

THE SPECIAL MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, APRIL 10, 2024 AT BERKLEY PUBLIC SAFETY 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: Shiloh Dahlin Lisa Hamameh
Joe Bartus Mike Woods
Lisa Kempner Josh Stapp
Eric Arnsman

ABSENT: None

ALSO, PRESENT: Kristen Kapelanski, Community Development Director
Greg Patterson, City Council Liaison
Megan Masson-Minock, Planning Consultant

APPROVAL OF AGENDA

Motion by Commissioner Hamameh 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 Hamameh to approve the minutes of the regular Planning Commission meeting on February 27, 2024 and supported by Commissioner Woods.

Voice vote to approve the meeting minutes of February 27, 2024.

AYES: 7
NAYS: 0
ABSENT: None

MOTION CARRIED

COMMUNICATIONS

NONE

CITIZEN COMMENTS

NONE

OLD BUSINESS

1. **PSU-02-24:1818 Mortenson Blvd.:** The applicant, Christina DelPizzo, is requesting special land use approval for a child care center for 7-12 children at 1818 Mortenson Blvd. in the Single-Family Residential R-1D District, on the east side of Mortenson Blvd., north of Princeton Rd.

Community Development Director Kapelanski went over the specifics of the request for a child care center for 7-12 children in a single-family residential district, which requires a special land use permit per the City Attorney. The standards in Section 138-653 should be considered for approval. The Planning Commission should focus on the special land use standards as they relate to the specifics of this property. Staff recommends approval as outlined in the provided memo and nothing has changed from the previous request.

The applicant's representative, Attorney Richard Russell, representing the applicant, Christina DelPizzo, provided some background on her business and emphasized the need for this use in the community. He highlighted the fact that the staff memo recommended approval and went through the special land use standards indicating why each was met. He noted pick-ups and drop-offs are staggered and there are really only one or two cars at a time.

Christina DelPizzo described the mission of their schools and how they came to be. She stated she brought some of their licensees and their neighbors to speak about their homes and what it's like to live next to a family day care home.

Commissioner Arnsman confirmed with staff that this is a special land use request for a family day care home but for all intents and purposes, this is going to be and is required to remain a single-family residential use.

Commissioner Hamameh confirmed that for special land use approval, all of the standards need to be met.

Chair Kempner asked if anyone from the public wished to comment.

Iman Bazine, the licensee at the Little Seedlings Birmingham location, expressed her gratitude for the opportunity to work as a licensee for this business. She said she has great relationships with her neighbors, several of whom are clients of Little Seedlings.

Olivia Hack, a licensee at Little Seedlings, said Ms. DelPizzo has assisted in her in being a successful child care provider and expressed her appreciation.

Evie Sonenberg, a Berkley resident, is a current user of Little Seedlings and shared she had a lot of trouble finding a day care for her children. She indicated they have had a very positive experience and the home and property are very well maintained.

Danial Ackerman, a Bloomfield Hills resident who lives next door to a current Little Seedlings location, said Little Seedlings has been an ideal neighbor. Ms. DelPizzo's husband helped to clean up his yard after a storm when he was out of town. His sister also coincidentally lives near a Little Seedlings and has also had a great experience with them as neighbors as well. Mr. Ackerman read a note from Rebecca King, of Beverly Hills who also lives next to a Little Seedlings. She was initially reluctant to have this use next door but has had a very positive experience and had nothing negative to share. She has referred their services to several parents in need of child care.

Amanda Polk, a Berkley resident, is a current user of Little Seedlings and also had a lot of trouble finding child care. She has had a wonderful experience with Little Seedlings at their Birmingham location. She feels the community would be lucky to have this use. Drop-offs and pick-ups are quick and she rarely sees another parent.

Maureen Stys, a Berkley resident and current user of Little Seedlings could not find child care nearby. She was 90th on the list at Berkley Building Blocks. There is a need for more child care. She has also had a great experience at Little Seedlings and had nothing but positive things to say. She doesn't see a lot of other parents at pick-up or drop-off.

Emily Smith, 1852 Mortenson, opposed the request. She understands the need for additional daycare options and is not questioning the integrity of this business. Rather, per the special land use criteria, she felt that traffic and parking are already an issue at this location and she is worried about the safety of users of the day care and existing residents.

Zach Bivens, a Bloomfield Township resident who lives next door to a Little Seedlings location, said traffic and parking from Little Seedlings is very minimal. He has a great experience living next door to that location.

