

**THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:03 PM, FEBRUARY 22, 2022 AT BERKLEY CITY HALL BY CO-CHAIR MARTIN SMITH.**

*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:** Martin Smith Joe Bartus  
Lisa Kempner Greg Patterson  
Mark Richardson Shiloh Dahlin

**ABSENT:** Kristen Kapelanski (Excused)  
Daniel Petrosky (Excused)  
Julie Stearn (Excused)

**ALSO, PRESENT:** Megan Masson-Minock, Interim Community Development Director  
Matthew Baumgarten, City Manager  
Danny Amori, 3249 Wakefield Rd, Berkley  
Teresa Forman, 2221 Princeton, Berkley  
Mary Ann Noble, 2251 Princeton, Berkley  
Paul Belleau, 2211 Princeton, Berkley

Motion by Commissioner Kempner to excuse the absences of Commissioner Kapelanski, Commissioner Petrosky, and Commissioner Stearn. Motion supported by Commissioner Patterson.

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

**MOTION CARRIED**

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**APPROVAL OF AGENDA**

It was moved by Commissioner Richardson to approve the agenda and supported by Commissioner Kempner.

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

**MOTION CARRIED**

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**APPROVAL OF THE MINUTES**

It was moved by Commission Kempner to approve the minutes from the regular Planning Commission meeting on January 25, 2022 and supported by Commissioner Bartus.

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

**MOTION CARRIED**

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**COMMUNICATIONS**

Planning & Zoning News  
Michigan Association of Planning Magazine  
Letter from Five-Eights on DDA Design Guidelines

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**CITIZEN COMMENTS**

NONE

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**OLD BUSINESS**

- 1. PSP-02-21; 2400 Greenfield Rd - New Construction of Office Building: T. Fought & Associates, on behalf of 2400 Trust, 2400 Greenfield Rd, Parcel #25-18-301-031, is requesting site plan approval for the development of a new six-unit office building in the Greenfield District 2.**

Interim Community Development Director Mason-Minock reviewed the main changes that has happened since the initial review in October, it was previously proposed to be a medical office. The applicant has revised it an office use. Interim Community Development Director Mason-Minock gave an overview of the planning review from Carlisle Wortman & Associates, a letter from Hubbell Roth & Clark Inc. (HRC), and the letter from the Department of Public Works (DPW).

**Applicant Presentation**

Tim Fought  
T. Fought & Associates, Architect of Record  
30701 Barrington Street Suite 100  
Madison Heights, MI 48071

Petitioner, Mr. Fought, clarified that 50% of the building will be medical and 50% of it will be office to meet the requirements. Mr. Fought also clarified the issues that had been changed and how recommendations had been met from the last time this was presented to the Planning Commission.

There was no public comment.

The Commissioners discussed various aspects of the project, such as the parking, separation and setback, drainage, elevation, and building appearance.

The Commissioners also discussed that when the Zoning Ordinance is revising that the definitions and use of separation and setback requirements needs to be clarified.

Commissioners also commented on photometrics of the property and wanted to make sure the lights are not impacting anybody next door. Commissioners and Interim Community Development Director Mason-Minock had a discussion on the verbiage of the setback and separation for this distinction of the property.

Co-Chair Smith suggested that the dimensions be revisited, and suggested parking changes. He also asked other finite details on the building including stone finishes, landscaping and photometrics.

Commissioner Richardson moved to approve the site plan for agenda item PSP-02-21 as submitted, approving the transparency as proposed, with the following conditions:

- Requirements in letters from CWA, DPW, HRC, and Fire Inspector cited in the Staff Review are met.
- Approval by the Road Commission of Oakland County.
- Openings in the bottom of the screen wall.

The motion was seconded by Commissioner Kempner.

