

# PUBLIC NOTICE

## CITY OF BERKLEY, MICHIGAN REGULAR MEETING OF THE CITY PLANNING COMMISSION

Tuesday, April 25, 2023  
7:00PM – City Hall Council Chambers  
Information: 248-658-3320

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES – *Meeting minutes of January 24, 2023, February 28, 2023 and April 5, 2023*

COMMUNICATIONS

CITIZEN COMMENTS

OLD BUSINESS

1. **PUBLIC HEARING** An ordinance of the City Council of the City of Berkley, Michigan to add Section 138-199 and to amend Section 138-32, Section 138-387, Section 138-388, Section 138-418, Section 138-427, Section 138-428, Section 138-442, Section 138-443, Section 138-457 and Section 138-458 of Chapter 138 – Zoning to allow outdoor service areas as a principal permitted use and allow rooftop outdoor eating areas for restaurants and other food serving establishments as a special use.

NEW BUSINESS

1. **Capital Improvement Plan**
2. **Site Plan Extension - Berkley BP PSP-05-22: 2576 Coolidge**
3. **Election of a Vice-Chair**

LIAISON REPORTS

COMMISSIONER / STAFF COMMENTS

ADJOURN

*Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk. The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling: City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.*

You can watch the meeting on Channel 10 for both Comcast and WOW, at <http://www.youtube.com/CityofBerkley> or <http://www.berkleymich.org/livestream>.

**THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, January 24, 2023 AT BERKLEY CITY HALL BY CHAIR LISA KEMPNER.**

*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/cityofberkley>*

**PRESENT:** Michael Woods Greg Patterson  
Shiloh Dahlin Joe Bartus  
Lisa Kempner Matteo Passalacqua

**ABSENT:** Lisa Hamameh

**ALSO, PRESENT:** Kristen Kapelanski, Community Development Director  
Megan Masson-Minock, Carlisle Wortman & Associates

Motion by Commissioner Woods to excuse the absence of Commissioners Hamameh. Motion supported by Commissioner Patterson.

Voice Vote to approve the absences of Commissioner Hamameh.

AYES: 6  
NAYS: 0  
ABSENT: Hamameh

**MOTION CARRIED**

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**APPROVAL OF AGENDA**

Motion by Commissioner Patterson to approve the agenda and supported by Commissioner Dahlin.

Voice vote to approve the agenda

AYES: 6  
NAYS: 0  
ABSENT: Hamameh

**MOTION CARRIED**

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**APPROVAL OF THE MINUTES**

Motion by Commissioner Woods to approve the minutes of regular Planning Commission meeting on December 20, 2023 and supported by Commissioner Patterson.

Voice vote to approve the meeting minutes of December 20, 2023.

AYES: 6  
NAYS: 0  
ABSENT: Hamameh

**MOTION CARRIED**

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**COMMUNICATIONS**

NONE  
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**CITIZEN COMMENTS**

NONE  
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**OLD BUSINESS**

1. **PUBLIC HEARING:** An ordinance of the City Council of the City of Berkley, Michigan to amend Section 138-32, Section 138-387, Section 138-394, Section 138-419, Section 138-427, Section 138-457, Section 138-487 and Section 138-529 of Chapter 138 – Zoning in order to regulate vape shops.

Community Development Director Kapelanski noted no changes have been made to the ordinance since the Planning Commission last discussed the amendment. The Commission was asked to hold the public hearing and make a recommendation to the City Council.

Chair Kempner opened the public hearing at 7:02 PM and closed the public hearing at 7:03 PM, there being no members of the public present and no comments received.

Motion by Commissioner Patterson to recommend approval to the City Council of an ordinance to amend Section 138-32, Section 138-387, Section 138-394, Section 138-419, Section 138-427, Section 138-457, Section 138-487 and Section 138-529 of Chapter 138 – Zoning in order to regulate vape shops.

Motion supported by Commissioner Woods.

Roll call vote to recommend approval of the proposed amendment.

AYES: 6

NAYS: 0

ABSENT: Hamameh

MOTION CARRIED

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2. **PUBLIC HEARING:** An ordinance of the City Council of the City of Berkley, Michigan to amend Section 138-458 of Chapter 138 – Zoning in order to add nursery schools, day nurseries and child care centers to the Twelve Mile District as a special use.

Community Director Kapelanski noted the Planning Commission considered this as a discussion item at their previous meeting and agreed it should proceed to a public hearing as a special land use with the provisions suggested by staff. The ordinance is now presented as for a public hearing and recommendation to City Council.

Chair Kempner opened the public hearing at 7:08 PM and closed the public hearing at 7:08 PM, there being no members of the public present and no comments received.

Commissioner Passalacqua stated he did not think day cares were a good fit for the downtown considering walkability and the vibrancy wanted for downtown areas. He confirmed the Planning Commission would retain the ability to determine whether day cares were a good fit for each site proposed under the special land use provisions.

Motion by Commissioner Patterson to recommend approval to the City Council of an ordinance of the City Council of the City of Berkley, Michigan to amend Section 138-458 of Chapter 138 – Zoning in order to add nursery schools, day nurseries and child care centers to the Twelve Mile District as a special use.

Motion supported by Commissioner Bartus.

Roll call vote to recommend approval of the proposed amendment.

AYES: 6

NAYS: 0

ABSENT: Hamameh

**MOTION CARRIED**

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**3. Outdoor Seating:** Discussion of ordinance language to regulate outdoor seating.

Planning Consultant Masson-Minock described updates to the Commission’s continued outdoor seating discussion. Staff from Carlisle Wortman measured the sidewalks of each block in the DDA District and along Eleven Mile Road to determine if sidewalks were wide enough to accommodate outdoor seating, which generally needs five feet of seating space place passing space. Passing space can be reduced to three feet in limited areas and still meet the standards of the Americans with Disabilities Act. The Commission was asked if they would like to identify a specific minimum area width of a sidewalk for outdoor seating, if there should be exceptions for outdoor furniture and if corner parcels should be treated differently.

The Planning Commission discussed the questions posed and concluded the ordinance should proceed with the following changes/additions:

- No minimum sidewalk width should be required.
- A five-foot passing lane should be required.
- A three-foot passing lane exception should be permitted to account for obstructions at the discretion of staff as long as the layout meets Americans with Disabilities Act regulations.
- No exceptions or additional regulations should be required for corner parcels.

**NEW BUSINESS**

**1. Planning Commission Bylaws and Rules of Procedure**

Chair Kempner asked that the text be changed to allow for more or less than three minutes of public comment time per person at the discretion of the chair.

The Planning Commission asked City Council to consider removing the need to excuse absences for absent Commissioners. Community Director Kapelanski stated she would pass on that request.

Motion by Commissioner Woods to approve the updated Planning Commission Bylaws and Rules of Procedure with the inclusion of Chair Kempner’s suggestion.  
Motion supported by Commissioner Passalacqua.

Voice vote to approve the Planning Commission Bylaws and Rules of Procedure.

AYES: 6  
NAYS: 0  
ABSENT: Hamameh

**MOTION CARRIED**

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**LIAISON REPORT**

Commissioner Passalacqua noted the DDA is starting to work on their budget, had continued conversations regarding proposed improvements at Robina and had a planned evaluation from Main Street Oakland County.

Chair Kempner introduced the newest Council member, Commissioner Patterson. Council also approved adding a Headlee Rollback to the May election cycle.

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**COMMISSIONER COMMENTS**

Commissioner Patterson thanked the Planning Commission and said he looked forward to taking all he has learned to his role on City Council.

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**STAFF COMMENTS**

The Chamber of Commerce is looking for a Planning Commission liaison. The Parking Study open house will be held on January 31 at the high school from 5:30-7:30. In place of the February Planning Commission regular meeting, staff will be holding a joint work session of Planning Commission and City Council to discuss parklets.

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**ADJOURNMENT**

Motion to adjourn by Commissioner Patterson supported by Commissioner Dahlin.

Voice vote for adjournment

AYES: 6

NAYS: 0

ABSENT: Hamameh

**With no further business, the meeting was adjourned at 8:06 at p.m.**

DRAFT

**THE SPECIAL WORK SESSION OF THE COUNCIL AND PLANNING COMMISSION OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON TUESDAY, FEBRUARY 28, 2023 BY MAYOR DEAN**

**PRESENT:**

Mayor Pro Tem Ross Gavin  
Councilmember Dennis Hennen  
Councilmember Greg Patterson  
Councilmember Jessica Vilani (arrived at 7:05)  
Mayor Bridget Dean  
Commissioner Dahlin  
Commissioner Hamameh  
Chair Kempner  
Commissioner Passalacqua  
Commissioner Woods (arrived at 7:03 p.m.)

**ABSENT:**

Councilmember Steve Baker  
Councilmember Michael Dooley  
Commissioner Joseph Bartus

**OTHER STAFF PRESENT:**

City Manager Matthew Baumgarten  
City Clerk Victoria Mitchell  
Community Development Director Kristen Kapelanski

**APPROVAL OF AGENDA:**

Councilmember Gavin moved to approve the Agenda  
Seconded by Councilmember Patterson  
Ayes: Gavin, Hennen, Patterson, Vilani, Dean, Dahlin, Hamameh, Kempner, Passalacqua, and Woods  
Nays: None  
Motion Approved.

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT:**

None

**REGULAR AGENDA:**

**DISCUSSION:** Matter of discussing ordinance language, policies, and procedures related to parklets.

Megan Masson-Minock, AICP, Principal Carlisle Wortman Associates, facilitated a discussion regarding parklets. She was accompanied by intern Jessica Hobbs from the University of Michigan.

Ms. Masson-Minock opened the work session discussing the definition of a parklet including the following points:

- Temporary outdoor service areas
- Within commercial area
- Converted from on-street parking spaces
- May be connected to outdoor service areas on adjacent sidewalks
- Maintained by adjacent business

Ms. Masson-Minock discussed the varying widths of our sidewalks in relation to parklets.

Ms. Masson-Minock discussed items that could be regulated including:

- Parking spots adjacent to sidewalks
- At least one parking space away from a corner
- Leaves a minimum five-foot pedestrian walkway
- On streets with lower speed limits (25-30 mph)
- A limited number of spaces allowed per business or per city block

Ms. Masson-Minock stated parklets have enclosures, which could be wheel stops, that may be required to protect along with railings to separate parklets from the pedestrian paths. She stated there are specific requirements when alcohol is served. She discussed different distances from vehicle traffic.

Ms. Masson-Minock discussed costs and fees including:

- \$10k-\$20K to construct
- Application requirements
  1. Parklet permit required
  2. Encroachment permit
  3. Possible building permits for platforms

Ms. Masson-Minock discussed additional aspects including:

- Timing
- Noise
- Street furniture and lighting
- Alcohol regulations
- Temporary shelters
- Accessibility
- Ramps and platforms
- Visibility
- Maintenance Requirements - usually businesses' responsibility

Ms. Masson-Minock asked everyone to vote with their feet. She asked everyone to stand in an area spanning from I'm ready right now for a parklet to this is a horrible idea. Other categories included neutral and need more discussion.

Everyone in the group had concerns/questions to discuss further. Questions related to reducing parking, noise pollution, could you share or "gift" a parklet, is there any return on investment, storage, design standards, whether there would be extra costs for DPW, walkability, space on sidewalks due to varying widths of the sidewalks, etc.

Ms. Masson-Minock discussed different ways other communities attacked this ranging from completely shutting down a street to accommodate parklets to Downtown Development Authorities funding parklets to providing uniformity guidelines for smaller parklets that are individually designed and constructed.

Ms. Masson-Minock commented that our downtown is unusual as it is about two miles long on 12 Mile Road. She suggested they consider where they would want these spaces to be.

City of Berkeley Community Development Director Kristen Kapelanski explained that many lots are shallow so this could provide additional space. Director Kapelanski discussed different parking options and on-street parking. She also threw out the idea of one-way traffic at certain times of the year.

City Councilmember Dennis Hennen asked about businesses that are already short in parking. He said he wouldn't support those businesses losing their on-street spots. Ms. Kapelanski said since they are currently conducting a parking study, requirements could change.

Planning Commission Chair Lisa Kempner said some people haven't learned how to use the road diet correctly yet.

City Councilmember Jessica Vilani said Berkley is a walking school district and the high school is an open campus producing a lot of foot traffic. She said we have to be aware of that in relation to scenarios where pedestrians may not always be paying attention.

The left turn at Catalpa was discussed.

Ms. Masson-Minock summarized the main concerns of the group as noise, parking, politics, economic concerns, parking variances, Coolidge needs to be used properly or bump-outs, the heavy pedestrian area near schools, speed, and the width of sidewalks (12 Mile Road).

Ms. Masson-Minock led an activity where city councilmembers and planning commissioners prioritized different questions and attributes pertaining to parklets with blue dots.

Consensus following the exercise facilitated by Ms. Masson-Minock included:

- Make sure parklet furniture doesn't block traffic
- Mixed-vote regarding accessibility in relation to ramps and platforms. Ms. Masson-Minock stated addressing platforms could be a policy decision. Platforms and space considerations along with cost were discussed
- All agreed that state standards should be followed if serving alcohol
- Most agreed regarding street furniture and lighting. Developing design standards was discussed
- Allow temporary shelters outside of November 1-March 31
- Most agreed on relying on the City's noise ordinance and creating design guidelines for raised platforms and enclosures
- Mixed-vote on whether the speed limit should be 25 mph or less or 30 mph or less. They discussed the impact of dropping the speed limit by 5 mph. Consensus is it would be great to lower 5 mph, but politically impossible
- Majority agreed on max number of parking spaces connected to parklets by businesses
- The majority agreed design guidelines are needed

A discussion took place regarding snow removal.

Consensus was reached on design guidelines for raised platforms and enclosures.

Commissioner Hamameh is not convinced parklets will work in Berkley. She discussed having a pilot program. Director Kapelanski said with a pilot program, it is hard to give someone something and then take it away. She also stated it would be hard to ask someone to make that type of monetary commitment for something that is temporary.

Ms. Masson-Minock discussed the seasonal timing of parklets/temporary shelters and other aesthetic options. She further discussed the possibility of enacting design guidelines.



There was a discussion regarding permitting. It was discussed if there would be a parklet permit and an additional building permit for raised platforms. Director Kapelanski said she would figure out a way to consolidate the two applications.

There was a discussion regarding the requirement of a 50-foot buffer. It was mentioned the point of the 50-foot buffer is to lessen the impact of any adjacent residential. A further discussion took place regarding instances where a 50-foot buffer is not available. Ms. Masson-Minock said they would go back and massage this issue with the intent to come back with a revision.

Mixed-use districts were discussed. Commissioner Passalacqua said he would throw into the side streets conversation, line of sight. That is his concern more than two-way traffic. He questioned would there be a certain amount of setback needed and would that eat into the 50-foot from residential use or zone.

There was a discussion regarding off-street parking in relation to parklets.

The group discussed if a parklet has to be in front of their business. Ms. Masson-Minock said usually parklets are in front of their businesses.

A question was posed about how cities deal with business owners who might be mad that an on-street parking space is lost by someone who converts a space into a parklet. Ms. Masson-Minock said business owners could have the adjacent business owner sign off, require administration approval, etc. She said the rubbing point is usually when parklets expand outside of right in front of an owners business.

Chair Kempner asked if Oakland County is going to let us do this on 12 Mile Road? It was stated the Road Commission for Oakland County is in charge of 12 Mile Road. Ms. Masson-Minock explained there are different rulings.

Chair Kempner asked about the timeline of when bump outs are coming. City Manager Baumgarten said he would check and follow up on the question. He mentioned temporary bump outs could be erected if needed.

Director Kapelanski asked should bike lanes be treated differently? There was discussion. Councilmember Hennen stated if there is a bike lane + 30 mph speed limit, then two-foot setback.

Ms. Masson-Minock thanked everyone for their attendance and participation.

Ms. Masson-Minock said the next step is to talk to the road commission. If the Road Commission will not allow parklets on 12 Mile Road, then they will hold another joint workshop. If the Road Commission does allow parklets on 12 Mile Road, then work would begin on the ordinance. The group also discussed bringing back a map to identify potential sites.

Director Kapelanski brought up that as we kick off the zoning rewrite, another joint meeting would be needed to begin that process.

Ms. Masson-Minock said we could combine that work session and the parklets work session if needed.

**ADJOURNMENT:**

Councilmember Gavin moved to adjourn the Special Work Session at 8:33 p.m.

Seconded by Councilmember Patterson

Ayes: Hennen, Patterson, Vilani, Gavin, and Dean, Dahlin, Hamameh, Kempner, Passalacqua, and Woods

Nays: None

Motion Approved.

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Bridget Dean, Mayor

**ATTEST:**

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Victoria Mitchell, City Clerk

DRAFT

**THE SPECIAL WORK SESSION OF THE COUNCIL AND PLANNING COMMISSION OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON WEDNESDAY, APRIL 5, 2023 BY MAYOR DEAN**

***PRESENT:***

Councilmember Dooley  
Mayor Pro Tem Ross Gavin  
Councilmember Dennis Hennen  
Councilmember Greg Patterson  
Councilmember Jessica Vilani  
Mayor Bridget Dean  
Commissioner Bartus  
Commissioner Hamameh  
Chair Kempner  
Commissioner Passalacqua (arrived at 7:01 p.m.)  
Commissioner Woods (arrived at 7:02 p.m.)

***ABSENT:***

Councilmember Steve Baker  
Commissioner Shiloh Dahlin

***OTHER STAFF PRESENT:***

City Manager Matthew Baumgarten  
City Clerk Victoria Mitchell  
Community Development Director Kristen Kapelanski  
Zoning Administrator Kim Anderson

***APPROVAL OF AGENDA:***

Councilmember Patterson moved to approve the Agenda  
Seconded by Mayor Pro Tem Gavin  
Ayes: Dooley, Gavin, Hennen, Patterson, Vilani, Dean, Bartus, Hamameh, Kempner, Passalacqua, and Woods  
Nays: None  
Absent: Baker and Dahlin  
Motion Approved.

***PLEDGE OF ALLEGIANCE***

***PUBLIC COMMENT:***

None

***REGULAR AGENDA:***

**DISCUSSION:** Matter of participating in an Overview and Discussion of the Zoning Ordinance Rewrite Process.

Megan Masson-Minock, AICP, Principal Carlisle Wortman Associates, facilitated a discussion regarding the Zoning Ordinance Rewrite Process.

Ms. Masson-Minock discussed the process and what should go into the final project. She said they want to make it as thoughtful as possible.

She reviewed the process and timeline. She explained a technical review going on at the moment.

The process and timeline consists of four tasks in two years:

- Task 1: Ordinance Assessments (months 1-3)
  - Technical Review
  - Elected & Appointed Officials Joint Meeting
  - Schedule and Deliverables for Outreach Materials
  - Zoning Ordinance Update Steering Committee Launch
  - Zoning Education Workshop
  - Task 2 Schedule
- Task 2: Development of Draft Regulations (months 4-15)
  - Focused Area Workshops
  - Monthly Zoning Ordinance Update Steering Committee Meetings
  - Mid-year Check-in with Planning Commission and City Council
- Task 3: Full Draft for Review (months 16-18)
  - Planning Commission Review
  - City Council Review
  - Zoning Ordinance and Zoning Map Revision
- Task 4: Adoption (months 19-24)
  - On-line Draft Zoning Ordinance and Zoning Map
  - Office Hours for Zoning Questions
  - Community Presentation
  - Planning Commission Public Hearing
  - Zoning Ordinance and Zoning Map Revision
  - City Council Approval
  - Final Documents

Each Task was discussed in detail.

