

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, JULY 23, 2019 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: Martin Smith
Lisa Kempner Greg Patterson Matt Trotto
Kristen Kapelanski Tim Murad Michele Buckler

ABSENT: Mark Richardson

ALSO PRESENT: Matthew Baumgarten, City Manager
John Staran, City Attorney
Erin Schlutow, Community Development Director
Ross Gavin, City Council Liaison
Several members of the public

REVISIONS TO AGENDA

The agenda was amended to include introductions by Commissioner Jeff Campbell and Community Development Director Erin Schlutow, and revision to the meeting dates for the Chamber of Commerce.

APPROVAL OF AMENDED AGENDA

It was moved by Commissioner Buckler to approve the Updated Agenda supported by Commissioner Patterson.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

REVISIONS TO MINUTES

Commissioner Smith wanted to revise his statement concerning the Planning Commission bylaws in which he stated that the previous Planning Commission had regular Work Sessions. Commissioner Smith explained he meant that the Planning Commission would hold regular Work Sessions, when deemed necessary.

APPROVAL OF AMENDED MINUTES

It was moved by Commissioner Buckler to approve the amended minutes from June 25, 2019 and supported by Commissioner Trotto.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

COMMUNICATIONS

There were two items provided to the Planning Commission. The first was related to the MOGO bike stations and a general comment about parking minimums. The second was a petition referencing the Design Overlay District.

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CITIZEN COMMENTS

None.

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0.5 INTRODUCTIONS: Brief introductions and welcome comments for Community Development Director Erin Schlutow and Planning Commissioner Jeff Campbell.

1. **ELECTIONS:** Matter of electing a chairperson, vice chairperson, and secretary of the Planning Commission

Commissioner Buckler nominated Chairperson Kapelanski to continue as chairperson. Supported by Commissioner Trotto.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski
NAYES: None
ABSENT: Richardson

Commissioner Buckler nominated Vice-Chair Smith to continue as Vice-Chair. Supported by Commissioner Patterson.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski
NAYES: None
ABSENT: Richardson

Commissioner Buckler nominated Commissioner Richardson to continue as Secretary. Supported by Commissioner Campbell.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski
NAYES: None
ABSENT: Richardson

2. **APPOINTMENTS:** Matter of appointing Planning Commission liaisons to the following Boards and Commissions:

- a. City Council – Chairperson Kapelanski
- b. Downtown Development Authority – Commissioner Trotto
- c. Chamber of Commerce – Commissioner Murad
- d. Environmental Advisory Committee – Commissioner Richardson

3. **PRESENTATION:** Rachel Smith, Project Manager with the Lakota Group, presented the Downtown Master Plan. Three chapters: (1) Background information, other planning processes, information about the DDA, community outreach, (2) Goals of the plan, and, (3) Implementation actions and strategy matrix.

Public engagement included stakeholder interviews, two open houses, two field offices, and two online surveys. The presentation included discussion of opportunities and challenges, master plan goals, and implementation actions.

Chairperson Kapelanski inquired about the required public hearing. City manager Baumgarten shared that the public hearing for plan adoption would be held at the august planning commission meeting.

Chairperson Kapelanski asked about the shared parking district and how that could be implemented. Lakota representative explained that the businesses in the downtown district would pay into a shared parking district that would be managed by the DDA and those funds would cover the maintenance and beautification costs for the parking areas. Additionally, the parking spaces in the parking district would not be specific to any one business but would serve the entire shared parking district.

Commissioner Murad inquired about the low utilization of parking in the Downtown. Representative Rachel Smith responded that there was not a lot of clarity of where people can park and the City lots have high utilization rate of parking. Signage is important.

Commissioner Trotto inquired about other communities around that have shared parking, as an example. Representative Rachel Smith was unaware of communities in Oakland County with shared parking districts.

Commissioner Buckler asked about other communities that have moved forward to change their ordinance to execute the shared parking policies presented in the Downtown Master Plan. Representative Rachel Smith stated that it is common, and other communities are working towards changing ordinances from parking minimums to parking maximums so it is easier for new and expanding development.

