

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, NOVEMBER 25, 2025 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>

APPROVED

PRESENT: Dana Kaplan Mike Woods
Shiloh Dahlin Josh Stapp
Lisa Kempner Joe Bartus
Eric Arnsman

ABSENT: None

ALSO PRESENT: Kristen Kapelanski, Community Development Director
Greg Patterson, City Council Liaison

APPROVAL OF AGENDA

Motion by Commissioner Woods to approve the agenda and supported by Commissioner Stapp.

Voice vote to approve the agenda

AYES: 7
NAYS: 0
ABSENT: None

MOTION CARRIED

APPROVAL OF THE MINUTES

Motion by Commissioner Stapp to approve the minutes of the September 23, 2025 regular Planning Commission meeting and supported by Commissioner Bartus.

Voice vote to approve the meeting minutes of September 23, 2025.

AYES: 7
NAYS: 0
ABSENT: None

MOTION CARRIED

COMMUNICATIONS

Community Development Director Kapelanski shared that the latest issue of the Michigan Association of Planning magazine was provided for the Commissioners.

CITIZEN COMMENTS

NONE

OLD BUSINESS

NONE

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NEW BUSINESS

1. **PUBLIC HEARING PSU-05-25 and PSP-14-25: 2960 Twelve Mile Rd.:** The applicant, Berkley Entertainment, LLC, is requesting Special Land Use approval to occupy the property as a private assembly space for a live theater use and Site Plan approval for proposed façade changes in the Downtown District.

Community Development Director Kapelanski presented the site plan and special land use request. The property is proposed to be a live theater use, characterized as a private assembly use in the Zoning Ordinance. She noted the standards for both special land use requests and site plans have been analyzed in the staff review. She went over the proposed building façade changes, indicating the only items the Planning Commission should review are areas that are proposed to be altered, in this case, mainly the façade. With regard to the required transparency, the applicant would be required to increase the transparency to 17% (the existing condition of the building) or seek a variance from the Zoning Board of Appeals, since 30% transparency is required.

Community Development Director Kapelanski went over the discretionary special land use standards. She highlighted and went over the memo prepared by Spalding DeDecker, the City's engineering consultant, that addressed traffic/parking concerns. No parking is required since the lot is within 500 feet of a municipal lot and the applicant intends to lease their parking lots to the City to use as municipal parking. The adjacent lot, owned by Berkley First Church, is also tentatively confirmed to be leased as municipal parking. Staff is recommending as a condition of approval that a parking coordination plan be established for shows with over 550 people in attendance.

The Planning Commission asked some clarifying questions regarding the planned leased municipal lots.

Glenn Wilhelm, the applicant, introduced himself. He said they dealt with parking and noise concerns when they proposed and opened a similar venue in Rochester. None of those concerns materialized once the facility was open and they are approaching the Berkley Theater the same way. He is happy to talk with the City on a parking contingency plan for larger events, which should only be a few times a year.

Mr. Wilhelm explained the issues the use and current layout of the building proposes with the transparency requirements. Mark Dunneback, the project architect, went over the proposed materials and the floor plan.

Chair Kempner confirmed the Planning Commission cannot waive the transparency requirements in the Downtown District.

Mr. Wilhelm confirmed that the theater would have approximately 20 employees. The traffic/parking memo refers to a larger number of employees. This was based on the general occupancy numbers, not the number indicated by the applicant.

Chair Kempner opened the public hearing at 7:27PM.

Kurt Hite, 3525 Robina, was excited to see the concept drawings. He knows that parking is going to be a concern and understands that that is a tradeoff for the use, which he welcomes. He asked that employees not park in the street. He asked if the bathrooms upstairs would still be used.

Deno Bistolarides, represented the ownership of the property as the former Rite Aid. He thought this use was a great fit for the project and voiced his full support.

The applicant noted the upstairs bathrooms cannot be used because of ADA requirements.

Chair Kempner read correspondence from Jason Spenny. He initially emailed with concerns about parking overflow in the area but replied to his initial email and stated he no longer had concerns after reviewing the information in the Planning Commission packet.

No one else wished to speak. Chair Kempner closed the public hearing at 7:32PM.

The Commission discussed the site plan elements of the project. They generally had no concerns with the façade and thought the reduced transparency (below 30%) makes sense in this case. They were glad to see the preservation of the marquee.

Commissioner Arnsman confirmed the intention is to keep the marquee lit. He also confirmed the applicant had no issue with the suggested note for the color temperature.

Chair Kempner said she had some concerns about the parking. She asked the applicant if they were willing to work with the City if any issues come up. The applicant confirmed they would be happy to do so and also added employees would not be permitted to park on the residential street.

Community Development Director Kapelanski noted the DDA is in full support of the project.

Commissioner Bartus asked if the employees parking off-site had to be a condition of approval. Community Development Director Kapelanski agreed it would be difficult to enforce. Commissioner Bartus said one example where this wouldn't make sense is if employees were there during off hours.

The Commission went through the special land use and all agreed that all standards were met.

The Commission discussed the proposed conditions. They agreed the employee parking condition was not necessary and that it could be addressed in the contingency plan for larger events.

Motion by Commissioner Bartus and supported by Commissioner Woods, in the matter of Berkley Theater, PSP-14-25 located at 2960 Twelve Mile Rd., motion to approve the Site Plan request with the following findings:

- a) The standards of Section 15.05 of the Zoning Ordinance have been met;

And with the following conditions:

- a) The applicant obtaining a variance from the Zoning Board of Appeals for the deficient transparency or maintains the existing transparency percentage of the front façade as it sits today (17%) as an existing condition;
- b) Compliance with staff review letters including the required color temperature requirements for lighting; and
- c) The applicant receiving special land use approval from the City Council.

