eleven Mile Rd. next to 3910 Eleven Mile Rd. Mr. Droggs stated that he has concerns about parking for that property if it is rezoned as residential. He also stated that there is no parking on-site if a garage is constructed. Mr. Droggs also stated he has concerns for overflow parking from 3910 Eleven Mile onto his property.

Chair Kapelanski closed the Public Hearing at 7:41PM

Commissioner Murad asked about the dimensions of the property. He stated that there is space for some on-site parking.

Commissioner Richardson stated that the existing building is 1,400 square feet and asked the applicant how many parking spaces could be provided.

Mr. Banot stated that there is room to accommodate four parking spaces.

Vice Chair Smith stated that he believes rezoning one parcel on Eleven Mile Rd. to R-1D would not be appropriate. Mr. Smith pointed out that the applicant does own a residential property on Eleven Mile Rd.

Mr. McLean informed the Planning Commission that if the rezoning is denied, the applicant has the option to seek a variance for parking from the Zoning Board of Appeals if a business meeting permitted uses in the Eleven Mile District wanted to use the building.

Commissioner Richardson stated that he believes rezoning this property would be a spot zoning, which is contrary to good planning.

Commissioner Shadle referenced the character of the Eleven Mile District. Ms. Shadle stated

that it would be difficult to support the rezoning of this property.

Commissioners Kempner and Patterson agreed with comments made by Ms. Shadle.

It was moved by Commissioner Murad to recommend that City Council deny RZ-01-18 and supported by Commissioner Patterson.

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

NAYS: None

Motion Carried.

2. REZONING REQUEST: RZ-02-18—ATEX BUILDERS, LLC, 3339 CUMMINGS AVE, IS REQUESTING A REZONING FROM PARKING DISTRICT (P-1) TO SINGLE FAMILY RESIDENTIAL (R-1D).

Community Development Director McLean gave a brief summary on the zoning history for this property. In 1986, the City initiated several rezonings of residential property to Parking District (P-1). Currently this property has an existing residence. The applicant is seeking a rezoning so that the existing residence may be demolished and a new home constructed.

Applicant Grant Dryovage stated that he has spoken with the neighbors about what he is proposing. He has received positive feedback from the neighbors. Mr. Dryovage stated that his company, Atex Builders, has several ongoing projects in Berkley. He indicated that when he recently purchased the property it was not disclosed to him that it was zoned P-1. He is proposing to demolish the existing structure and build a new single-family residence with an attached garage if the property is rezoned.

Chair Kapelanski opened the Public Hearing at 7:57PM

Wendi Zabramski, Gardner: Stated that there is a lack of parking in parts of the city.

Kurt Hite, Robina: Stated that in the cases where the City initiated rezonings of residential property to P-1 and the land was not developed as parking, the burden to have it rezoned to residential should not be on the property owner.

Chair Kapelanski closed the Public Hearing at 7:59PM.

Vice Chair Smith stated he was surprised that a title search on the property did not reveal that it was zoned Parking District (P-1). Mr. Smith also pointed out that the property was rezoned 32 years ago and it has remained residential in use. Mr. Smith believes the request to rezone to residential is appropriate. He also indicated that a similar rezoning request was approved in the last few years.

Commissioner Buckler disagreed with Commissioner Smith. Ms. Buckler stated that the City had a vision for those properties when they were rezoned in 1986. She also stated that there is a lack of parking in that area of Twelve Mile Rd.

Commissioner Shadle asked if there were additional residential properties zoned as P-1 in proximity to 3339 Cummings Ave.

Mr. McLean stated that the property to the west, 3340 Thomas currently has a residence and is zoned P-1.

Commissioner Shadle stated that it would be a tough decision to rezone the property in question.

Mr. McLean stated that 3339 Cummings was rezoned as P-1 in 1986 and has never been developed as parking. The Planning Commission must consider whether Parking District is the highest and best use for that property.

Commissioner Richardson stated that he was on the fence about the rezoning request. Mr. Richardson said there was no question that lack of parking was an issue in some parts of the city. He indicated it was possible that there could be less demand for parking in the future. He also noted that this property has not been developed as parking after 32 years.

Commissioner Kempner stated she was struggling with how to decide on this request. Ms. Kempner stated she sees a need for parking and that the City did have a vision for it when it was rezoned in 1986. Ms. Kempner stated she was very conflicted but was leaning toward keeping the property zoned as P-1.

Chair Kapelanski asked DDA Director Carmody about the parking study as part of the Downtown Master Plan.

Director Carmody stated that this property would fall within the DDA district and that the parking study was in process.

Chair Kapelanski stated she could understand both sides of the argument on whether or not to rezone this property.

Vice Chair Smith asked the schedule for completion of the Downtown Master Plan.

Director Carmody replied that a draft could be tentatively presented to the Planning Commission in May 2019.

