

THE SPECIAL MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, JUNE 7, 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 Joe Bartus
Greg Patterson Julie Stearn
Lisa Kempner Mark Richardson
Shiloh Dahlin

ABSENT: NONE

ALSO, PRESENT: Megan Masson-Minock, Interim Community Development Director
Aaron Geyer, 32411 Mound, Warren Jason Silver, 1363 Wiltshire, Berkley
Gabe Rubin, 3445 Robina, Berkley Joanne Stenquist, 1343 Wiltshire, Berkley
Matthew Breda, 1935 Wiltshire, Berkley John and Judy McNalley, 1408 Wiltshire, Berkeley
Martha and Bill Sauer, 1591 Wiltshire, Berkley John Stevens, 1922 Edgewood, Berkley
Mary Glynn, 1330 Franklin, Berkley Daniel Veres, 1336 Franklin, Berkley
Jim and Nancy McChesney, Berkley

APPROVAL OF AGENDA

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

Voice vote to approve the agenda

AYES: 7
NAYS: 0
ABSENT: NONE

MOTION CARRIED

APPROVAL OF THE MINUTES

Motion by Commission Kempner to approve the minutes from the regular Planning Commission meeting on May 24, 2022 and supported by Commissioner Stearn.

Voice vote to approve the meeting minutes on May 24, 2022.

AYES: 7
NAYS: 0
ABSENT: NONE

MOTION CARRIED

COMMUNICATIONS

Email from Thomas Rolewicz of Seven Point

CITIZEN COMMENTS

NONE

OLD 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 stated that all of the requests that the Planning Commission had made of this applicant had essentially been done. This applicant will need approval from the Planning Commission on whether the landscaping is adequate. The Planning Commission, as part of the motion to approve if they chose, should make findings on the landscaping meeting site plan standards, and that the additional green space warrants the parking reduction, as they indicated that they would be award at the last meeting.

APPLICANT PRESENTATION

Brad Freeman
Project Manager

Michael Gold
Civil Engineer, Stonefield Engineering

Public Comment

NONE

Commissioner Kempner asked the applicant a specific question on the none striping where the pedestrian crossing is located? The applicant agreed to strip the pedestrian crossing.

Commissioner Richardson asked specifics on the screening wall and preventing the area from becoming a trash collection area.

Commissioners commented on vegetation for the site plan.

Chair Kapelanski thanked the applicant for accommodating all of the requests from the last meeting, and that this provides a nice plan for the community.

Commissioner Richardson asked for a point of clarification if the Commission is allowed to act since this was a work session. Interim Community Development Director Masson-Minock stated that this was advertised as a special meeting and that action can be taken.

Motion by Commissioner Kempner to approve PSP-04-21 finding that the landscaping as presented meets the standards and any additional condition of approval as noted in the staff letter. With finding that the parking modification is given because of the increased green space and screening, and that there is pedestrian striping. The Motion was supported by Stearn.

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

NAYS: NONE

ABSENT: NONE

MOTION CARRIED

NEW BUSINESS

- 1. **PSP-12-22: 28557 Woodward – Seven Point Provisioning Center:** Sketch Plan for the renovation of the existing building to be a retail marihuana dispensary at 28557 Woodward Avenue, Parcel #25-17-257-025, associated parking in the existing parking lot at Parcel #25-17-257-008, and proposed parking at 1299 Wiltshire Road, Parcel #25-17-257-007, and 1276 Franklin Road, Parcel #25-17-257-023.

Interim Community Development Director Masson-Minock detailed the purpose and scope of a sketch plan review and how no binding decisions are made. Interim Community Development Director Masson-Minock raised a couple of things on this particular proposal, stating that this has had two conditional rezonings that

have been applied for previously. There was clarification on what the new proposed conditional rezoning is and the associated timeline. The conditions are tied to the site plan and they will come concurrently. Based on the new Master Plan that was adopted in November of 2021, the proposed conditional rezoning does not match the Master Plan.

Questions were asked from the Commissioners to Interim Community Development Director Masson-Minock about if the request is one or two requests, the prior application and how it related to the master plan, and the procedural process of rezoning.

