

A REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 P.M. DECEMBER 8, 2015 AT CITY HALL BY CHAIRPERSON BARNETT.

PRESENT:	Martin Smith	Mark Richardson	Dottie Popp
	David Barnett	Ann Shadle	Eric Murrell
	Tim Murad	Joe Tangari	Michele Buckler

ABSENT: None

ALSO PRESENT: Jon Long, 2060 Kipling
Marianne Long, 2060 Kipling
Judy Stiltner, 3310 Thomas
Taylor Webster, 2715 Columbia
Steve Allen and Lisa Kempner, 2660 Columbia
Chas Gilbert, 2237 Harvard
Amy Krueger, 1958 Cambridge
Natalie Price, 2773 Harvard
Elizabeth Vick, 1940 Kipling
Peggy Stoia, 2773 Columbia
Patrick Russell, 2656 Columbia
Terrence Penman, 1954 Kipling
Dave Zach, 2089 Kipling
Kia Essien, 2702 Columbia
Rachael Orlik, 2726 Columbia
Richard and Leah Danescu, 2020 Kipling
Patrick Pinter, 2079 Kipling
Eleanor Walsh, 2652 Columbia
Chase Ferguson, 1990 Kipling
Mickell Perfili, 1990 Kipling
Debbie Perfili, 1990 Kipling
Suzanne Goll, 1990 Kipling
Mark Adler, 2659 Harvard
Dan Tosch, 2659 Harvard
Tina Edgar, Council Liaison
Amy Vansen, City Planner

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APPROVAL OF AGENDA

It was moved by Commissioner Murrell to approve the agenda.

Supported by Commissioner Popp.

AYES: Richardson, Murrell, Popp, Tangari, Shadle, Buckler, Smith, Murad, Barnett

NAYS: None

Motion Carried.

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APPROVAL OF MINUTES

It was moved by Commissioner Smith to approve the minutes of November 24, 2015, amended as follows:

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STAFF/COMMISSIONER COMMENTS

Commissioner Smith reported that he and several other Planning Commissioners attended the Recreation Plan Open House which was held on November 12.

Supported by Commissioner Shadle.

AYES: Richardson, Popp, Tangari, Murrell, Shadle, Buckler, Smith, Murad, Barnett

NAYS: None

Motion Carried.

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COMMUNICATIONS

Ms. Vansen pointed out to two articles from Planning Magazine: one discussing Planned Unit Developments and the other discussing Capital Improvements Plans.

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CITIZEN COMMENTS

None.

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- 1. PLANNED UNIT DEVELOPMENT: PUD-01-15** Mark Adler for Harvard MAH, LLC, 2659 Harvard, south side of Harvard, between Kipling and Coolidge, Lot 68 of the Denler Acres Subdivision, Parcel #25-18-477-005, is requesting Planned Unit Development approval for a townhouse development.

Chairperson Barnett advised that the applicant would have an opportunity to present his plan. The public hearing would then be opened. After the public had been given an opportunity to speak, he would close the public hearing and allow the Planning Commission to discuss the matter.

Mark Adler presented that his Harvard Commons project would have 18 townhouses (six 3-unit buildings). The development would be pedestrian friendly with sidewalks and seating areas. The land is currently vacant. The stormwater, which is now currently sheet draining onto properties to the south, would be channeled into underground detention and then flow into the sewers. A condominium association would be in charge of maintenance. All landscaping on site would be irrigated. The south side of the development and the Harvard side would look the same. Mr. Adler's architect, Dan Tosch, was also present.

Chairperson Barnett opened the public hearing at 7:39 PM.

Steve Allen, 2660 Columbia, stated that he was formerly on the Planning Commission in Oxford. He was concerned about the stormwater and the standing water that is currently on his property. He was concerned the snow would be pushed onto the neighboring properties and cause further standing water problems. He asked that the buildings be aesthetically pleasing on all sides.

Chase Ferguson, 1990 Kipling, is opposed to the rezoning. He was concerned about the parking and traffic flow. Specifically he was concerned about the noise from garbage trucks having to back out of the site. He was concerned about the noise from air conditioners and the site lighting being a nuisance. He felt this development conflicted with the master plan.

Patrick Russell, 2656 Columbia, was not in favor of the development. He was concerned about air conditioner noise, light trespass, snow melting onto his property and dumpsters being installed in the future.

Eleanor Walsh, 2652 Columbia, stated that she moved there 39 years ago. This property had been used as a dump. There is also a standing water problem. She mentioned a problem with rats as well. She was concerned that this would change the neighborhood.

Richard Danescu, 2020 Kipling, lives at the southwest corner of this site. He was concerned about dumpsters, snow being plowed onto his property, and drainage. A fence separating his property from the development will not stop a car from crashing into his back yard. He doesn't think this development fits into the neighborhood.

Leah Danescu, 2020 Kipling, was concerned about traffic. Everyone drives too fast currently. This development would make problems worse. She was concerned about her options if the stormwater engineering doesn't work and if the development isn't maintained. What are her options if that happens?

Rachael Orlik, 2726 Columbia, presented two boards. One showing "ideal" townhouse development and another showing existing townhouses on Greenfield.

Marianne Long, 2060 Kipling, was also concerned about standing water, flooding, increased traffic, site lighting. She mentioned that having open spaces is very important in a community and this development would take away such a space.

Mickell Perfili, 1990 Kipling, read excerpts of the City's Master Plan that contradicted this development. She also felt that this development did not present a Recognizable Benefit.

Taylor Webster, 2715 Columbia, was concerned about the sewer capacity. He felt the flood of August 2014 indicated that the City's infrastructure was broken and that 18 new housing units would be problematic.