Jennifer Baranski, 1833 Mortenson, opposed the request. She doesn't doubt the need for daycare. She is concerned that they cannot be held to the statements they made at the previous meeting regarding the ages and number of children. She drove past other locations and felt the lots had a lot more frontage.

Robert Faust, 1885 Mortenson, opposed the request. Parking will be an issue at this location. He wondered how many of their users would be from Berkley. He is concerned about traffic and showed the Planning Commission some pictures he had of daily traffic.

Brad Davison, 1835 Mortenson, opposed the request. Mortenson is not an ideal place to be dropping off kids. Drivers speed down the street and the street is narrow. Traffic and parking are current issues. He is concerned about noise. He did not choose to live next to a business or a school and would like to live next to neighbors and families. He feels this is not a single-family use.

Justin Polk, a Berkley resident is a current user of Little Seedlings. He feels that traffic is a concern on all Berkley streets. Pick-up at their current Little Seedlings location is a two minute process. He has not witnessed any issues with parking or traffic during pick-up or drop-off. This is a need in the community.

No other members of the public wished to speak and Chair Kempner opened up discussion to the Planning Commission.

Chair Kempner suggested they start with the first special land use standard, that the use will promote the use of land in a socially and economically desirable manner.

Commissioner Arnsman felt that standard was met.

Commissioner Dahlin disagreed. This feels like a business. She does think it is compatible with single-family housing. She does not feel it meets standards one and three of a special land use determination.

Commissioner Hamameh said that state law says this use has to be allowed but it can be a special land use if the day care is for 7-12 children. The fact that the law says this has to be permitted in a single-family residential zone is telling you that the use is compatible with single-family residences. A corner lot on a boulevard is an ideal location and she feels that the request meets special land use standards one and three. She would again support this request.

Commissioner Bartus thought this was compatible with single-family homes because this appears as a single-family home. He is supportive of the request.

Commissioner Woods felt this primary use was a business.

Commissioner Bartus said if you break down uses by the hours, the majority of the time this operates as any other single-family home.

Commissioner Arnsman said the state law says this should be treated as residential use of property.

Commissioner Woods thought this location was problematic because of its nearness to Eleven Mile and the fact that it's a boulevarded street. He thought this location did not promote the public health, safety and welfare.

Commissioner Arnsman wondered how the traffic that would be associated with twelve children is any different than a family with several children and their regular comings and goings with visitors, deliveries, etc. Parking is allowed on both sides of the streets and he doesn't understand why this location is problematic. He thought having two streets available for parking since this is a corner lot was advantageous.

Commissioner Woods felt this was a higher density area of the City and maybe day care homes for 7-12 children shouldn't be allowed in these areas. Mortenson is a major cut-through and he feels there are safety issues.

Commissioner Stapp said he was torn. He stated that if this was a day care home for six children, no approvals would be required and all these same concerns would still be present. He thought standard three of the special land use standards was met but was unsure about the others. He asked the applicant if they would proceed with six children if the special land use were not approved.

Ms. DePizzo said they would but that leaves six other children who will not have care. She said the licensee at this location has a newborn daughter. Little Seedlings has a strong philanthropic thread and is very reasonably priced compared to other options in the area. They already have a waitlist of Berkley residents for this day care home.

Commissioner Hamameh confirmed that the licensee's child would count towards the capacity of the center so the maximum number of children at the home would be eleven.

Ms. DePizzo said there are almost never twelve families. There are sibling pairs so there are never twelve cars.

Commissioner Arnsman wanted to revisit standard one. He noted the applicant is already starting to make improvements to the home. He said Michigan State has listed Berkley's zip code as the highest rank in their 'child care desert map' rankings so more than three children per available spot are competing.

Chair Kempner polled each commissioner on whether they felt all the special land use standards were met.

Commissioner Arnsman thought all the standards were met.

Commissioner Dahlin did not think standards three and four were met.

Commissioner Hamameh thought all the standards were met.

Commissioner Stapp thought he was unsure of standards two, four and five.

Commissioner Woods thought standards two through five were not met.

Commissioner Bartus thought all standards were met.

Chair Kempner was still struggling with the location. She thought corners were the worst place because of the length of the driveways. She was also concerned with the busyness of the street and the fact that it was a boulevard.

Commissioner Arnsman asked when the street was particularly busy.

Chair Kempner said it was mainly during school start and stop times.