Mr. McLean stated that the Planning Commission could opt to postpone action until the parking study was completed

Commissioner Patterson stated that the existing residential structure has continued for 32 years after the property is rezoned. He also stated that the applicant has support from the neighbors for the proposed rezoning. Mr. Patterson stated he is leaning in favor of rezoning the property.

Vice Chair Smith asked the applicant could afford to wait until the parking study is completed.

Mr. Dryovage stated he could not wait, and would proceed with minor renovations to the existing building and use it as a rental property if the rezoning was not approved. He stated it would not be his preference to utilize this property as a rental.

Commissioner Richardson stated that decisions related to parking often lead to community opposition. Mr. Richardson stated that parking is not a happy issue.

Commissioner Buckler stated that the applicant should have looked at the zoning map to see how it was zoned before purchasing the property. Ms. Buckler indicated that the City had a vision for parking when it was rezoned in 1986.

Commissioner Trotto asked about what would be allowed with a non-conforming structure.

Mr. McLean responded that the applicant could make renovations to the existing building but increasing the size of the non-conformity would not be permitted.

It was moved by Commissioner Buckler to recommend that City Council deny RZ-02-18 and supported by Commissioner Kempner.

AYES: Richardson, Shadle, Buckler, Kempner, Kapelanski

NAYS: Patterson, Smith, Trotto, Murad

Motion Carried.

3. SPECIAL LAND USE REQUEST: PSU-02-18—MICHIGAN STATE FEDERAL CREDIT UNION, 3165 TWELVE MILE RD

Community Development Director McLean gave a brief description of the proposed Special Use. The applicant is seeking to utilize the property at 3165 Twelve Mile Rd. as a bank.

Applicant Erin Bowdell gave a brief description of the business, Michigan State Federal Credit Union. Ms. Bowdell indicated the only changes to the exterior of the building would be the addition of new wall signage.

Chair Kapelanski opened the Public Hearing at 8:33PM

Wendi Zabramski, Gardner: Referenced the written correspondence provided to the Planning Commission. Ms. Zabramski stated that an ATM was installed on the exterior of the building. Ms. Zabramski stated that she believes parking will be an issue.

Brian Grapentien, Building Manager: Stated that MSUFCU erred in stalling the ATM. Mr. Grapentien misunderstood what was required to install the ATM.

Chair Kapelanski closed the Public Hearing at 8:37PM

Mr. McLean clarified that an ATM was installed on the premises without any permits or site plans. He stated that this is an ordinance violation and that the occupant received a violation notice with a timeline for correction.

Chair Kapelanski asked applicant about the status of the ATM.

Commissioner Buckler stated there should be a complete set of site plans.

It was moved by Vice Chair Smith to postpone PSU-02-18 until a complete site plan is submitted and supported by Commissioner Richardson.

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

NAYS:

Motion Carried.

4. PUBLIC PARTICIPATION PLAN: APPROVAL

Mr. McLean stated that final revisions had been made to the Public Participation Plan. Mr. McLean stated that there was an extended public comment period for residents to leave feedback on the plan.

Vice Chair Smith asked what revisions had been made.

Mr. McLean responded that only a few minor typos were corrected.

Commissioner Kempner pointed out an additional revision.

Mr. McLean replied that the revision would be made.

Commissioner Richardson stated that the plan has the flexibility to adapt and that he was comfortable with the final draft.

It was moved by Commissioner Buckler to approve the final draft of the Public Participation Plan with the minor final revisions and supported by Commissioner Patterson.

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

NAYS:

Motion Carried.

5. DESIGN OVERLAY DISTRICT: DISCUSSION

Mr. McLean discussed revisions that had been made to the proposed draft.

Citizen Comments

Nancy Stimac, Princeton: Stated that the proposed district appears to be regulatory

Analise Pietras, Franklin: Stated that she likes the guidelines. Ms. Pietras stated that she believes residents and business owners should have the opportunity to serve on any Design Review Board. Ms. Pietras stated she was confused about language for new construction and renovations to existing buildings. She expressed concerns about criteria to meet the guidelines and if the guidelines were fair or clear enough.

Director Carmody stated that the Design Review Board is not a function of the Downtown Development Authority; rather a board established by the City.

Kurt Hite, Robina: States he likes the design guidelines but is concerned about recommendations vs requirements.

Wendi Zabramski, Gardner: Expressed concerns about the design review process. Ms. Zabramski expressed concerns about administrative review and stated she was not in favor of approval.

Commissioner Richardson asked about administrative review for existing buildings.

Director Carmody stated that a newer draft of the proposed overlay district was available.

Mr. McLean recommended that additional discussions be deferred until the Planning Commission has an opportunity to view the latest version.

LIAISON REPORTS

Commissioner Trotto stated he went to the November DDA meeting. Mr. Trotto suggested that the façade plan for 2838 Coolidge may need to come back to the Planning Commission.

Commissioner Richardson stated that the Environmental Committee would meet on November 29.

Chair Kapelanski stated that the open house for the Downtown Master Plan was well done and well attended.