Applicant Presentation

Gabe Ruben
Partner of Seven Point dispensing LLC

Brian Howard
Architect, HF: architecture

Scott Roberts
Attorney, Scott Roberts Law

Julie Kroll
Parking Consultant, Fleece and VandenBrink Engineering

Mr. Roberts stated that they are here to decide if additional parking is needed, on Wiltshire and Franklin. The concern is that there is a high traffic nature to this, and that there will spill over on streets, and doing this voluntarily. They want the Commission's opinion. The other topic for discussion and recommendation is for the two possible rezonings. Mr. Roberts explained the parking study that stated Seven Point would need 48 spaces where they currently have 20 spaces, resulting in parking encroaching into neighborhoods.

Mr. Howard provided an overview of the building and the intent for the exterior of the building and the intent of entering and exiting. Mr. Howard also detailed the sustainability features that will be provided, the main focus will be internal, retail facilities. Mr. Howard also presented the potential of the new parking lots on Wiltshire and Franklin. Mr. Howard talked about the storm water retention, rain garden, and bioswales on the property.

Mr. Roberts stated that there was a community meeting at least three people got the notification, providing an overview of what was discussed at that meeting.

PUBLIC COMMENT

Aaron Dyer, an attorney, that was involved with the rezoning of an adjacent site, 1256 Franklin. Mr. Dyer addressed the question that Commissioner Bartus had, stating that 1256 Franklin was part of a Marihuana proposal which included two lots on Woodward being 28401 and 28453 Woodward. The rezoning of 1256 Franklin is a completely different subject matter than what will be before the Commission. Mr. Dyer is associated with a forthcoming marijuana provisioning center site plan.

John McNalley, 1408 Wiltshire - stated that he lives three houses away from this proposed provisioning center and two houses away from the proposed developed parking lot. Mr. McNalley stated that he was not noticed for this, and that his meeting was not on the normal schedule. Mr. McNalley stated that he lived at this address for 23 years and will oppose any aspect of the business that denied his ability to have a life that encroaches on his serenity. Mr. McNalley also stated that if parking lots go in replacing houses, it hardly enhances the quality of life in the neighborhood. Mr. McNalley also brings to concern signage and lighting, weed smells, and armed robberies. Mr. McNalley asked the Commission to consider all of these before deciding.

Sam Graff, 1256 Franklin - Stated that her and her husband have worked in the cannabis industry for a while. Asked the Commission to not annex this to the rest of the neighborhood. Ms. Graff also expressed her concern with armed robberies, and the alley way that attaches to her driveway, along with the lights and security.

William Sauer, 1591 Wiltshire - Stated that he is the President of Oakland Manor Homeowners Subdivision. Mr. Sauer stated that Oakland Manor has a number of deed restrictions including that a residential property cannot be torn down and made into commercial parking lots. Oakland Manor will take City and developers to local county circuit court.

John Stevens, 1922 Edgewood - Stated that he is the Treasurer of Oakland Manor Association, which covers residential properties from Rosemont all the way down to Catalpa. The particular lot on Wiltshire is covered in the

subdivision primary purpose to protect the enforcement of deed restrictions. The Oakland Manor Association will be in circuit court very quickly if this is passed by the City.

Audrey Stone, 1348 Wiltshire - Stated that she lives directly behind Flagstar bank. Her question today is in reference to the high traffic business comment, is there a certain number of spots they need and why was the parking assessment not done prior to granting the ability for this business to come today if we feel it did not have enough parking to accommodate it?

Richard Melin, 1615 Wiltshire - Stated that he is worried about the traffic if this does pass. Wiltshire is a straight shot through Berkley, there will be people entering in off of Woodward, and entering in off of Wiltshire. How is the drive through going to work? This could be a real traffic problem if there is backup on Woodward. Mr. Melin also stated that he has a business right by LIV in Ferndale, and states that the traffic is bad there as well.

Matt Breda 1935 Wiltshire - Stated that this is a terrible location for something with high traffic. Wiltshire is an emergency route from the police department to enter onto Woodward. Wiltshire is in bad shape for a road. This is a terrible location with police and fire trucks going down this road, the traffic will slow them down.

