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

Tuesday, February 23, 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 of January 26, 2021, Work Session February 2, 2021
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **PUBLIC HEARING.** Matter of Conducting a Public Hearing for application PSU-01-21 for Office Use in the Downtown District at 3445 Robina.

2. **SPECIAL LAND USE PSU-01-21; 3445 Robina.** Info Tek Realty, LLC DBA Berkley Realty Group, 3445 Robina, Parcel #25-07-454-037, west side of Robina, north of Twelve Mile Rd, is seeking special land use approval for an Office Use in the Downtown District.


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.zoon.us/j/93323204434](https://berkleymich.zoon.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, DECEMBER 15, 2020 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, Berkley Michigan
Lisa Kempner, Berkley Michigan  Mark Richardson, Berkley Michigan
Greg Patterson, Berkley Michigan  Martin Smith, Berkley Michigan
Kristen Kapelanski, Berkley Michigan

ABSENT: Matt Trotto – Unexcused

ALSO, PRESENT: Erin Schlutow, Community Development Director
Ross Gavin, City Council Liaison
Stan Lisica, Chief Innovation Officer
Dan Hill, Public Policy Assistant
Members of the public

* * * * * * *

APPROVAL OF AGENDA
It was moved by Commissioner Patterson to approve the Agenda supported by Commissioner Kempner.

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

* * * * * * *

APPROVAL OF MINUTES
It was moved by Commissioner Kempner to approve the minutes from the regular Planning Commission meeting on December 15, 2020 and supported by Commissioner Patterson.

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

It was moved by Commissioner Bartus to approve the minutes from the Work Session on January 5, 2021. Motion supported by Commissioner Patterson.

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.

1. **PUBLIC HEARING. TO-01-21; Projections.** Matter of Conducting a Public Hearing for proposed zoning text amendment to modify Section 138-192 related to Projections and provide clarity on the regulations.

   Community Development Director Schlutow summarized the January 21, 2021 report and provided details on the proposed ordinance changes to provide clarity on regulating Projections on residential dwellings.

   Chair Kapelanski opened the Public Hearing at 7:07pm.

   No comments.

   Chair Kapelanski closed the Public Hearing at 7:07pm.

   Motion by Commissioner Richardson to recommend approval of TO-01-21, Projections, to City Council, as proposed. Motion supported by Commissioner Patterson.

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

2. **PUBLIC HEARING. TO-02-21; Exterior Appliances.** Matter of Conducting a Public Hearing for proposed zoning text amendment to adopt Division 1.5 Exterior Appliances in order to provide regulations on exterior appliances on residential and commercial properties.

   Community Development Director Schlutow summarized the January 21, 2021 report and provided details on the proposed ordinance amendment for permitting and regulating exterior appliances on residential and commercial properties.

   Chair Kapelanski opened the Public Hearing at 7:12pm.

   No comments.

   Chair Kapelanski closed the Public Hearing at 7:12pm.

   Commissioner Patterson noted that the updated language captures what the PC had discussed at the previous meeting.

   Motion by Commissioner Smith to recommend approval of TO-02-21, Exterior Appliances, to City Council, as proposed. Motion supported by Commissioner Richardson.


Chair Kapelanski noted that it looked like a good plan.

Commissioner Kempner inquired about parking regulations and updating the zoning ordinance.

Commissioner Richardson noted that this is moving in the right direction and also mentioned concern about the business vacancy rate and if there is a strategy to help.

* * * * * * * * * *

**LIAISON REPORTS**
Commissioner Richardson provided an update on the Environmental Advisory Committee and are proceeding with the plans for the community garden.

Commissioner Stearn was not able to attend the Chamber of Commerce meeting for the month.

Commissioner Kempner provided an update on the Master Plan Steering Committee and continued discussion about the engagement videos and surveys prior to the Open House in March.

* * * * * * * * * *

**STAFF/COMMISSIONER COMMENTS**

Director Schlutow noted the upcoming webinar from SEMCOG about electric vehicles.