Commissioner Arnsman said he has drive down that street during regular work commute times and did not find it busy.

Ms. DePizzo said drop-offs are staggered between seven to nine in the morning and pick-ups are between three fifteen or three thirty and five.

Commissioner Stapp said there would probably be days with more traffic and days with less.

Commissioner Woods said those that live in the area have said that traffic is an issue. He is relying on that.

Community Development Director Kapelanski clarified that the standard referencing injury to other property refers to things that may become a nuisance because of the use, such as noise or odor.

Commissioner Hamameh said a few commissioners mentioned concerns with standard three, that the proposed use is compatible with adjacent land uses. She noted staff comments said the use will retain its single-family character and therefore this standard is met. She agreed. She asked if the concern was that the pick-ups and drop-offs would detract from the single-family characteristics.

Commissioner Dahlin says this just feels different because it will be operated as a business from the start as opposed to a family that lived there and decided to open a family day care because they couldn't find child care.

Chair Kempner agreed this feels like a business amongst single-family houses.

Community Development Director said the commission should be focusing on the impacts of the use which would be the same whether this applicant was moving forward or a family that already lived there decided to pursue the same use. The business model should not come into play.

Motion by Commissioner Hamameh to recommend approval of the special land use request for PSU-02-24 because:

- It meets the standards in Section 138-653;
- The use will provide a child care option for families in the area while retaining its single-family characteristics;
- No exterior changes are proposed;
- The use will not cause any detrimental health and safety effects;
- The use will not cause any injury to property in the neighborhood; and
- A corner lot with access to two streets alleviates some of the parking and traffic concerns.

Motion supported by Commissioner Arnsman.

Roll call vote for motion to recommend approval of the special land use request for PSU-02-24 1818 Mortenson

AYES: 3

NAYS: 4 (Dahlin, Kempner, Woods, Stapp)

ABSENT: None

MOTION FAILED

Motion by Commissioner Woods to recommend denial of the special land use request for PSU-02-24 because it does not meet standard number four of Section 138-653 due to the unavailability of parking and the fact that Mortenson is a boulevarded street with a significant amount of traffic.

Motion supported by Commissioner Dahlin.

Roll call vote for motion to recommend denial of the special land use request for PSU-02-24 1818 Mortenson

AYES: 4

NAYS: 3 (Bartus, Hamameh, Arnsman)

ABSENT: None

MOTION CARRIED

NEW BUSINESS

1. Outstanding Items in the Draft Zoning Ordinance

Planning Consultant Masson-Minock went over the results of a worksheet the Planning Commission completed and led the discussion.

Regarding the questions of whether the intent section of the signs article should be shortened. Six were neutral and one agreed. Ms. Masson-Minock suggested staff check with the city attorney to see if it could be shortened. The commissioners agreed.

The commissioners agreed that multiple family should be permitted in the residential corridor districts.

The commissioners agreed that additional bicycle parking and the inclusion of EV parking spaces should be considered as standards for granting a parking wavier/reduction.

The commissioners generally agreed that the parking standard for restaurants should be based on the usable floor area.

The commissioners discussed if the parking standard for multiple family should be 1 spot per studio or one bedroom and 0.5 spaces for each bedroom thereafter. There were several commissioners who felt like it should be either higher or lower. Other options that received support were 1.5 spaces per unit, 1.25 spaces per unit and 1.25 space per unit with 0.5 for each additional bedroom over one. This can be a continued point of discussion.

The commissioners thought the landscape buffer requirements between residential and non-residential should be based on the where the lot width and depth is touching residential.

The commissioners agreed that nonconformities should not be expanded and should go to the Zoning Board of Appeals for consideration.

The commissioners agreed to language to move PUD's forward to City Council meetings in a timely fashion. The applicant could request unlimited extensions if they were not ready to move forward.

The commissioners agreed to not include duplexes in single-family residential districts. This issue should be revisited as part of future master plan updates and considered for future zoning updates.

The commissioners agreed they do not want to add extra temporary signs during election season.

LIAISON REPORT

NONE

COMMISSIONER COMMENTS

NONE

STAFF COMMENTS

NONE

ADJOURNMENT

Motion to adjourn by Commissioner Hamameh, supported by Commissioner Stapp.

Voice vote for adjournment

AYES: 7

NAYS: 0

ABSENT: None

With no further business, the meeting was adjourned at 9:51PM.