PUBLIC NOTICE
CITY OF BERKLEY, MICHIGAN
REGULAR MEETING OF THE CITY PLANNING COMMISSION

Tuesday, June 22, 2021
7:00PM – VIRTUAL ELECTRONIC MEETING
Information: 248-658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES – Meeting minutes of May 25, 2021; Work Session of June 1, 2021

COMMUNICATIONS
CITIZEN COMMENTS

OLD BUSINESS

1. MASTER PLAN: Matter of reviewing the draft text of the Berkley Master Plan to recommend to City Council to release for public comment.

2. DISCUSSION: Matter of discussing ordinance amendments to expand permitted uses in the Downtown District.

3. DISCUSSION: Matter of clarifying language related to projections into given yard.

NEW BUSINESS


LIAISON REPORTS
COMMISSIONER / STAFF COMMENTS

ADJOURN

Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk. If you would like to attend the electronic Planning Commission meeting, follow the link below or call the telephone number.

Join Zoom Meeting: https://berkleymich.zoom.us/j/93323204434
Dial by Phone: 1-312-626-6799
Meeting ID: 933 2320 4434
THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, MAY 25, 2021 VIA ELECTRONIC MEETING BY CHAIR KRISTEN KAPELANSKI.

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:         Joe Bartus, Berkley Michigan   Julie Stearn, Beverly Hills Michigan
                 Lisa Kempner, Berkley Michigan   Mark Richardson, Berkley Michigan
                 Greg Patterson, Berkley Michigan Shiloh Dahlin, Berkley Michigan
                 Kristen Kapelanski, Berkley Michigan Martin Smith, Berkley Michigan

ABSENT:          Matt Trotto

ALSO, PRESENT:   Harrison Porter, IT Coordinator
                 Megan Masson Minock, Carlisle Wortman Associates
                 Erin Schlutow, Community Development Director

Motion by Commissioner Richardson to excuse Commissioner Matt Trotto, due to a scheduled conflict. Motion supported by Commissioner Patterson.

AYES:           Dahlin, Kempner, Patterson, Richardson, Smith, Stearn, Bartus, Kapelanski
NAYS:           None
ABSENT:         Trotto

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APPROVAL OF AGENDA

Suggested revision to move the Master Plan discussion to the first item on the agenda.

Motion by Commissioner Richardson to approve the amended agenda. Motion supported by Commissioner Patterson.

AYES:           Kempner, Patterson, Richardson, Smith, Stearn, Bartus, Dahlin, Kapelanski
NAYS:           None
ABSENT:         Trotto

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APPROVAL OF MINUTES

Commissioner Kempner noted that there was an error on Item #4. The draft minutes stated Commissioner Kempner made the motion and seconded. Commissioner Kempner noted that Commissioner Patterson supported the motion.

Motion by Commissioner Kempner to approve the amended minutes from the regular Planning Commission meeting on April 27, 2021 and supported by Commissioner Bartus.

AYES:           Patterson, Richardson, Smith, Stearn, Bartus, Dahlin, Kempner, Kapelanski
NAYS:           None
ABSENT:         Trotto
COMMUNICATIONS
None

CITIZEN COMMENTS
Chair Kapelanski read instructions for public to submit comments during the virtual meeting.
None.

NEW BUSINESS
3. **MASTER PLAN:** Matter of discussing the draft text of the Berkley Master Plan.

Megan Masson-Minock led the discussion related to the draft Master Plan. She noted that the plan is 75% complete. There are some sections that have not been completed, as well as new additions to the text, such as a proposed map for locations of duplexes that should be reviewed and discussed to determine if it should be included in the draft.

Commissioners noted things that they liked about the plan and items that need to be discussed or clarified.

Commissioners discussed the Future Land Use Map and noted some items that needed to be changed or clarified. Concerns were expressed about the Potential Corridor Expansion Transition Buffer and need for more explanation on the area proposed. Commissioners discussed the Transition Buffer on major roadways and where it is best suited.

Commissioners discussed the draft map related to proposed locations for duplexes. Commissioners discussed concerns related to the map and the public’s reaction. It was noted that explanation text related to potential duplex locations would be best and to eliminate the map from the final document.

Commissioners discussed Accessory Dwelling Units (ADU’s) as alternative housing types, as well as potential locations for future regulations.

Commissioners discussed styling aspects of the plan, as well as design guidelines for the corridors. Commissioners went through the text and brainstormed alternate language. Commissioners also discussed adding more clarifying language that will differentiate the future land use map with the rezoning process.

Megan Masson-Minock asked the Planning Commission to send any other comments, edits, typos by the end of the week.

NEW BUSINESS
1. **DISCUSSION:** Matter of discussing ordinance amendments to expand permitted uses in the
Downtown District.