Ms. Masson-Minock discussed creating a community engagement schedule. She discussed our interested public base.

Ms. Masson-Minock stated the first Wednesday in May the Zoning Re-write Steering Committee will launch. She said they will ask members of Committee to report back to their respective bodies. Steering Committee meetings will take place monthly.

Ms. Masson-Minock stated in the Second Task Phase, while the Steering Committee is working, focused-area workshops could take place. This is where individual issues could be addressed like parking, accessory dwelling units, etc. She said please let her know if participants have ideas for those workshops.

Form-based code and Site-design code was discussed.

Ms. Masson-Minock said a mid-year checkin with City Council and Planning Commission would take place.

Ms. Masson-Minock said by month 15, they should have a full draft and begin the review. And hopefully at this point there wouldn't be a lot of changes.

Ms. Masson-Minock discussed how the adoption process would work including the interactive zoning map. She state she would hold office hours for zoning questions and a community presentation. The

planning commission would hold a public hearing. She stated the Planning Commission would make a recommendation and the City Council would approve. She stated adoption would require two readings.

Ms. Masson-Minock said it is a big item and the more communication the better. She said there has been great communication in the past with the city.

Ms. Masson-Minock discussed the format the final product would be in and made a strong recommendation the document is standalone as an appendix on the City's website. A discussion took place regarding format.

Ms. Masson-Minock went over the changes listed in the memo that included high-level points. She asked if there was anything in there that was missing or incomplete. Inconsistent language in the current code was mentioned. She said they will make sure they use the same terms throughout the entire code and eliminate a lot of the inconsistencies and inaccuracies. She said another way to go about that is to eliminate so much text.

Mayor Dean asked how you deal with what you don't know. She spoke in the context of how do you write a zoning ordinance to prevent a use that could pop up in the future. Ms. Masson-Minock discussed special land uses and amending the code right after. She said processes exist to handle these situations

Chair Kempner said it is important to know that you're never going to be able to address everything.

Ms. Masson-Minock stated the final topic to discuss is covering what their expectations are for the zoning rewrite. She went around the room and asked each participant to state their expectations in three words.

There was further dialogue regarding the final document and how large it would be. Ms. Masson-Minock stated there would be tools available to help digest the final product including interactive maps, red-lining, and an about eight-page memo that would provided a summary of each section.

Ms. Masson-Minock discussed with the group whether or not items like sustainability, green infrastructure, stormwater retention, etc. are important considerations. The group discussed the give and take regarding high costs and sustainability. It was mentioned not to price people out with requirements, but possibly instead offering incentives.

Chair Kempner asked if we have a plan to go over what is coming, and how do the people who don't live in Berkley find out all of this information. Community Development Director Kapelanski said she would like to use the Downtown Development Authority to spread the word to smaller developers and the Community Development Department for larger developers. Councilmember Hennen said the Chamber of Commerce would help too.

The discussion regarding communicating changes and nonconforming properties continued before the discussion item concluded.

**DISCUSSION:** Matter of discussing Potential Parklet Ordinances and Policies.

Before the parklets discussion began, a question was brought up regarding different concurrent planning initiatives and how they interrelate including the timing including discussing parklets, talking about the Zoning Ordinance Rewrite, and the parking study.

Community Development Director Kapelanski provided an update on the parking study.

It was brought up that all of these moving parts could be overseen.

Ms. Masson-Minock began facilitating the discussion regarding parklets.

Ms. Masson-Minock presented a map showing potential parklet locations identified following consultations with the city's Department of Public Works and engineers. She reviewed the parameters used to conduct research and evaluate whether a parklet could fit on a block.

Ms. Masson-Minock stated 39 blocks where parklets could potentially be located were identified after considering the parameters:

- Nineteen blocks on 12 Mile Road or side streets between Garland and Cumberland
- Six blocks on side streets off of 11 Mile Road between Ellwood and Buckingham
- Fourteen blocks on Coolidge and Dorothea between Edgewood and 11 Mile Road

The blocks were highlighted on the map.

Ms. Masson-Minock asked based on these locations, is this something they would want to pursue.

A discussion ensued regarding what locations would be appropriate to consider parklets. Considerations included:

- Speed Limit
- Alignment with the Social District
- Other surrounding parking availability
- Requests received so far

It was asked if parklets would be business-driven. The answer was yes.

Ms. Masson-Minock said parklets are a way to have a more lively downtown. She listed out other benefits.

Ms. Masson-Minock recapped what she was hearing from the group following the discussion. She stated her takeaway was that possibly on 12 Mile Road, but they need to see tangible businesses that want to have one.

Community Development Director Kapelanski said there would be specific prescriptive standards for the parklets. It was stated parklets would be an accessory use approved by staff. It was stated there would be a permitting fee to cover staff costs and engineering costs would need to be covered.

Discussion continued regarding whether or not to have parklets and where they would be located.

Ms. Masson-Minock asked if the next step would be to talk to business owners to gauge interest.

Community Development Director Kapelanski explained this would be for the future. She said this would really be for people to plan for spring 2024.

Further discussion took place.

Ms. Masson-Minock said the concept of parklets began in the late teens as really a sustainability issue. Then when the pandemic happened, that's when parklets took off in Michigan. She said cities have allowed them and then started realizing they work. She said there isn't a pilot program.

Following further discussion, Ms. Masson-Minock asked for direction.

The response was businesses would be polled to see if they are interested for next season and to have City Manager Matt Baumgarten to check with the Coad Commission for Oakland County on rights of way.

**ADJOURNMENT:**

Councilmember Patterson moved to adjourn the Special Work Session at 8:41 p.m.  
Seconded by Councilmember Vilani  
Ayes: Gavin, Hennen, Patterson, Vilani, Dean, Bartus, Hamameh, Kempner, Passalacqua, Dooley, and Woods  
Nays: None  
Absent: Baker and Dahlin  
Motion Approved.

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Bridget Dean, Mayor

**ATTEST:**

\_\_\_\_\_  
Victoria Mitchell, City Clerk

DRAFT



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## MEMORANDUM

**To:** Planning Commission

**From:** Kristen Kapelanski, Community Development Director

**Subject:** **Outdoor Seating Amendments**

**Date:** March 14, 2023

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Over the past several months, the Planning Commission has been working with the City's planning consultant Carlisle Wortman to develop a zoning ordinance amendment to allow outdoor seating primarily as a principal permitted use with specific requirements and regulations and to allow rooftop outdoor seating as a special land use.

At the January Planning Commission meeting, the ordinance amendment was largely complete but the Planning Commission requested the following edits based on information provided by Carlisle Wortman.

1. No minimum sidewalk width should be required but rather the sidewalk width is dictated by minimum passing requirements, the type of enclosure selected by the applicant and the size and position of tables and chairs.
2. A five-foot passing lane should be required. A three-foot passing lane exception should be permitted to account for obstructions at the discretion of staff as long as the layout meets the requirements of the Americans with Disabilities Act.
3. No exceptions or additional regulations should be required for corner parcels.

These changes have been made and the Planning Commission is asked to hold the public hearing and forward a recommendation to the City Council on the proposed amendment.

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**AN  
ORDINANCE**

**of the City Council of the City of Berkley, Michigan to Add Sec. 138-199, and to Amend Sec. 138-32, Section 138-387, Sec. 138-388, Sec. 138-418, Sec. 138-427, Sec. 138-428, Sec. 138-442, Sec. 138-443, Sec. 138-457, and Sec. 138-458 of Chapter 138 – Zoning to allow outdoor service areas as a principal permitted use and allow rooftop outdoor eating areas for restaurants and other food serving establishments as a special use.**

**THE CITY OF BERKLEY  
ORDAINS:**

**SECTION 1:** Section 138-32 of Chapter 138 of the Berkley City Code must be amended, as follows:

*Outdoor service area:* A porch, patio, deck, sidewalk, parking lot, parking space, or other public or private land area used for seated dining and beverage service, which is adjacent and accessory to, but not located within the interior building walls of food and/or beverage establishments. Rooftop outdoor eating areas are not considered outdoor service areas.

*Rooftop outdoor seating area:* A temporary, exterior area, located on the roof of a building at least one story above grade, that is used for seated consumption of food and/or beverages, is operated by and is accessory to a food and/or beverage establishment within the building.

**SECTION 2:** Section 138-199 must be added to Division 6 of Chapter 138 of the Berkley City Code, as follows:

**Sec. 138-199. – Outdoor service areas.**

Outdoor service areas are permitted when in compliance with the following regulations:

- (a) Permit. An outdoor service area may be permitted only upon the approval of an outdoor service permit by the Zoning Administrator. All outdoor service area permits will expire on December 31st of the current year unless another time frame is specified in the permit or by the requirements of this Section. Outdoor service area permits are required to be renewed annually, subject to administrative review.

All applications for an outdoor service area permit or permit renewal must include the following:

- (1) Sketch Plan: A sketch plan (top-view drawing of the outdoor service area) with:
  - a. The location of an outdoor service area in relation to the business it will serve; the entrance to the business; adjacent properties (include addresses) and their building entrances; and existing landscaping, road, trees, catch basins, fire hydrants, and other utilities.
  - b. The dimensions of the outdoor service area footprint.
  - c. The location of the access ramps, platforms, and enclosures.

- d. Details of any hardware such as fasteners to be used in the construction of ramps and platforms.
  - e. The location and dimensions of all street furniture and furnishings, including, but not limited to tables, chairs, trash receptacles, benches, and sun shading.
  - f. The location of outdoor lighting fixtures, if proposed, as well as the location of wiring and a description of how the wiring will be secured to prevent tripping or electrical hazards.
  - g. Location of on-site driveways and adjacent alleys.
  - h. If using on-site parking spaces, the setback dimensions of the enclosure from traffic lanes, vehicle circulation aisles, alleys, and adjacent parking spaces not used in the outdoor service area.
- (2) Photographs, drawings, or manufacturer's brochures fully describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies, lighting, or other furnishings/fixtures related to the outdoor service area, including but not limited to portable heaters, and other fixtures used during colder weather.
  - (3) A signed Hold Harmless Agreement as provided by the City.
  - (4) For an outdoor service area proposed in a public right-of-way or on other public property, a Certificate of Liability Insurance, in an amount acceptable to the City, and naming the City as an additionally insured.
  - (5) For an outdoor service area in which alcohol is served, a liquor liability policy or certificate of insurance naming the City as an additionally insured.
  - (6) If outdoor lighting is proposed, the Zoning Administrator may require a photometric plan.
  - (7) If temporary shelters are proposed, a separate sketch plan must be submitted with the following:
    - a. The location and dimensions of all temporary shelters within the permitted outdoor service area.
    - b. A dimensioned interior seating layout.
    - c. The materials of which the shelters are fabricated.
    - d. The type, size and location of portable heating elements, fuel tanks, and decorative lighting.
    - e. The type and location of lighting to be used.
    - f. The power source for portable heating elements and lighting, with description of how the wiring will be secured to prevent tripping or electrical hazards.

- (b) Location. Outdoor service areas are allowed in on-site parking spaces or lots, sidewalks, and similar areas, with the following limitations:
- (1) When located in the side or rear yard of a site, an outdoor service area must be a minimum 50 feet from the property line of any single-family or multiple-family zoning district.
  - (2) Outdoor service areas must be setback at least 2 feet from adjacent vehicle traffic lanes, vehicle circulation aisles, or alleys.
  - (3) Outdoor service areas must be at least 3 feet from adjacent parking spaces not used as an outdoor service area.
  - (4) Outdoor service areas only may be allowed in on-site parking spaces or parking lots when parking provided without the spaces to be used for the outdoor service area still meets the minimum parking requirements for the principal building on-site as well as for any existing parking agreements.
- (c) Time of Operation. Permitted outdoor service areas may be operated all year. However, outdoor service areas in the public right-of-way are limited to April 1<sup>st</sup> through October 31<sup>st</sup>.
- (d) Temporary Shelters. Outdoor service area permittees may be allowed to erect temporary shelters, such as tents, igloos, bubbles, garden sheds, or similar type when in compliance with the following regulations:
- (1) Non-electric heating elements are prohibited inside any temporary shelters.
  - (2) The location of all non-electric portable heating elements must be a minimum of ten (10) feet from temporary shelters.
- (e) Access. All outdoor services areas, whether located on a sidewalk or accessed from a sidewalk, must allow a minimum of five (5) feet of unobstructed pedestrian access along the sidewalk, as well as ingress/egress to the principal use for which the outdoor service area is accessory. Unobstructed pedestrian access along the sidewalk may be reduced to no less than three (3) feet when street furnishings, such as but not limited to street trees, fire hydrants, benches or trash receptacles, are present and dedicated passing areas are immediately adjacent.

Outdoor service areas must comply with Michigan Barrier Free Code, including but not limited to the following:

- (1) Entrances must be a minimum of 48 inches wide.
- (2) Connections between platforms, ramps, sidewalks, or parking spaces must be flush, and must not leave a horizontal gap greater than 1/2 inch, or a vertical separation greater than a quarter inch. 1:4 bevels are required for vertical differences that exceed a quarter inch.
- (3) For outdoor service areas proposed on parking spaces with grades that exceed 5%, level platforms must be provided.

- (4) Ramps must be provided for parking space outdoor service areas that are accessed from curbed sidewalks.
- (f) Ramps and Platforms. Ramps and platforms for outdoor service areas must comply with the following regulations:
- (1) Bolting of ramps and platforms into the road or penetrating the surface of the road/parking space is prohibited. Ramps and platforms may be bolted to the existing curb, but curbs must be restored to the satisfaction of the City of Berkeley DPW.
  - (2) Ramps and platforms must be designed and constructed to maintain unobstructed drainage flow along the gutter.
  - (3) Platform and ramp substructures must be made of quality materials: i.e., wood, treated wood or composite materials. Platform and ramp surfaces must be of a non-slip, composite material.
- (g) Enclosures. Enclosures are required for outdoor service areas in the following circumstances: when alcohol is served, when outdoor service areas on the sidewalk are within one foot of the back of the curb, and when using parking spaces. Enclosures must comply with the following regulations:
- (1) The enclosures must be clearly marked, using railings, planters, fencing, or similar materials.
  - (2) Enclosures must not block the view of traffic, including pedestrian traffic, or block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.
  - (3) The minimum height of an enclosure is 36 inches and maximum height is 42 inches.
  - (4) For outdoor service areas serving alcohol, the enclosure must define and secure the outdoor service area for alcohol consumption.
  - (5) For sidewalk outdoor service areas within one foot of the back of the curb, the enclosure must be located along the curb separating the outdoor service area from the roadway.
  - (6) For outdoor service areas using parking spaces, the enclosure must be a continuous, rigid physical separation with a height of 42 inches on all sides of the outdoor service area adjacent to vehicle traffic lanes, vehicle circulation aisles, alleys, and parking spaces not used as an outdoor service area.
- (h) Alcohol service. Alcoholic beverages may be served in an outdoor service area, as licensed by the State, for consumption by customers of the licensee.
- (i) Street furniture and furnishings. Street furniture and furnishings are allowed in outdoor service areas when the following regulations are met:

- (1) Outdoor service area street furniture/fixtures must not block the view of traffic, including pedestrian traffic, or block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.
  - (2) All outdoor service area street furniture/fixtures must be of substantial weight so that at no time could the outdoor service area furniture present an obstruction or risk to public safety, especially during inclement weather. All umbrellas must be closed or removed each evening.
  - (3) Hanging or overhead objects, including umbrellas, must have a minimum clearance of at least 7 feet.
  - (4) All outdoor service area furniture/fixtures must be maintained in a state of good repair. Any outdoor service area furniture/fixtures having broken, peeling, or rusting features or are showing other signs of disrepair must be promptly removed and replaced.
  - (5) All sun shading must be constructed of fire-retardant materials.
- (j) Lighting. Temporary, decorative outdoor lighting, such as string lights or electric candles, may be permitted in outdoor services areas when such lighting is limited to the hours of operation of the outdoor service area, does not create glare that negatively impacts public safety or adjacent properties, and is secured in a manner to prevent trip or electrical hazard. All other lighting must meet the requirements in Section 138-143(b).
- (k) Heating elements. Electric and non-electric heating elements may be permitted in outdoor services areas. Non-electric heating elements must be placed a minimum of 10 feet from all permanent or temporary structures. Electric heating elements must be secured in a manner to prevent tripping or electrical hazard.
- (l) Maintenance. The maintenance of an outdoor service area is the responsibility of the establishment. Maintenance includes, but is not limited to surface treatment and cleaning, litter control, sweeping, and snow and ice removal. Any sidewalk or public property permitted to be used as an outdoor service area must be kept neat and clean at all times and free from any substance that may cause pedestrian injury or damage to the sidewalk or public property.

**SECTION 4:** Section 138-387 of Chapter 138 of the Berkley City Code must be amended, as follows:

**Sec. 138-387. – Principal Uses permitted.**

Principal uses permitted in the LB district are as follows:

- (1) Any generally recognized retail business whose principal activity is the sale of commodities on the premises, in a completely enclosed building including, but not limited to, the sale of groceries, meats, dairy products, baked goods and other food items dispensed for consumption off the site, drugs, pharmaceutical, apothecary items, flowers, dry goods, furnishings, jewelry, clothing millinery, shoes, books and periodicals, stationery and office supplies and hardware.

- (2) Specialty shops such as, but not limited to, antique shops, craft shops and shops for the sale of gifts and notions.
- (3) Personal service establishments which perform services on the premises directly for the consumer such as, but not limited to, repair shops (shoes, watches, jewelry, radios, televisions, small appliances, vacuum and sewing machines, etc.), beauty salons, hair salons, barber shops, manicuring studios, tanning salons, massage facilities, spa service facilities, self-service laundries, reproduction/copy centers, printing, mailing/shipping centers, while prohibiting service facilities of package shipping providers, but which may require a retail adjunct.
- (4) Any service establishments including a showroom or workshop of an electrician, decorator, caterer, baker, painter, upholsterer, tailor, seamstress/dressmaker, photography studios and similar service establishments that require a retail adjunct.
- (5) Dry cleaning establishments of a retail nature. Strictly wholesale dry cleaning establishments must be prohibited.
- (6) Business establishments which perform services on the premises such as, but not limited to, banks, credit unions, savings and loan associations, loan companies, insurance offices, travel services, and real estate offices. Bank, savings and loan associations and credit unions may include drive-up facilities only as an accessory use subject to the required provisions for stacking or waiting space, apart from required off street parking areas, at the rate of 4 car spaces for each service window or pedestal, in addition to providing a full car length space at the window or pedestal.
- (7) Offices for any of the following occupations: executive, administrative, manufacturer representatives, building/construction company or contract sales headquarters, professional, accounting, writing, clerical, stenographic, drafting and real estate sales, subject to the limitations contained in section 138-390.
- (8) Professional offices for medical (doctors, osteopaths, chiropractors, psychologists, and psychiatrists) dental and optical, including clinics (outpatient service only); and other similar or allied professions subject to the limitations contained in section 138-390.
- (9) Professional offices for lawyers, architects, landscape architects, urban planners, engineers and other similar or allied professions, subject to the limitations contained in section 138-390.
- (10) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
- (11) Places of worship.
- (12) Commercial recreational uses such as bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, indoor tennis courts, athletic or health clubs, schools of dance, schools of martial arts, or similar forms of indoor commercial recreation.
- (13) Restaurants, bars, lounges or other places serving food or beverage within enclosed buildings, not including drive-in ~~or~~ drive-through ~~or outdoor service~~ eating establishments.