Commissioner Campbell noted that the City of Hazel Park allows for reduction of parking based on Planning Commission determining a hardship, rather than relying upon variances.

Commissioner Smith inquired about the future land use of Gateway South. Representative Rachel Smith answered that it would be a mix of commercial and office.

Chairperson Kapelanski requested the additional information about other communities that have implemented shared parking districts and other communities that have reviewed their parking standards and implemented parking maximums over parking minimums in recent years.

Chairperson Kapelanski allowed for a period of public comment for the Downtown Master Plan. The formal public hearing would be held at a later meeting for possible adoption.

Wendy Zabramski noted that when Lakota Group presented the Downtown Master Plan to City Council on July 13, 2019 (?) it was noted that there was concern about overflow parking into the residential district. Interest in the first block of Gardner and Tyler to have permit parking only to prevent the commercial parking in the residential districts.

4. **MOGO INSTALATION**: Consideration of approval of MoGo Bike Station installations at Twelve Mile & Robina and Earlmont & Coolidge. City Manager Baumgarten provided a brief summary of the project. The two installations of the MoGo Bike Stations would be installed under operating agreement with the DDA. The stations would be connected to a regional network with neighbors Royal Oak, Oak Park, Huntington Woods, and Ferndale.

Director of MoGo presented the GoGo timeline and how the bikeshare program has expanded.

Two locations are proposed in Berkley. These can be relocated temporarily or permanently, depending on the use and popularity of the proposed stations.

Commissioner Buckler asked how many stations were included in the regional network. There are 31 stations in the network. There are 10 in Detroit at Livernois/McNichols area and Palmer Park

and the five expansion communities; Ferndale (7), Royal Oak (6), Oak Park (5), Berkley (2), Huntington Woods (1).

Commissioner Buckler asked about the rates for the Bikeshare; per hour, minimum use. There are a few different pass types, depending on your ridership.

Commissioner Buckler asked about possibility of installing a MoGo station at the 13 Mile and Woodward intersection with the new development near the hospital. That has been discussed. It has been intended to install stations in areas that were ready for the stations. The 13 Mile and Woodward area is still under construction. MoGo is still open for opportunities to expand the system especially in smaller suburban communities.

Commissioner Smith was interested if the bikeshare stations would work in winter months, and how the stations would work during the snow and ice. Shift Transit is contracted with MoGo and provides services for cleaning the bikes of snow, ice and making sure they are cleared to be used by the public. Sidewalks are typically the top preference for locations for the MoGo bike racks.

Commissioner Smith inquired about the solar panels on the bike stations and the proximity of the existing street trees to the bike stations. The MoGo operation teams monitor the battery life and swap the batteries if there is not enough solar. MoGo does not plan on removing any trees for the purpose of installing or maintaining the solar panels.

Commissioner Smith asked how the bike stations are attached to the pavement. The stations are heavy steel plates and are very sturdy.

Commissioner Kempner asked if the MoGo stations have advertisements. The proposed smaller stations do not have display panels as currently proposed. If the City decides to include such panels, there will not be advertisements on the stations. Sponsorship logos are included on the stations.

City Manager Baumgarten stated the Department of Public Works and the Department of Public Safety have reviewed the sites and have no issues on the proposed sites.

Commissioner Trotto inquired if there was any special ordinance process that would need to take place. City Attorney Staran noted that there would be some type of permit or license agreement for any sidewalk occupancy. Future ordinance amendments may be reviewed, at a later time.

Commissioner Buckler asked about if the bikes needed to be returned to the racks to differentiate between Byrd or LymSkyte. The bikes would need to be returned to a rack.

Commissioner Patterson asked who would be responsible if someone were to be injured on the MoGo bikes. Each person rides is accepting responsibility.

Chairperson Kapelanski opened the discussion to include public comment.

Charles Tyrrell asked if the City has an agreement with Shift Transit, ownership of the bike racks and signage.

City Manager Baumgarten stated that there will not be signage on the bike stations, the ownership of the bike racks will remain with MoGo, and Shift Transit would serve as a third party.