Motion by Commissioner Kempner to postpone the discussion until the next regular meeting or work session to be held June 1, 2021. Motion supported by Commissioner Stearn.

AYES: Richardson, Smith, Stearn, Bartus, Dahlin, Kempner, Patterson, Kapelanski
NAYS: None
ABSENT: Trotto

2. DISCUSSION: Matter of discussing ordinance amendments related to State Licensed Residential Facilities.

Motion by Commissioner Kempner to postpone the discussion until the next regular meeting or work session to be held June 1, 2021. Motion supported by Commissioner Patterson.

AYES: Smith, Stearn, Bartus, Dahlin, Kempner, Patterson, Richardson, Kapelanski
NAYS: None
ABSENT: Trotto

*LIAISON REPORTS*
Commissioner Richardson updated the PC on the activities of the Environmental Advisory Board.

* * * * * * * * * *

*STAFF/COMMISSIONER COMMENTS*
None

Motion to adjourn by Commissioner Patterson. Motion supported by Commissioner Stearn.

AYES: Stearn, Bartus, Dahlin, Kempner, Patterson, Richardson, Smith, Kapelanski
NAYS: None
ABSENT: Trotto

With no further business, the meeting was adjourned at 8:50pm.
THE WORK SESSION OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, JUNE 6, 2021 VIA ELECTRONIC MEETING BY CHAIR KRISTEN KAPELANSKI

PRESENT: Joe Bartus, Berkley Michigan Marty Smith, Berkley Michigan
Lisa Kempner, Berkley Michigan Shiloh Dahlin, Berkley Michigan
Mark Richardson, Berkley Michigan

ABSENT: Matt Trotto
Julie Stearn
Greg Patterson

ALSO, PRESENT: Erin Schlutow, Community Development Director

* * * * * * * * *

CITIZEN COMMENTS
Chair Kapelanski read instructions for public to submit comments during the virtual meeting.
None.

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1. DISCUSSION: Matter of discussing ordinance amendments to expand permitted uses in the Downtown District.

Community Development Director Schlutow provided a summary of the previous discussions and the updated ordinance language that was provided for Commissioner review and discussion.

Commissioners discussed active v. passive language.

Commissioners also discussed that the ordinance amendment is supported by the 2007 Master Plan.

Commissioners discussed the difference between resale and consignment shops.

2. DISCUSSION: Matter of discussing ordinance amendments related to State Licensed Residential Facilities.

Director Schlutow presented information related to Home Occupations, State Licensed Residential Facilities, the applicable State Acts that regulate such uses, and the ordinance language of comparable communities.

Commissioners discussed the required outdoor space for home day care facilities. Director Schlutow noted to get additional information about the requirement to provide to the PC at the next meeting.

Commissioners asked about the licensing procedures for home care facilities.

Commissioners discussed location, traffic, separation distance, hours of operation, signage, screening. Commissioners also discussed a history of complaints or issues with neighbors.
3. **DISCUSSION:** Matter of clarifying ordinance language related to projections.

   Director Schlutow brought this item back to the Commission to discuss language related to the projections into the given yard.

*Meeting ended at 8:31pm.*
TO: Berkley Planning Commission
FROM: Ben Carlisle, AICP  
Megan Masson-Minock, AICP
DATE: June 17, 2021
RE: Draft Master Plan for Recommendation to City Council

We hope this memo finds you and your family healthy, happy, and safe! Since we last met in early June, we have updated the draft of the Master Plan, incorporating your feedback from our last meeting, and shared the draft with the Master Plan Steering Committee. An updated draft of the Master Plan is attached.

The remaining process for the Master Plan is:

- Approval by the Planning Commission for draft to go to City Council
- City Council approval for review of draft by adjacent communities and reviewing agencies
- 63-day review period for review of draft by adjacent communities and reviewing agencies
- Planning Commission Public Hearing
- Planning Commission Recommendation
- City Council Approval

Steering Committee Recommendation & Duplexes
The Steering Committee approved of the Master Plan draft overall, except for the language about duplexes. The Committee had differing opinions in regard to duplexes – some felt the language was appropriate as presented and others felt that guideposts needed to be added to delineate where duplexes could be considered.

Based on the discussion by the Steering Committee, those who felt guideposts should be included suggested the following be included as location requirements for duplex locations in single-family neighborhoods:

- Duplexes would have street frontage on or be adjacent to a high traffic corridor or road. Adjacent locations would share a rear lot line with properties fronting the high-traffic corridor or road.
- They would be located at the edges of neighborhoods.
- The duplexes would serve as a transitional land use between single-family neighborhoods and more intense land uses such as office, commercial, or multiple-family residential.
The parcels considered for duplexes must be of a size to accommodate all parking and other City regulations on-site.

