THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, NOVEMBER 26, 2019 AT CITY HALL 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:          Mark Richardson  Jeffrey Campbell  Kristen Kapelanski  
                  Lisa Kempner         Greg Patterson  Matt Trotto      
                  Tim Murad           Michele Buckler

ABSENT:           Martin Smith

ALSO PRESENT:     Erin Schlutow, Community Development Director
                  Dan Hill, Administrative Assistant to City Manager
                  Ross Gavin, City Council Liaison
                  Several members of the public

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

AYES: Campell, Kempner, Murad, Patterson, Richardson, Trotto, Buckler, Kapelanski
NAYS: None
ABSENT: Smith

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APPROVAL OF MINUTES
It was noted by Commissioner Kempner that she had volunteered for the Master Plan Steering Committee, along with Tim Murad and Mark Richardson, who would also represent the Environmental Advisory Committee. Community Development Director Schlutow noted to make the correction.

It was moved by Commissioner Patterson to approve the amended minutes from October 22, 2019 and supported by Commissioner Kempner.

AYES: Kempner, Murad, Patterson, Richardson, Trotto, Buckler, Campbell, Kapelanski
NAYS: None
ABSENT: Smith

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COMMUNICATIONS
Michigan Planner newsletter was presented to the Commission.
Emails related to marihuana business licenses, and an email related to the marihuana land uses within the City.

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CITIZEN COMMENTS
None.

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1. PUBLIC HEARING: Matter of Conducting a Public Hearing to recommend zoning ordinance amendments that would permit Marihuana land uses in the City of Berkley.
Community Development Director Schlutow summarized the ordinance amendments that would permit medical provisioning centers and adult use retail marihuana businesses in the Eleven Mile, Coolidge, Gateway, Twelve Mile, Industrial, Woodward, Local Business, and Downtown Districts. The draft ordinance presented had been discussed at the October 22, 2019 Planning Commission meeting, in which the PC directed staff to set the public hearing.

Administrative Assistant to the City Manager Dan Hill presented his power point presentation in which he detailed the steps through the application process, from submittal to site plan review with the Planning Commission to City Council approval.

Public Hearing opened at 7:13pm.

Mark Schmier, 29625 Bristol Lane, Bingham Farms, commented on the green zone and merit point system in place for reviewing the marihuana business applications. Mr. Schmier noted that there was a demerit of 18 points based on the location of the property within the City. Mr. Schmier felt that this point designation was unfair and should be addressed.

Dan Amori, 3249 Wakefield, voiced his support for passing the law. He noted the scoring system has the potential to permit additional businesses, create up to 45 new jobs, renovating vacant buildings, and extending the downtown area. He noted that this would be a benefit to the City.

Kurt Hite, 3525 Robina, supports passing the ordinance and appreciates the change in requiring site plan approval prior to going before City Council. He noted that he is a proponent of the additional notification but was not a proponent of the special land use review.

Marihuana Licensing Attorney, voiced his concern and asked Council to reconsider the 18 points to be awarded to properties along Woodward and Eleven Mile, exclusively. This could hinder the most qualified applicants. The 18 points are noted to be more important that other criteria that was ranked lower.

Chris Klamkin, 2838 Coolidge, applauded the efforts of City staff. He noted that it was a fair and objective merit system. He noted a concern related to the incentive for a secondary business, specifically, in the Industrial District.

Aric Klar, 2008 Oxford, noted that the areas designated for marihuana businesses make sense to the development needs in the City of Berkley. He noted the importance to focus on areas that do not have development structure, as other areas within the community.

Douglas Stewart, 1000 Round Lake Rd, White Lake MI, noted that he represents a consulting firm that assists communities related to cannabis. He noted that there could be problems with the green zones and awarding points to specific properties within the green zone. The proper people should be running these facilities and the point system should reflect that.

Kurt Hite, inquired about the incentivized operation longevity of the additional non-cannabis business.

Public Hearing closed at 7:23pm.

Chair Kapelanski noted that the Planning Commission would be addressing the zoning ordinance amendment related to marihuana land uses and would not be discussing the merit point system.

Dan Hill noted the areas that would receive the 18 points discussed during the hearing, were areas that had been determined to be in need of development. The properties within the green zone that would not receive the 18 points are located within the DDA and that area already receives DDA funds, have access to façade grants and other development friendly programs. Areas on Woodward and Eleven Mile do not have as many resources available, as the DDA.