Commissioner Smith inquired about the next Planning Commission workshop. It will be held Tuesday, February 2, 2021 via Zoom.

Motion to adjourn by Commissioner Kempner. Motion supported by Commissioner Richardson.

<table>
<thead>
<tr>
<th>AYES:</th>
<th>Smith, Stearn, Bartus, Dahlin, Kempner, Patterson, Richardson, Kapelanski</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAYS:</td>
<td>None</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Trotto</td>
</tr>
</tbody>
</table>

With no further business, the meeting was adjourned at 7:28pm.
The Work Session of the Berkeley City Planning Commission was called to order at 7:00 pm, February 2, 2021 via electronic meeting by Chair Kristen Kapelanski.

Present: Joe Bartus, Berkley Michigan
        Kristen Kapelanski, Berkley Michigan
        Martin Smith, Berkley Michigan
        Mark Richardson, Berkley Michigan

Absent:  Matt Trotto
         Greg Patterson

Also, Present:  Megan Masson-Minock, Carlisle Wortman Associates
                Erin Schlutow, Community Development Director
                Ross Gavin, City Council Liaison

* * * * * * * * *

Citizen Comments
Chair Kapelanski read instructions for public to submit comments during the virtual meeting.
None.

* * * * * * * *

Commissioners and city staff each shared how they are feeling.

Megan Masson-Minock went over the Future Land Use chapter and asked Commissioners to share any thoughts to the tone, text, and photos that are being used. Megan Masson-Minock highlighted the relationship between Future Land Use and rezoning.

Commissioners made suggestions to text and photos throughout the chapter.

Commissioners reviewed the Greenfield Road Residential Design Guidelines and the 11 Mile Commercial Design Guidelines and determined that more photos would be beneficial rather than text. Commissioners also discussed areas of the City zoned multi-family and how the residential guidelines could be implemented.

Megan Masson-Minock went over the Community Engagement videos, surveys, and virtual Open House.

Megan Masson-Minock provided a walk through of the Housing and Corridor Expansion presentations. Commissioners provided feedback on the presentations, including text edits and different photo suggestions.

Commissioners went over the survey questions drafted by Carlisle Wortman and provided feedback on the tone and language of the questions. There was also discussion about areas that are already zoned for multiple family housing.

Commissioners asked about maintaining the integrity of the survey and prevent multiple submissions by the same people.

Meeting ended at 9:03pm.
APPLICATION FOR SPECIAL LAND USE REVIEW

NOTICE TO APPLICANT: Applications for Special Land Use review by the Planning Commission must be submitted to the City of Berkley Building Department in substantially complete form at least 30 days prior to the Planning Commission's meeting at which the application will be considered. The application must be accompanied by the data specified in the Zoning Ordinance, including fully dimensioned site plans, plus the required review fee.

The Planning Commission will hold the required public hearing and will make a recommendation to the City Council. Special land use approval shall be obtained from the City Council.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072. The City Council meets the first and third Mondays of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

TO BE COMPLETED BY APPLICANT:

I (We), the undersigned, do hereby respectfully request Special Land Use Review and provide the following information to assist in the review:

- **Project Name:** 3445 Robina Avenue
- **Applicant:** Info Tek Realty, LLC DBA Berkley Realty Group
- **Mailing Address:** 3445 Robina Avenue Berkley, MI 48072
- **Telephone:** 248-677-1565
- **Email:** berkleyrealtygroup@gmail.com
- **Property Owner(s), if different from Applicant:** Jeff McGee/Berkley Holding, LLC
- **Mailing Address:** 6160 Dixie Highway Suite 205 Clarkston, MI 48346
- **Telephone:** 248-867-1699
- **Email:** jeff@watsongrp.com
- **Applicant's Legal Interest in Property:** Tenant

LOCATION OF PROPERTY:

