

**THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, OCTOBER 25, 2022 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/cityofberkeley>*

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

**ABSENT:** Shiloh Dahlin

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

Motion by Commissioner Passalacqua to excuse the absence of Commissioner Dahlin. Motion supported by Commissioner Hamameh.

Voice Vote to approve the absence of Commissioner Dahlin.

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**MOTION CARRIED**

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**APPROVAL OF AGENDA**

Motion by Commissioner Hamameh to approve the agenda with the addition of a discussion of live/work uses in the Eleven Mile District supported by Commissioner Woods.

Voice vote to approve the agenda

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**MOTION CARRIED**

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**APPROVAL OF THE MINUTES**

Motion by Commissioner Hamameh to approve the minutes of regular Planning Commission meeting on September 27, 2022 and supported by Commissioner Woods.

Voice vote to approve the meeting minutes of September 27, 2022.

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**MOTION CARRIED**

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**APPROVAL OF THE MINUTES**

Motion by Commissioner Bartus to approve the minutes of special Planning Commission meeting on October 11, 2022 and supported by Commissioner Hamameh.

Voice vote to approve the meeting minutes of October 11, 2022.

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**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 to amend Section 94-5, Exempt Signs (signs permitted in nonresidential districts), in Chapter 94, Signs, of the City of Berkley Code of Ordinances and Sections 138-32, 138-143, 138-222, 138-526, 138-527 and 138-679 of Chapter 138 – Zoning to implement the Downtown Design Guidelines for the downtown area.

Planning Consultant Megan Masson-Minock went over the proposed amendment, highlighting changes made in response to the Commission’s previous discussions.

Chair Kempner opened the public hearing at 7:29PM. There were no email communications and no one in the audience wished to comment. Chair Kempner closed the public hearing at 7:29PM.

The Commissioners discussed the updated amendment language noting they would like the following revisions:

- Page 2: Letter (e), ‘protective lighting’ should be changed to ‘pedestrian lighting’.
- Page 3: The phrase ‘unless this is determined not to be feasible by the Planning Commission’ should be added to the paragraph at the top of the page.
- Page 4: Letter (n), the text should read ‘no setback is permitted’.
- Page 5: Letter (c)(4), the word appropriate should be changed to compatible.
- Page 6: Letter (d) should read developer must enhance.
- Page 7: Number (19) Specific storm numerical references should be removed and instead refer to the standards of the Oakland County Water Resources Commission.

The Commissioners considered a suggestion to allow for or require larger setbacks in the Twelve Mile District in light of the fact that larger sidewalks are desired in that location. The Commission decided to postpone that discussion at this time and include it in the upcoming Zoning Ordinance update as this situation might arise in other districts as well.

Motion by Commissioner Hamameh to recommend approval to the City Council of an ordinance to amend Sections 138-32, 138-143, 138-222, 138-526, 138-527 and 138-679 of Chapter 138 Zoning to implement the Downtown Design Guidelines for the downtown area.

Motion Supported by Commissioner Patterson

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**MOTION CARRIED**

**2. Outdoor Seating:** Discussion of ordinance language to allow outdoor seating accessory to a permitted use as a permitted use

Planning Consultant Megan Masson-Minock went over her staff memo discussing potential ordinance amendment items based on the Commission’s previous discussion.

The Commissioners discussed the outstanding questions and suggestions.

Rooftop seating was determined to be different than other types of outdoor dining and the Commission would like to move forward with that as a Special Land Use.

Outdoor seating should be permitted in front, side and rear yards. The Commission would like to discuss parklets as a future item.

The time of year outdoor seating is permitted should only be limited when the seating is in the right-of-way.

Noise should be governed by the City’s noise ordinance and potential outdoor seating applicants should be made aware of the standards in handouts and/or on the City’s website.

Enclosures should be well defined and clearly marked. General guidelines for the quality and maintenance of enclosures should be included.

No additional regulations should be included for street furniture and lighting or alcohol use.

A five-foot sidewalk and access to the door should be maintained.

Outdoor seating can occupy parking spaces so long as the site still meets minimum parking requirements.

Temporary shelters should be permitted year round.

**3. Vape Shops:** Discussion of an ordinance amendment to regulate the location of vape shops

Planning Consultant Megan Masson-Minock went over her staff memo discussing potential ordinance amendment items based on the Commission’s previous discussion.

The Intent section of the ordinance should read vape shops and tobacco shops, not stores.

‘The following definitions are for the purpose of this section’ should be added to the definitions section. The definition of nicotine in Section 82-385 of the City Code and as referenced in the proposed language should be consistent with those definitions listed on the CDC’s website. The definition of vapor product should be amended as a vapor product does not necessarily contain nicotine.

Vape shops should be permitted in the following zoning districts: Eleven Mile, Local Business, Woodward, Twelve Mile, Greenfield and Gateway. Vape shops should not be permitted on Ellwood. A vape shop should be 1,000 feet from another vape shop.

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**NEW BUSINESS**

**1. Southfield Master Plan Response**

Community Development Director Kapelanski noted the City of Southfield has updated their master plan and staff finds that are no inconsistencies with Berkley's master plan. The Planning Commission had no comments.

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**LIAISON REPORT**

NONE

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**COMMISSIONER COMMENTS**

Chair Kempner noted the City Council approved the marihuana business license for Moses Roses.

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**STAFF COMMENTS**

Community Development Director Kapelanski stated the Downtown Master Plan was adopted by the City Council and the Council approved the contract for a planned parking study.

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**ADJOURNMENT**

Motion to adjourn by Commissioner Patterson supported by Commissioner Woods.

Voice vote for adjournment

AYES: 6

NAYS: 0

ABSENT: Dahlin

**With no further business, the meeting was adjourned 9:13 at p.m.**