- (14) Single-family, two-family and multiple-family dwellings when located on the second floor or above a first floor permitted or special use. Single-family detached dwellings and first floor dwelling units are prohibited.
- (15) Accessory structures and uses customarily incidental to the above permitted uses.
- (16) Marihuana retailers and medical marihuana provisioning centers.

**SECTION 5:** Section 138-388 of Chapter 138 of the Berkley City Code must be amended, as follows:

**Sec. 138-388. Special uses.**

The following special uses must be permitted in the LB local business district, subject to the regulations in article VI, division 6, Special Uses, of this chapter:

- (1) Automobile service stations, subject to the requirements of section 138-389.
- (2) Drive-in and drive-through eating establishments.
- (3) Drive-through retail/service establishments.
- (4) Open air business uses when developed as uses accessory to primary uses and structures in the LB local business district as follows:
  - a. [Rooftop](#) outdoor seating areas for restaurants or other food serving establishments.
  - b. Outdoor retail sales of fruits, vegetables and plant materials not grown on site and sales of lawn furniture, playground equipment, hardware supplies and other home garden supplies.
  - c. Businesses in the character of open store fronts.
- (5) Commercial amusement device centers.
- (6) Nursery schools, day nurseries and child care centers, provided:
  - a. Applicants are licensed through the Michigan Department of Licensing and Regulatory Affairs (LARA). Proof of licensing must be provided to the city when submitting an application for a business license.
  - b. Facilities meet the minimum requirements established by the Michigan Department of Licensing and Regulatory Affairs (LARA) and meet the minimum standards of section 138-391 Area and bulk requirements and section 138-392 Building design requirements.
  - c. Facilities meet screening requirements as deemed reasonable by the planning commission, including masonry walls up to six feet in height, decorative fencing or landscaping.
  - d. Applicants, staff, and facilities meet the minimum standards established by the Michigan Child Care Organizations, MCL 722.111 et seq., as amended.

**SECTION 6:** Section 138-418 of Chapter 138 of the Berkley City Code must be amended, as follows:

**Sec. 138-418. Special uses.**

The following special uses must be permitted in the downtown district, subject to the regulations in article VI administration and enforcement, division 6 special uses, of this chapter:

- (1) Offices or agencies, when located on the first floor.
- (2) Banks.
- (3) Convenience stores.
- (4) Outdoor sales or [rooftop outdoor](#) eating areas, when developed as accessory to primary uses and structures.
- (5) Repair shops or workshops such as, but not limited to, clothing, shoes, watches, televisions, small appliances, electrician, painter, and upholstery.
- (6) Resale shops.

**SECTION 7:** Section 138-427 of Chapter 138 of the Berkley City Code must be amended, as follows:

**Sec. 138-427. Principal uses permitted.**

Principal uses permitted in the Gateway district are as follows:

- (1) Any generally recognized retail business whose principal activity is the sale of commodities on the premises, in a completely enclosed building including, but not limited to, the sale of groceries, meats, dairy products, baked goods and other food items dispensed for consumption off the site, drugs, pharmaceutical, apothecary items, flowers, dry goods, furnishings, jewelry, clothing millinery, shoes, books and periodicals, stationery and office supplies and hardware.
- (2) Specialty shops such as, but not limited to, antique shops, craft shops and shops for the sale of gifts and notions.
- (3) Personal service establishments which perform services on the premises directly for the consumer such as, but not limited to, repair shops (shoes, watches, jewelry, radios, televisions, small appliances, vacuum and sewing machines, etc.), beauty salons, hair salons, barber shops, manicuring studios, tanning salons, massage facilities, spa service facilities, self-service laundries, reproduction/copy centers, printing, mailing/shipping centers, while prohibiting service facilities of package shipping providers, but which may require a retail adjunct.
- (4) Any service establishments including a showroom or workshop of an electrician, decorator, caterer, baker, painter, upholsterer, tailor, seamstress/dressmaker, photography studios and similar service establishments that require a retail adjunct.
- (5) Dry cleaning establishments of a retail nature. Strictly wholesale dry cleaning establishments must be prohibited.



- (6) Business establishments which perform services on the premises such as, but not limited to, banks, credit unions, savings and loan associations, loan companies, insurance offices, travel services, and real estate offices. Bank, savings and loan associations and credit unions may include drive-up facilities only as an accessory use subject to the required provisions for stacking or waiting space, apart from required off street parking areas, at the rate of 4 car spaces for each service window or pedestal, in addition to providing a full car length space at the window or pedestal.
- (7) Offices for any of the following occupations: executive, administrative, manufacturer representatives, building/construction company or contract sales headquarters, professional, accounting, writing, clerical, stenographic, drafting and real estate sales, subject to the limitations contained in section 138-410.
- (8) Professional offices for medical (doctors, osteopaths, chiropractors, psychologists, and psychiatrists) dental and optical, including clinics (outpatient service only); and other similar or allied professions subject to the limitations contained in section 138-410.
- (9) Professional offices for lawyers, architects, landscape architects, urban planners, engineers and other similar or allied professions, subject to the limitations contained in section 138-410.
- (10) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
- (11) Places of worship.
- (12) Commercial recreational uses such as bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, indoor tennis courts, athletic or health clubs, schools of dance, schools of martial arts, or similar forms of indoor commercial recreation.
- (13) Restaurants, bars, lounges or other places serving food or beverage within enclosed buildings, not including drive-in; ~~or drive-through~~ ~~or outdoor service~~ eating establishments.
- (14) Single-family, two-family and multiple-family dwellings when located on the second floor or above a first floor permitted or special use. Single-family detached dwellings and first floor dwelling units are prohibited.
- (15) Accessory structures and uses customarily incidental to the above permitted uses.
- (16) Marihuana retailers and medical marihuana provisioning centers.

**SECTION 8:** Section 138-428 of Chapter 138 of the Berkley City Code must be amended, as follows:

**Sec. 138-428. Special uses.**

The following special uses must be permitted in the Gateway district, subject to the regulations in article IV, division 6, special uses, of this chapter:

- (1) Automobile service stations, subject to the requirements of section 138-429.
- (2) Drive-in and drive-through eating establishments.
- (3) Drive-through retail/service establishments.
- (4) Commercial amusement device centers.

- (5) Open air business uses when developed as uses accessory to primary uses and structures in the Gateway district as follows:
  - a. [Rooftop](#) outdoor seating areas for restaurants or other food serving establishments.
  - b. Outdoor retail sales of fruits, vegetables and plant materials not grown on site and sales of lawn furniture, playground equipment, hardware supplies and other home garden supplies.
  - c. Businesses in the character of open store fronts.

**SECTION 9:** Section 138-442 of Chapter 138 of the Berkley City Code must be amended, as follows:

**Sec. 138-442. Principal uses permitted.**

Principal uses permitted in the Coolidge Districts are as follows:

- (1) Any generally recognized retail business whose principal activity is the sale of commodities on the premises, in a completely enclosed building including, but not limited to, the sale of groceries, meats, dairy products, baked goods and other food items dispensed for consumption off the site, drugs, apothecary items, flowers, dry goods, furnishings, jewelry, clothing, shoes, books and periodicals, stationery and office supplies and hardware.
- (2) Specialty shops such as, but not limited to, antique shops, craft shops and shops for the sale of gifts and notions.
- (3) Personal service establishments which perform services on the premises directly for the consumer such as, but not limited to, repair shops (shoes, watches, jewelry, small appliances, etc.), hair salons, barber shops, manicuring studios, spa service facilities, self-service laundries, reproduction/copy centers, printing, mailing/shipping centers, while prohibiting service facilities of package shipping providers, but which may require a retail adjunct.
- (4) Any service establishments including a showroom or workshop of an electrician, decorator, caterer, baker, painter, upholsterer, tailor, photography studios and similar service establishments that require a retail adjunct.
- (5) Dry cleaning establishments of a retail nature. Strictly wholesale dry cleaning establishments must be prohibited.
- (6) Business establishments which perform services on the premises such as, but not limited to, banks, credit unions, savings and loan associations, insurance offices, travel services and the like. Banks and other financial institutions may include drive-up facilities only as an accessory use subject to the required provisions for stacking spaces.
- (7) Offices for any of the following occupations: executive, administrative, manufacturer representatives, building/construction company or contract sales headquarters, professional, accounting, writing, clerical, stenographic, drafting and real estate sales.
- (8) Professional offices for medical (doctors, osteopaths, chiropractors, psychologists, and psychiatrists) dental and optical, including clinics (outpatient service only); and other similar or allied professions.
- (9) Professional offices for lawyers, architects, landscape architects, urban planners, engineers and other similar or allied professions.

- (10) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
- (11) Places of worship.
- (12) Commercial recreational uses such as bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, indoor tennis courts, athletic or health clubs, schools of dance, schools of martial arts, or similar forms of indoor commercial recreation.
- (13) Restaurants, bars, lounges or other places serving food or beverage within enclosed buildings, not including drive-in, ~~or drive-through~~ ~~or outdoor service~~ eating establishments.
- (14) Dwellings above a business use.
- (15) Accessory structures and uses customarily incidental to the above permitted uses.
- (16) Marihuana retailers and medical marihuana provisioning centers.

**SECTION 10:** Section 138-443 of Chapter 138 of the Berkley City Code must be amended, as follows:

The following special uses must be permitted in the Coolidge district, subject to the regulations in article VI, division 6, special uses, of this chapter:

- (1) Automobile service stations, subject to the requirements of section 138-444.
- (2) Drive-in and drive-through eating establishments.
- (3) Drive-through retail/service establishments.
- (4) Open air business uses when developed as uses accessory to primary uses and structures in the Coolidge district as follows:
  - a. [Rooftop](#) outdoor seating areas for restaurants or other food serving establishments.
  - b. Outdoor retail sales of fruits, vegetables and plant materials not grown on site and sales of lawn furniture, playground equipment, hardware supplies and other home garden supplies.
  - c. Businesses in the character of open store fronts.
- (5) Commercial amusement device centers.

**SECTION 11:** Section 138-457 of Chapter 138 of the Berkley City Code must be amended, as follows:

**Sec. 138-457. Principal uses permitted.**

Principal uses permitted in the twelve mile district are as follows:

- (1) Any generally recognized retail business whose principal activity is the sale of commodities on the premises, in a completely enclosed building including, but not limited to, the sale of groceries, meats, dairy products, baked goods and other food items dispensed for consumption off the site, pharmaceuticals, apothecary items, flowers, dry goods, furnishings, jewelry, clothing, shoes, books and periodicals, stationery and office supplies and hardware.

- (2) Specialty shops such as, but not limited to, antique shops, craft shops and shops for the sale of gifts and notions.
- (3) Personal service establishments which perform services on the premises directly for the consumer such as, but not limited to, repair shops (shoes, watches, jewelry, small appliances, etc.), hair salons, barber shops, manicuring studios, spa service facilities, self-service laundries, reproduction/copy centers, printing, mailing/shipping centers, while prohibiting service facilities of package shipping providers, but which may require a retail adjunct.
- (4) Any service establishments including a showroom or workshop of an electrician, decorator, caterer, baker, painter, upholsterer, tailor, photography studios and similar service establishments that require a retail adjunct.
- (5) Dry cleaning establishments of a retail nature. Strictly wholesale dry cleaning establishments must be prohibited.
- (6) Offices for any of the following occupations: executive, administrative, manufacturer representatives, building/construction company or contract sales headquarters, professional, accounting, writing, clerical, stenographic, drafting and real estate sales.
- (7) Professional offices for medical (doctors, osteopaths, chiropractors, psychologists, and psychiatrists) dental and optical, including clinics (outpatient service only); and other similar or allied professions.
- (8) Professional offices for lawyers, architects, landscape architects, urban planners, engineers and other similar or allied professions.
- (9) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
- (10) Places of worship.
- (11) Commercial recreational uses such as bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, indoor tennis courts, athletic or health clubs, schools of dance, schools of martial arts, or similar forms of indoor commercial recreation.
- (12) Restaurants, bars, lounges or other places serving food or beverage within enclosed buildings, not including drive-in, ~~or drive-through~~ ~~or outdoor service~~ eating establishments.
- (13) Apartments or townhouses,
- (14) Dwellings above a business use.
- (15) Accessory structures and uses customarily incidental to the above permitted uses.
- (16) Marihuana retailers and medical marihuana provisioning centers.

**SECTION 12:** Section 138-458 of Chapter 138 of the Berkley City Code must be amended, as follows:

**Sec. 138-458. Special uses.**

The following special uses must be permitted in the twelve mile district, subject to the regulations in article VI, division 6, special uses, of this chapter:

- (1) Automobile service stations, subject to the requirements of section 138-409.

- (2) Drive-in and drive-through eating establishments.
- (3) Open air business uses when developed as uses accessory to primary uses and structures in the twelve mile district as follows:
  - a. [Rooftop](#) outdoor seating areas for restaurants or other food serving establishments.
  - b. Outdoor retail sales of fruits, vegetables and plant materials not grown on site and sales of lawn furniture, playground equipment, hardware supplies and other home garden supplies.
  - c. Businesses in the character of open store fronts.

DRAFT

THE CITY OF BERKLEY  
Community Development Department  
3338 Coolidge Hwy. Berkley, Michigan 48072  
(248) 658-3320

**NOTICE OF PUBLIC MEETING**  
**BERKELY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN, in accordance with the Berkley City Code, Section 138-584 and Section 138-522, that there will be a meeting of the Berkley Planning Commission to be held at the City of Berkley in the Council Chambers, 3338 Coolidge Hwy., Berkley, Michigan on **Tuesday, April 25, 2023** at 7:00 PM.

An ordinance of the City Council of the City of Berkley, Michigan to add Section 138-199 and to amend Section 138-32, Section 138-387, Section 138-388, Section 138-418, Section 138-427, Section 138-428, Section 138-442, Section 138-443, Section 138-457 and Section 138-458 of Chapter 138 – Zoning to allow outdoor service areas as a principal permitted use and allow rooftop outdoor eating areas for restaurants and other food serving establishments as a special use.

The draft ordinance is available for review at: [www.berkleymich.org/urbanplanning](http://www.berkleymich.org/urbanplanning).

Comments regarding the amendment may be made in person on the night of the meeting or may be made in writing. All written comments must be submitted to the Community Development Department or emailed to [planning@berkleymich.net](mailto:planning@berkleymich.net) before 4:30 pm on the date of the Planning Commission meeting.

KRISTEN KAPELANSKI  
COMMUNITY DEVELOPMENT DIRECTOR

**Publish Once:**  
Royal Oak Tribune  
Friday, March 24, 2023

CITY OF BERKLEY CAPITAL IMPROVEMENT PLAN								
Improvement Project		Funding Source	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029
<b>Recreation</b>								
<b>Merchants Park:</b>								
Utility Infrastructure	614-950-974-000	Rec Revolving Fund						
Infield Maintenance Work	614-950-974-000	GF	\$50,000					
Signage	614-950-974-000	Rec Revolving Fund						
Water Fountain	614-950-974-000	Rec Revolving Fund						
Light Poles	614-950-974-000	Grants/Recreation Revolving/Water Fund						
Lights	614-950-974-000	General Fund/Grants/Recreation Revolving						
Poles for Netting	614-950-974-000	General Fund/Grants/Rec Revolving/Water Fund						
Benches/Netting/Drinking Fountain	614-950-974-000	General Fund/Grants/Rec Revolving/Water Fund						
Fencing	614-950-974-000	General Fund/Grants/Rec Revolving/Water Fund						
Light Poles at ALL Parks	614-950-974-000	General Fund			\$300,000			
<b>Oxford Open Space - Merchants Park:</b>								
Walking Trails	614-950-974-000/614-950-821	State Grants/Recreation Revolving Fund						
Drainage	614-950-821-000	General Fund/State Grants/Recreation Revolving Fund						
Restroom Facilities	614-950-974-000	State Grants/Recreation Revolving Fund						
Restroom Facilities - Engineering	614-950-974-000	Rec Revolving Fund						
Playground Equipment	614-950-974-000	GF/Rec Revolving						
Picnic Tables and Umbrellas	614-950-974-000	GF/Rec Revolving						
Splash Pad	614-950-974-000	State Grants/Recreation Revolving Fund						
Parking Lot Construction (Street Spaces)	614-950-974-000	GF/Rec Revolving			\$150,000			
Engineering	614-950-821-000	GF/Rec Revolving						
Pavillion/Concrete Pad and Shade		GF/Rec Revolving		\$80,000				
Walking Trails	614-950-821-000	GF/Rec Revolving				\$100,000		
Drainage	614-950-821-000	GF/Rec Revolving		\$100,000				
<b>Angell Park:</b>								
Basketball Courts repaired/replaced	Multiple G/L #'s	General Fund/Grants/Recreation Revolving Fund						
Refurbish Tennis Courts	Multiple G/L #'s	General Fund/Grants/Recreation Revolving Fund				\$75,000		
Ballfield Surface Material	614-950-974-000	GF/Rec Revolving						
Fence Repair	614-950-974-000	GF/Rec Revolving						
<b>Kiwanis Tot Lot:</b>								
Install Playground Equipment		Rec Revolving Fund						
Drainage		Rec Revolving Fund						
Landscaping		General Fund/Grants/Recreation Revolving Fund						
ADA Path		General Fund/Grants/Recreation Revolving Fund						
Additional Play Equipment and Soft Surfacing	614-950-974-000					\$150,000		
<b>Lazenby Field:</b>								
Landscaping	614-950-974-000	Rec Revolving Fund		\$50,000				
Drainage	614-950-974-000	Rec Revolving Fund		\$100,000				
Utility Infrastructure	614-950-974-000	Rec Revolving Fund						
Light Poles	Multiple G/L #'s	General Fund/Grants/CDBG/Recreation Revolving Fund						
Lights	Multiple G/L #'s	General Fund/Grants/CDBG/Recreation Revolving Fund				\$40,000		
Poles for Netting	Multiple G/L #'s	General Fund/Grants/CDBG/Recreation Revolving Fund				\$50,000		
Netting	Multiple G/L #'s	General Fund/Grants/CDBG/Recreation Revolving Fund				\$15,000		
Ballfield Surface Material	614-950-974-000	General Fund/Grants/CDBG/Recreation Revolving Fund	\$5,000					
Engineering at Lazenby and Oxford				\$35,000				
<b>Oxford Towers:</b>								
Tennis Courts repaired/replaced	Unknown	GF/Rec Revolving						
Adult Exercise Equipment	Unknown	Rec Revolving Fund						
<b>Jaycee Park:</b>								
Remodel for Accessibility-with engineering costs	614-950-974-000	Rec Revolving Fund						
Inclusive Playground Structure with Soft Surfacing	614-950-974-000	GF/Rec Revolving						
Landscaping	Multiple G/L #'s	General Fund/Grants/Recreation Revolving Fund						
ADA Path	614-950-974-000	Rec Revolving Fund	\$0					
Pavilion Repair/Restore	Multiple G/L #'s	General Fund/Grants/Recreation Revolving Fund	\$80,000					
Bathroom	Multiple G/L #'s	General Fund/Recreation Revolving Fund	\$300,000					
Engineering	614-950-821-000	Rec Revolving Fund/CDBG	\$40,000					
Drainage	614-950-821-000			\$100,000				
<b>Community Park:</b>								
Drainage	614-950-974-000	General Fund/Recreation Revolving Fund						
Soft surface for play area						\$85,000		
Landscaping	614-950-974-000	General Fund/Recreation Revolving Fund				\$50,000		