- **Street Address:** 3445 Robina Avenue Berkley, MI 48072
- **Nearest Cross Streets:** 12 Mile Road
- **Sidewalk Number(s):** 2507454045

Updated 12.10.2020
PROPERTY DESCRIPTION:
Provide lot numbers and subdivision: MC GIVERIN-HALDEMAN'S BERKLEY SUB

Property Size (Square Feet): 9,460 Square Feet (Acres): 0.24 Acres

EXISTING ZONING DISTRICT (please check):
- [ ] R-1A Local Business
- [ ] R-1B Office
- [ ] R-1C Community Centerpiece
- [ ] R-1D Woodward
- [ ] RM Eleven Mile
- [ ] RMH Twelve Mile

Present Use of Property: The property consists of 8 separate spaces occupied by various types of businesses.

Proposed Use of Property: The proposed use for one of the spaces is an office for a residential brokerage company.

Is the property located within the Downtown Development Authority? [x] Yes [ ] No

PROJECT DESCRIPTION:
Approximately 588 square feet of office space will be used as an office for Berkley Realty Group, a local real estate brokerage company.

Does the proposed project / use of property require site plan approval? [ ] Yes [x] No

Does the proposed project require or has received variance(s) from the Zoning Board of Appeals? [ ] Yes [x] No

PLEASE COMPLETE THE FOLLOWING CHART:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Number of Units</th>
<th>Gross Floor Area</th>
<th>Number of Parking Spaces On Site</th>
<th>Number of Employees on Largest Shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>1</td>
<td>588 Square Feet</td>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

Updated 12.10.2020
STANDARDS FOR SPECIAL LAND USE APPROVAL:

To be considered for special land use approval, the Planning Commission and City Council shall consider the following standards. Please address how the proposed use satisfies each standard, as specified in Section 138-653.

1. The proposed use will promote the use of land in a socially and economically desirable manner.

   The proposed use of a real estate brokerage office will provide current and future residents of Berkley with a local real estate knowledge and expertise.

2. The proposed use is necessary for the public convenience at that location.

   The location of Berkley Realty Group will provide convergence to homeowners seeking to buy or sell their home or building with the convenience of being downtown and adding the resident's desire to live in a walkable community.

3. The proposed use is compatible with adjacent land uses.

   The proposed use is compatible with adjacent land uses because having a local real estate company accessible in the downtown district adds to the walkable community characteristic of the downtown district and the surrounding residential properties.

4. The proposed use is designed so that the public health, safety and welfare shall be protected.

   The proposed use of a real estate office will follow all CDC guidelines for COVID-19 protocols.

5. The proposed use will not cause injury to other property in the neighborhood.

   The proposed use will not cause injury to other property in the neighborhood.

PROFESSIONALS WHO PREPARED PLANS:

A. Name: ________________________________

   Mailing Address: ________________________________

   Telephone: ________________________________

   Email: ________________________________

   Design Responsibility (engineer, surveyor, architect, etc): ________________________________

Updated 12.10.2020

PLANS NOT REQUIRED
B. Name: __________________________
   Mailing Address: __________________________
   Telephone: __________________________
   Email: __________________________
   Design Responsibility: __________________________

SUBMIT THE FOLLOWING:

1. Ten (10) individually folded copies of the site plans, measuring 24" x 36", sealed by a registered architect, engineer, or surveyor. If copies are submitted simultaneously for site plan review, then submittal of ten (10) additional copies is not necessary.
2. A pdf file of the plan and any supporting documents, emailed to the Community Development Director.
3. Proof of property ownership (title insurance policy or registered deed with County stamp).

PLEASE NOTE: The applicant, or a designated representative, MUST BE PRESENT at all scheduled meetings, or the site plan may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a site plan application or to revoke any permits granted subsequent to the site plan approval.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission and audience to be fully engaged so they can give your project the attention it deserves. Planning Commission and City Council meetings are recorded and televised.

PROPERTY OWNER’S APPROVAL: (Initial each line)

[ ] I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the special land use request.