A rezoning to the R-2 Two-Family Zoning District or RM Multiple-Family Residential Zoning District would be the mechanism used to allow duplexes in areas planned as neighborhoods.

At your upcoming meeting, we would appreciate your input on the following questions:

1. Should guideposts for duplexes be added to the Master Plan? If so, changes would need to be made to language in the following sections of the attached draft Master Plan: Single Family Neighborhood (pages 28-29), Housing Choices (pages 46-47) and the Implementation Table (pages 77-78).

2. If changes are needed, are all of the guideposts suggested by members of the Master Plan Steering Committee appropriate? If not, which ones should be included?

3. What changes are needed, if any, in order for you to feel comfortable recommending the Master Plan draft to the City Council for review by adjacent communities and reviewing agencies?

Thank you again for your time and commitment to the Master Plan process!

Yours Truly,

[Signatures]

Attachment: Draft Master Plan (draft date: June 17, 2021)
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Business Uses in Downtown District #4
Date: June 15, 2021

Since March 2021, the Planning Commission has discussed reviewing the permitted uses in the Downtown District. For your reference, below is a list of uses permitted by right and permitted by special land use in the Downtown District.

Sec. 138-417. – Principal permitted uses.

Principal uses permitted in the downtown district are as follows:

1. Restaurants, carryout or standard, except drive through uses
2. Bars, cocktail lounges, or taverns
3. Retail uses, dealing with the sale of new merchandise, such as, but not limited to the following:
   a. Gift shops
   b. Clothing stores, including shoes, hats and accessories
   c. Jewelry store
   d. Kitchenware, small appliance stores
   e. Furniture stores
   f. Toy stores
4. Retail uses, dealing with the sale of previously owned merchandise, such as, but not limited to the following:
   a. Antique shops
   b. Art galleries
5. Personal service uses, including the following:
   a. Hair salons
   b. Nail salons
   c. Tanning salons
6. Dance studios and health clubs
7. Food uses, not including convenience stores, such as, but not limited to the following:
   a. Produce markets
   b. Specialty food stores
   c. Wine shops
   d. Butcher shops
   e. Bakeries
8. Movie theaters, stage theaters, and comedy clubs
9. Residences, when located above the first floor
10. Offices or agencies, when located above the first floor
11. Marihuana retailers and medical marihuana provisioning centers
Sec. 138-418. – Special uses.

The following special uses shall be permitted in the downtown district, subject to the regulations in article VI administration and enforcement, division 6 special uses, of this chapter.

1. Office or agencies, when located on the first floor
2. Banks
3. Convenience stores
4. Outdoor sales or eating areas, when developed as accessory to primary uses and structures
5. Repair shops or workshops such as, but not limited to, clothing, shoes, watches, televisions, small appliances, electrician, painter, and upholstery
6. Resale shops

Downtown Plan

The Downtown Plan includes a Zoning Strategy for three character areas: Gateway West, Downtown Core and Gateway South. The existing Downtown District is located in the Downtown Core character area. It is suggested that a mix of independent retail, service, dining and entertainment uses should be permitted.

Entertainment Uses

The Zoning Ordinance currently permits commercial recreation uses in the LB, Gateway, Coolidge, and Twelve Mile Districts. Unfortunately, the definition section does not include language specific to commercial recreation, there is some guidance in the list of permitted uses for each district.

Commercial recreational uses such as bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, indoor tennis courts, athletic or health clubs, schools of dance, schools of martial arts, or similar forms of indoor commercial recreation.

The Zoning Ordinance does not specify what constitutes “indoor commercial recreation” or “entertainment” uses and this can be open to interpretation. I have consulted with the Planner’s Dictionary, which can be helpful in suggesting definition language that has been implemented in other communities.

Recreation, commercial indoor: A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court. (Glenwood Springs, CO)

Entertainment, commercial indoor: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters and concert or music halls. (Blacksburg, VA)

Entertainment Establishment: any establishment (indoors or outdoors) where entertainment, either passive or active, is provided for the pleasure of the patrons, either independence or in
conjunction with any other use. Such entertainment includes but is not limited to vocal and instrumental music, dancing, karaoke, comedy, and acting. (San Jose, CA)

The above definitions allow for additional entertainment options that are not clearly identified, as the nature of “entertainment” has changed. While visits to the movie theater or attending a concert are still popular outings, there has been an increase in themed and art-based, creative entertainment options that should be considered as part of a “similar use”.

Such themed and creative entertainment options include photography studios, escape rooms, creative art studios, virtual reality centers. The list is not comprehensive, as new ideas and business opportunities come about everyday.