CITY OF BERKLEY CAPITAL IMPROVEMENT PLAN								
Improvement Project		Funding Source	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029
ADA Path	614-950-974-000	General Fund/Recreation Revolving Fund						
Light Poles	614-950-974-000	General Fund/Grants/Recreation Revolving Fund						
Lights	614-950-974-000	General Fund/Grants/Recreation Revolving Fund						
Ballfield Surface Material				\$5,000				
Turf for Community 1					\$60,000			
Poles for Netting	614-950-974-000	General Fund/Grants/Recreation Revolving Fund						
Netting	614-950-974-000	General Fund/Grants/Recreation Revolving Fund						
Sprinkler System Repair	614-950-974-000	General Fund/Grants/Recreation Revolving Fund				\$60,000		
Tennis Court Total Repair/Add Gate	614-950-974-000	General Funds		\$100,000				
Play Equipment	614-950-974-000	GF/Rec Revolving						
Lights at Tennis Court convert to LED								
Fencing					\$50,000			
<b>Community Center:</b>								
Parking Lot Patching		GF/Rec Revolving	\$5,000					
Fence Repair	614-950-974-000	General Fund/Recreation Revolving Fund						
Repair South East Wall Separation	614-105-976-000	Rec Revolving Fund			\$45,000			
<b>Pattengill Park</b>								
Ballfield Surface and fence - repair	614-950-974-000	General Fund/Recreation Revolving Fund		\$5,000				
Fence Repair	614-950-974-000	General Fund/Recreation Revolving Fund		\$30,000				
<b>Other</b>								
Dorothea Pocket Park Development	614-950-974-000	General Fund/Recreation Revolving Fund						
Light Pole replacements (depending on inspection)	614-950-974-000							
Fencing at Community Fields	614-950-974-000							
Adult Exercise Equipment (park tbd)	614-950-974-000							
<b>Total for Recreation</b>			<b>\$480,000</b>	<b>\$605,000</b>	<b>\$605,000</b>	<b>\$625,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Library</b>								
HVAC (1998)	101-738-976-000	General Fund						
Repair and Sealcoat Parking Lot	101-738-976-001	General Fund		\$85,000				
Repaint Exterior & Interior	101-738-976-000	General Fund						\$28,000
Recarpet library	101-738-976-000	General Fund			\$125,000			
Build and furnish 4 study rooms	101-738-976-000	GeneralFund			\$95,000			
<b>Total for Library</b>			<b>\$0</b>	<b>\$85,000</b>	<b>\$220,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$28,000</b>
<b>Municipal Building</b>								
Wayfinding	101-265-821-030	General Fund/DDA Tax Increment Capture Fund		\$50,000				
City Hall HVAC	101-265-976-000	General Fu nd						
City Hall Reconfiguration	101-265-976-000	General Fund	\$100,000					
City Hall Site Improvements	101-265-976-000	General Fund/Court Bldg Fund						
Cummings house Demolition	101-265-976-000	General Fund						
Cummings Parking lot	101-265-974-000	General Fund		\$800,000				
Electric Vehicle Station Installations	101-265-974-000	General Fund	\$50,000	\$100,000				
Energy Revolving Loan Fund Contribution	101-265-976-000	General Fund		\$20,000				
Citywide HVAC Replacement Project (State and Fed Grant Funded)	101-265-976-002	General Fund	\$1,700,000					
<b>Total for Municipal Building</b>			<b>\$1,850,000</b>	<b>\$970,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Public Works</b>								
Road Millage Project (Includes Engineering)	313-938-975-000, 313-938-821-000	Road Millage Fund		\$1,350,000	\$1,256,600	\$1,300,000	\$1,333,000	\$1,375,000
WM and Road Work Wiltshire	202-464-975-000, 202-464-821-010	Major Street Funds	\$1,950,000					
Water Main Replace. Project (Includes Engineering)	592-536-975-000, 592-536-821-000	Water & Sewer Fund	\$1,850,000	\$2,000,000	\$2,100,000	\$2,200,000	\$2,300,000	\$2,400,000
Sidewalk Replacement Program (Estimate)	470-938-975-001	Sidewalks Fund-SAD	\$200,000					
Sidewalk Replacement Program (Estimate) - Surveys & Eng.	470-938-821-000	Sidewalks Fund-SAD	\$30,000					
Lead Service Line Replacements	592-536-818-000	Water & Sewer Fund	\$972,000	\$972,000	\$972,000	\$972,000	\$972,000	\$972,000
Lead Service Line Verifications	592-536-818-000	Water & Sewer Fund	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000
Annual Sewer Lining Program	592-940-974-000	Water & Sewer Fund	\$450,000	\$450,000	\$500,000	\$525,000	\$550,000	\$575,000
Catalpa Spot Mill & Fill Asphalt Improvements	202-464-818-000	Major Street Funds	\$30,000					
Coolidge Sidewalk-12 Mile to Webster (Includes Engineering)	202-464-975-100, 202-464-821-010	Major Street Funds						



CITY OF BERKLEY CAPITAL IMPROVEMENT PLAN								
Improvement Project		Funding Source	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029
Green Infrastructure Implementation Sites TBD (Includes Engineering)	592-537-974-000	Water & Sewer Fund	\$100,000	\$100,000				
Water Main Asset Management Plan Updates	592-536-821-000	Water & Sewer Fund	\$5,200	\$5,400	\$5,600	\$5,800	\$6,000	\$6,200
Concrete Repairs from Underground Utility Work	592-536-982-000	Water & Sewer Fund	\$150,000	\$150,000	\$115,000	\$120,000	\$125,000	\$130,000
City Wide Road Patches	202/203-464-818-000	Major & Local Street Funds	\$145,000	\$145,000	\$155,000	\$155,000	\$165,000	\$165,000
Grant Application 20% Match)	202/203-475-818-000	Major & Local Street Funds	\$27,000					
Spray Patch/Crack Sealing/Overband/Mastic (Includes Engineering)	202/203-464-818-000, 202/203-464-821-010	Major & Local Street Funds	\$135,000	\$135,000	\$140,000	\$140,000	\$150,000	\$150,000
Sidewalk Ramps - ADA	202/203-464-818-000	Major & Local Street Funds	\$30,000	\$30,000	\$35,000	\$35,000	\$40,000	\$40,000
PASER Road Rankings & FAC Funding Applications (Eng. Only)	202/203-464-821-010	Major & Local Street Funds	\$12,000	\$12,000	\$15,000	\$15,000	\$17,000	\$17,000
WM Cross Connection Control Services	592-536-822-000	Water & Sewer Fund	\$24,400	\$24,400	\$26,000	\$27,000	\$28,000	\$29,000
ArcGIS Programs & Assistance (Eng. Only)	592-536-821-000	Water & Sewer Fund	\$25,000	\$25,000	\$32,500	\$35,000	\$37,500	\$40,000
Water & Sewer Rate Study (Estimate)	592-536-818-000	Water & Sewer Fund		\$40,000				
ERU Stormwater Audit & Study (Prel. Estimate)	592-536-821-000	Water & Sewer Fund						
Non-Residential Surcharge Audit & Study (Prel. Estimate)	592-536-821-000	Water & Sewer Fund		\$0				
City Wide Road & WM Improvements - Planning & Estimates	592-536-821-000	Water & Sewer Fund	\$5,200	\$5,400	\$5,600	\$5,800	\$6,000	\$6,200
DPW Yard and Building Improvements-Scoping Only (Estimate)	101-441-818-000	General Fund						
Garage Loft Stairwell Railing	101-442-976-000	No Replacement Cycle	\$5,000					
Salt Dome Replacement - DPW	101-441-976-000	General Fund		\$175,000				
Perimeter Wall Additions & Repairs-DPW	101-441-976-000	General Fund		\$130,000				
Underground Fuel Tank Replacement - DPW	592-536-976-000	Water & Sewer Fund						
Fuel Management System	592-536-976-000	Water & Sewer Fund						
Concrete Slab Replacements - DPW	592-536-976-000	Water & Sewer Fund			\$60,000			
Roof Repairs/Improvements - DPW	101-441-976-000	General Fund				\$22,000		\$24,000
Overhead Door Replacement - DPW	101-441-976-000	General Fund			\$12,000			\$13,000
<b>Total for Public Works</b>			<b>\$6,495,800</b>	<b>\$6,099,200</b>	<b>\$5,780,300</b>	<b>\$5,907,600</b>	<b>\$6,079,500</b>	<b>\$6,292,400</b>
<b>Public Safety</b>								
Proximity Card Door Entry Systems	101-310-976-000	General Fund						
Purchase of Door Control System to control jail and lobby pedestrian doors, firehall overhead doors and traffic light	101-306-976-306	General Fund						
Upgrade to DPS radio antenna for ARPSC to utilize for large events (WDC, Cruise Fest)	101-306-976-306	General Fund						
Electrical Infrastructure improvements for P25 Radio System	101-306-976-306	General Fund						
Carports for marked and unmarked vehicles	101-310-976-000	General Fund			\$50,000			
North basement/fitness room repairs/renovation	101-310-976-000	General Fund		\$50,000				
Male/female locker rooms renovations	101-310-976-000	General Fund		\$125,000				
Elevator Refurbish/Repair	101-310-976-000	General Fund	\$100,000					
<b>Total for Public Safety</b>			<b>\$100,000</b>	<b>\$175,000</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Downtown Development Authority</b>								
Coolidge Lighting- Catalpa to Edgewood		DDA Tax Increment Capture Fund						
Streetscape (Sidewalk) Improvement	814-940-974-002	DDA Tax Increment Capture Fund						
Wayfinding	814-940-974-005	DDA Tax Increment Capture Fund		\$10,000				
Streetscape-bike racks, benches, crosswalk enhancements, Robina public space planning	814-940-974-002	DDA Tax Increment Capture Fund	\$160,000	\$60,000				
Berkley Plaza Project	814-940-974-007	DDA Tax Increment Capture Fund						
<b>Total Downtown Development Authority</b>			<b>\$160,000</b>	<b>\$70,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>GRAND TOTAL</b>			<b>\$9,085,800</b>	<b>\$8,004,200</b>	<b>\$6,655,300</b>	<b>\$6,532,600</b>	<b>\$6,079,500</b>	<b>\$6,320,400</b>
<b>Total Estimated Capital Improvement Plan Costs</b>			<b>\$49,133,100</b>					

7 April 2023

Subject: Site Plan Approval Extension Request  
Berkley BP  
2576 Coolidge Hwy  
Berkley, MI 38072

Planning Commission:

This letter is to formally request a site plan approval extension for Berkley BP located at 2576 Coolidge Hwy. Due to my undergoing back surgery/recovery, COVID, issues with the builder, the architect, and the seasons there were significant delays in getting the proper documentation completed to start the project at 2576 Coolidge Hwy. We are requesting a 1 year extension but the builders are targeting a first week in June start date for the project with contingencies on timing to obtain permits. We plan to submit the drawing package by the end of April 2023 but this will cut it close to our 1 year approval date. We look forward to your decision and thank you for your time.

Regards,



Jason Yaldeo  
Berkley BP – Owner  
248-910-8586

## GENERAL NOTES: M.B.C. 2015

- THIS PROJECT HAS BEEN DESIGNED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE 2015. A COPY OF THE CODE BOOK SHOULD BE OBTAINED BY THE BUILDER/GENERAL CONTRACTOR FOR REFERENCE BY THE ON SITE CONSTRUCTION PERSONNEL. ALL CONSTRUCTION SHALL CONFORM TO ALL REQUIREMENTS OF THE CURRENT CODE.
- THESE NOTES ARE FOR GENERAL REFERENCE. WHERE CONFLICTS EXIST BETWEEN THESE NOTES AND CURRENT CODE(S), THE MORE STRINGENT REQUIREMENTS SHALL PREVAIL.
- MATERIALS OR CONSTRUCTION PROCEDURES WHICH ARE PROHIBITED BY LAW OR SHALL CAUSE A HARMFUL EFFECT TO THE NATURAL ENVIRONMENT OR TO THE HEALTH OF ANY PERSON ON THE SITE DURING CONSTRUCTION AND/OR DURING OCCUPANCY SHALL NOT BE USED ON THIS PROJECT.
- ALL TRADES SHALL CONFORM WITH ALL APPLICABLE FEDERAL, STATE, LOCAL, AND OSHA CODES, RULES AND REGULATIONS. IN CASE OF CONFLICT, THE MOST STRINGENT REQUIREMENTS SHALL APPLY.
- ANY DISCREPANCIES, ERRORS, AND/OR OMISSIONS IN THE DRAWINGS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/DESIGNER. FAILURE TO DO SO MAY RESULT IN FUTURE CHANGES, THE COST OF WHICH WILL BE BORNE BY THE APPROPRIATE TRADE.
- DO NOT SCALE DRAWINGS, USE ONLY FIGURED DIMENSIONS!
- PROVIDE TEMPORARY BRACING AS REQUIRED, TO ENSURE THE STABILITY OF THE STRUCTURE UNTIL THE PERMANENT FRAMING IS IN PLACE.
- PROVIDE SAFETY GLAZING IN CONFORMANCE WITH CODE.
- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE M.B.C. 2015 BASIC BUILDING CODE AND ALL THE CITY AND LOCAL ORDINANCES AS ADOPTED BY THE STATE OF MICHIGAN.
- THE OWNER AND/OR ARCHITECT IS NOT RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION, NOR FOR THE SAFETY ON THE JOBSITE, AND THAT THESE RESPONSIBILITIES ARE INTENDED TO BE AND TO REMAIN SOLELY THOSE OF THE GENERAL CONTRACTOR.
- ALL CONTRACTS WITH HVAC, ELECTRICAL, AND PLUMBING SUBCONTRACTORS SHALL BE CONSIDERED "DESIGN - BUILD". SUBCONTRACTOR SHALL ENGINEER WORK BETWEEN EXISTING BUILDING SYSTEMS, THE ARCHITECTURAL PLANS AND TENANT REQUIREMENTS. ANY ENGINEERED DRAWINGS REQUIRED BY CITY SHALL BE PREPARED AND SUBMITTED BY SUBCONTRACTOR. ARCHITECT SHALL RECEIVE A COPY FOR REVIEW.
- HVAC CONTRACTOR SHALL BE RESPONSIBLE FOR ENGINEERING, CONSTRUCTION, TESTING AND BALANCING OF THE HVAC SYSTEM. MODIFY EXISTING SYSTEM AS REQUIRED TO CORRESPOND WITH NEW LAYOUT AND TENANT REQUIREMENTS INCLUDING NEW VAV & THERMOSTAT.
- ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE ENGINEERING AND IMPLEMENTATION OF ALL ELECTRICAL WORK TO BE PERFORMED. EXIT AND EMERGENCY CIRCUITS SHALL BE IDENTIFIED AND RECEIVE LOCK-ON DEVICES ON BREAKERS PROTECTING THESE CIRCUITS. SECURE EXISTING CONDUIT AND GREENFIELD TO STRUCTURE ABOVE AS NECESSARY.
- PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR THE ENGINEERING AND IMPLEMENTATION OF ALL PLUMBING WORK TO BE PERFORMED. INSPECT ALL PLUMBING FIXTURES, REPAIR, REPLACE AND/OR RE-CALCUL AS NECESSARY.
- MATCH EXISTING DOOR TYPE, FINISH & HARDWARE.

## CODE ANALYSIS (I.B.C./ M.B.C. 2015)

CHAPTER - 3	USE AND OCCUPANCY CLASSIFICATION 3021 CLASSIFICATION USE GROUP B - BUSINESS
CHAPTER - 5	GENERAL BUILDING HEIGHTS AND AREAS SCOPE OF WORK AS PROPOSED DOES NOT INCREASE EXISTING BUILDING HEIGHT OR AREA. GENERAL AREA AND HEIGHT LIMITATIONS HAVE BEEN REVIEWED AND APPROVED AS PART OF THE ORIGINAL BUILDING PERMIT.
TABLE 503	AREA LIMITS ARE ALREADY APPROVED ACCORDING TO THE ORIGINAL CODE REVIEW FOR THE WHOLE BUILDING.
CHAPTER - 6	TYPES OF CONSTRUCTION TYPE 2-B, NON-SPRINKLERED
CHAPTER - 7	FIRE AND SMOKE PROTECTIVE FEATURES FIRE RESISTIVE RATINGS FOR NEW CONSTRUCTION SHALL MEET THE REQUIREMENTS OF CHAPTER 7.
CHAPTER - 8	INTERIOR FINISHES ROOM FINISHES SHALL MEET THE REQUIREMENTS OF SECTION 803 AND TABLE 803.3. CLASS 'C' FOR INTERIOR ROOMS & CLASS 'B' FOR TENANT CORRIDORS & GENERAL AREAS. INTERIOR FLOORS SHALL MEET THE REQUIREMENTS OF SECTION 804. CLASS II IN CORRIDORS AND OPEN AREAS AND TYPE DOC FF-1 IN ENCLOSED ROOMS.
CHAPTER - 10	MEANS OF EGRESS SECTION 1004 OCCUPANT LOAD FOR TENANT SPACE. TABLE 1004.1 BUSINESS USE: AREA = 1878 SQ. FT. *100 GROSS = 19 OCCUPANTS DOORS PROVIDED ARE AT LEAST 36 INCHES WIDE WHICH MEET EGRESS AND ALSO BARRIER FREE REQUIREMENTS.
CHAPTER - 11	ACCESSIBILITY ALL NEW CONSTRUCTION SHALL COMPLY WITH CHAPTER 11 REQUIREMENTS.
CHAPTER - 12	INTERIOR ENVIRONMENT
SECTION 1205	THE LIGHTING AND NATURAL LIGHT REQUIREMENTS HAVE BEEN DESIGNED TO MEET OR EXCEED THE MINIMUM REQUIRED LIGHTING LEVELS FOR BOTH DAY AND NIGHT FOR THIS OFFICE SPACE.
SECTION 1203	EXISTING MECHANICAL VENTILATION TO BE DESIGNED AND MODIFIED TO CORRESPOND WITH THESE PLANS AND TENANT REQUIREMENTS. THE MECHANICAL CONTRACTOR SHALL SUBMIT AIR DISTRIBUTION DRAWINGS FOR REVIEW BY THE ARCHITECT AND THE CITY.
ADA	APPLICABLE PARTS OF THE AMERICANS WITH DISABILITIES ACT SHALL APPLY TO THIS TENANT SPACE. ALL DOORS WIDTHS, ELECTRICAL DEVICES, PLUMBING DEVICES, CORRIDORS, SIGNAGE AND ALARM DEVICES SHALL MEET ADA FOR THE PHYSICALLY, VISUALLY AND HEARING IMPAIRED.  THE AMERICANS WITH DISABILITIES ACT PROVIDES THAT IT IS A VIOLATION OF THE ADA TO CONSTRUCT A FACILITY FOR FIRST OCCUPANCY LATER THAN JANUARY 26, 1993, THAT DOES NOT MEET THE ACCESSIBILITY AND USABILITY REQUIREMENTS OF THE ADA EXCEPT WHERE AN ENTITY CAN DEMONSTRATE THAT IT IS STRUCTURALLY IMPRACTICAL TO MEET SUCH REQUIREMENTS. TENANT AND LANDLORD ACKNOWLEDGE THAT THESE REQUIREMENTS OF THE ADA WILL BE SUBJECT TO VARIOUS AND POSSIBLY CONTRADICTORY INTERPRETATIONS. THE ARCHITECT, THEREFORE, WILL USE ITS BEST PROFESSIONAL EFFORT TO INTERPRET APPLICABLE ADA REQUIREMENTS AND OTHER FEDERAL, STATE AND LOCAL CODES, LAWS AND ORDINANCES AS THEY APPLY TO THE PROJECT. THE ARCHITECT, HOWEVER, CANNOT AND DOES NOT WARRANT YOU GUARANTEE THAT THE TENANT LEASED SPACE COMPLY WITH ALL INTERPRETATIONS OF THE ADA REQUIREMENTS AS THEY APPLY TO THIS PROJECT. THE ARCHITECT DOES NOT WARRANT OR GUARANTEE THAT THE DESIGN OF ANY COMPONENT IN THE TENANT LEASED SPACE WILL MEET THE REQUIREMENTS OF THE ADA IF THEY HAVE NOT BEEN SUBMITTED TO THE ARCHITECT FOR REVIEW.