[ ] I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above-referenced property.

APPLICANT’S ENDORSEMENT: (Initial each line)

[ ] All information contained therein is true and accurate to the best of my knowledge.

[ ] I acknowledge that the Planning Commission will not review my application unless all information in this application and the Zoning Ordinance has been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this site plan application.
Gabe Rubin
1/12/2021 4:17:16 PM EST
Signature of Applicant         Date
Gabe Rubin, Managing Member and Associate Broker
Applicant Name (Print)

Anthony Moreno
1/12/2021 4:17:16 PM EST
Signature of Applicant         Date
Anthony Moreno, Managing Member and Realtor
Applicant Name (Print)

Jeff McGee
1/13/2021 12:49 PM EST
Signature of Property Owner Authorizing this Application        Date

Jeff McGee
Property Owner Name (Print)

OFFICE USE ONLY
Received 1/14/2021        Meeting Date
Receipt # Case # PSU-01-21
Fee: Special Land Use $400

Updated 12.10.2020
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: PSU-01-21; 3445 Robina Ave – Office Use in the Downtown District
Date: February 17, 2021

Dear Planning Commissioners:

The applicant, Info Tek Realty, LLC dba Berkley Realty Group, is requesting special land use approval to occupy the existing building at 3445 Robina Ave as an office use. The property is located in the Downtown District, which permits office and agencies, when located on the first floor, with special land use approval.

The applicant is not proposing any site improvements; therefore, site plan review is not being considered as part of this application. The applicant has noted that the front window will be replaced, but it will not be reduced in size or removed completely. If the scope of the project changes and the size of the window is proposed to be reduced or removed completely, approval from Planning Commission will be required.

Zoning

The subject property is located on Robina Ave, north of Twelve Mile and is composed of eight (8) separate and distinct spaces that are occupied by a variety types of businesses. The types of businesses include a take-out restaurant, retail, an exercise and wellness establishment, and a barbershop.

The subject property and surrounding parcels are located in the Downtown District.

Master Plan

The Future Land Use Map in the 2007 Master Plan designates the subject property as Downtown, as shown on the following page.
The Intended Land Uses for the Downtown area, as noted in the 2007 Master Plan, is as follows:

Land uses permitted in the Downtown include retail establishments such as shoe and clothing stores, restaurants, convenience stores, small groceries and services such as salons. These uses should be promoted at the street level storefronts. Cultural, entertainment and recreation uses are encouraged to create destinations and gathering areas. These could include art studios, theaters, farmers markets, places of worship and public parks and plazas. Also permitted at lower level, side street locations, and in the upper stories of buildings, are offices and residential units. Many uses that require expanses of immediately adjacent automobile parking are likely inappropriate for the downtown, which by its nature thrives on pedestrians and diverse, pedestrian-scale businesses.

The underlined section above notes that office uses are welcome in the Downtown area, on the lower level and along side street locations. Therefore, an office use at 3445 Robina Ave is supported in the Master Plan.

Review Procedures

Office or agency uses in the Downtown District, which are located on the first floor, require special land use approval must be reviewed in accordance with the applicable procedures for Special Land Uses in Division 6 of Article VI in the Berkley Zoning Ordinance. The Planning Commission must hold a public hearing on the special land use and make a recommendation to the City Council. The City Council has the authority to grant final approval on the special land use.
The five (5) standards for granting special land use approval are set forth in Section 138-653 of the Zoning Ordinance. We have reviewed the proposal for the office use on the first floor in the Downtown District with respect to these standards and offer the following findings:

1. **The proposed use will promote the use of land in a socially and economically desirable manner.**

   The proposed office use will occupy a space that is currently vacant. The site was formerly occupied by the Berkley Shoe and Orthopedic Repair. The proposed use will eliminate a vacant storefront in the dense Downtown area.

   A real estate brokerage office in the proposed location has the opportunity to advertise new and future listings within the community to pedestrians and showcase available housing opportunities for visitors.