MoGo representative expanded on the sponsorship and advertising question. Henry Ford and Health Alliance Plan (HAP) will have logos on the bikes in Detroit and on the expansion areas.

The sign ordinance will be considered in connection with the bike stations.

Motion to Approve the two bike station locations, as presented.

It was moved by Commissioner Smith to approve the bike stations locations, as presented.
Supported by Commissioner Bukler.

Community Development Director Schlutow asked if the MoGo bike stations were to be counted for future businesses in their parking requirements.

Commissioner Buckler noted that the MoGo racks would not be counted as bike racks in relation to parking requirements.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

5. **SITE PLAN REVIEW SP-04-19**: St. Mary's Orthodox Church is requesting site plan approval for the addition of a dome at 3212 Twelve Mile Road, between Tyler and Griffith. The applicant is requesting the dome as a decorative dome to represent the Church.

City Manager Baumgarten provided a summary of the project and the zoning requirements.

Commissioner Kempner asked if we are enlarging a nonconforming structure.

City Attorney Staran stated that the use of the structure is not expanding or changing. The dome is a decorative feature.

Commissioner Murad asked about the color of the dome and if it would match the existing structure. The applicant noted that it would match the existing structure.

Commissioner Patterson motioned to approve SP-04-19. Supported by Commissioner Buckler.

Chairperson Kapelanski opened for public comment. None.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

6. **SITE PLAN REVIEW SP-05-19**: Tim & Nicolette Yanke are requesting site plan approval for a façade change at 3818 Twelve Mile Road, between Prairie and Bacon. Applicant Joe Novitsky presented the intent to update the façade and maintain the existing footprint. Property owner Tim Yanke is a global artist and interested in the property for an art studio. The studio will be for personal use, as well as bringing in artists around the world for collaboration.

City Manager Baumgarten summarized his review memo. Window coverage meets the requirements. The siding is not residential in nature. The Planning Commission does have authority to revise some of the requirements, if determined to be applicable. The Department of Public Works review letter was submitted to the applicant and addresses the stormwater requirements.

Chairperson Kapelanski asked if the proposed use meets the parking requirements.

City Manager Baumgarten noted that the parking requirement would be satisfied with the installation of bike racks.

Chairperson Kapelanski asked if the studio would be open to the public. Applicant Tim Yanke said that it would be open to the public but he would be using it primarily as an art studio. Classes or charitable events may be proposed in the future, as well as small retail space.

Chairperson Kapelanski opened the discussion to the public for comment. None.

Chairperson Trotto asked about photometric details for the rear of the property. Joe Novitsky noted that there would not be any rear lights on the building.

Chairperson Kapelanski commented on the design guidelines and the proposed elevation does not conform to the design guidelines and the Downtown Master Plan. Kapelanski asked about other buildings that are being used by the applicant. The applicant moved into his other properties but did not propose façade changes at those locations. He wants to incorporate his aesthetic into the exterior of the building. Kapelanski recommended reviewing the design guidelines. The applicant said that he would review the guidelines.

Chairperson Kapelanski asked about the rear fence and any consideration for screening. It was noted to be the neighboring resident fence.

Commissioner Buckler appreciated the log cabin aesthetic, but the log cabin gives pause.

Joe Novitsky addressed other properties that do not conform to the design guidelines and the existing charm of the community. Chairperson Kapelanski noted that the design guidelines recognize the mid-century modern aesthetic. The intent is to have buildings that are consistent in design and form with one another. An artistic studio is an excellent fit for the area of the city and would be welcome in that part of the City and a second look at the façade would be beneficial.

Commissioner Patterson appreciates unique and charm of the proposed elevation.

Applicant is excited to be included in the Art District and to contribute to the unique nature of the community.

Commissioner Murad asked about the east elevation and the increased roof height and that transition. Joe Novitsky will provide fire suppression and there will be a stepped masonry wall to the adjacent roof line. There will not be any impact on adjacent property. Commissioner Murad asked about the purpose for the mezzanine. Applicant noted that it would be used as personal office space.

Commissioner Patterson asked about the projection into the right-of-way. Joe Novitsky said that the existing brick would be removed.

