

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:01 PM, MAY 24, 2022 AT BERKLEY 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: Kristen Kapelanski Joe Bartus
Greg Patterson Julie Stearn
Lisa Kempner

ABSENT: Daniel Petrosky (Unexcused; pending resignation)
Shiloh Dahlin (Excused)
Mark Richardson (Excused)

ALSO, PRESENT: Megan Masson-Minock, Interim Community Development Director
Ross Gavin, City Council Liaison
Bill Scarmeas, 1878 Rosemont, Berkley
Aaron Geyer, 1722 Roszel, Royal Oak
Aric Klar, 637 Overbrook, Bloomfield Township
Michael Klar, 5071 Village Place, West Bloomfield Township

Motion by Commissioner Patterson to excuse the absences of Commissioner Dahlin and Commissioner Richardson. Motion supported by Commissioner Stearn.

Voice Vote to approve the absences of Commissioner Dahlin and Commissioner Richardson.

AYES: 5
NAYS: 0
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

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APPROVAL OF AGENDA

Motion by Commissioner Kempner to approve the agenda supported by Commissioner Patterson. With clarification from Interim Community Development Director Masson-Minock stating under new business item one, the "on behalf" individuals stated after that has changed based on a request from the applicant.

Voice vote to approve the agenda

AYES: 5
NAYS: 0
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

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APPROVAL OF THE MINUTES

Motion by Commission Kempner to approve the minutes from the regular Planning Commission meeting on April 26, 2022 and supported by Commissioner Bartus.

Voice vote to approve the meeting minutes on April 26, 2022.

AYES: 5
NAYS: 0
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

COMMUNICATIONS

Community Development Department Report
Emails from Mr. & Mrs. Scarmeas on Lume
Email from Scott Gordon on Quality Roots

CITIZEN COMMENTS

Robert Rivait, 4292 Ellwood - Addressed the Planning Commission on an Airbnb that is next to his property. Mr. Rivait stated that last month in April nine people were killed in an Airbnb. He stated that the Airbnb next to his house is a party house. Mr. Rivait stated the garbage has been constant and all over his yard. Across the country, they are trying to curtail or ban Airbnb's because they are taking always from our kids and the schools, the crime has increased tremendously with Airbnb's. You do not know who your neighbor is going to be and Mr. Rivait stated that they are parking in front of his garage/driveway.

OLD BUSINESS

NONE

NEW BUSINESS

1. **PSP-03-22: 1949 Twelve Mile - Lume:** Christopher Enright, on behalf of Attitude Wellness LLC and Monarch Acquisitions LLC, 1949 Twelve Mile Rd., Parcels #25-17-126-002 and #25-17-126-003, is requisition site plan approval for the conversion of 6,764 square feet of the existing building to a retail marihuana dispensary and office use for the remaining 17,677 square feet.

Interim Community Development Director Masson-Minock provided an overview of this applicant and highlights from the review letter with five suggested conditions of approval.

APPLICANT PRESENTATION

Chris Enright
Christopher Enright Architects PC
628 E Parent Ave #106, Royal Oak, MI 48067

Mr. Enright clarified the changes that were made based on the discussion from when the sketch plan was before the Planning Commissions. Mr. Enright stated the plans with the most current submission include the entire parking lot.

PUBLIC COMMENT

Bill Scarmeas, 1878 Earlmont - Stated his objection on the dispensary location on 1949 Twelve Mile road. Mr. Scarmeas stated that his first concern is that this property backs up residents on Rosemont, being too close to residents affecting the property value. The second objection is that Lume will be 1,000 ft from a pre-existing private educational facility KinderCare. He also stated his concern on parking and traffic patterns along the Brookline entrance, with close proximity to KinderCare and kids getting picked up there. Mr. Scarmeas stated that he is opposed to this and hopes that the Planning Commission takes these points into consideration while voting on the final approval.

Larry Sermo, 1890 Rosemont - Stated that he lives right next to Bill Scarmeas and addressed concerns about drainage. Mr. Sermo stated that his house on Rosemont floods every time. Mr. Sermo stated that towards the end of the summer where KinderCare and the projected project is going there was a new parking lot put in about two years ago that is uneven, can't walk in it after it rains, and wondered if that drainage is going to be addressed? Mr. Sermo stated that last year the city brought out drain cleaners and the parking lot has not had much flooding since. The drains run through Rosemont to the back of that parking lot and there is an issue there and does not want to see this project put pavers in and ultimately rip them out again. Mr. Sermo stated that since this backs up to his lot, he does not want the lights shining in his yard, if there are shields that are going on these lights. Mr. Sermo stated he is worried about through traffic and what the city is going to do, and suggested putting no thru traffic signs up.

Larry Fonz, 1908 Rosemont - Mr. Fonz questioned the installation of the fan that is going on the building, how loud are the fans going to be, does it generate electricity?

Interim Community Development Director Masson-Minock addressed the question on lighting concerns from public comment.

Mr. Enright clarified the questions on the wind turbine as well as the drainage on Twelve Mile with parking and the sidewalk. Mr. Enright stated that since they will be changing the use and voluntarily making changes to the exterior of the site, it triggers the requirement that the entire property has to be brought up to current drainage standards. The drainage and parking will be improved.

Interim Community Development Director Masson-Minock included that there was a concern about the existing pipe lead. From HRC there was a requirement to have the sanitary lead inspected and video footage submitted to the city verifying the lead is suitable for reuse. The lead is suitable for use. Mr. Enright stated that the lead inspected was a sanitary sewer lead but the storm sewer pipe on site would be replaced.