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

NAYS: NONE

ABSENT: Kapelanski, Petrosky, Stearn

**MOTION CARRIED**

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2. **PSP-03-21: 3462 - 3478 Greenfield Rd - New Construction of Office Building: T. Fought & Associates, on behalf of North Green Trust, 3462-3478 Greenfield Rd, Parcels #25-07-355-013, #25-07-355-014, #25-07-355-015, is requesting site plan approval for the development of a new six-unit office building in the Greenfield District.**

Interim Community Development Director Mason-Minock stated that the applicant is requesting site plan approval for the development of a new six-unit office building in the Greenfield District. Interim Community Development Director Mason-Minock gave a summary of this application and the areas that needed to be addressed. There was also a review of the letters from HRC, Carlisle Wortman & Associates, and DPW in terms of recommendations, including conditions for approval.

**Applicant Presentation**

Tim Fought  
T. Fought & Associates, Architect of Record  
30701 Barrington Street Suite 100  
Madison Heights, MI 48071

Petitioner, Mr. Fought, gave a summary of the project, such as the stone and brick being used, landscaping, and transparency.

**PUBLIC COMMENT**

William Seaman, 3461 Ellwood - Wanted to know if the screening wall is going to match the wall that is there already. It would be nice to see the new wall match the current brick wall. Noted that drainage would be a big help, because there is a lot of water on that wall currently.

The commissioners discussed to add more landscaping to the building and inquired about snow removal from this property. The commissioners also suggested having security lighting for tenants in the office building. The commissioners also discussed the change in window transparency and the effort that was made.

The commissioners discussed in general parking that should happen in front of buildings or in the back of the buildings. In an ideal world, Commissioner Richardson would like to see buildings in the front and parking in the back, but the Planning Commission does not have the legal ability to make that demand.

**PUBLIC COMMENT**

Jarrett Sanders, 3493 Ellwood - Likes the idea of parking in the back would allow for landscaping. He has spent a bunch of money planting arborvitae to add privacy to his yard, and if the building backs up it will kill his trees. Between his fence and this wall, how does the maintenance work? Technically, that piece is their property so they have to maintain that property.

Commissioner Richardson moved to approve PSP-03-21 as submitted, approving the transparency as proposed, with the following conditions:

- Requirements in letters from CWA, DPW, HRC, and Fire Inspector cited in the Staff Review are met.
- Requirement to add vegetation along the northwest portion of the parcel staying out of sight vision line for the intersection.
- The screen wall needs to have a split face color to match close to the existing brick walls.
- One to two security lights must be added in the back.

The motion was seconded by Commissioner Kempner.

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

NAYS:

ABSENT: Kapelanski, Petrosky, Stearn

**MOTION CARRIED**

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3. **DDA Guidelines:**

Interim Community Development Director Mason-Minock stated that there will be a work session on this March 1st at 7:00 p.m. This will be discussion to create DDA Design Overlay District and adopt ordinance language related to the DDA Guidelines, as well as discussion on the Architectural Design Checklist.

Commissioner Kempner reminded Interim Community Development Director Mason-Minock to invite DDA board member Matteo Passalacque to the work session.

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**NEW BUSINESS**

1. **PSP-02-22: 2222. W. Eleven Mile** - Discussion on Sketch Plan for proposed building renovation for marihuana provisioning center.

Interim Community Development Director Mason-Minock went over how this item is an informal discussion and the applicant can present and discuss the site plan. This is strictly a discussion of the site plan and not the use.

Interim Community Development Director Mason-Minock stated to the board that they will need to give input on the issue on the rear yard screen wall and design, as well as the sewer and easement in the northwest corner. She stated that the Huntington Woods Christian School was considered during the City Council review of the provisioning center license. Interim Community Development Director Mason-Minock stated that the meeting with the City Attorney determined that the preschool is not subject to the ordinance section 138-528c, which reflects the provisions of state law in terms of where marihuana provisions centers can be located.