Commissioner Smith asked about snow drift to neighbor's property to the east. Joe Novitsky doesn't believe that there will be any problems. Commissioner Smith requested that the building department review the drawings.

Commissioner Smith suggested exterior design for the parking lot and is concerned about the submitted parking calculations.

Commissioner Smith was concerned about the residential character of the façade.

Commissioner Murad asked the location of the bike racks. Joe Novitsky noted it was on previous drawings.

Commissioner Kempner agreed in regards to the aesthetic and would like to see a different exterior material.

Applicant agreed to review the design guidelines and will take them into consideration.

Commissioner Smith asked about proposed signage. The applicant stated he doesn't need a sign on the building.

Commissioner Buckler noted that she did not like the fireplace at the front of the building. Joe Novitsky noted the reason for the fireplace on the front as a place of inspiration.

Commissioner Murad says that the proposed elevations look residential in a commercial district. The fireplace can be moved to the interior wall.

Chairperson Kapelanski suggested looking at neighboring buildings and try to incorporate elements that complement the look of the area.

Commissioner Trotto suggested incorporating elements of the applicant's artwork into the façade of the building.

Chairperson Kapelanski recommended to postpone the case to make revisions to the façade and incorporate suggestions by the Planning Commission.

Commission Murad motioned to postpone SP-05-19 to the August Planning Commission meeting. Supported by Commissioner Buckler.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

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Chairperson Kapelanski called for 10 minute recess at 8:57pm.

Chairperson Kapelanski resumed the meeting at 9:08 pm.

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7. **PUBLIC HEARING**: Matter Of Conducting A Public Hearing For Application PRZ-01-19, a Proposed Conditional Rezoning At 2219 Coolidge Highway

Chairperson Kapelanski opened the public hearing at 9:31 pm.

None.

Public hearing closed at 9:32 pm.

8. **CONDITIONAL REZONING REQUEST PRZ-01-19**: 2219 Coolidge LLC, 2219 Coolidge Highway, southwest corner of Coolidge Highway and Oxford Road., Parcel ID: 25-18-431-022 is requesting a conditional rezoning from Office District (O-1) to Multiple-Family Residential District (R-M).

Applicant Steve Friedman is proposing to keep the existing structure and retrofit to apartments and townhouses at rear of property. Applicant is requesting to rezone the school building to Multiple Family, which will make the entire property Multiple Family.

Doug Lewan, AICP, Executive Vice President with Carlisle Wortman Associates, Inc. explained the process of a conditional rezoning and summarized the review memo. The conditions to the rezoning were explained.

Commissioner Smith addressed condition D, concerning the deadline for the project. Concern was noted that it was a tight timeline. Steve Friedman noted that the building is existing and there's not as much involved as previous projects. Commissioner Smith also noted a typo that would be addressed and corrected by the applicant.

Commissioner Murad requested clarification on the process steps with variance requests and final approvals.

Applicant and City Attorney discussed the timeline and revisions to the Conditional Rezoning Agreement.

Due to the findings of fact outlined in the review letter presented by Carlisle Wortman, Commissioner Murad recommended approval of PRZ-01-19 with the following conditions:

1. Conditional Rezoning Agreement to be corrected on the building use in Item C;
 2. Add deadline agreed upon by City Attorney and Applicant's Attorney;
- Supported by Commissioner Smith.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

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LIAISON REPORTS

Commissioner Murad noted that there was a very successful art festival and are now focusing on CruiseFest, August 16. The Berkley Pub Crawl will be Saturday, August 24, 1pm – 6pm.

Commissioner Trotto noted that the DDA approved the MoGo project. New appointments were welcomed to the Board. The Executive Director of the DDA has stepped down and the DDA is looking for a new Director.

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STAFF/COMMISSIONER COMMENTS

Commissioner Murad welcomed Community Development Director and Commissioner Campbell.

Commissioner Campbell said he was happy to be here.

Commissioner Smith requested information about property on Eleven Mile that has been updated with siding and process for code enforcement.

With no further business, the meeting was adjourned at 9:54pm.