The Planning Commission determined that the landscaping is adequate and meets the standards.

Commissioner Bartus stated that the shared parking agreement is something the city attorney would follow up with. The parking calculations look fine, and adequate for future use. He also addressed the RCOC permit on Twelve Mile. Commission Bartus also addressed two other items that will come later in the process of the application.

Commissioner Stearn asked Mr. Enright on clarification on the traffic pattern, arrows that are presented, stating that it is not wide enough for two cars and wants to ensure that Mr. Enright is going to have proper signage so people are not driving the wrong way.

Mr. Enright clarified and explained the intention and plan with the way the parking is and how the parking and traffic pattern will theoretically work.

Commissioner Stearn recommended a do not enter sign to help mitigate the traffic pattern.

Motion by Commissioner Kempner to approve application PSP 03-22; with the condition that the applicant work with the City to work on signage for the alley direction and the items mentioned in the staff cover letter dated May 19, 2022, and a finding that the landscaping meets the site plan approval standards of Section 130-37 of the Zoning Ordinance. The motion was supported by Commissioner Bartus.

AYES: Patterson, Stearn, Bartus, Kempner, Kapelanski
NAYS: NONE
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

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- 2. **PSP-09-22: 3916 W. Eleven Mile - Quality Roots:** John Vitale, on behalf of L & L Development LLC, 3916 W. Eleven Mile Rd., Parcels #25-18-353-030 and #25-18-353-027, is requesting site plan approval for the renovation of the existing building to a retail marihuana dispensary and office tenant space.

Interim Community Development Director Masson-Minock provided an overview of the proposed renovation of the existing multi-unit tenant building on 3316 W Eleven Mile. Interim Community Development Director Masson-Minock stated specific details that are presented in the application, wanting more clarification on some things that were in the application. There were multiple comments from DPW, but can be taken care of in between site plan and the pre-construction meeting. Interim Community Development Director Masson-Minock stated what needed to be discussed by the Planning Commission.

APPLICANT PRESENTATION

Michal Klar	Andrew Danaher, Architect
Vice president, Co-founder of Quality Roots	Stucky-Vitale Architects

Mr. Danaher clarified the comments that were presented from Interim Community Development Director Masson-Minock. Mr. Danaher explained the lighting concerns, trash and storage, the windmill, permeable pavers, and landscaping.

PUBLIC COMMENT

Email from Scott Gordon, 1760 Thomas - in favor of this particular project.

Commissioner Kempner asked Mr. Danaher about the back-parking area and landscaping aspect of the design. Mr. Danaher explained that there is no additional parking proposed in this site plan anymore. It is being proposed as the parking presents itself today. They are only requesting to make the alley bigger. Mr. Klar stated that the extra six spots are not a need, but would be utilized as employee parking, asking about it now because to go back in to add those six spots it would be very costly.

The Planning Commission agreed that they would rather see more landscaping than parking in the back area.

There was also discussion with Mr. Danaher, Interim Community Development Director Masson-Minock and the Planning Commission about the neighboring building, conversations with the property owner, and the potential future use of that building with the limited parking on-site and current zoning.

The Commission discussed with Mr. Danaher and Mr. Klar about the permeable pavers, and snow removal. The Planning Commission determined that the landscaping is adequate and meets the standards.

Motion by Commissioner Bartus to approve application PSP 09-09-22 subject to the recommendations in the staff letter dated May 19, 2022, and a finding that the landscaping meets the site plan approval standards of Section 130-37 of the Zoning Ordinance. The motion was seconded by Commissioner Stern.

AYES: Kempner, Patterson, Stearn, Bartus, Kapelanski
NAYS: NONE
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

LIAISON REPORT

Commissioner Kempner reported that the DDA is focused on trying to reopen or add some more crosswalks especially across Coolidge. The DDA is trying to get the Coolidge Task Force to meet to give recommendations so they can go to the City Council.

Events that are happening in June are Ladies Night Out on June 2nd from 5 p.m. to 9 p.m., Art Bash on June 11th from 10 a.m. to 6 p.m., and the Pride Block Party at Robina North, on June 26th from 12 p.m. to 4 p.m.

Commissioner Bartus asked Commissioner Kempner on what the DDA is looking to install on the crosswalks, flashing lights? Commissioner Kempner stated that they are looking for signs right now then reactivating the lights that Berkley does have right now.

COMMISSIONER COMMENTS

Commissioner Patterson stated that from the last meeting he was stunned that Commissioner Smith had stepped down. Commissioner Patterson gave a huge thank you to Commissioner Smith’s multiple decades of service, wealth of knowledge, and it was always an asset to have him on the Commission.

STAFF COMMENTS

Interim Community Development Director Masson-Minock clarified that with the pending resignation of Dan Petrosky, the Planning Commission has seven members, and per the bylaws they need to have five for quorum, so their presence is essential. She thanked the members of the Commission that were there today.

Interim Community Development Director Masson-Minock also told the Commission to please let staff know if they know anyone who would serve well on the planning commission because of the vacancies. The City Council looks at appointments in June and training and attendance.

Interim Community Development Director Masson-Minock also stated to let staff know of any comments for Huntington Woods Master Plan. There will be a write up with a review for the packet on June 7th. At that meeting, the Commission will have a sketch plan for the proposed Seven Point Provisioning Center and The Ivy has resubmitted plans.

ADJOURNMENT

Motion to adjourn by Commissioner Kempner supported by Commissioner Patterson.

Voice vote for adjournment

AYES: 5
NAYS: 0
ABSENT: Dahlin, Petrosky, Richardson

With no further business, the meeting was adjourned at 8:13 p.m.