2. **The proposed use is necessary for the public convenience at that location.**

   Berkley Realty Group, LLC is currently located at 3200 Coolidge Hwy and is an established business within the community. There are few real estate offices within the City, and residents are accustomed to the local convenience of the brokerage agency.

3. **The proposed use is compatible with adjacent land uses.**

   The proposed use is compatible with adjacent land uses. The surrounding businesses are retail, restaurant and personal service establishments. An office use would fit in with the overall character of the area.

4. **The proposed use is designed so that the public health, safety and welfare shall be protected.**

   The proposed office use does not pose a danger or impediment to public health, safety and welfare. The office use will not involve the use of chemicals that would produce odors, nor will the activities within the enclosed building produce noise levels that would impact neighboring businesses.

5. **The proposed use will not cause injury to other properties in the neighborhood.**

   The proposed use will not cause injury to other properties in the neighborhood. The nature of the business will not negatively impact surrounding property owners.

**Summary and Recommendation**

Based on the intended land uses designated in the Master Plan and the existing land uses of the Twelve Mile corridor, an office use would fit with the overall characteristics of the neighborhood and would not pose injury to adjacent properties, nor to the public health, safety and welfare.
Therefore, we recommend the Planning Commission recommend approval of the special land use application to the City Council, subject to the results of the public hearing.

If you have any questions or comments related to this case, please do not hesitate to contact me.

Thank you.

cc: Matthew Baumgarten, City Manager
    Victoria Mitchell, City Clerk
    John Staran, City Attorney
    Derrick Schueller, DPW Director
    Pete Kelly, Fire Marshal
    Matt Koehn, DPS Director
    Kim Anderson, Building Clerk
    Gabe Rubin, berkleyrealtygroup@gmail.com
    Tony Moreno, tony.berkleyrealty@gmail.com
    Jeff McGee, jeff@watsongrp.com
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: PC Rules of Procedure Review
Date: February 17, 2021

The Rules of Procedure were last updated June 2019, with one minor change that changed the start time of the meetings from 7:30pm to 7:00pm.

Since then, City Council adopted O-05-20, which stipulates the attendance, training, and continuing education requirement for PC members. While the PC, ZBA, Attendance, Training and Continued Education Plan covers the requirements in the Ordinance, it would be wise to include them in the PC Rules of Procedure for the sake of consistency.

The proposed changes related to the attendance policy, new appointee training and the continued education requirement have been highlighted in red.

The Planning Commission should also discuss and determine if a yearly review of the Rules of Procedure should be included. The ZBA has adopted a policy in which the Rules of Procedure are reviewed at the beginning of every calendar year. While it is not anticipated that a great deal of changes will occur each year that would require extensive revisions, it allows for an annual review to make even minor edits.

I look forward to discussing the changes with you at the February 23, 2021 meeting. If there are other suggestions to the Rules of Procedure, please do not hesitate to contact me to discuss.

Thank you.
SECTION ONE - AUTHORITY

The City of Berkley Planning Commission (hereinafter referred to as the Commission) adopts these rules of procedure pursuant to Public Act 33 of 2008 as amended, and the Open Meetings Act.

SECTION TWO – MEMBERSHIP

(1) Membership. Members shall be appointed according to the procedure as established by Berkley ordinances. The Commission shall consist of nine members to be appointed by City Council.

a. New Appointee Training. New members appointed to serve on the Commission shall complete a training program within six (6) months after appointment date. The training program shall be approved by the Community Development Director or City Manager to ensure the program provides information and training on roles, responsibilities and planning and zoning best practices.

b. Continued Education. Each commissioner shall commit to 5-6 hours of continued education within each fiscal year. New appointees to the Commission shall not be required to complete the hours of continued education within the first fiscal year of appointment.

c. Reference Materials. Upon taking office, each member shall have access to the Orientation Guidebook stored online. Hard copies of the materials shall be provided upon request. The Orientation Guidebook shall consist of reference materials, such as, but not limited to:

- Planning Commission Rules of Procedure
- Berkley Master Plan and sub-area plans
- Berkley Zoning Map
- The Michigan Planning Enabling Act
- The Michigan Zoning Enabling Act
- The Planning Commissioner’s Handbook, published by the Michigan Municipal League
- Other materials deemed necessary to familiarize a new member with the roles and responsibilities of the Commission.