In regards to the inquiry about any requirements for the accessory business to remain open for the duration of the marihuana business. Community Development Director Schlutow noted that this would be reviewed administratively. The merit point system had not yet been adopted and would be adopted by resolution after
the zoning ordinances had moved through the process of adoption.

Commissioner Patterson motioned to recommend approval of the Zoning Ordinance to permit marihuana businesses within the City of Berkley. Supported by Commissioner Murad.

AYES: Murad, Patterson, Richardson, Trotto, Buckler, Campbell, Kempner, Kapelanski
NAYS: None
ABSENT: Smith

2. SITE PLAN: PSP-06-19 2219 LLC, is requesting site plan approval for façade and site changes at the former La Salette school building for multiple family residential.

Community Development Director Schlutow provided a summary of the project.

Kurt Hite noted he appreciated the site plan changes from the previous proposed development.

Commissioners discussed the internal layout of the development, including elevator, stairwell of the building, illumination levels, fenced dog run located in the front yard.

Commissioners noted that it fit with the existing neighborhood and were curious about Phase II for the outlot to the west of the subject site.

Based on findings of fact, Commissioner Patterson motioned to approve PSP-06-19 with the following conditions:

1. The Planning Commission approve the design and location of the bicycle rack on the subject site.
2. Submission of detailed summary of flags of sidewalk to be replaced along Oxford Rd and Coolidge Hwy during construction.
3. Modifications of the parking island at the ingress/egress from Oxford Rd to accommodate emergency vehicles to the satisfaction of the Fire Marshal.
4. Construction of masonry wall to separate the La Salette multiple family residential development from adjacent residential property located to the west of the subject site.
5. Relocation or elimination of the fenced dog run in conformance with the requirements of the Zoning Ordinance pertaining to accessory structures.
6. Final review and approval by City Engineer and Department of Public Works.

Supported by Commissioner Buckler.

AYES: Patterson, Richardson, Trotto, Buckler, Campbell, Kempner, Murad, Kapelanski
NAYS: None
ABSENT: Smith

3. MEETING DATES: Matter Of reviewing meeting dates for 2020 calendar year.

Community Development Director Schlutow provided draft meeting schedule for 2020 calendar year. It was requested that the Commission review the meeting date held in December 2020.

The Commission discussed the dates and revised the December date to December 15, 2020.

Commissioner Patterson motioned to approved revised meeting dates for 2020 calendar year. Supported by Commissioner Murad.

AYES: Richardson, Trotto, Buckler, Campbell, Kempner, Murad, Patterson, Kapelanski
NAYS: None
4. **DISCUSSION:** Matter of discussing future ordinance amendments.

Community Development Director Schlutow provided a summary of five topics for possible ordinance amendments. It was requested that the Planning Commission review the five items to determine which items would be beneficial to tackle in the coming months.

Commissioners discussed and determined that public hearing notification and projects requiring site plan approval should be reviewed first, with parking, landscaping, and signs to be reviewed thereafter.

5. **DISCUSSION:** Matter of discussion for format and content of the Community Development Monthly Report.

Community Development Director Schlutow noted the report would keep Planning Commission, Zoning Board of Appeals and City Council up to date on the various community development/planning projects. This allows each member to follow the progress of the projects from site plan approval to building permits to grand opening. The month will also ordinance amendments, building permits, CDBG projects, etc.

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**LIAISON REPORTS**

Commissioner Murad noted that the holiday party for the Chamber of Commerce would be on December 11, 2019 at Crispell’s from 5:30pm – 8:00pm. The holiday parade would take place on December 7, 2019.

Commissioner Richardson noted the Environmental Committee met last week and the City Council would consider resolution to support a project with the Clinton River Watershed Council Watertowns program. This project will make it possible for Berkley to utilize the services of Dr. Carpenter. The project will have a public participation component and the City would be eligible for grant funding through the project.

State of the City address would take place October 25, 2019 and the Chamber of Commerce would welcome any members of the public who would be interested in volunteer opportunities.

Commissioner Richardson noted Electronics Recycling Day would be taking place in the community center parking lot. Residents can drop off old electronics, such as televisions, radios, etc.

Commissioner Trotto was unable to attend the November DDA meeting. The DDA is still looking for an Executive Director to fill the vacant position.

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**STAFF/COMMISSIONER COMMENTS**

Commissioner Murad inquired about the Master Plan Steering Committee. City staff noted there is one position per Board/Commission on the MP Steering Committee and each would need to submit an application through the City website.

Commissioner Richardson noted the memo templates were helpful and should be continued.

**With no further business, the meeting was adjourned at 8:45pm.**