

A REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 P.M. AUGUST 26, 2014 AT CITY HALL BY CHAIRPERSON BARNETT.

PRESENT: Martin Smith Mark Richardson
David Barnett Tim Murad Ann Shadle
Dean Smith Eric Murrell Dottie Popp (arr. 7:33)

ABSENT: Michele Buckler

ALSO PRESENT: Robert Robinette, 1021 Oxford
Tara Hayes, 1021 Oxford
Erik Heiderer, Biggby Coffee
Bob Bronstein, 3052 Twelve Mile
Joe Novitsky, 3052 Twelve Mile
Amy Vansen, City Planner

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APPROVAL OF AGENDA

It was moved by Commissioner Richardson to approve the agenda.
Supported by Commissioner Shadle.
AYES: Dean Smith, Murad, Murrell, Richardson, Shadle, Martin Smith, Barnett
NAYS: None
ABSENT: Buckler, Popp
Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Murad to approve the minutes of the regular meeting for July 22, 2014 with the following amendment:
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The Planning Commission reiterated that the parking ~~needed to~~ site plan did not comply with Berkley City Codes of Ordinances. It also advised that there were would some cost savings if the owner of 1036 Eaton and 1010 Eaton worked together on a parking lot.
Supported by Commissioner Martin Smith.
AYES: Dean Smith, Murad, Murrell, Richardson, Martin Smith, Shadle, Barnett
NAYS: None
ABSENT: Buckler, Popp
Motion Carried.

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COMMUNICATIONS

Ms. Vansen brought the following documents to the Planning Commission's attention: Woodward Rapid Transit Alternatives Analysis, the Michigan Municipal League's report on the Robina project, a letter from an Oxford resident, and Downtown Development Authority minutes.

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CITIZEN COMMENTS

None.

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1. **SPECIAL LAND USE: SU-03-14** Blarney Stone Pub, 27253 Woodward southwest corner of Woodward and Columbia, is requesting special use approval for a sidewalk café in accordance with *Berkley City Code*, Chapter 106 *Streets, Sidewalks, and Other Public Places*, Article II *Obstructions*, Section 106-42 *Outdoor Seating*, (b) *Sidewalk Café* Café seating within the public right-of-way shall be subject to the standards and review procedure set forth in Chapter 138 *Zoning*, Article V *District Regulations*, Division 7 *LB Local Business District*, Section 138-408 *Special Uses*. Café seating within the public right-of-way shall be prohibited between November 1 and March 31. Café seating shall be subject to an annual renewal process.

Ms. Vansen advised the Commission that this matter had been postponed from last month. The Commission felt the sidewalk was too narrow and that the presence of a sidewalk café would box in pedestrian traffic and make conditions unsafe. The Commission had suggested widening the sidewalk to allow the café to occupy the sidewalk rather than the service drive. Ms. Vansen advised the Commission that she had spoken to Mr. Burton and Ms. Payne of Blarney Stoney Pub. They had expressed concern about the cost involved with widening the sidewalk. They had gotten estimates from contractors and found the project cost prohibitive given the limited number of months they would be able to utilize it. They had not spoken to MDOT about the Planning Commission's suggestion. The applicant had advised Ms. Vansen that they were choosing to withdraw the application.

The Commissioners expressed disappointment that an alternative sidewalk café placement or design could not be solved. The Commissioners agreed that the angle of the Woodward sidewalk ramps presented a design challenge.

It was moved by Commissioner Dean Smith to accept the withdrawal of SU-03-14 without prejudice.

Supported by Commissioner Murad.

AYES: Dean Smith, Murad, Murrell, Richardson, Shadle, Martin Smith, Popp, Barnett

NAYS: None

ABSENT: Buckler

Motion Carried.

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2. **SITE PLAN REVIEW: SP-06-14** Abro Design Group for Lugo Properties, 1036 Eaton, north side of Eaton, between Woodward and Stanford, is requesting site plan approval for the construction of a parking lot.

Ms. Vansen advised that the Commission that the City had met with both Vinsetta Garage and the owners of T-Mobile (Lugo Properties) with an alternative parking lot design. The design would require a parcel combination of the three Eaton parcels and new split allowing the T-Mobile portion to be on the north side of the property and Vinsetta the south portion. Both property owners would

keep the same amount of land they currently own. Both properties would then have alley access and would not need to use Eaton. Both property owners appear open to this alternative. If the property owners move forward with this parcel division, the City will initiate the rezoning of 1046 Eaton.