(2) Duties.

a. Attendance. Each member has a duty to attend all meetings.

b. Absences. Members who are unable to attend a regularly scheduled meeting must contact the Community Development Director prior to the meeting to alert to the cause of absence. The Commission shall determine if the absence is to be excused and approve the excused absence to be recorded in the meeting minutes. The Commission may postpone to excuse the absence of a member until the next scheduled meeting.

i. A vacancy shall occur when a member has missed four (4) consecutive regular meetings or twenty-five percent (25%) of regular meetings held during the fiscal year, unless such absences have been excused by the Commission.

c. Preparation. Members shall arrive prepared for the business at hand, having reviewed written materials and completed site visits, as necessary, to be educated on the agenda items.

d. Ex Parte Contact. Members shall avoid Ex Parte contact concerning questions or matters pending before the Commission.

i. Ex Parte contact shall include discussions among members, applicants, or the public outside of a Commission meeting, including emails, about matters pending before the Commission. Questions or concerns shall be directed to the Community Development Director.

SECTION THREE – OFFICERS

(1) Selection. At the July meeting, the commission shall select by a majority vote from its membership a chair, vice-chair, and secretary who shall serve for a twelve-month period and
who shall be eligible for re-election. At the July meeting, if the selection of officers would be impracticable due to number of commissioners present or the length of the agenda, then the officers shall be elected no later than a September meeting.

(2) **Duties.** A chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. If the chair is not able to chair a meeting or portion of a meeting, the vice chair shall act in place of the chair for that meeting or portion of meeting. The vice-chair shall act in the capacity of the chair and shall succeed to the office of chair in the event of a vacancy in that office. If there is a vacancy in the office of vice-chair for whatever reason, the commission shall select a successor to the office of vice-chair at the earliest practicable time.

The Community Development Director or designee building department of the city of Berkley shall be responsible for the preparation of summary minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business of the commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed commission operations.

In the event that the building department is unable to keep records at a meeting, the secretary shall keep the summary minutes.

(3) **Tenure.** The officers shall take office at the next meeting after their election. They shall hold their office until their successors are elected and assume office.

**SECTION FOURTH - MEETINGS**

(1) **Notices.** All meetings shall be posted at the Berkley city hall according to the Open Meetings Act. The notice shall include the date, time, and place of the meeting.
(2) **Regular meetings.** Regular meetings of the commission shall be held monthly in the city hall on the fourth Tuesday of every month at 7:00 p.m. The dates and times of the meeting, or the cancellation, shall be posted at the city hall. When a regular meeting date falls on or near a legal holiday, the commission shall select suitable dates in the same month, in accordance with the Open Meetings Act.

(3) **Work session meetings.** Work session meetings of the commission shall be held at the city hall on the second Tuesday of the month at 7:00 p.m. when the commission determines that a work session is necessary.

(4) **Other meetings.** A special meeting can be called by the zoning officer, the chair of the Commission, or in the chair’s absence, the vice-chair.

(5) **Quorum.** In order for the commission to conduct business or take any official action, a quorum consisting of five voting members of the commission shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. All items scheduled to be heard, shall be scheduled for the next regular meeting. No additional public notice shall be required provided the date, time, and place are announced at the meeting.

(6) **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section One.