Duana Scott, 1294 Franklin - Stated that she lives right next to the proposed parking lot. Being a single woman, Ms. Scott is concerned about safety, noise, lighting, security, and the parking lot next to her home is not beautiful. Ms Scott asked how tall will the buffer walls be, it is a beautiful place to live, safe place to live, and living next to the parking lot, she is unwilling to stay in the area.

Ian Whitelaw, Central Properties Group - Stated that he is the owner of the property and the business owner of the corner of Franklin 28401 Woodward. Also, here to represent the owners of the duplex next to him. Mr. Whitelaw stated that there needs to be something done with the commercial business. The commercial duplex is for sale and cannot sell it right now because of timing, and what we can put into there. Mr. Whitelaw stated that he is concerned about the overflow parking since Franklin is the only overflow parking, and has zero parking which is hard to sell.

Mary Glynn, 1350 Franklin - Expressed concern about the flooding concerns and the alley drain goes to Franklin. Ms. Glynn stated that she does not think they need that many parking spots, almost tripling the spots now. Ms Glynn offered suggestions on employee parking agreements with other businesses on Woodward. She had concerns about the traffic flow, property values, noise, light, odor and loitering.

Dan Veres, 1336 Franklin - Stated that he runs the length of Woodward all the time, stating there is at least six parcels that have parking lots they can utilize. Being active in other communities passing by other dispensaries, has never seen dispensaries that have the need for 50 spots.

Joanna Stenquist, 1343 Wiltshire - Stated that she will have a parking lot next to property, and suggested suing other properties on Woodward they can utilize. Ms. Stenquist stated that she would prefer to have a spill out over the neighborhood, instead of a parking lot next to her house. She also stated concern with noise with them being open seven days a week until 10 p.m., negatively impacting the value of her house.

Nancy McChesney, 1491 Wiltshire - Stated that one of her concerns is potential runoff for flooding. She expressed her concern for the Planning Commission to please pay attention to the flooding, because residents live here, and how are the guards going to be working on this premise. Ms. McChesney also expressed concern about sound, safety, lighting, and landscaping.

Diane Burgy, 1307 Franklin - Stated that she did not move there to live across from a parking lot, flooding is a problem, hope that if parking happens the customers can't turn down Franklin and expressed traffic patterns that could potentially happen on Franklin.

Kevin Graff, 1256 Franklin - Mr. Graff asked that the Commission please consider not annexing this house into this area. Mr. Graff stated that he has worked in the industry for his life, and is not pro dispensary 100 ft from his house. Understands for a city what this type of business can provide, but also understands how people in this industry with way too much money can make gross decisions, affecting the people in communities. Mr. Graff does not want to deal with coming home in his driveway and not being able to get in. Mr. Graff stated the neighborhood does not need people loitering, getting high in the parking lot, trash, there will be issues that arise.

Email from Tom Rolewicz, 1350 Franklin

Chair Kapelanski addressed the statement of the special meeting and notices. There was clarification on who gets noticed for public notices. Chair Kapelanski also addressed the city's involvement on enforcement of deed restriction comments, and the parking spillover with the need for additional parking.

Chair Kapelanski asked the applicants questions regarding parking, and the need for additional parking. Ms. Kroll walked through the copy of the parking study that was provided, basing the parking off of 85% utilization.

Chair Kapelanski asked about the strong transportation network that Woodward has with bussing, will there be customers coming that way. This study did not include that factor.

There was discussion on the projected ideal daily operations and anticipated hours 9 a.m. - 10 p.m. seven days a week with peak hours utilization happening on a regular basis.

The applicant also withdrew the conditional rezoning for 1276 Franklin. The proposal for 1299 Wiltshire will be congruent with Flagstar, the same six-foot brick screen wall.

Commissioner Patterson asked the applicant about the high number of employees that are needed and how security will be operating.

Commissioners asked the applicant if they considered in their pro forma the other four applications going into Berkley and the others in the area about parking and peak times for their business. There was also discussion on exploring other businesses with shared parking.

Point of clarification that the Master Plan does not support a rezoning and an explanation when a rezoning can be approved that does comply with the Master Plan.

Commissioner Kempner stated that the applicant does need to have more parking somewhere, with 58 spaces seeming like way too many but 20 not enough. Shared parking would be ideal, so there are no issues with people parking in front of houses with spillover.