## LEGAL DESCRIPTION

LOT 13, EXCEPT THE WEST 112.2 FEET THEREOF OF FERRY-MORTENSON COMPANY'S SUNNYKNOLL FARMS OF THE NORTHWEST QUARTER OF THE SOUTHEAST AND THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWN 1 NORTH, RANGE 11 EAST, CITY OF BERKLEY, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 11 OF PLATS, PAGE 24, OAKLAND COUNTY RECORDS.

ALSO DESCRIBED AS SURVEYED:

LOT 13 EXCEPT THE WEST 112.2 FT. OF FERRY-MORTENSON CO'S SUNNYKNOLL FARMS OF THE NW 1/4 OF THE SW 1/4 AND THE W 1/2 OF THE NE 1/4 OF SEC. 11, ROTAL OAK TOWNSHIP (NOW CITY OF BERKLEY) OAKLAND CO, MICH. AS RECORDED IN LIBER 11 OF PLATS, PAGE 24 OF OAKLAND COUNTY RECORDS, DESCRIBED AS BEGINNING AT THE N.E. CORNER OF SAID LOT 13, THENCE N. 90°00'00" W. ALONG THE NORTH LINE OF SAID LOT 13 138.18 FT. THENCE S. 02°00'00" W. 100.00 FT. THENCE S. 90°00'00" E. 138.18 FT. THENCE N. 00°00'00" E. 100.00 FT. TO THE POINT OF BEGINNING.

## ZONING

COOLIDGE DISTRICT:  
TOTAL LOT SIZE: 13,818 SQ. FT.

AREA CALCULATIONS  
EXISTING BUILDING = 1878 SQ. FT.

LOT SETBACKS

REQUIRED FRONT (#COOLIDGE) 10'-0"  
PROPOSED FRONT (#COOLIDGE) 8'-0" (NEW CANOPY)

REQUIRED FRONT (#CATALPA) 10'-0"  
PROPOSED FRONT (#CATALPA) 24'-5" (NEW CANOPY)

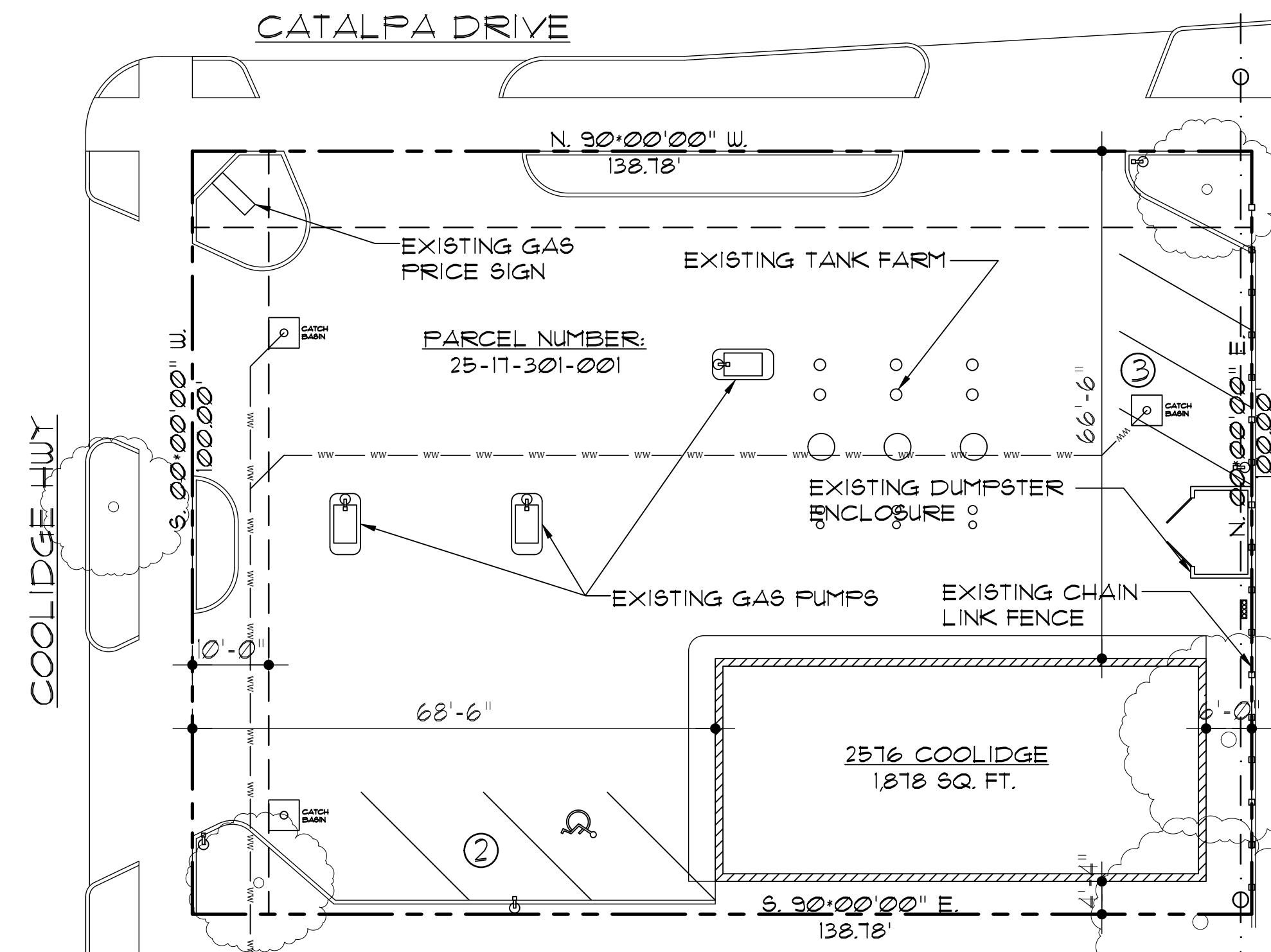
## PARKING ANALYSIS

EXISTING BUILDING (GROSS) 1878 SQ. FT.  
USABLE SQUARE FEET: 675 SQ. FT.

675 SF (61,000) = 4 SPACES  
(1) PER FUMP = 6 SPACES  
(2) EMPLOYEE SPACES = 2 SPACES

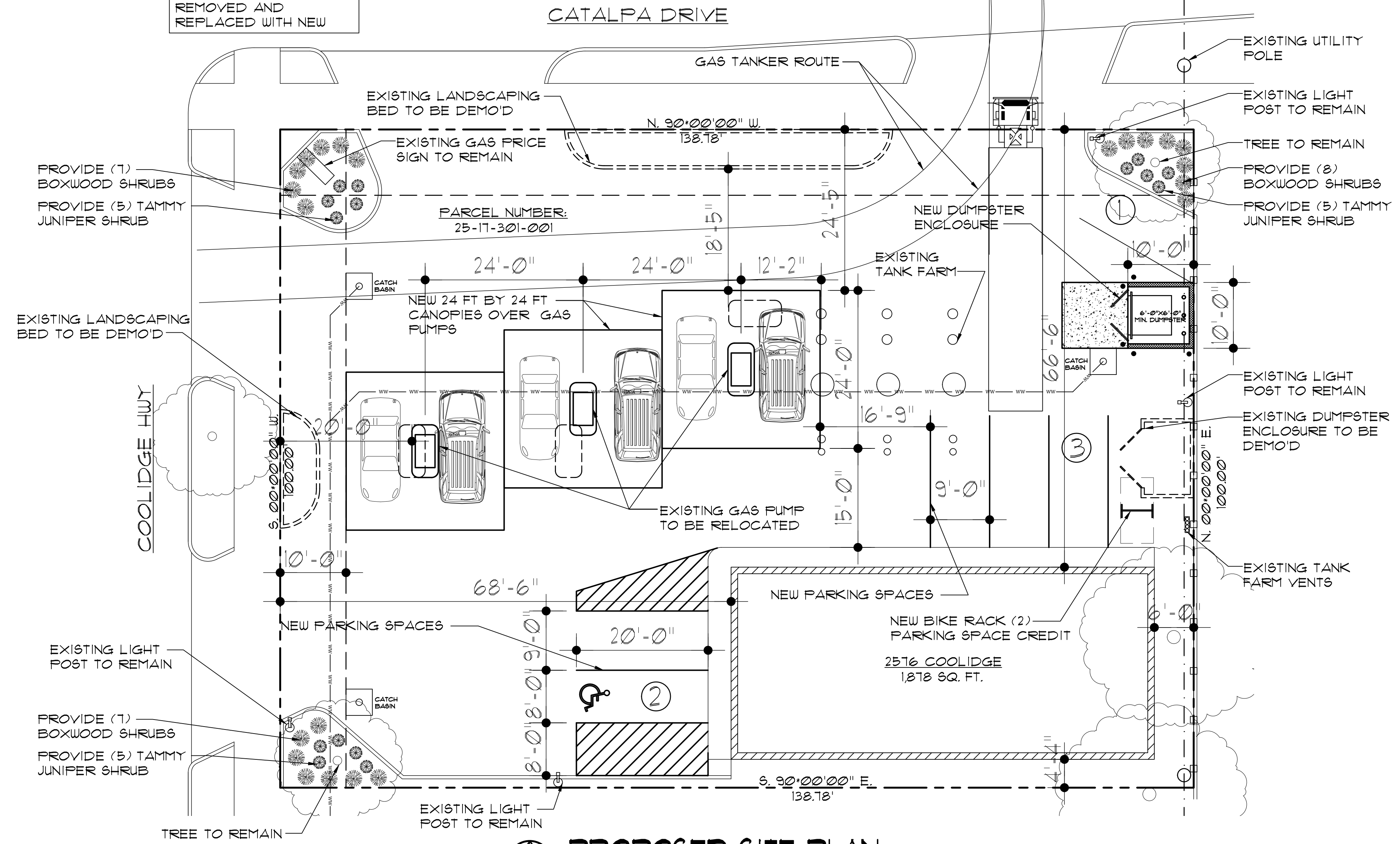
12 SPACES REQUIRED

10 SPACES PROVIDED  
INCLUDING (1) VAN ACCESSIBLE SPACE  
INCLUDING (1) BIKE RACK FOR (2) SPACE CREDIT

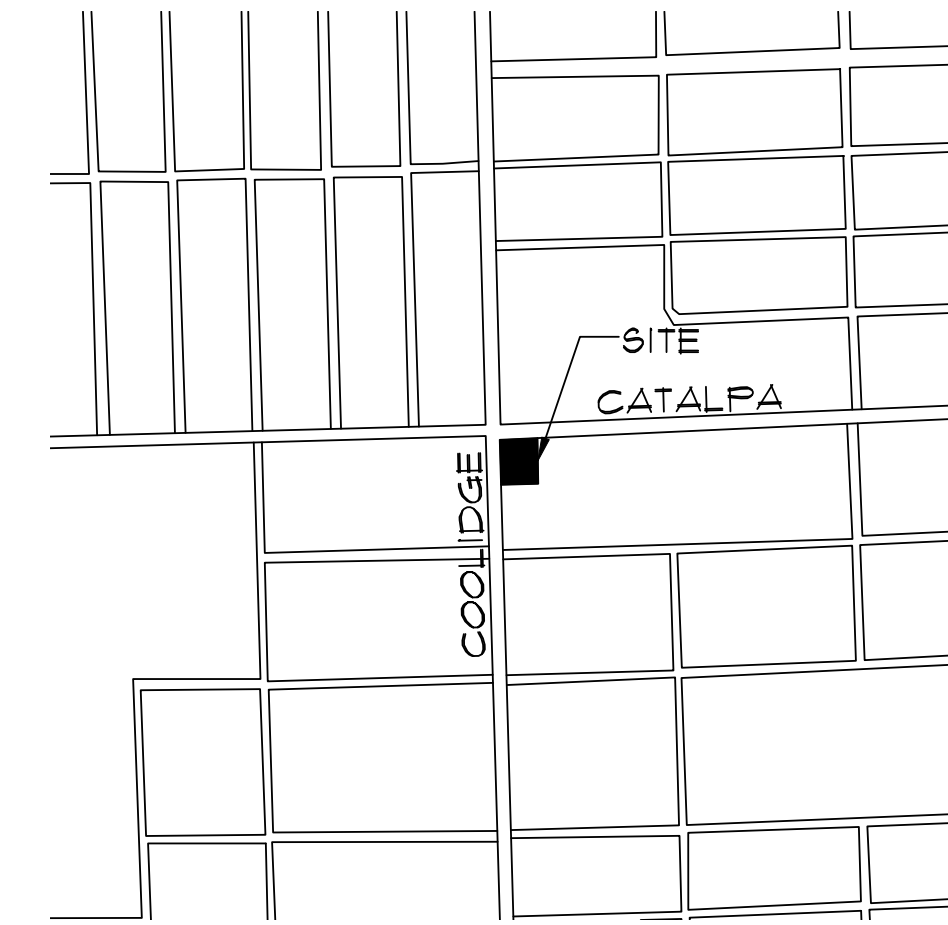


**EXISTING SITE PLAN**  
SCALE: 1/16"=1'-0"

LANDSCAPE NOTE: ALL EXISTING SHRUBS TO BE REMOVED AND REPLACED WITH NEW



**PROPOSED SITE PLAN**  
SCALE: 3/32"=1'-0"



**LOCATION MAP**  
SCALE: N.T.S.

PROPOSED LANDSCAPING BY:  
LANDSCAPE DESIGN BY  
BENNETT MAZELL, LLC  
(248)-670-2216

**JSN AIA**

Joseph S. Novitsky  
Architecture  
3856 12 Mile Road  
Berkley, MI 48072  
(248) 433-2030

Seal:  
STATE OF MICHIGAN  
JOSEPH S. NOVITSKY  
ARCHITECT  
13012667  
LICENSED ARCHITECT

Revisions:

DATE	DESCRIPTION
03/17/2021	EXISTING CONDITIONS
03/17/2021	REVIEW
03/19/2021	REVIEW
03/23/2021	REVIEW
12/29/2021	REVIEW
01/11/2022	REVIEW
02/17/2022	REVIEW
02/18/2022	SFA REVIEW

Project Name:  
**BP AMERICA**  
2576 COOLIDGE HWY  
BERKLEY, MI 48072

OWNER:  
**JERICHO PROPERTIES LLC.**  
CONTACT: JASON YALDOO  
(248)-910-8586

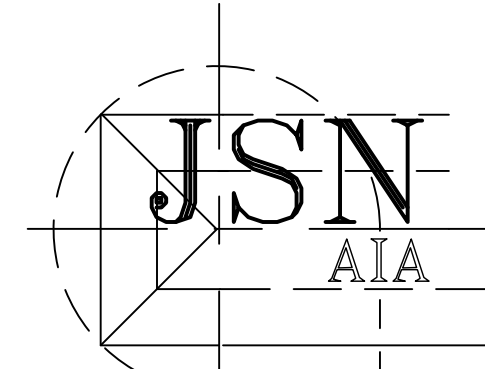
Sheet Title:  
**LOC. MAP,  
SITE PLAN,  
GENERAL  
NOTES &  
CODE  
ANALYSIS**

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WRITTEN CONSENT OF JSN ARCHITECTURE