Comparable Communities

In preparation of this discussion, I have reviewed ordinance language in Ferndale and Madison Heights, specifically looking at regulations for the entertainment uses. Below specify the districts in which the uses are permitted. For your reference, the zoning maps for each community is included in the packet.

<table>
<thead>
<tr>
<th>Ferndale</th>
<th>Madison Heights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Painting with a Twist - 200 W. Nine Mile Rd</td>
<td>Escape Room Zone – 31401 John R Rd.</td>
</tr>
<tr>
<td>Art, music, dance, craft, ceramic, glass, cooking, and similar schools and studios</td>
<td>Video arcade businesses and indoor and/or outdoor recreational businesses</td>
</tr>
<tr>
<td>Permitted by Right in the CBD, C-2, C-3, OS, MXD-1, MXD-2 District</td>
<td>Permitted by Special Land Use in the B-1, B-2, B-3</td>
</tr>
</tbody>
</table>

There are other communities that allow indoor entertainment uses, the above were selected to demonstrate how the group activity, indoor recreation, entertainment uses can be regulated.

Parking Requirements

For properties located within 500 ft. of a municipal parking area, no off-street parking is required. Therefore, for all properties within the Downtown District, no off-street parking is required.

During the April meeting, commissioners were interested in the possibility of expanding Entertainment Establishments in other districts in the community, but were concerned about parking requirements. As promised, below are some suggestions from comparable communities that can guide the conversation in the future.
Madison Heights – One space per 300 sq. ft. of gross floor area

For a 2500 sq. ft. building, that would require eight (8) parking spaces.

For appointment-based entertainment establishments, it may not be cut and dry to look at only square footage for parking requirements, but to further separate based on the type of activity.

Doctors offices are separated by medical, dental, psychological offices.

- Medical offices require one (1) space per 100 sq. ft. of usable floor area, or 10 whichever is greater.
- Dental offices require two (2) per examination or treatment room plus three
- Psychologist offices require two (2) per examination or treatment room plus three

Based on Madison Height’s formula applied to a hypothetical building space, the parking requirement would be eight (8) parking spaces. While we need to be firm in our expectations for parking, it may be too steep of a requirement for the use and would prohibit occupancy of the specific property. As we consider this use in other Districts, it will be necessary to consider the size of the parcels and how to allow an entertainment use without impacting the adjacent residential neighborhoods.

**Recommendation**

Included is draft ordinance text that would permit Entertainment Establishments in the Downtown District, as well as a corresponding definition. We request the Planning Commission to review the proposed language and offer input on the changes. If the Planning Commission is comfortable with the proposed changes, we request the PC to set a public hearing for the regular July meeting.

If you have any questions related to this item, please let me know.
Sec. 138-32. Definitions.

Entertainment Establishments: any indoor establishment where entertainment is provided as an experience of enjoyment of the patrons. Such uses may include, but not limited to, art, photography, music, craft, ceramic, glass, or cooking studios for the purposes of hosting classes, providing live-action entertainment, or conducting group or independent activities. Such uses may be in conjunction with another use, if deemed compatible by the Zoning Officer.

Sec. 138-417. – Principal permitted uses.

Principal uses permitted in the downtown district are as follows:

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8. Movie theaters, stage theaters, and comedy clubs
9. Residences, when located above the first floor
10. Offices or agencies, when located above the first floor
11. Marihuana retailers and medical marihuana provisioning centers
12. Entertainment Establishments, not including outdoor sales or service or activity areas
MEMORANDUM

To: Berkley Planning Commission

From: Erin Schlutow, Community Development Director

Subject: Projections Revisited #2

Date: June 15, 2021

This item is being brought back to the Planning Commission to clarify language in the recently adopted Ordinance amendment related to Projections.

Earlier this year, the Planning Commission provided clarification on what types of architectural features should be classified as a projection. As you may recall, the previous administration determined that fireplaces did not classify as a projection, as it did not increase the livable floor area of the residential dwelling.

While the area of confusion was not amended during our previous discussions, additional questions have arisen when building permits have been submitted.

The Planning Commission reviewed and determined that the limitations on all projections, specifically related to the 30 percent of that wall’s surface, was related to projections into a given setback. If the projection was to be within the building envelope and adhere to all setback distances, then it shall not be limited to percentage of a given wall’s surface.

Included in the packet is draft ordinance language specific to the projections to clarify the language for the Building Department.
AN ORDINANCE

Of the Council of the City of Berkley, Michigan
Amending Section 138-192 of Chapter 138, Zoning,
Of the City of Berkley Code of Ordinances
To Amend Regulations for Projections into Setbacks
And Provide Penalties for Violations

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-192 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-192. - Projections.