Commissioner Bartus agreed that more parking is necessary.

Commissioner Patterson expanded on Commissioner Bartus's comment about if this parking was granted it would make the sawtooth worse on Woodward, and agree that more parking is needed, but not next to the four homes it would affect.

Commissioner Stearn asked the applicant about the two spots to the north, in which the applicant stated that it is going to be part of their greenspace.

Commissioner Dahlin agrees with the other comments on needing more parking and has concerns about making the sawtooth more severe. Commissioner Dahlin commented on the buffer that was presented and parking suggestions.

Commissioner Richardson stated that he is a great fan of shared parking, despite the fact that a sawtooth effect is being created. Marijuana dispensaries were not considered in the Master Plan, which do require more parking than what is stated. Commissioner Richardson is leaning toward rezoning reluctantly.

Interim Community Development Director Masson-Minock stated that when looking at a conditional rezoning, the applicant can offer conditions i.e., deal with number of customers, number of transactions, or number of employees, which might be hard to enforce. She asked if there is a situation where what is going on inside the building could reduce the number of parking spaces needed.

Commissioner Stearn asked if there was a way to reduce the amount of transaction desks that are presented. The applicant explained how the transaction centers are set up in the facility and conversation with the Commissioners about average numbers of transaction desks.

There was conversation between the Interim Community Development Director, the Commissioners and the applicant about what can be reduced so it benefits all and the negative impacts of reduction in numbers.

Commissioner Kempner suggested if the applicant can bank the nine spaces were landscaped for now and in the future, you can turn those into additional spaces.

There were general comments on parking spaces and other options of shared parking agreements from the Planning Commission.

Commissioner Bartus stated that with the appropriate conditions the rezoning seems appropriate for the property, suggesting banking parking, phasing the project, and something regarding additional parking required.

Commissioner Stearn stated that she is not in support of this, there hasn't been any conditions given, and would like to see shared parking with the eye center and the bank.

Commissioner Patterson stated that he does not like the idea of turning residential lots into commercial lots, especially after the extensive time with the new Master Plan. There have not been conditions heard from the applicant, the number of employees seem to be high, and would like to see bank shared parking, and suggested other parking for employees, and does not support this.

Commissioner Kempner stated that she is leaning toward approving this, going forward with this, parking would be in the streets and wants to prevent that. Commissioner Kempner suggested bank shared parking, and present lots of landscaping so it has some benefit.

Commissioner Dahlin stated that she is hesitant with the conditional rezoning, but if there is a lot of buffering, and the stormwater helps the people upstream, that would go a long way to help convince her it is a good idea.

Commissioner Richardson stated that he is reluctant to approve the rezoning, and agrees with the comments on landscaping. He suggested shared parking, and does not want to see traffic congestion in the intersection

There was also discussion on the site plan itself, discussing drainage, the facade of window ordinance standards, the bike racks, the green improvements that will be happening on this building, mimicking the bank's right of way, dumpster, curbside pickup, and outdoor seating and bench areas

2. Election of Officers Matter of electing a Vice Chair

Motion by Commissioner Patterson to appoint Commissioner Lisa Kempner as vice-chair of Planning Commission. Motion was supported by Commissioner Richardson

Voice vote to approve the nomination of Vice-Chair

AYES: 7
NAYS: 0
ABSENT: NONE

MOTION CARRIED

3. Huntington Woods Master Plan Response

No edits or comments were mentioned, will be sending the draft to Huntington Woods

LIAISON REPORT

Commissioner Richardson stated that the Environmental Advisory Committee will have a bike corral at Art Bash on the North side of 12 Mile and Tyler from 10-4.

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COMMISSIONER COMMENTS

Art Bash is happening this weekend in Berkley

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STAFF COMMENTS

Interim Community Development Director Masson-Minock stated to the Planning Commission that a couple of Commissioners have not submitted their hours of training. If the Commissioners need training contact Mike Smith, and he can sign them up and have the City pay for training.

ADJOURNMENT

Motion to adjourn by Commissioner Patterson supported by Commissioner Richardson.

Voice vote for adjournment

AYES: 7
NAYS: 0
ABSENT: NONE

With no further business, the meeting was adjourned at 9:35 p.m.