Date: 03/17/2021  
Drawn by: CES

Project Number:  
**2021-36**

Sheet Number:  
**S-1**

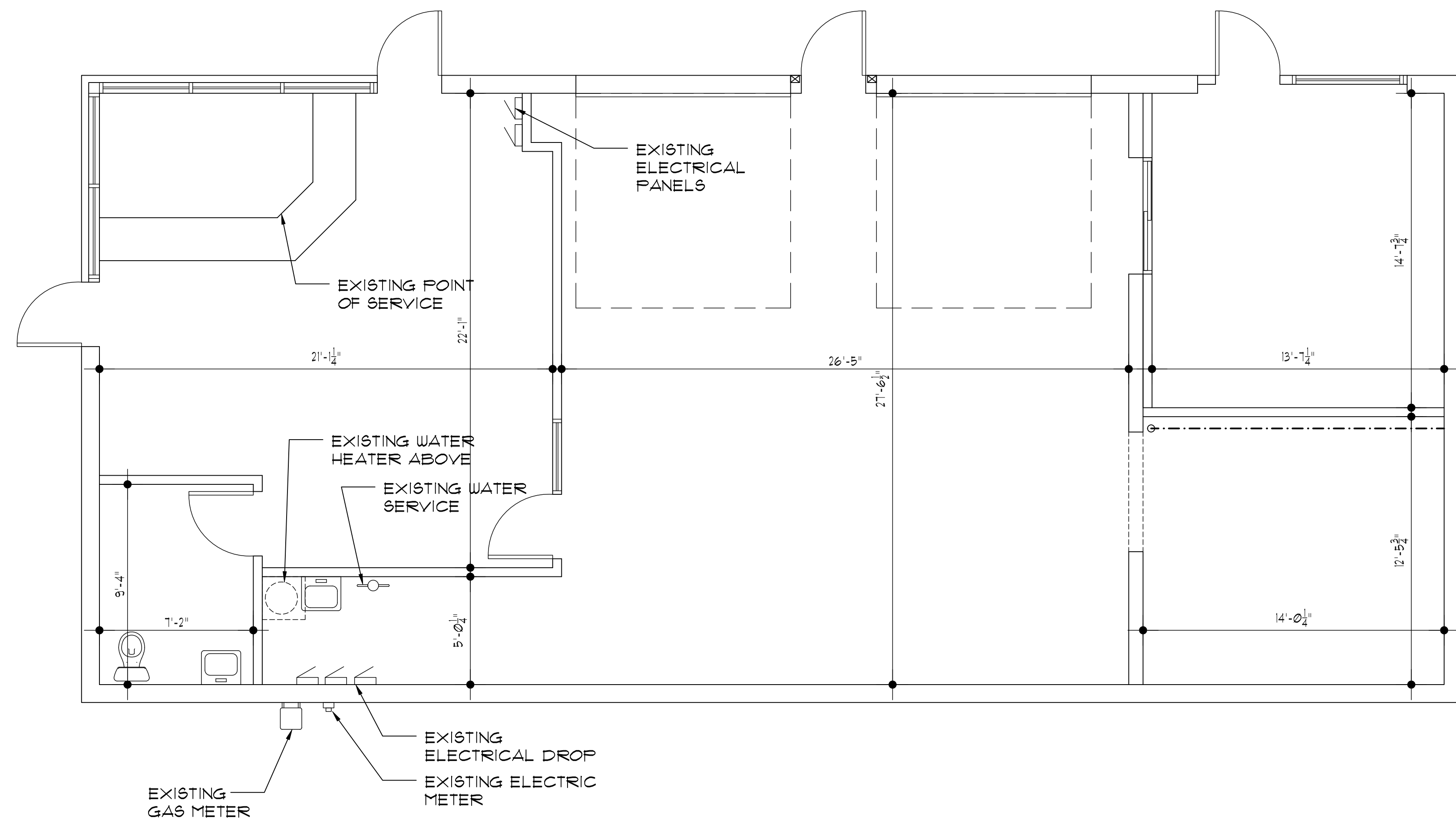
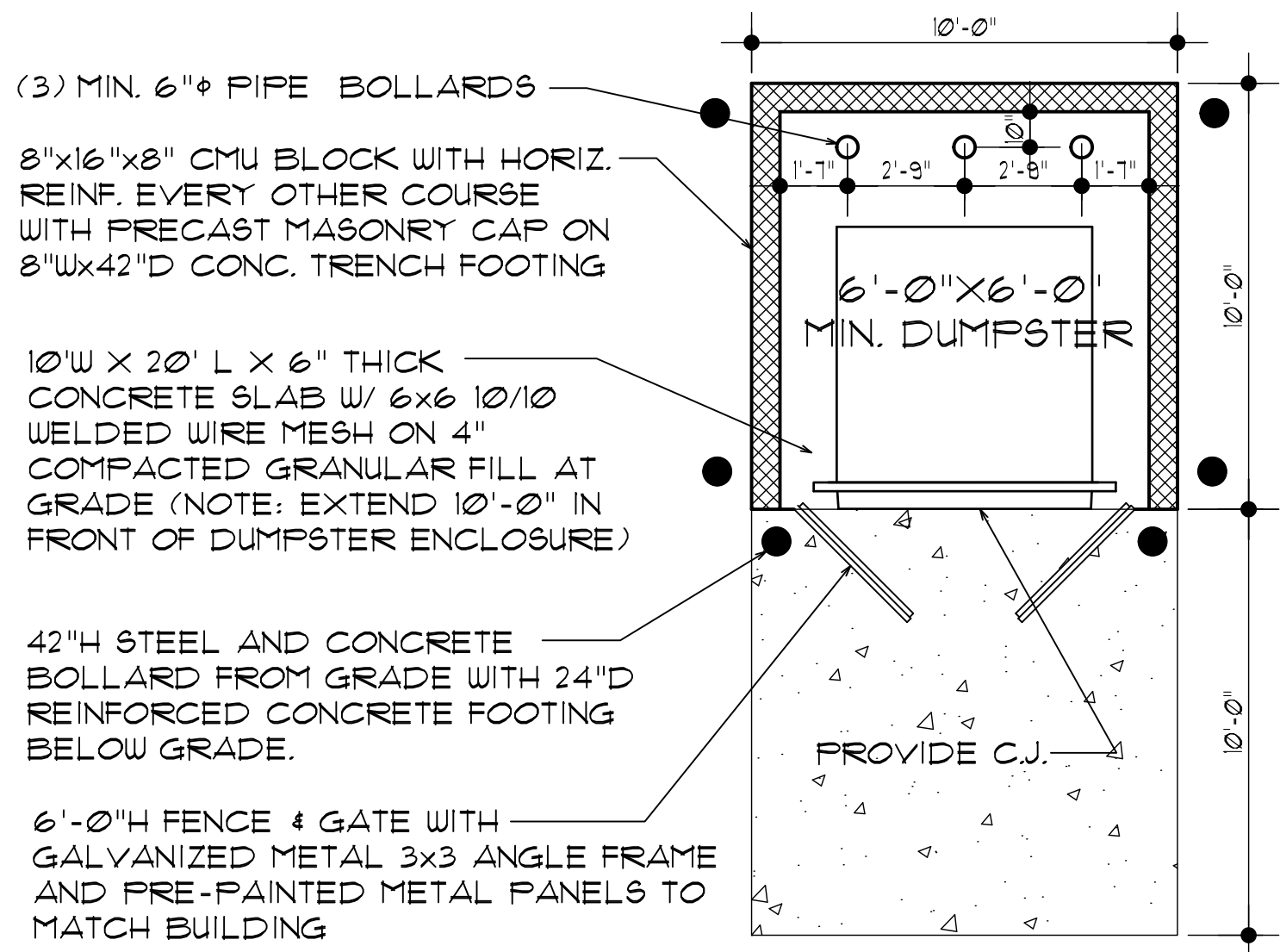
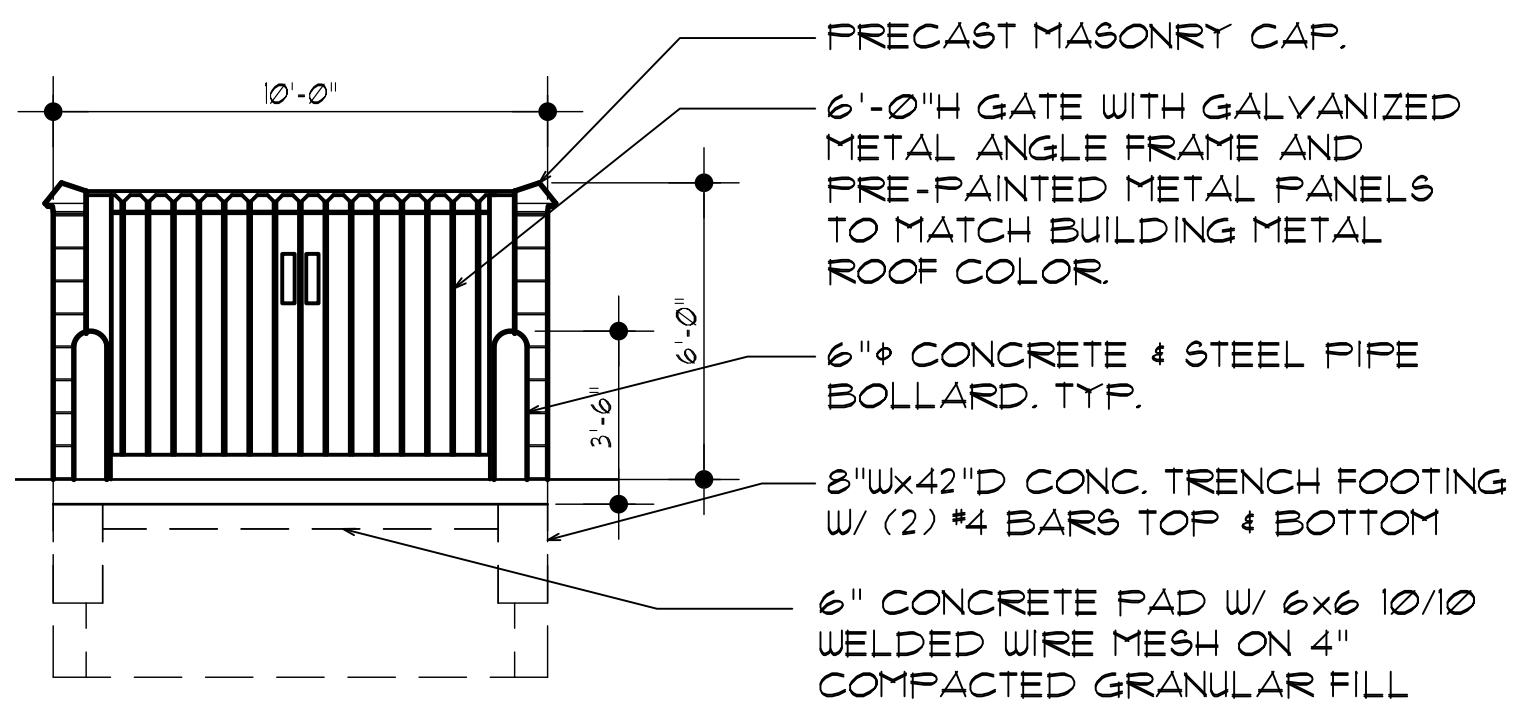
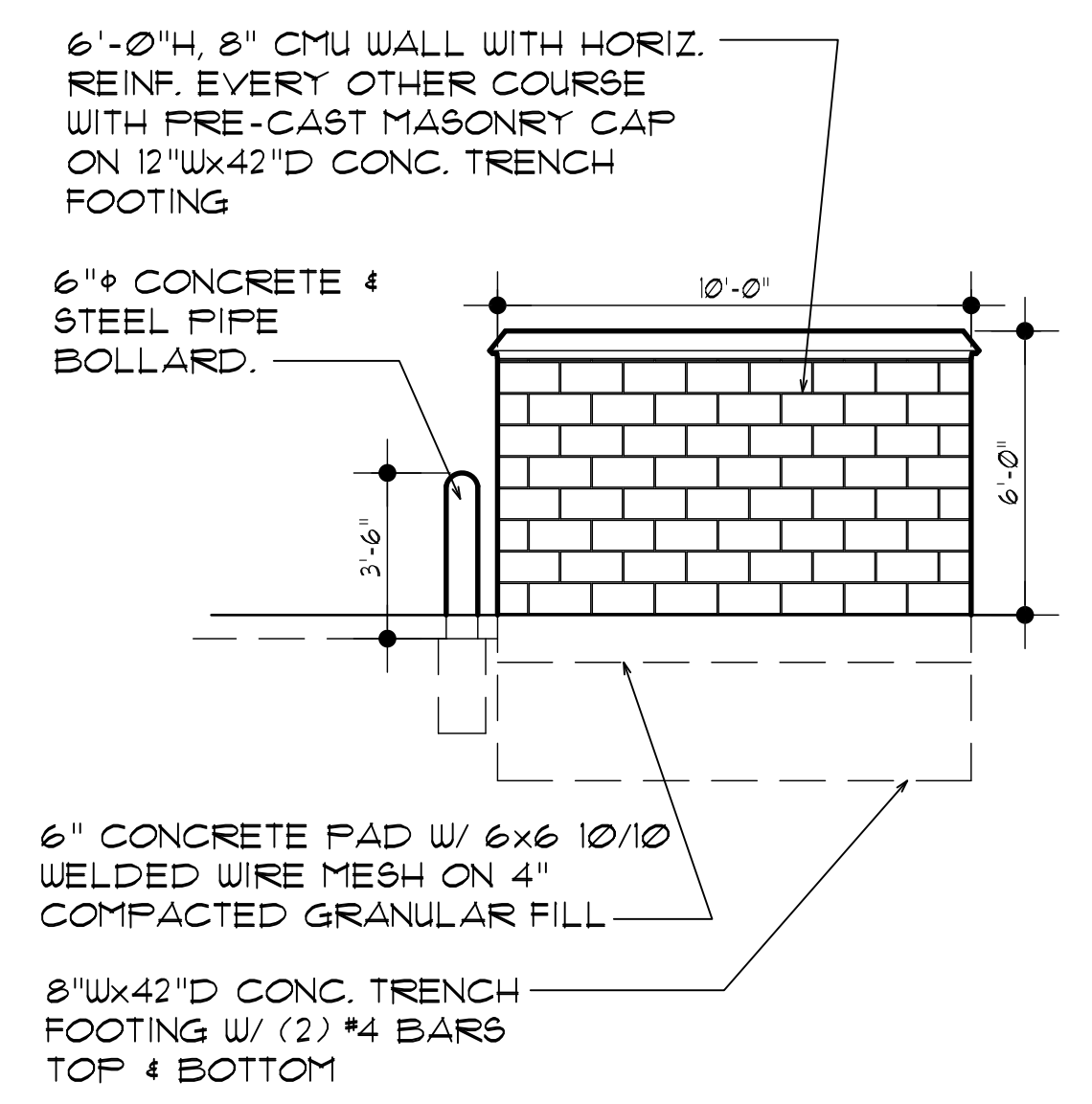


Joseph S. Novitsky  
 Architecture  
 3856 12 Mile Road  
 Berkley, MI 48072  
 (248) 433-2030

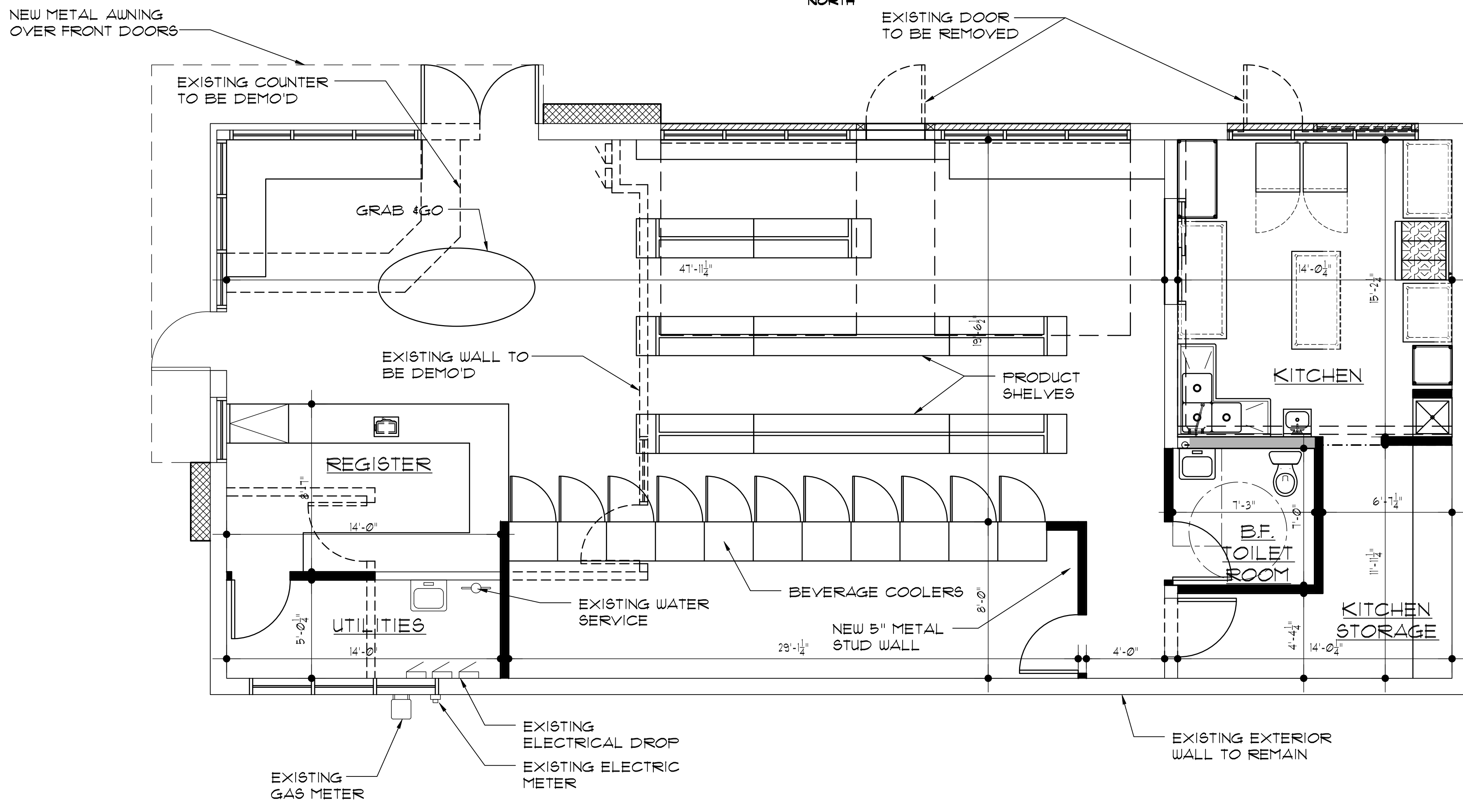


Revisions:

DATE	DESCRIPTION
03/17/2021	EXISTING CONDITIONS
03/17/2021	REVIEW
03/18/2021	REVIEW
03/23/2021	REVIEW
12/29/2021	REVIEW
01/17/2022	REVIEW
02/02/2022	REVIEW
02/03/2022	REVIEW
02/16/2022	SPA REVIEW



**EXISTING FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



**PROPOSED FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

Project Name:  
**BP AMERICA**  
 2576 COOLIDGE HWY  
 BERKLEY, MI 48072

OWNER:  
**JERICHO PROPERTIES LLC.**  
 CONTACT: JASON VALDOO  
 (248)-910-8586

Sheet Title:  
**EXISTING & PROPOSED FLOOR PLANS**

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Date: 03/17/2021  
 Drawn by: CES

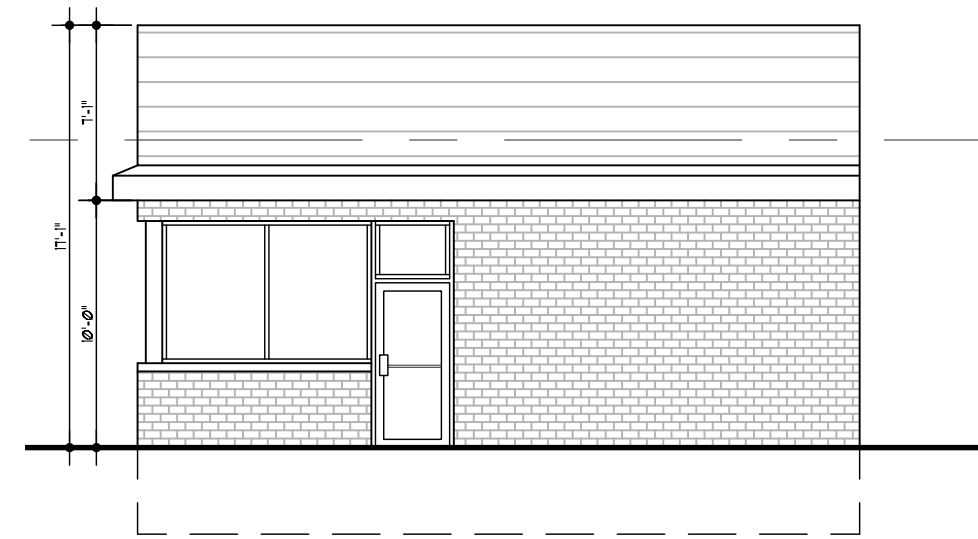
Project Number:  
**2021-36**

Sheet Number:  
**A-1.0**



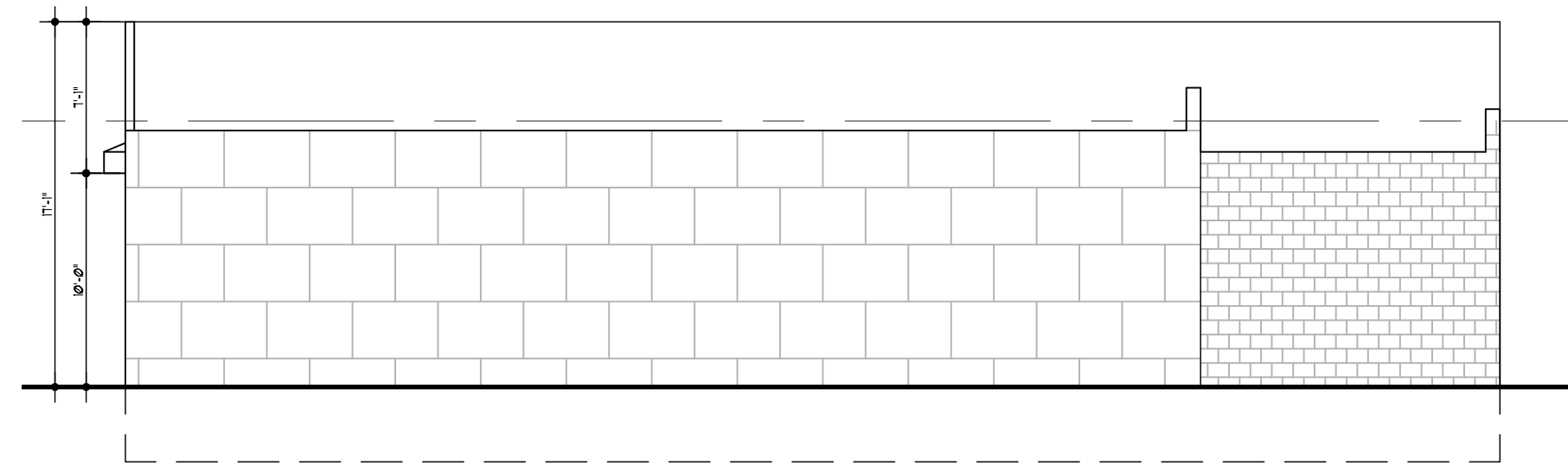
**EXISTING NORTH (FRONT) ELEVATION**

SCALE: 1/8"=1'-0"