Natalie Price, 2773 Harvard, moved to her house May 2015. She is concerned about her children playing in the back yard if this development is built.

Kia Essien, 2702 Columbia, moved here because of the large property. This development will change the neighborhood.

Lisa Kempner, 2660 Columbia, stated that the proposed building is too tall and that her children won't be able to play in the back yard.

Hearing no further comments, Chairperson Barnett closed the public hearing at 8:19 PM.

Mr. Adler clarified that the site lighting would consist of coach lights on the walls near the front doors and near the garage doors. The pedestrian path would be lit with short bollard type lights. The fire lane is proposed to be pervious pavement. The site would be engineered so it doesn't drain onto the neighboring properties.

Chairperson Barnett advised that the Planning Commission can only recommend this matter to City Council. The City Council has the final authority. He explained the difference in a Planned Unit Development (PUD) versus a standard rezoning. He advised that a PUD has many conditions and that the City can be assured that what is being proposed is what gets built. The stormwater requirements are extensive and the plans have been reviewed by the City's engineer and will need to be approved by him as well. The grading of the land should actually benefit the neighbors.

Commissioner Smith continued that a PUD is a contract. The developer will not be able to "do a bait and switch".

Commissioner Tangari stated that the type of lighting being proposed will not trespass; however glare may be an issue. He suggested that cut off fixtures be used at the rear of the buildings. He continued that a 6 foot tall fence was being proposed along the west property line. Perhaps a similar type of fence along the south side could be constructed which would help screen vehicles. The buildings are only 5 feet taller than what is permitted in this zoning district.

Commissioner Richardson stated that he had read the proposed PUD contract and was confident that most of the residents' concerns could be addressed. He advised that stormwater and utilities are regulated by other agencies and that the City can supersede that authority. While the character of the neighborhood will change, the deep lots afford a level of privacy. He added that he was impressed with Mr. Adler's presentation.

The applicant clarified that the air conditioning units would be at the rear of the building next to the garage doors.

Commissioner Murrell observed that currently there is an empty field and no stormwater retention. While the applicant is proposing a great deal of hardscape, there will also be retention. The snow removal is an issue as well as the garbage trucks backing up. Perhaps the rear "emergency lane" should be paved for everyday use. He advocated for the townhouse development observing that this site is on the edge of a neighborhood and that if LaSalette is redeveloped, it will certainly not be developed as single family homes. The PUD agreement will stipulate that dumpsters are not permitted. The drainage issues will need to be deferred to the City's engineer to design and approve.

The Commission then discussed the pros and cons of a pervious surface/emergency vehicle only lane versus a paved lane for everyday use.

The Commission discussed snow removal issues. Mr. Adler stated that the condominium association would be responsible and the snow would probably need to be hauled out.

Commissioner Smith observed that relative to the comments made about the August 2014 flood event, it was not just Berkley's sewers that failed. It was a regional system wide failure because of the amount of rain. He echoed the concerns about snow removal. He asked about lighting fixtures. Mr. Adler's architect advised that they could provide a site photometric plan. Commissioner Smith continued that there are 6500 residences in the City and that 18 new housing units will not tax utilities. He also observed that this development is on the edge of a neighborhood and that if LaSalette is redeveloped, it will certainly not be developed as single family homes. Townhouses are often used as a transitional use between single family and more intensive development. He observed that while this land has been undeveloped, it has always been privately owned. He suggested fencing on the south and west sides of the property and that the developer call out materials on the elevations.

Hearing no more comments from the Planning Commission, Chairperson Barnett opened the meeting to additional public comments.

The resident from 2125 Robina stated that she was concerned that she had not been notified about this development. She was concerned about traffic. She asked for more stop signs. She wanted the neighborhood to remain as it is.

Steve Allen, 2660 Columbia, presented pictures of townhouse developments from Oxford and was skeptical of pervious pavement.

Mickell Perfili, 1990 Kipling, wondered about property values, what the price of the townhouses would be, what type of fence (if any), snow removal issue, when would project start, how much parking is there on site.

Jon Long, 2060 Kipling, was concerned about the safety of children. He suggested right turn only signs, prohibition of turning traffic onto Kipling and Robina from Eleven Mile Road, and that the air conditioning units be placed on the court yard side of the buildings.

The Commission continued to discuss the rear pavement issue with much discussion about the wear and tear that pervious pavement could endure as well as enforcement issues if the use of the pervious pavement lane was limited.

It was moved by Commissioner Murad to postpone PUD-01-15 until the January 26, 2016 meeting with the following issues to be addressed:

- **Snow removal**
- **Materials be specifically called out on plans.**
- **A shadow box style wood fence be installed along the south and west property lines**
- **Traffic flow and the fire lane be resolved.**
- **Lighting photometric be provided.**
- **Engineering review be mostly completed and approved.**

Supported by Commissioner Popp.

AYES: Richardson, Murrell, Popp, Shadle, Buckler, Smith, Murad, Barnett

NAYS: None

ABSENT: Tangari

The applicant will have plans to the City by January 5, 2016.

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CITIZEN COMMENTS

None.

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LIAISON REPORTS

Commissioner Popp did not have a report from Downtown Development Authority.

Commissioner Murad did not have a report from the Chamber of Commerce

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

Chairperson Barnett reported that the City Council meeting reviewed several ordinances including bird feeder limitation, tourist homes, and scavenging. The Planning Commission will need to review and recommend the zoning portion regarding tourist homes.

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STAFF/COMMISSIONER COMMENTS

The Commission commented that it was helpful to have residents input and appreciated the civility of the discourse. The Commissioners also wished everyone Happy Holidays!

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There being no further business, Chairperson Barnett adjourned the meeting at 9:37 PM.