STAFF/COMMISSIONER COMMENTS

Vice Chair Smith asked that ordinance language for administrative review be brought before the Planning Commission in December.

Chair Kapelanski asked that an annual calendar of meetings be brought before the Planning Commission in December.

With no further business, the meeting was adjourned at 9:33PM.

November 26, 2018

Timothy McLean

Community Development Director

City of Berkley

Dear Mr. McLean

I respectfully ask to have the Application Number PSU-02-18 for Michigan State Federal Credit Union, off the agenda because there hasn't been enough time for review by either the Planning Commision or the Public.

The Post card that was mailed October 30, 2018 said the complete application information is available for review at City Hall. When I came to City Hall today you showed me one sheet application. You also said you waiting for the complete application. Obviously, what you showed me is not a complete application (reminds me of another situation of an incomplete application, LaSalette). Another thing you told me is you were waiting for the applicant to provide the application. Then I asked you why there was already an ATM installed in the window. You told me they were not supposed to do that and did it without your knowledge and a violation letter was sent to them.

We also talked about the parking which requires according to the summary included in the Planning Commission packet says it would need 6 parking spaces. Then you said all they need is to be within 500 ft of a Municipal parking lot. I see this as a real problem if all those businesses along that strip and others only must be within 500 ft of a municipal parking and no regard to the amount of parking spaces in that parking lot. To me that just forces overflow parking into the residential streets with no concern from the City. I am concerned this is not correct information.

This is all very concerning with the City doing things internally, the Community Development department making these decisions.

I would like this letter to be included in the Planning Commissioner's packet and part of the public record.

Sincerely,



Wendi Zabramski



Timothy McLean <tmclean@berkleymich.net>

Planning Commission Communication for the November 27 meeting

Chuck Tyrrell

Mon, Nov 26, 2018 at 11:57 AM

Reply-To.

To: Timothy McLean <tmclean@berkleymich.net>

Tim,

I will not be able to attend the Planning Commission meeting on November 27, 2018. There is no official email address for the planning commission, so I am sending this to you to be included as official resident correspondence in the meeting. Specifically I am writing in regards to the Design Overlay District.

Let's start by using the correct terms. The published document refers to design "guidelines". What is being proposed are not guidelines. Guidelines can be followed, or not. What is being proposed are design mandates, design requirements. Specifically the document asks that these mandates become law by amending the site plan review ordinance to include the design mandates.

The document also talks of a design review "advisory" board. As proposed this board will not be advisory but instead will have regulatory power. If the board does not see a proposed design as being within the mandates, the board may recommend to the Planning Commission that the proposal be denied.

The question has been asked over and over, about this additional review and approval adding more time to a project's overall approval. The answer in the past has been that no, this will streamline the process and it will take less time. With the board only meeting monthly, and the applicant needing to appear at least once in front of the board for their approval, it will add time. Depending upon the board's schedule vis-a-vie the Planning Commission schedule it could add at least a month.

There are many, many more concerns such as this board being able to bypass zoning regulations and that there is not a requirement that all of the members of the board be Berkeley residents. I ask the Planning Commission reject this flawed, overly broad design overlay district.

Charles A. "Chuck" Tyrrell

Phone



Timothy McLean <tmclean@berkleymich.net>

"True" Community Engagement

Wed, Nov 14, 2018 at 9:21 PM

Reply-To:

To: "tmclean@berkleymich.net" <tmclean@berkleymich.net>
 "tmclean@berkleymich.net" <tmclean@berkleymich.net>

Dear Planning Commissioners and Community Development Director,

I wanted to forward along an article I came across recently which seems like a great next step.

<http://www.modeldmedia.com/features/community-engagement-exploring-103018.aspx>

I would like to see a "true" community engagement occur for several topics so we can be an interactive community far ahead of public hearings:

1. "city wide" Master Plan
2. "city wide" Zoning Ordinance
3. "city wide" Recreation Center or Community Center
4. Coolidge Road Diet

Being a "redevelopment ready community" seems like a distraction to doing the duty bound items of updating an old Zoning Ordinance and old city Master Plan.

I think it would be a good next step to engage a facilitator to engage the community. An example being the Lakota Group, who is leading the way for the Downtown DDA district Master Plan. The Lakota Group however, is just working with in the DDA boundary of their district. There are also local groups like "the work department" [Homepage | The Work Department](#)

Homepage | The Work Department

www.theworkdept.com

When I attended the DDA Downtown Master Plan event last evening, I was surprised to find that many suggestions were met with "...well, that would be outside the Downtown "district" or that would be handled by the this "Tree" or "other" committee.

I suspect that until a "city-wide", rather than only a DDA pursuit is taken, there won't be a way to truly fix or grow that bridge across committee lines which affects residents and businesses alike.

Engaging a consultant to facilitate community engagement would be a fresh start at interactive communication as priorities are reset and updated city wide.

Thank you for your time and consideration.

Analise Pietras
 2253 Franklin Rd
 Berkley, MI