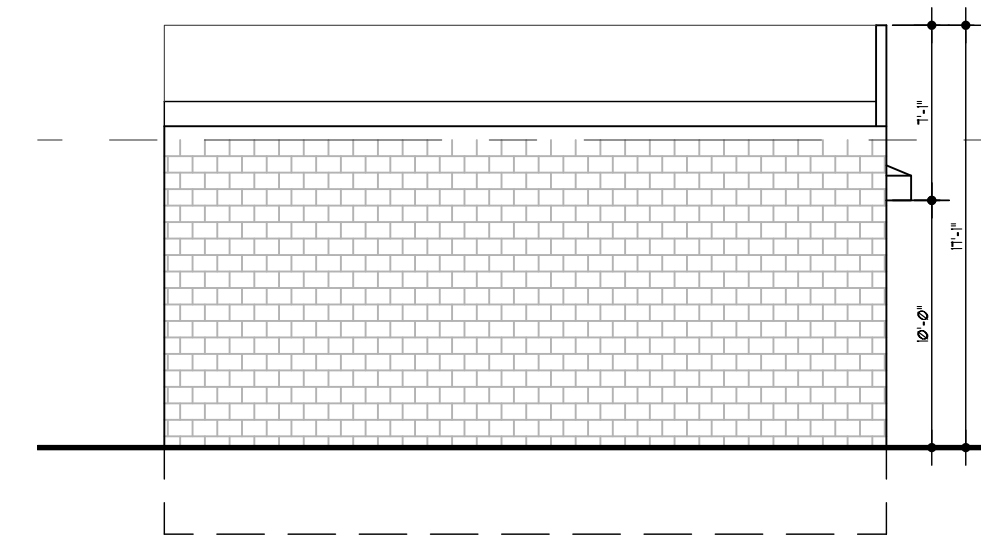
**EXISTING WEST (FRONT) ELEVATION**

SCALE: 1/8"=1'-0"



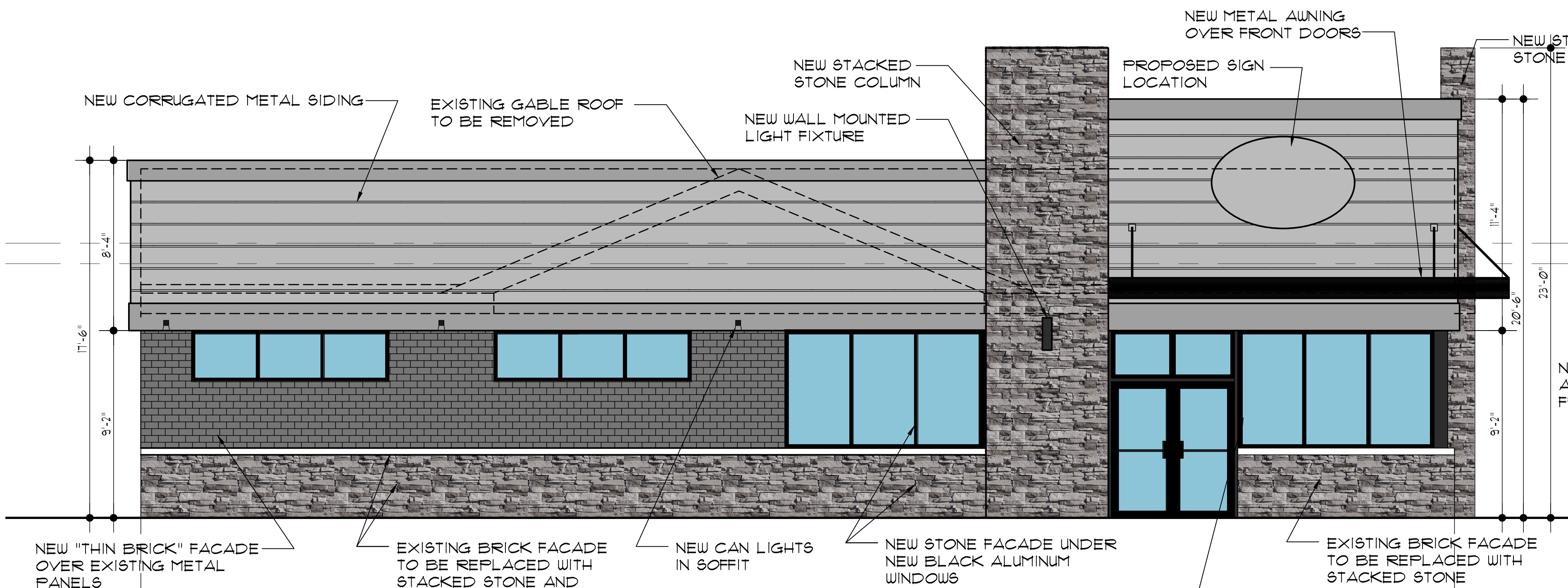
**EXISTING SOUTH (SIDE) ELEVATION**

SCALE: 1/8"=1'-0"



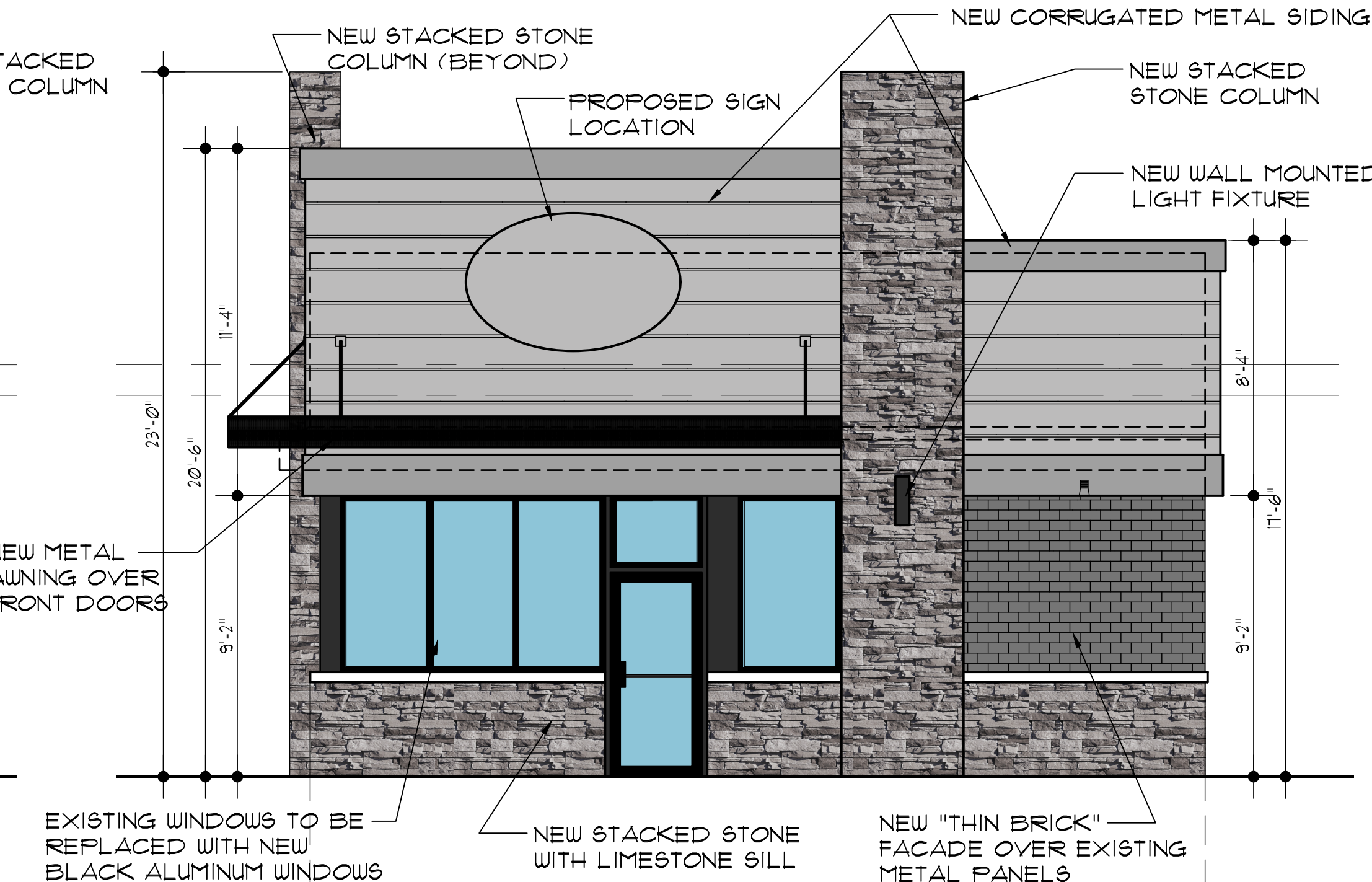
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SCALE: 1/8"=1'-0"



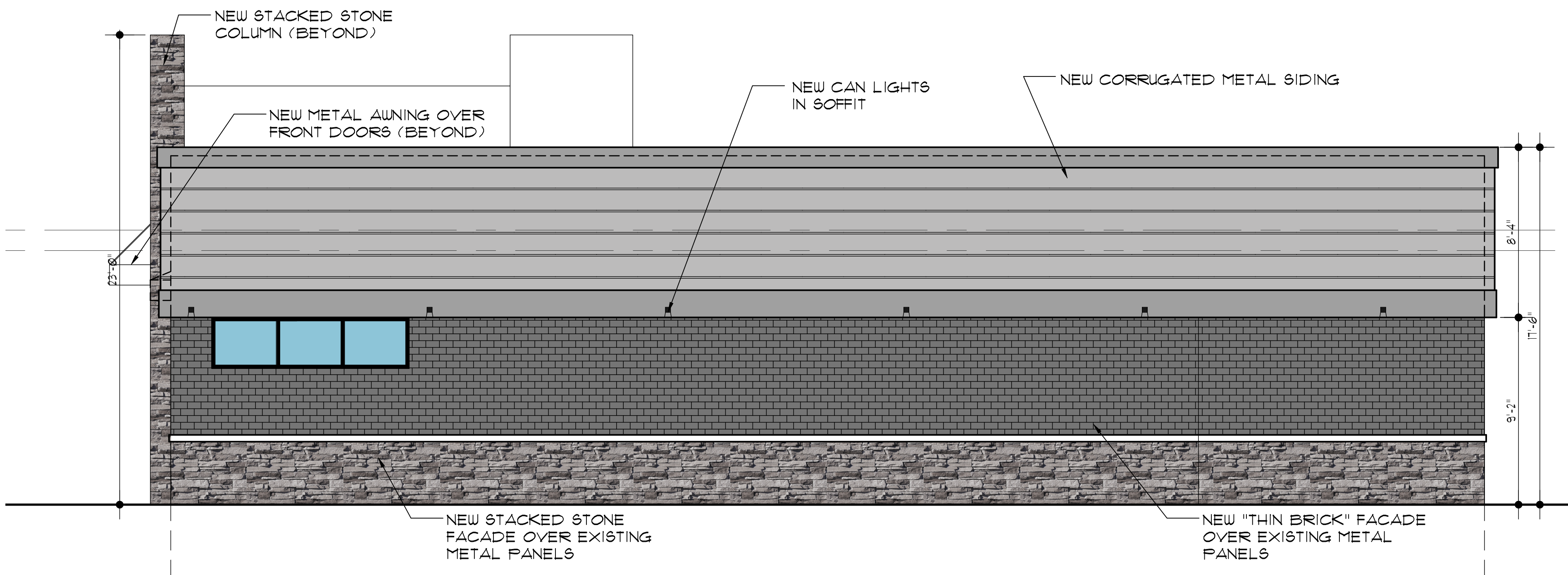
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SCALE: 1/4"=1'-0"



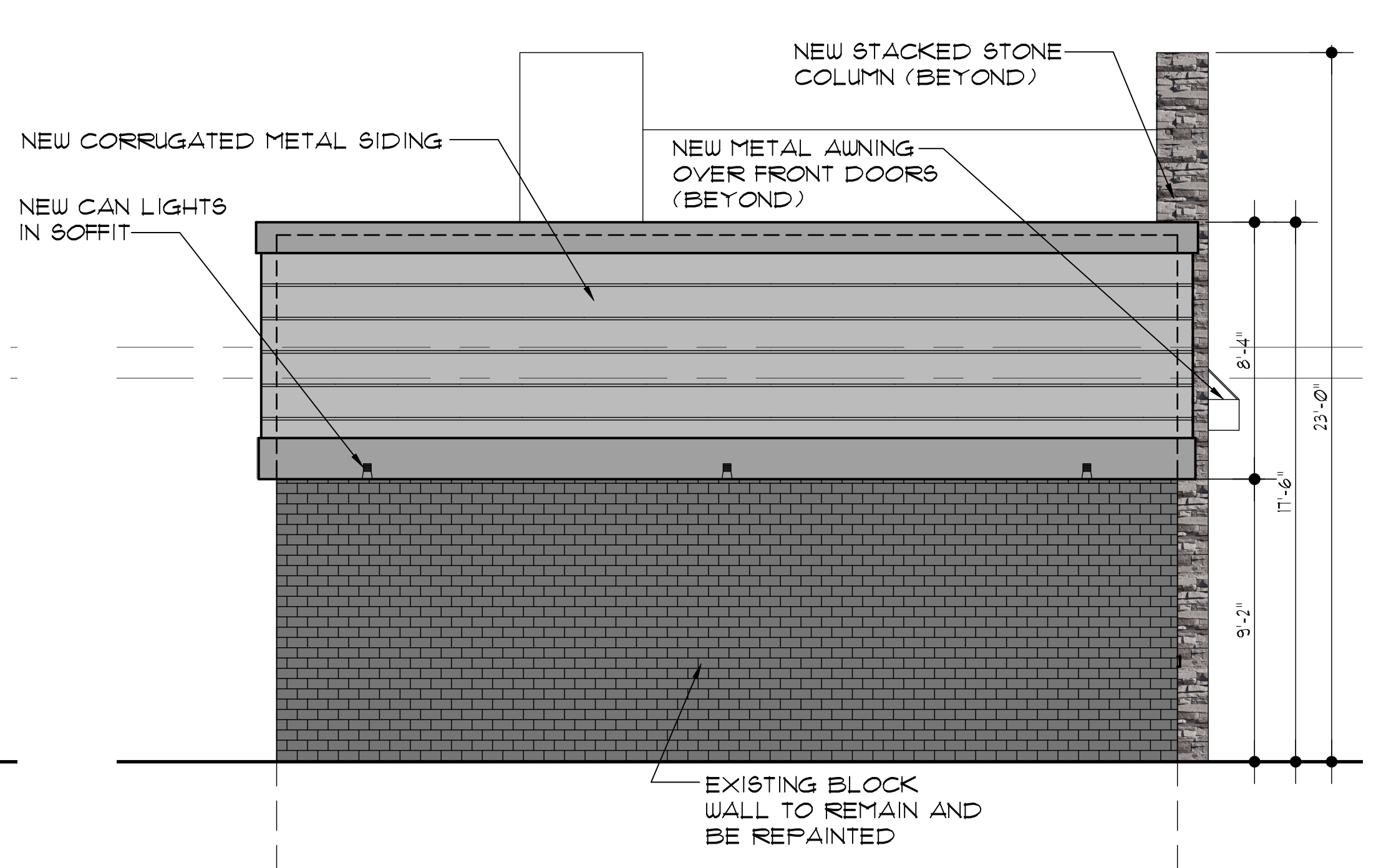
**PROPOSED WEST (FRONT) ELEVATION**

SCALE: 1/4"=1'-0"



**PROPOSED SOUTH (SIDE) ELEVATION**

SCALE: 1/4"=1'-0"



**PROPOSED EAST (SIDE) ELEVATION**

SCALE: 1/4"=1'-0"

**JSN**  
AIA

Joseph S. Novitsky  
Architecture  
3856 12 Mile Road  
Berkley, MI 48072  
(248) 433-2030

Seal:

Revisions:

DATE	DESCRIPTION
03/17/2021	EXISTING CONDITIONS
03/17/2021	REVIEW
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12/29/2021	REVIEW
01/17/2022	REVIEW
02/18/2022	SCA REVIEW

Project Name:  
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BERKLEY, MI 48072

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Sheet Title:  
**EXISTING & PROPOSED ELEVATIONS**

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Date: 03/17/2021  
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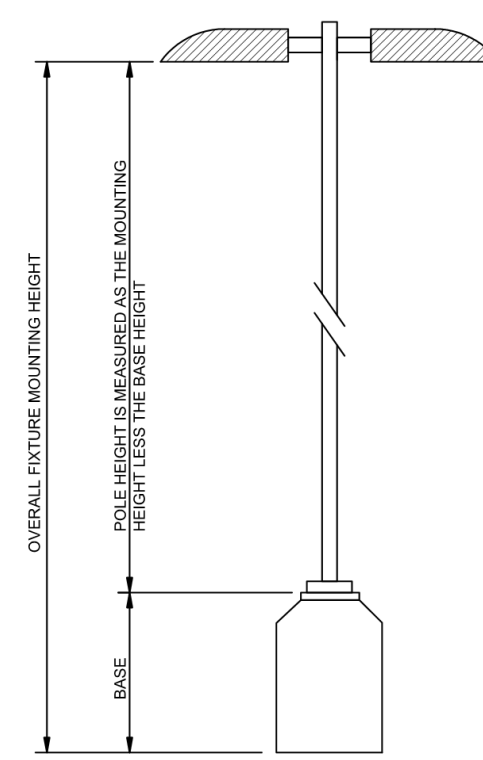
Project Number:  
**2021-36**

Sheet Number:  
**A-2.0**



Schedule						
Symbol	Label	Quantity	Manufacturer	Description	Lamp	Mounting Height
	A	2	Lithonia Lighting	DSXO LED AREA LIGHT 4000K	LED	20'-0"
	B	6	Lithonia Lighting	CNY LED CANOPY LIGHT 4000K	LED	14'-0"

Statistics							
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
PARKING LOT	+	1.1 fc	3.4 fc	0.1 fc	34.0:1	11.0:1	0.3:1
PROPERTY LINE	+	0.4 fc	1.1 fc	0.0 fc	N/A	N/A	0.4:1
SITE	+	1.7 fc	9.1 fc	0.0 fc	N/A	N/A	0.2:1
UNDER CANOPY	+	5.6 fc	9.1 fc	2.0 fc	4.6:1	2.8:1	0.6:1



**Alternates Note**  
THE USE OF FIXTURE ALTERNATES MUST BE RESUBMITTED TO THE CITY FOR APPROVAL.

**Mounting Height Note**  
MOUNTING HEIGHT IS MEASURED FROM GRADE TO FACE OF FIXTURE. POLE HEIGHT SHOULD BE CALCULATED AS THE MOUNTING HEIGHT LESS BASE HEIGHT.