Projections may extend into a required side yard setback not more than two inches for each one foot of width of such setback; and may extend or project into a required front or rear yard setback not more than three feet. Such projections shall not that do not have a foundation and shall be above grade at least 12 inches. The total of all projections into a given yard shall not exceed 30 percent of that wall’s surface area.

Projections without foundations may include box fireplaces, bay windows, and other types of cantilevers, including second story cantilevers.

Projections with foundations, such as brick or masonry fireplaces, shall be permitted to extend not more than two inches for each one foot of width of setback, and not more than three feet into the required front or rear yard setback.

In nonresidential districts, where no front yard setback is required, the Planning Commission may permit a projection to extend into the right of way three feet provided that it is at least 11 feet above the sidewalk if the Planning Commission determines the public health, safety, and welfare will not be adversely affected. The total of all projections into a given right of way shall not exceed 30 percent of that wall's surface area.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 4: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Meeting on Monday, February 1, 2021.
Passed on the Second Reading at the Regular City Council Meeting on Monday, March 1, 2021.
Attest:

Victoria Mitchell
City Clerk
Sec. 138-192. - Projections.

Projections may extend into a required side yard setback not more than two inches for each one foot of width of such setback; and may extend or project into a required front or rear yard setback not more than three feet. Such projections shall not that do not have a foundation and shall be above grade at least 12 inches. The total of all projections into a required setback yard shall not exceed 30 percent of that wall's surface area.

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INTRODUCTION

The Michigan Planning Enabling Act (PA 33 of 2008, as amended) requires the Planning Commission to prepare an annual report documenting its operations and status of all planning activities. The MPEA states in part:

“A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding action by the legislative body related to planning and development.”

This report will fulfill the state requirement. Beyond satisfying the state requirement, this document will also provide an overview of the Community Development Department, as well as a summary of permitting and inspection activities, code enforcement successes, and overall accomplishments. Also included is a comprehensive 2021 Work Plan for the Planning Commission and Community Development Department that will include short-term and long-term projects we hope to achieve in the coming year.

The 2020 Annual Report encompasses Fiscal Year 2020, which includes all planning activities from July 1, 2020 through June 30, 2021.

The Annual Report will be presented to the Planning Commission at their regular June meeting for their consideration and approval to present to the City Council at their regular July meeting.

PLANNING COMMISSION

The Berkley Planning Commission is comprised of seven (7) members, from a variety of professional backgrounds. The varied perspectives of the members make for a well-rounded Commission that conducts fair and thoughtful deliberations.

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Appointment Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kristen Kapelanski, Chair</td>
<td>2015</td>
</tr>
<tr>
<td>Martin Smith, Vice-Chair</td>
<td>2000</td>
</tr>
<tr>
<td>Mark Richardson, Secretary</td>
<td>2011</td>
</tr>
<tr>
<td>Joe Bartus</td>
<td>2020</td>
</tr>
<tr>
<td>Shiloh Dahlin</td>
<td>2020</td>
</tr>
<tr>
<td>Lisa Kempner</td>
<td>2018</td>
</tr>
<tr>
<td>Greg Patterson</td>
<td>2018</td>
</tr>
<tr>
<td>Julie Stearn</td>
<td>2020</td>
</tr>
<tr>
<td>Matt Trotto</td>
<td>2018</td>
</tr>
</tbody>
</table>
The Planning Commission held 12 regular meetings and six (6) work sessions during FY 2020 and reviewed:

- 3 site plans
- 1 special land uses
- 7 zoning text amendments

All regular meetings and work sessions were held virtually via Zoom from April 2020 until present.

**Summary of Planning Commission Activities**

**SITE PLAN PROJECTS**

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Name</th>
<th>Address</th>
<th>Description</th>
<th>Decision</th>
<th>Meeting Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>SP-03-20</td>
<td>Amici’s Kitchen &amp; Living Room</td>
<td>3241 &amp; 3249 Twelve Mile</td>
<td>Façade change; includes removal of stone and metal awning and replacement with a painted brick veneer and new canvas awning across entire façade. Also includes removal of a doorway.</td>
<td>Approved</td>
<td>Sept. 22, 2020</td>
</tr>
<tr>
<td>SP-04-20</td>
<td>3180 Coolidge</td>
<td>3180 Coolidge</td>
<td>Expansion and Façade change; includes increase building height to 21 ft. Façade change will include addition of cultured stone, horizontal metal siding, metal canopies, and increase in number of windows.</td>
<td>Approved with conditions</td>
<td>Nov. 24, 2020</td>
</tr>
<tr>
<td>SP-05-20</td>
<td>Vibe Credit Union</td>
<td>3082 Coolidge</td>
<td>Site improvements to the parking area, including a parking modification and alternate traffic flow with new landscaping</td>
<td>Approved</td>
<td>Nov. 24, 2020</td>
</tr>
</tbody>
</table>