Ms. Vansen suggested that the matter be referred to staff until November to give the parties time to survey the property, recombine the property, switch ownership, as well as develop new parking lot site plans.

It was moved by Commissioner Dean Smith to refer SP-06-14 to Administration until the November meeting.

Supported by Commissioner Murrell.

AYES: Dean Smith, Murad, Murrell, Richardson, Shadle, Martin Smith, Popp, Barnett

NAYS: None

ABSENT: Buckler

Motion Carried.

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- 3. **SPECIAL LAND USE: SU-03-14** Erik Heiderer for Biggby Coffee, 3600 Twelve Mile, northwest corner of Oakshire and Twelve Mile, is requesting special use approval for outdoor dining in accordance with *Berkley City Code, Article V District Regulations, Division 12 Twelve Mile District, Section 138-458 Special Uses, (3) Open Air Business Uses* when developed as uses accessory to primary uses and structures in the Twelve Mile District as follows: (a) Outdoor seating areas for restaurants or other food serving establishments.

Erik Heiderer, architect for the business owner, was present. He stated that there would four two-person tables and chairs on the service walk. No umbrellas would be installed. The Commission suggested that a trash receptacle be placed outside as a convenience for customers. The Commission confirmed that no outside sound system would be installed.

Chairperson Barnett opened the public hearing at 7:47 PM. Hearing no comments, Chairperson Barnett closed the public hearing at 7:47 PM.

It was moved by Commissioner Martin Smith to recommend SU-04-14 to City Council for approval with the following conditions:

- **A trash receptacle be placed outside.**
- **No outside sound system will be installed.**

Supported by Commissioner Richardson.

AYES: Shadle, Murrell, Murad, Popp, Richardson, Martin Smith, Dean Smith, Barnett

NAYS: None

ABSENT: Buckler

Motion Carried.

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- 4. **SITE PLAN REVIEW: SP-07-14** Joe Novitsky for Bob Bronstein, 3052 Twelve Mile, north side of Twelve Mile, between Robina and Griffith, is requesting site plan approval for a façade change.

Joe Novitsky, architect for the project, and Bob Bronstein, business owner, were present. They explained the project and submitted an amended site plan. The new site plan does not have a rear addition.

The Commission was very pleased with the proposed façade. There was some discussion about the tenant spaces and whether there would be one or two tenants. The restaurant would have approximately 150 seats. The applicant reported that he doesn't plan on using the basement and most of the second floor is being used by the kitchen mechanical equipment.

It was moved by Commissioner Martin Smith to approve SP-07-14 with the following conditions:

- **This approval is for the revised plans dated 8/26/14.**
- **A dumpster enclosure large enough to include the grease bin be constructed.**
- **Any light fixtures meet Berkley City Code.**

Supported by Commissioner Murad.

AYES: Shadle, Murrell, Murad, Popp, Richardson, Martin Smith, Dean Smith, Barnett

NAYS: None

ABSENT: Buckler

Motion Carried.

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5. **DISCUSSION:** Discussion regarding request for proposal in regard to a residential form based code.

The Commission reviewed the request for proposal that Ms. Vansen prepared. The Commission liked it and wanted to review the proposals that are received. If necessary, the Commission would interview prospective consultants prior to making a recommendation to City Council. Ms. Vansen advised she would make those changes and send out the request for proposal.

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CITIZEN COMMENTS

None.

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LIAISON REPORTS

Commissioner Dean Smith reported that the ZBA meeting was cancelled due to flooding at City Hall.

Commissioner Popp reported from the Downtown Development Authority discussed the pub crawl and the changes at the former Hiller's Market.

Commissioner Murad reported that the Chamber's pub crawl was very well attended.

Commissioner Richardson did not have a report from the Environmental Advisory Committee.

Chairperson Barnett reported that the City Council approved the Coco Fairfield sidewalk café.

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STAFF/COMMISSIONER COMMENTS

Ms. Vansen advised the Commission that the City's building clerk and the only full time person in the building department had resigned. Ms. Vansen was currently interviewing candidates. In the meantime, she and the licensing clerk were working additional hours.

Commissioner Martin Smith was recently traveling on Coolidge during afternoon rush hour and wanted to renew the discussion about Coolidge and whether it should be 3 lanes or 4 lanes wide. Commissioners Richardson and Popp echoed Commissioner Smith's point of view.

The Commission thanked the City staff for its work in cleaning up and communicating after the flood event of August 11.

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There being no further business, Chairperson Barnett adjourned the meeting at 8:44 PM.