**Ordering Note**  
FOR INQUIRIES CONTACT GASSER BUSH AT QUOTES@GASSERBUSH.COM OR 734-266-6705.

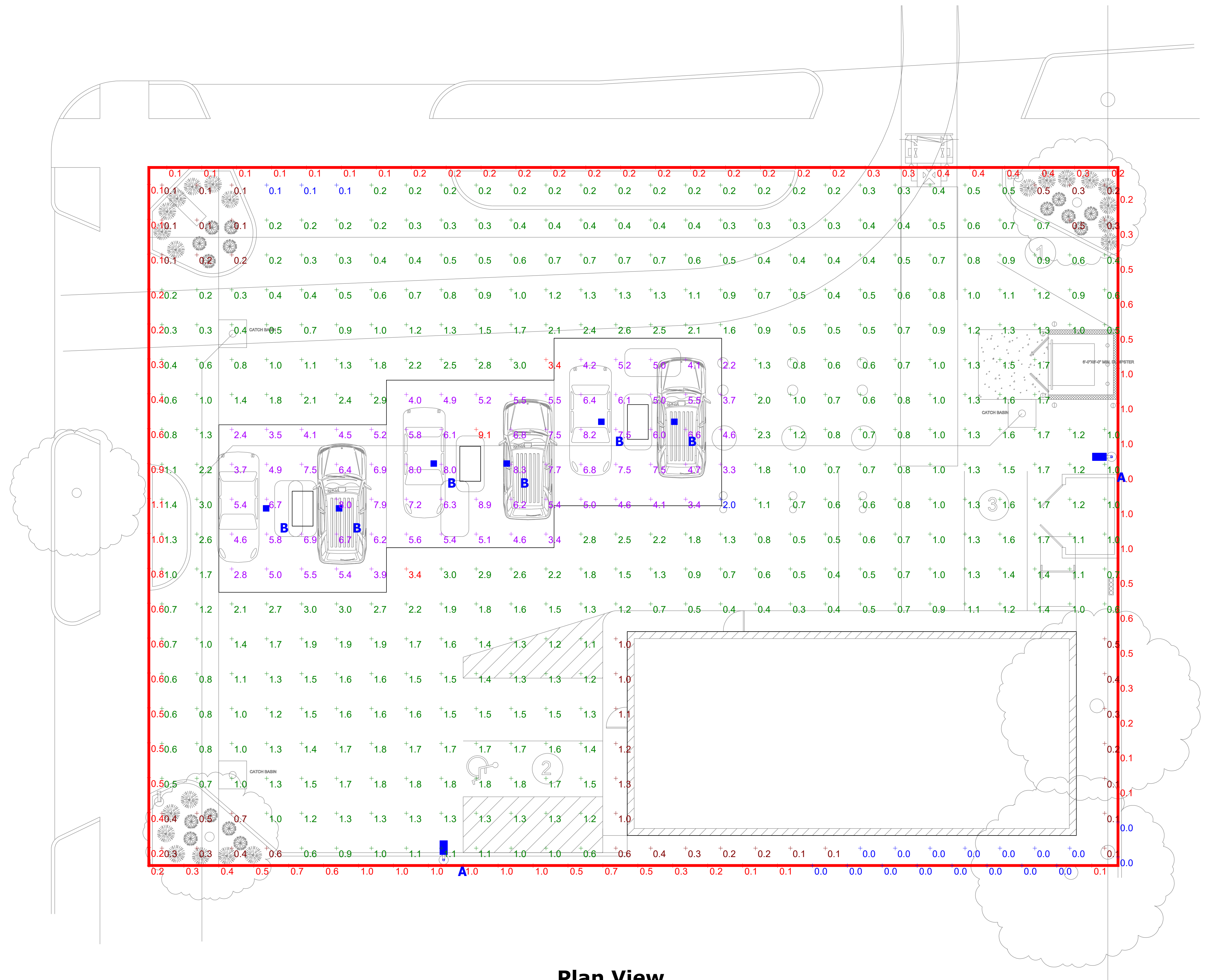
**Drawing Note**  
THIS DRAWING WAS GENERATED FROM AN ELECTRONIC IMAGE FOR ESTIMATION PURPOSE ONLY. LAYOUT TO BE VERIFIED IN FIELD BY OTHERS.

**General Note**  
1. SEE SCHEDULE FOR LUMINAIRE MOUNTING HEIGHT.  
2. CALCULATIONS ARE SHOWN IN FOOTCANDLES AT: 0' - 0"

THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.

THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND LIGHTING QUALITY COMPLIANCE.

UNLESS EXEMPT, PROJECT MUST COMPLY WITH LIGHTING CONTROLS REQUIREMENTS DEFINED IN ASHRAE 90.1 2013. FOR SPECIFIC INFORMATION CONTACT GBA CONTROLS GROUP AT ASG@GASSERBUSH.COM OR 734-266-6705.



**Plan View**  
Scale - 1" = 8ft

Schedule						
Symbol	Label	Quantity	Manufacturer	Description	Lamp	Mounting Height
	A	5	Lithonia Lighting	DSXD LED AREA LIGHT 4000K	LED	20'-0"

Statistics							
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
PARKING LOT	X	1.2 fc	2.2 fc	0.5 fc	4.4:1	2.4:1	0.5:1
PROPERTY LINE	+	0.6 fc	1.3 fc	0.0 fc	N/A	N/A	0.5:1
SITE	+	1.1 fc	2.2 fc	0.0 fc	N/A	N/A	0.5:1

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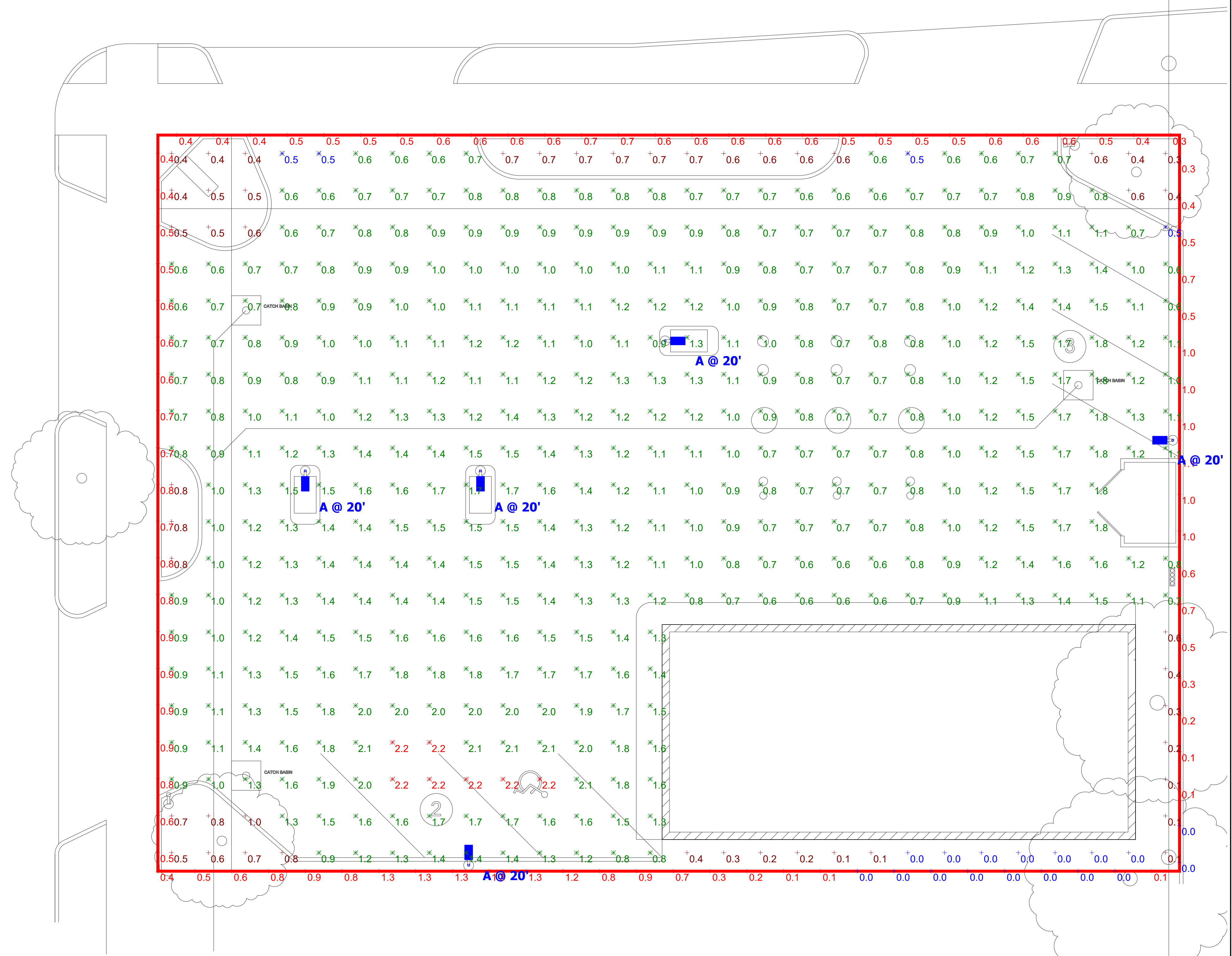
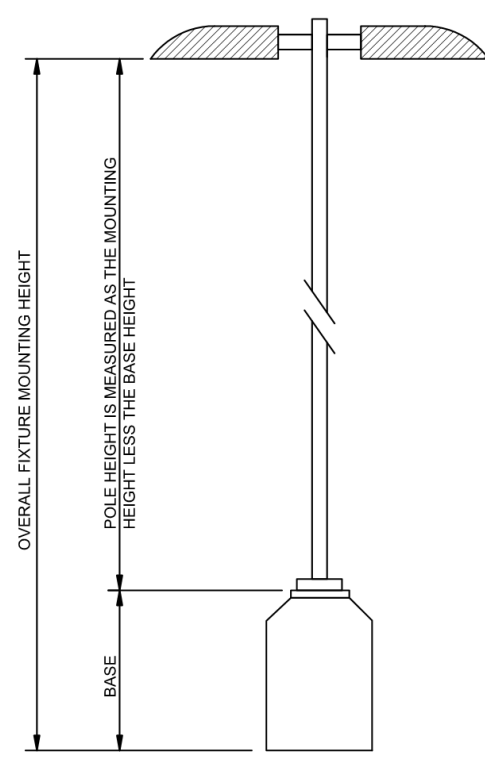
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**Plan View**  
Scale - 1" = 8ft

**THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, APRIL 26, 2022 AT BERKLEY CITY HALL BY CHAIR KRISTEN 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:** Kristen Kapelanski Martin Smith  
Joe Bartus Lisa Kempner  
Greg Patterson Julie Stearn  
Mark Richardson Shiloh Dahlin

**ABSENT:** Daniel Petrosky (Excused)

**ALSO, PRESENT:** Megan Masson-Minock, Interim Community Development Director  
Matthew Baumgarten, City Manager

Motion by Commissioner Patterson to excuse the absence of Commissioner Petrosky. Motion supported by Commissioner Stearn.

Voice Vote to approve the absence of Commissioner Petrosky.

AYES: 8  
NAYS: 0  
ABSENT: Petrosky

**MOTION CARRIED**

\* \* \* \* \*

**APPROVAL OF AGENDA**

Motion by Commissioner Kempner to approve the agenda supported by Commissioner Bartus.

Voice vote to approve the agenda

AYES: 8  
NAYS: 0  
ABSENT: Petrosky

**MOTION CARRIED**

\* \* \* \* \*

**APPROVAL OF THE MINUTES**

Motion by Commission Kempner to approve the minutes from the regular Planning Commission meeting on March 22, 2022 and supported by Commissioner Patterson.

Voice vote to approve the meeting minutes on March 22, 2022.

AYES: 8  
NAYS: 0  
ABSENT: Petrosky

**MOTION CARRIED**

\* \* \* \* \*



**COMMUNICATIONS**

Community Development Department Report  
Emails on Marihuana used in packet  
Email from Chuck Tyrell on Lot 53 on Oxford Road  
Notification from Huntington Woods with their Master Plan process

\*\*\*\*\*

**CITIZEN COMMENTS**

NONE

\*\*\*\*\*

**OLD BUSINESS**

- 1. **DDA Guidelines:** Review of ordinance language to implement the DDA guidelines, based on March 1, 2022 Work Session.

Interim Community Development Director Masson-Minock reviewed each item with context for the Planning Commission

The Planning Commission discussed various questions and suggestions. They felt comfortable with some of the items moving forward for a public hearing and other items needed to be discussed further at a future work session.

- 2. **Capital Improvements Plan:** Presentation and discussion of the proposed Berkley Capital Improvement Plan by City Manager Matt Baumgarten.

City Manager Matt Baumgarten discussed with the Planning Commission that the CIP requires approval from both the Planning Commission and the City Council to get adopted into the fiscal year budget.

City Manager Matt Baumgarten presented the draft Capital Improvement Plan with the changes from the last discussion and Commissioners asked questions related to the proposed CIP

Motion by Commissioner Richardson to approve the City of Berkley 2022-2029 Capital Improvement Plan. Motion supported by Commissioner Kempner.

AYES: Bartus, Dahlin, Kempner, Patterson, Stearn, Richardson, Smith, Kapelanski  
NAYS: NONE  
ABSENT: Petrosky

**MOTION CARRIED**

\*\*\*\*\*

**NEW BUSINESS**

- 1. **PSP-04-21: Lot 53 on Oxford Road - The Ivy:** Site Plan for Phase II of the approved project at 2219 Coolidge for the removal of the existing parking lot and construction of two multiple family buildings with a total of 24 dwelling units and a parking lot.

Interim Community Development Director Masson-Minock gave a presentation and overview of the Phase I and highlighted points of information to look at for Phase II and the four terms recommended as conditions for approval.

**APPLICANT PRESENTATION**

Brad Freeman  
Project Manager

John DePorre  
DePorre Building, LLC

Mr. Freeman, addressed the overall concerns that were recommended to them by staff in the staff review.

Mr. DePorre stated that he spoke with former Community Development Director Erin Schlutow about design and keeping it within the ordinances. Mr. DePorre also asked for clarification from the Carlisle Wortman letter.

Michael Gold  
Stonefield Engineering  
Civil Engineer

Mr. Gold explained the decision on parking spaces on this site. The applicants discussed green space and pavement with Chair Kapelanski.

**PUBLIC COMMENT**

Eric Wheeler, 2679 Oxford - Stated that his concern here is having a big impact on residents on that street with traffic and noise. He stated that people divert and travel on Kipling which tends to upset those residents. He suggested that the Commission wait and see what the finished development with the school is going to be. If the result is detrimental, it will result in unhappy residents.

Chair Kapelanski stated that this is a permitted use, and provided that the applicant meets all the requirements the Commission as a body has to approve them, taking in and working with them on tweaks and alterations to address resident and city concerns.

Chris Lattin, 2735 Oxford - Stated that his concern is the increased volume of traffic. This is all being funneled on one access point on Oxford, causing traffic in the neighborhood. He also stated the infrastructure is a dated combined sewage and storm system and will it be able to handle the additional volume getting added to it. Also, will there be a traffic study done on this site?

John Paradise, 2750 Oxford - Stated that he has concerns on the traffic standpoint and knowing where the playground area is with no stop sign. Cars are going through that area at higher rates of speed and can see people cutting through that area.

Pat Meslowsky, 1829 Kipling - Questioned if there is not an exit for those cars to leave on Harvard. She also stated that traffic goes fast on Kipling and if there was an exit on Harvard it would seem that traffic would turn left and go to the light.

Email correspondence from Chuck Tyrell - concerns were centered around how this proposal differs from previous proposals that were talked about for this site, parking was a concern, access by emergency vehicles, context with surrounding neighborhood, and storm and waste drainage.

Chair Kapelanski addressed the questions that were mentioned in public comment and offered a suggestion of an easement to the applicants.

There was discussion with the Commission and applicants on traffic, infrastructure on the storm water detention, access points, additional green space, and parking spaces.

The Commission discussed pedestrian circulation and how to make it less awkward with the sidewalk connections and parking spaces with the applicant.

The Commission discussed the dumpsters that are proposed for this site with the applicant, and suggested the moving of dumpsters or having one dumpster instead of two.

Interim Community Development Director Masson-Minock reiterated to the Commission that they have the authority to grant or deny the requested modification based on finding factors she stated.

The Commission stated to the applicants that they can lose five parking spaces and add bike racks from the current plan and specific areas to add greenery.

There was more discussion amongst the Commission and applicants about designs of the building, open stairwells, sidewalks, and the storm water detention system.

Motion to postpone PSP-04-21 by Commissioner Kempner supported by Commissioner Richardson

AYES: Bartus, Dahlin, Kempner, Patterson, Stearn, Richardson, Smith, Kapelanski

NAYS: NONE

ABSENT: Petrosky

\* \* \* \* \*

2. **PSP-05-22: 2576 Coolidge Highway - BP America:** Site Plan for a new canopy, parking reconfiguration, pump island reconfiguration, new landscaping and building facade improvements of the existing gasoline station.

Interim Community Development Director Masson-Minock provided an overview for the application and details for a non-conforming use. The applicant is not increasing the intensity of the use or increasing any dimensional non-conformity. If the Planning Commission grants site plan approval there are seven items in the staff review that would need to be included as conditions.

**APPLICANT PRESENTATION**

Jason Yaldao

Owner of the BP gas station

Catie Schmitz

JSN Architecture

Mr. Yaldao stated that the goal of this is to make the gas station a nice place for the community. With the development of the plaza in front of the gas station, this upgrade hopes to bring back business.

Ms. Schmitz stated that there is agreement on everything in the review letter except for the extending or adding of a stone base to the canopies. Ms. Schmitz stated that it would be a waste of money the way the poles are designed and provided an overview of how the canopies are designed for the space.

**PUBLIC COMMENT**

NONE

The Commissioners provided feedback on the base of the canopy, agreeing that adding masonry on the bottom should not be required.

The Commissioners asked specific questions pertaining to the placement of pumps, canopies, and drives of this site. The Commissioners also discussed with the applicant about the separation between sidewalk and road, for safety concerns of pedestrians and cars, suggesting an easement or a mountable curb. There was also discussion on other landscaping options for this site and retaining the landscape island along Coolidge.

Motion by Commissioner Patterson to approve PSP-05-22 with support from Commissioner Kempner with conditions that:

1. Items 1-7 noted in the staff letter dated April 21, 2022
2. Retain the landscape island on Coolidge
3. Define sidewalks on Catalpa with clear demarcation, such as a mountable curb with distinguishing concrete or a rock garden with perennials
4. Provide planters as can be maintained by the gas station staff
5. Dimensions of the canopy are specified on revised plans
6. Decorative block matching the building on the outside of the dumpster enclosure

AYES: Bartus, Dahlin, Kempner, Patterson, Stearn, Richardson, Smith, Kapelanski  
NAYS: NONE  
ABSENT: Petrosky

\* \* \* \* \*

**LIAISON REPORT**

Commissioner Patterson stated that Parks and Recreation is hosting a fundraiser for Jaycee park, for an all-inclusive park. If the city raises 50,000 the State of Michigan will match that. Commissioner Patterson thanked the businesses that donated to the cause already.

\* \* \* \* \*

**COMMISSIONER COMMENTS**

Commissioner Richardson thanked Carlisle Wortman for the proposed ordinance amendment language and was impressed with the body of work it presented.

Commissioner Smith stated that he will be resigning after the end of this meeting. After 22 years, he will be resigning from the board. The Commissioners gave their appreciation to Commissioner Smith and all the work he did on the board for 22 years.

\* \* \* \* \*

**STAFF COMMENTS**

Interim Community Development Director Masson-Minock discussed with Commissioners and asked for their input on the next two meetings, what the agenda would look like, and changing a work session into a meeting with the amount of agenda items that were submitted on Tuesday, April 26th.

\* \* \* \* \*

**ADJOURNMENT**

Motion to adjourn by Commissioner Kempner supported by Commissioner Stearn.

Voice vote for adjournment

AYES: 8  
NAYS: 0  
ABSENT: Petrosky

**With no further business, the meeting was adjourned at 10:45 p.m.**