**SPECIAL LAND USES**

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Name</th>
<th>Address</th>
<th>Description</th>
<th>Decision</th>
<th>Meeting Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>SU-01-21</td>
<td>Berkley Realty Group</td>
<td>3445 Robina</td>
<td>Office uses on the first floor require special land use approval in the Downtown District</td>
<td>PC Recommended City Council Approved</td>
<td>Feb. 23, 2021 March 1, 2021</td>
</tr>
</tbody>
</table>
## Zoning Text Amendments

<table>
<thead>
<tr>
<th>Ordinance No.</th>
<th>Description</th>
<th>Public Hearing</th>
<th>Ordinance Adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-13-20</td>
<td>Amendment for the removal of BOCA from the Zoning Ordinance</td>
<td>June 23, 2020</td>
<td>First Reading – July 6, 2020</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Second Reading – Sept. 21, 2020</td>
</tr>
<tr>
<td>O-14-20</td>
<td>Amendment that adds site regulations for Local Business District in the Schedule of Regulations</td>
<td>June 23, 2020</td>
<td>First Reading – July 6, 2020</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>Second Reading – Sept. 21, 2020</td>
</tr>
<tr>
<td>O-15-20</td>
<td>Amendment to allow the Planning Commission to modify the numerical parking requirement during site plan review</td>
<td>September 22, 2020</td>
<td>First Reading – Oct. 19, 2020</td>
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<tr>
<td></td>
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<td></td>
<td>Second Reading – Nov. 16, 2020</td>
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<tr>
<td>O-16-20</td>
<td>Amendment to allow extensions of site plan approval before a plan expires</td>
<td>September 22, 2020</td>
<td>First Reading – Oct. 19, 2020</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Second Reading – Nov. 16, 2020</td>
</tr>
<tr>
<td>O-17-20</td>
<td>Amendment to allow permeable pavement in commercial parking areas, subject to Planning Commission approval</td>
<td>October 27, 2020</td>
<td>First Reading – Nov. 16, 2020</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Second Reading – Dec. 7, 2020</td>
</tr>
<tr>
<td>O-1-21</td>
<td>Amendment to clarify projections on residential properties</td>
<td>January 26, 2021</td>
<td>First Reading – Feb. 1, 2021</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Second Reading – March 1, 2021</td>
</tr>
<tr>
<td>O-2-21</td>
<td>Amendment codifying requirements for exterior appliances that distinguishes regulations between air conditioning units and generators</td>
<td>January 26, 2021</td>
<td>First Reading – Feb. 1, 2021</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Second Reading – March 1, 2021</td>
</tr>
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</table>
Master Plan

In late 2019, the City of Berkley began an update of the City’s Master Plan. The City retained the planning consultant services of Carlisle Wortman Associates to assist with the development of the Master Plan and facilitate the community engagement strategy. It was essential to reach as many Berkley residents, business owners, property owners, and stakeholders as possible to garner thoughts, feelings, ideas, feedback on the future direction of Berkley.

As the project was gaining momentum, the global pandemic caused worldwide closures and restricted public gatherings. City staff and the consultant team brainstormed on alternative methods to engage the public and keep the project moving forward. The team relied heavily upon the Master Plan Steering Committee to aid in advising outreach methods, as well as promoting the engagement sessions and ensuring public interest.

Master Plan Steering Committee

As a way to promote community engagement and advise the consultant team, the City Council appointed 15 persons to serve on the Master Plan Steering Committee. The MPSC was appointed to be a group representative of the Berkley community, and included members of the city staff, City Council, Planning Commission, Zoning Board of Appeals, Tree Board, Environmental Advisory Board, Downtown Development Authority, Parks and Recreation Advisory Board, as well as business owners and residents-at-large.

Community Engagement

As noted above, the community engagement component of the Master Plan project was the most important to ensure that all community members were able to participate in and comment on proposed ideas and text prior to adoption. Despite the restrictions of the pandemic, city staff and consultants adapted quickly and though outside the box to facilitate socially distant and online engagement events. This included an 8-part webinar series, social media polls, a community survey, recorded videos, stakeholder interviews, corridor walking tours and a virtual Open House.

Adoption Timeline

Once the community engagement component of the plan was completed, the consultant team went to work compiling all the thoughts and feedback in draft text to be reviewed by the MPSC and Planning Commission.