Roll call vote on the motion to approve PSP-14-25, the Berkley Theater, located at 2960 Twelve Mile Rd.

AYES: 7

NAYS: 0

ABSENT: None

MOTION CARRIED

Motion by Commissioner Bartus and supported by Commissioner Stapp, in the matter of Berkley Theater, PSU-05-25 located at 2960 Twelve Mile Rd., motion to recommend approval of the Special Land Use request with the following findings:

- a) The use is designed and constructed in a manner harmonious with the character of adjacent properties and the surrounding area, as compare to the impacts of permitted uses;
- b) The use is compatible and in accordance with the goals and objectives of the Master Plan;
- c) The use is located and designed in a manner that will minimize the impact of traffic;

- d) The use is adequately served by essential public facilities and services;
- e) The use is designed, constructed, operated and maintained to comply with all applicable ordinance standards;
- f) The use does not unreasonably impact the quality of natural features and the environment when compared to typical uses; and
- g) The factors in Section 10.03.H of the Zoning Ordinance have been considered and conditions are found satisfactory;

And with the following conditions

- a) The applicant must coordinate with the City on any events expected to increase the occupancy of the building beyond 550 persons in order to establish a parking and egress coordination plan. The applicant will finalize details of this plan with City staff prior to the Certificate of Occupancy being granted.

Roll call vote on the motion to recommend approval of PSU-05-25, the Berkley Theater, located at 2960 Twelve Mile Rd.

AYES: 7

NAYS: 0

ABSENT: None

MOTION CARRIED

2. **PUBLIC HEARING:** An ordinance to amend Article 2 Definitions, Article 5 Use Based Districts, Article 6 Site Design Based Districts, Article 8 Specific Use Provisions, Article 9 General Provisions, Article 13 Exterior Lighting Standards, Article 14 Off-Street Parking, Loading and Access Standards, Article 15 Site Plan Review Procedures and Requirements and Article 16 Nonconforming Lots, Uses and Structures of Chapter 138 Zoning of the Berkley Code of Ordinances to add definitions for medical office and outdoor service areas and to clarify the definition for carports, to remove egress windows as projections, to match two-family site layout approval processes in the RC district with the approval process for a two-family use, to include regulations for residential street types in the Downtown, Gateway Corridor, Woodward Corridor and Flex districts, to prohibit gun shops within 1,000 feet of a an existing child day center or child group day care home, to clarify setback requirements for accessory structures on corner lots, to prohibit properties from outlining windows and buildings with LED or similar lighting in any district, to provide dimensional requirements for compact car spaces, to clarify that a sketch plan is required for site plan review and to clarify requirements for non-conforming lots in site design-based districts.

Community Director Kapelanski listed the proposed amendments detailed in the staff memo. She said there are not many more 'clean-up' amendments expected but there are some areas dealing with signs that staff will be asking the Commission to discuss.

Chair Kempner opened the public hearing at 8:12PM.

No one wished to speak and no correspondence was received.

Chair Kempner closed the public hearing at 8:12PM.

The Planning Commission asked some clarifying questions on the amendment.

Motion by Commissioner Woods and supported by Commissioner Dahlin, in the matter of motion to recommend approval of an ordinance to amend Article 2 Definitions, Article 5 Use Based Districts, Article 6 Site Design Based Districts, Article 8 Specific Use Provisions, Article 9 General Provisions, Article 13 Exterior Lighting Standards, Article 14 Off-Street Parking, Loading and Access Standards, Article 15 Site Plan Review Procedures and Requirements and Article 16 Nonconforming Lots, Uses and Structures of Chapter 138 Zoning of the Berkley Code of Ordinances to add definitions for medical office and outdoor service areas and to clarify the definition for carports, to remove egress windows as projections, to match two-family site layout approval processes in the RC district with the approval process for a two-family use, to include regulations for residential street types in the Downtown, Gateway Corridor, Woodward Corridor and Flex districts, to prohibit gun shops within 1,000 feet of a

an existing child day center or child group day care home, to clarify setback requirements for accessory structures on corner lots, to prohibit properties from outlining windows and buildings with LED or similar lighting in any district, to provide dimensional requirements for compact car spaces, to clarify that a sketch plan is required for site plan review and to clarify requirements for non-conforming lots in site design-based districts.

Roll call vote on the motion to recommend approval of the proposed zoning ordinance amendment.

AYES: 7
NAYS: 0
ABSENT: None

MOTION CARRIED

3. 2026 Meeting Schedule

The Planning Commission discussed the proposed calendar.

Commissioner Stapp suggested the May, November and December meeting dates be moved up a week to accommodate holidays. The Commission agreed.

Motion by Commissioner Stapp and supported by Commissioner Dahlin to approved the 2026 meeting calendar with the May, November and December meeting dates moved up a week.

Roll call vote on the motion to approve the amended 2026 meeting calendar.

AYES: 7
NAYS: 0
ABSENT: None

MOTION CARRIED

LIAISON REPORT

Commissioners provided updates on the Chamber of Commerce, the Downtown Development Authority and Zoning Board of Appeals.

Councilmember Patterson provided an update on the City Council’s recent meetings.

COMMISSIONER COMMENTS

NONE

STAFF COMMENTS

Community Development Director Kapelanski summarized the overall takeaways from the Michigan Association of Planning conference.

ADJOURNMENT

Motion to adjourn by Commissioner Arnsman, supported by Commissioner Woods.

Voice vote for adjournment

AYES: 7
NAYS: 0
ABSENT: None

With no further business, the meeting was adjourned at 8:28PM.