**APPLICANT PRESENTATION:**

Grant Jeffries  
Five/Eights Architecture, Architect  
2321 Wolcott St  
Ferndale, MI 48220

Chris Klampkin, Founder of Operation Grow LLC, DBA Butter  
Dan Amori, Chief Executive Officer, Operation Grow LLC, DBA Butter

Mr. Jeffries gave an overview of the current building as well as the plans to renovate the building. Mr. Jeffries stated the changes for a pedestrian walkway, exterior materials, previous improvements, landscape, and roof changes were to meet the merit-based point system for the provisioning license. Mr. Jeffries stated that the letter from HRC stated specific details, which they intend to do during the building permit application.

**PUBLIC COMMENT**

Denise Losey, 2189 Princeton - Stated that she is concerned with what is going to happen right behind their house. There is a dead space behind their house between their fence and wall, since the space is not theirs, how is it going to be maintained? She stated that they will see the side of the building, and possibly have some trees to make it feel like they have some privacy in their yard.

David Losey, 2189 Princeton - Stated history of the last owner of the business about what was done on the sewer line that goes down the center of the alley. He stated that the sewer line goes down the alley, and he put his fence, when the city came out after to find a manhole. He wanted everyone to be aware of the issue of the sewer line that is there.

Theresa Foreman, 2221 Princeton - Wanted to know the hours of the operating business. Mr. Klampkin stated the hours will be 10 a.m. to 9 p.m. seven days a week. Ms. Foreman stated that her house is directly behind this business. She stated that her first issue is if the city or any big machinery has to get in the only way they can do that is through the residents' yards. The second issue is the hours of this operation. Ms. Foreman stated that she will have six LED lights on the west side that will illuminate her backyard, resulting in no privacy in the backyard and a lower quality of life, as well as five LED lights on the northside facing into her yard. Ms. Foreman stated the third issue is traffic. There are already issues on Henley because of Drought.

Jorge Martinez, 13125 W 11 Mile Rd Huntington Woods - Stated that he lives right across the street from this business. This is the first time he has been notified of the specifics of this business. Mr. Martinez stated that his quality of life will be going down, with the hours of operation and that traffic will be insane. Mr. Martinez stated that this is a huge concern especially with him having small children.

Paul Belleau, 2211 Princeton - Stated that his big concern is the wall that will be going up in their back yard, what is it going to be made of, how tall is it? With already having a fence in their backyard, will they be losing that?

Mary Ann Noble, 2251 Princeton - Expressed that she had spent \$2,600 to put up a vinyl fence, and wants to know, with the additional parking in the Masonic Temple, will it cause a problem to her fence? Will there be a new wall built covering the existing fence? She does not have that kind of money to build a new fence.

Interim Community Development Director Mason-Minock clarified some things that were addressed in the public comment including drive through, fence, and parking. City Manager, Matt Baumgarten, clarified the timeline of notices and operations.

The Commissioners discussed the sewer line that is in the alley between residential and the property with the site plan. The Commissioners also discussed the traffic that would impact this site. There was mention of getting a TIA traffic analysis and enforcement issues would be the backup traffic.

Commissioner Kempner discussed her findings from driving around to other marihuana centers, specifically parking, the number of checkout stations and circulation of the properties. Commissioner Kempner stated that she can see traffic backing up on Eleven Mile from this facility and that the circulation for cars to get in and out is not great.

The commissioners and applicants discussed snow storage, the shared parking agreement, the tenant suites, parking spots, and dumpster location.

Commissioner Richardson asked the applicant if they have any empirical data on their facilities regarding parking. The applicant stated there are resources out there to find that data, but they currently do not have anything on hand for their facilities. Commissioner Patterson asked about the lighting issue with this facility.

Mr. Jeffries addressed the questions from the commissioners, and some of the public comment concerns with the barrier wall and easement for sewer.

The commissioners discussed options of the screen wall, landscaping, snow removal, requiring traffic studies, green infrastructure and the roof. Mr. Jeffries addressed the commissioners' concerns with the clay, pavement, and roof renovation.