The updated timeline is as follows:

- May 25, 2021 – Draft text to the Planning Commission
- June 15, 2021 – Draft text to the MPSC with PC edits
- June 22, 2021 – Draft text to the Planning Commission with MPSC edits. Anticipated recommendation to City Council to release draft text to public, surrounding communities
- July 19, 2021 – Review by City Council and release to the public for 63-day period of public comment (July 20, 2020)
- September 21, 2021 – 63-day public comment period ends
- October 26, 2021 – Public Hearing. Planning Commission recommends adoption to City Council
- November 1, 2021 – Master Plan Adoption by City Council
Next Steps…
After the Master Plan has been adopted by City Council, the next steps include a technical review of the Zoning Ordinance to ensure newly adopted Plan aligns with the regulations of the ZO.

This will be a lengthy process, as the ZO has not received a comprehensive review in many years. The Community Development Department has budgeted for a third-party consultant to assist with the technical review of the Ordinance and recommendations for a complete re-write of the Ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT
The Community Development Department is comprised of a Director, a Building Clerk, a Licensing Clerk, a Building Official and a Code Enforcement Officer. The team works together to ensure that the needs and wants of the residents and business owners are answered and addressed in a timely and efficient manner.

The required halting of construction activities March – early May 2020 was difficult for a city department that largely operates through face-to-face interaction. As the restrictions allowed, we continued working and communicating with the public through email, phone calls, and receiving applications through the secure drop box at City Hall.

When some office operations resumed, the Building Department kicked back into high gear and have not slowed or stopped.

PERMITS AND INSPECTIONS
The City of Berkley contracts with McKenna Associates for Building Department services, include Building Official duties, plan reviews, trade inspections, and Code Enforcement. Despite the “pause” that occurred early 2020, the department has been busy permitting and inspecting projects throughout the City.

The below table shows the number of permits issued for FY2020 and previous years, for reference.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>477</td>
<td>475</td>
<td>565</td>
<td>573</td>
</tr>
<tr>
<td>Electrical</td>
<td>449</td>
<td>386</td>
<td>536</td>
<td>548</td>
</tr>
<tr>
<td>Mechanical</td>
<td>362</td>
<td>335</td>
<td>402</td>
<td>431</td>
</tr>
<tr>
<td>Plumbing</td>
<td>176</td>
<td>202</td>
<td>238</td>
<td>269</td>
</tr>
<tr>
<td>Sewer</td>
<td>118</td>
<td>85</td>
<td>110</td>
<td>130</td>
</tr>
<tr>
<td>Zoning</td>
<td>226</td>
<td>185</td>
<td>205</td>
<td>215</td>
</tr>
</tbody>
</table>
The below table shows the number of inspections conducted for FY 2020.

<table>
<thead>
<tr>
<th>Inspection Type</th>
<th>Inspector</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>David Reilly</td>
<td>2,411</td>
</tr>
<tr>
<td>Mechanical</td>
<td>Aaron Garcia</td>
<td>483</td>
</tr>
<tr>
<td>Plumbing</td>
<td>George Beattie</td>
<td>345</td>
</tr>
<tr>
<td>Electrical</td>
<td>John Brunning</td>
<td>458</td>
</tr>
<tr>
<td>Electrical</td>
<td>Sean Dar</td>
<td>346</td>
</tr>
</tbody>
</table>

**CODE ENFORCEMENT**

Code Enforcement has also been busy over the past year, and we have had some personnel changes, as well.

In FY2020, 772 enforcements were logged in BS&A and 664 have been closed. This would equate to an 86% success/compliance rate.

The majority of the Open/Pending enforcements were entered since May and each are being investigated accordingly. Below is a breakdown of the most popular or repeated enforcement actions in the City.
ACCOMPLISHMENTS

The Community Development Department worked really hard over the past year, through the pandemic and adjusting to constant changing and new normal. We want to share some of our accomplishments:

1. **Transition to Work from Home**
   City staff worked very hard to continue to serve and support Berkley residents and businesses while working from home. Email threads and Zoom calls became the normal interaction methods to discuss projects and submission requirements.

2. **Temporary Outdoor Dining, Sales, Service Areas**
   In order to aid local businesses as they navigated through the pandemic restrictions, City Council adopted a resolution to temporarily allow outdoor dining, sales and service areas on sidewalks, private or municipal parking areas. The temporary measure was extended through the winter, wherein several businesses opted for tents or igloos in order to serve patrons outside. It was a highly successful venture that has aided several businesses.

3. **Temporary Closure of Griffith at Twelve Mile**
   Another measure to aid local businesses included the temporary closure of residential side streets at Twelve Mile and Coolidge. There were five (5) residential side streets that were identified by City staff as being areas that would garner the most attention and to benefit multiple businesses in the area. One business took advantage of that opportunity and Griffith has been temporarily closed to through traffic since July 2020.

4. **Extensions of Board Approvals**
   Due to the restrictions and difficulties over the year, City Council extended all Planning Commission and Zoning Board of Appeals approvals until December 2021. This measure was proposed and supported as a way to support businesses and homeowners who had received approvals for projects but had to suspend plans due to construction restrictions or changes in financial abilities to support such projects.