Public hearings conducted by the commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- Introduction of case by staff.
- The chair confirms that the applicant is present and receives an opportunity to describe case.
- The chair opens discussion. *The commission may ask the applicant or staff questions.*
- The chair opens the public hearing. *Each person must state his/her name and city of residence for the record and may address the commission regarding the case for a reasonable period of time. If the case is very controversial, the chairperson may invite people to speak row by row to eliminate lines at the microphone.*
- The chair closes the public hearing.
- Discussion. *The commission may ask staff or the applicant questions*
- The chair shall call for a motion.
- After a motion has been made and supported, there may be additional discussion.
- The chair will call for a roll call vote.

(7) **Motions.** The chair shall restate motions before a vote is taken. The name of the maker and supporters shall be recorded. The motion shall state whether the item is approved, approved with conditions, or denied.

(8) **Voting.** An affirmative vote of a simple majority of the appointed commission shall be
required for approval or to recommend approval. Voting shall be by roll call. All members of
the commission, including the chair shall vote on all matters. The order of the voting
members shall be varied. No member shall abstain from voting on any matter except in the
case of a conflict of interest as provided below in Section 3.11 of these rules.

(9) **Conditions.** The commission may modify a request or impose conditions in order to
maintain the public health, safety and welfare, in accordance with the standards set forth in
the zoning ordinance.

(10) **Withdrawals.** In the event that an applicant withdraws an application after the notices have
been sent and the meeting posted, the commission shall introduce the case and motion to
accept the withdrawal. In the event that an applicant withdraws an application before the
notices have been sent and the meeting posted, the commission shall receive a copy of the
withdrawal, but no motion to accept the withdrawal shall be necessary.

(11) **Conflict of Interest.** After the introduction of a case, a possible conflict of interest shall be
declared by a commissioner or a fellow commissioner. The commission shall discuss and
determine if such a conflict exists. Fellow commissioners shall make and support a motion to
excuse the commissioner from deliberating. Voting shall be in accordance with subsection 3.8
above. Upon approval, the excused commissioner shall leave the meeting room during
deliberation of the case. The commissioner shall be called back prior to the introduction of the
next case. A commissioner may want to consider declaring a conflict of interest if he or she
is the applicant; if the applicant is a close friend or relative; if the applicant is a business partner;
or if there may be an appearance of impropriety.

(12) **Order of Business.** A written agenda for all regular meetings shall be prepared as follows.
The order of business shall be:

- Open the Meeting—*Call meeting to order*
- Pledge of Allegiance
- Roll Call
- Approval of Agenda
- Approval of Minutes—*Each set of minutes shall be approved individually*
- Communications
- Citizen Comments—*Comments regarding items not on the agenda*
- Old Business—*Items that have been postponed or referred to staff*
- New Business
- Liaison Reports—*Reports from commissioners attending the Zoning Board of Appeals, Chamber of Commerce, Downtown Development Authority and City Council meetings*
- Commissioner/Staff Comments
- Adjourn
(13) **Rules of Order.** All meetings of the commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Orders."

(14) **Notice of Decision.** A written notice containing the decision of the commission shall be sent to petitioners of a request.

**SECTION FIVEFOUR - MEETING MINUTES AND REPORTS**

The Community Development Director or designee building department shall prepare commission summary minutes. The minutes shall contain a brief synopsis of the meeting including a complete restatement of all motions and recording of votes; a complete statement of the conditions or recommendations made on any action; and recording attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the city clerk.

In July, the planning commission shall submit an annual report to the city council. The report shall contain a summary of the applications the Commission has heard and the actions taken.

**SECTION SIXFIVE - OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS**

All meetings of the commission shall be opened to the public and held in a place available to the general public.

All deliberations and decisions of the commission shall be made at a meeting open to the public.

A person shall be permitted to address a hearing of the commission under the rules established in subsection 3.6 and to address the commission concerning non-hearing matters under the rules established under subsection 3.12 to the extent that they are applicable.

A person shall not be excluded from a meeting of the commission except for breach of the peace, committed at the meeting.

All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

**SECTION SEVENSIX - AMENDMENTS**

The commission may amend these rules by a concurring vote pursuant to subsection 3.8 during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.