Co-Chair Smith commented on the accessible path that includes the bike racks, designate demolition sites on the site plans, and other specifics that are on the site plan.

Mr. Klampkin asked the commissioners specifics about what they can do with changing the site plan, what is allowed and what is not, as well as parking agreement questions.

Co-Chair Smith reiterated that this is a new thing coming to Berkley and everyone is on edge about the traffic and the resident's comments on traffic do matter, wishing them all the success, but take the things stated tonight into consideration. Co-Chair Smith inquired more about how deliveries and products are brought to the store, as well as the roof and the plans with it, and the lighting especially since bleed over is not allowed for residential property. Traffic and parking are the board's biggest recommendations.

#### **PUBLIC COMMENT**

David Losey, 2189 Princeton - stated maybe the wall can be moved too. The prior business built the wall right where it was before.

Jorge Martinez, 13125 W 11 Mile Rd Huntington Woods - brought to the attention of commissioners that there at one point was a thought process on a bicycle lane on Eleven Mile, which may impact this as well, and that the road is a speed trap. Mr. Martinez also stated that emergency vehicles will have to travel that road and could be impacted with the traffic.

Theresa Foreman, 2221 Princeton - stated that she would like the board to look at an agreement with the Masonic Temple, how do you differentiate employee spaces versus overflow spaces.

Denise Losey, 2189 Princeton - stated that the fences that are currently present were allowed to go eight feet on them, not six feet, which could be a solution.  
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**LIAISON REPORTS**

Commissioner Kempner stated that the DDA worked on revising their vision and mission statements. The DDA concluded they need someone who knows crosswalks and to help them keep Coolidge crosswalks safe. The mural funding has increased from \$2,500 to \$4,000. The DDA also started looking at pocket parks and funding for those locations.  
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**COMMISSIONER COMMENTS**

Commissioner Patterson asked City Manager, Matt Baumgarten, about what the process is with the new marihuana centers coming to Berkley, what is the process if the board denies an application. City Manager Matt Baumgarten stated that the next eligible applicant with the next highest score would be able to apply.

Commissioner Kempner asked City Manager, Matt Baumgarten, how the decision was made to get to just the basic retail as the parking? Interim Community Development Director Mason-Minock stated that was made when the checklist started back in 2019 in terms of the method for calculating the required parking. City Manager, Matt Baumgarten, reiterated that during that time period, peer communities had further the same standard as the retail location.

Co-Chair Smith suggested that staff go back and alert other applicants about parking situations and circulation.

Commissioner Richardson stated a general comment that he would like to see the city do much more to encourage shared parking. If the city took more of a proactive role it could work better. Co-Chair Smith states that the city has several shared parking agreements that do work well.

Commissioner Dahlin stated that with the retail qualifications on parking, how they can order online and come to the parking lot and delivery of goods to your window, it is almost a drive-through setup. Just to consider the extra addition of people coming into the parking lot and leaving.

Co-Chair Smith commented on a prior comment that five facilities in the community that is Berkley's size is quite a bit. He feels that this is not the right direction for the community.

Commissioner Bartus asked if the board has any input on hours of operation, the board can have limits, but cannot dictate it. If the use was a special land use, the Planning Commission would have more leeway to place conditions.

Co-Chair Smith commented that the notifications that are sent out to people are a good standard and relationship for the community.  
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**STAFF COMMENTS**

Interim Community Development Director Mason-Minock provided the Community Development report. She also updated the Planning Commission; the city had just issued site plan number six for 2022.

Interim Community Development Director Mason-Minock suggested going over the rules and procedures during the March work session, suggesting that the board may want to put parameters on how long meetings will go or how many agenda items will be discussed during a meeting.  
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**ADJOURNMENT**

Motion to adjourn by Commissioner Kempner. Motion supported by Commissioner Patterson.

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

NAYS:

ABSENT: Kapelanski, Petrosky, Stearn

**With no further business, the meeting was adjourned at 10:04 p.m.**