5. **Master Plan Community Engagement**
   As noted above, the Master Plan project continued on through the pandemic. City staff and the consultant team worked together to transition from a predominately face-to-face community engagement strategy to an exclusively online format. The quick-thinking adaptive plan allowed for longer engagement with the public and received attention from the Michigan Association of Planning and the Michigan Municipal League.

6. **City Staff Guest Speaking Engagements**
   Based on initiatives that were adopted by the City over the past year, several members of City staff were invited to speak at various conferences and explain our project, how it has helped the public, and to answer questions for other communities to engage similar ideas.
   a) **Michigan Association of Planning (MAP)** – Megan Masson-Minock from CWA, Torri and Erin gave a presentation on community engagement during a pandemic. It was highly successful. April 2020.
   b) **Southeast Michigan Council of Governments (SEMCOG)** – Megan Masson-Minock from CWA and Torri gave a presentation on community engagement during a pandemic. Erin was unable to attend. June 2020.
c) **Institute of Transportation Engineers (ITE)** – Erin and Derrick gave a presentation on successes and lessons learned regarding the temporary road closure on Griffith for outdoor dining. This included discussions from the planning perspective and also the implications or hurdles for Public Works. December 2020.

7. **Updated Planning & Permit Application Packets**
   City staff worked together to update planning and permit application packets in order to garner additional information from the public about proposed projects. The intent is to streamline the process so as to prevent city staff from having to follow-up and ask additional questions for each project. All forms have been loaded on the website in a fillable format to make it more easily accessible to the public.

8. **Updated Fee Schedule – adopted by Council June 2021**
   City staff worked together to update applicable fees to ensure that city expenses are covered. This includes updates to planning fees, sewer bonds, removal of yard waste stickers, and more. The updated fee schedule was presented to and was adopted by the City Council at the June 7, 2021 meeting. All updated fees go into effect July 1, 2021.

9. **Update Business License Application and Creation of How to Open a Business Brochure and Land Use Matrix**
   Due to repeated phone calls and inquiries to the Building Department, city staff worked together to update the business license application, as well as the creation of a How to Open a Business Brochure and a reference Land Use Matrix. The business license application has been in circulation since May 2021. The brochure and land use matrix will be loaded on the City’s website, along with an interactive website June 2021.

10. **Update to PC, ZBA Rules of Procedure**
    In 2021, City staff worked with the PC, ZBA, and City Attorney to update the Boards and Commissions Bylaws and Rules of Procedure to incorporate the attendance policy, as well as the new member training and continued education requirement. This was included so as to ensure that any new member is fully aware of the responsibilities of serving on the Board or Commission.

### 2021 WORK PLAN

In addition to reporting on the activities and successes of the Planning Commission and Community Development Department, it is important to set goals for the next year and what we would like to accomplish.

1. **Adopt Master Plan**
   City staff is really excited about the progress of the Master Plan and look forward to adoption later this year. This has been a long-term project and we are excited to begin implementing the goals and objectives that have been recommended to keep Berkley engaging and welcoming.

2. **Redevelopment Ready Community Certification**
   The City of Berkley began steps for Redevelopment Ready Community Certification in 2018. One of the main hurdles included an updated Master Plan and Zoning Ordinance. The adoption of the Master Plan will check off a big box on the “To Do” list. City staff has been working behind the
3. Zoning Ordinance Technical Review

The Michigan Planning Enabling Act states that zoning decisions must be based on a plan. Once the Master Plan has been adopted, it will provide the basis for making decisions and amendments to the Zoning Ordinance. The last comprehensive update to Chapter 138 was 1981. Since then, there have been several amendments that address specific issues, but not a comprehensive update. A ZO Technical Review will provide guidance for future updates to bring into compliance with case law, as well as address conflicting sections or overall holes in the Ordinance.

4. Sign Ordinance Re-Write

The Sign Ordinance is not located in the Zoning Ordinance; however, we will address the updates with the Planning Commission as they may review site plans that include new commercial signage. The focus of the Sign Ordinance re-write is to bring it into compliance with Reed v. Gilbert and regulate based on the size, scale, location and materials of signs, rather than the content. City staff will work with the City Attorney to ensure that all proposed changes are defensible.

5. DDA Guidelines & Overlay District

This project has been put on hold for quite some time. It had gained forward momentum in March 2020, but was halted due to the lockdown. With the Master Plan moving into its adoption phase, it is time to focus attention on this project and finalize the Ordinance language for adoption.

The Community Development Department is excited to continue working with the Planning Commission, DDA, City Council and other community groups to serve Berkley residents.
Community Development Team

Contact Information

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