

# **PUBLIC PARTICIPATION PLAN**

**CITY OF BERKLEY**



**ADOPTED DECEMBER 2018**



# ACKNOWLEDGEMENTS

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## PUBLIC PARTICIPATION STRATEGY

The City of Berkeley Public Participation Plan is a guide to gathering information from residents and key stakeholders during the planning and the development review and approval processes. Public participation is an essential component in creating the sense of place and community that is unique to the citizens of Berkeley.

In order for public participation to be meaningful and effective, the City must adapt. In today's world, an expectation that community members will simply come to the City to communicate needs and expectations is not viable or sustainable. This is to continue in the manner of being reactive rather than proactive. A proactive approach to the development process is to solicit participation and feedback from community members.

### GOALS

- **Move beyond the status quo:** Complying with statutory requirements for public participation is to do the bare minimum. To reach a healthy level of community engagement, the City should strive to, whenever possible, do more than what is legally required; to move beyond the status quo to ensure that voices are not just heard but incorporated into decisions and solutions. This means using a diverse toolbox for community engagement.
- **Solicit community member feedback early:** The City must engage members of the community from the outset of specific development projects (one example of when this might be done is at the beginning of a Planned Unit Development (PUD) process). The City must strongly encourage developers to solicit community feedback when large-scale developments are being proposed.
- **Utilize various approaches to communicate with community members:** There is not a “one-size fits all” approach to community engagement. In some cases, the City must use various avenues of communication and engagement to gain vital feedback.
- **Provide educational material and design participation initiatives that will support and encourage effective participation:** Effective participation in the decision-making process requires an understanding of land use issues and the framework for making local investment decisions. Planning professionals and officials need to be well-versed in and employ visualization techniques that optimize public understanding of issues and concepts. Visualization techniques can be especially helpful with specific sites or areas of redevelopment.
- **Support and encourage continuous improvement in the methods used to meet the public need for information and involvement.** Public information and involvement methods are continually evolving. The municipality is committed to seeking new ways to engage and keep the public involved throughout the process.

## STATUTORY REQUIREMENTS FOR PUBLIC PARTICIPATION

There are a number of statutory requirements regarding public participation. Simple compliance with the statutory requirements is to do the bare minimum in terms of public participation. The goal of any viable public participation plan is to move beyond the status quo of those statutory requirements. Here is a list of those statutory requirements:

- **Open Meetings Act:** In accordance with the Michigan Open Meetings Act (PA 267 of 1976), the municipality will hold meetings in City Hall, 3338 Coolidge Hwy, or in another property posted location as is necessary or preferable. These locations are accessible to the general public. Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Berkley City Hall for assistance: City Clerk (248) 658-3310; 3338 Coolidge Hwy, Berkley, MI 48072.

### MEETINGS

The OMA requires guidelines during public meetings to ensure the public has an opportunity to be included in the decision making process and to ensure that a record of decisions are kept and are accessible to the public for review. These requirements are designed to ensure that a level of transparency is maintained and that decisions are made openly.

During each public meeting, there must be time allotted for public comment. Minutes are required for all open meetings. Minutes are required to maintain the following information:

1. The time, date, and location of the meeting
2. The members present and absent
3. A record of any decisions made at the meeting and a record of all roll call votes

The Open Meetings Act does allow for certain instances when closed session meetings are necessary. A two-thirds vote in the affirmative is necessary in order to go into closed session. The reason for a closed session must be publicly disclosed and meet the criteria under OMA. No action may be taken during a closed session. The entirety of the text of the Open Meetings Act can be accessed here:

<http://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-267-of-1976.pdf>

- **Planning Enabling Act (PA 33 of 2008):** The Michigan Planning Enabling Act was created to provide for county, city, and village planning and codify laws regarding it. The entirety of the act can be accessed through the state department or at the following website address: [Michigan Planning Enabling Act](#)
  - A. **MASTER PLAN**-The following process applies for master plans and amendments:
    1. **Intent to Plan:** In accordance with PA 33 of 2008, the following parties will be notified via first class mail, personal delivery or electronic mail by the planning commission of the intent to plan and request the recipient's cooperation and comment:
      - Oakland County

- Southeast Michigan Council of Governments
  - Oakland County Board of Commissioners
  - SMART
  - Road Commission of Oakland County
  - City of Huntington Woods
  - City of Oak Park
  - City of Royal Oak
  - City of Southfield
2. **DRAFT PLAN REVIEW:** After the draft master plan has been submitted to the legislative body for review and approval for distribution, the draft plan will be submitted to the previously listed entities for review. Those entities have up to 63 days to submit written comments for a new master plan and 42 days for a master plan amendment.
  3. **PUBLIC HEARING:** Before approving a proposed master plan, the planning commission will hold not less than one public hearing on the proposed master plan. The hearing will be held after the expiration of the deadline for comment as outlined in the act. The planning commission will give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within Berkley.

The planning commission will also submit notice of the public hearing by first class mail, personal delivery or electronic mail to the previously listed entities for review.

After the adoption of the master plan, a planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.

**REQUESTS FOR PLANNED UNIT DEVELOPMENT, REZONING, SPECIAL LAND USE-**The following process applies to requests for a planned unit development, request for rezoning, or special land use:

1. By statute, a public hearing must be held by the Planning Commission.
2. All affected property owners within 300 feet of the property are notified by the City through mail of the upcoming public hearing.
3. During the Public Hearing, members of the community have the opportunity to speak regarding the proposed special land use or rezoning request.
4. Written comments submitted in advance of the meeting are also entered into the public record.

➤ **Zoning Enabling Act (PA 110 of 2006):**

- A. **VARIANCES-** The following process applies to requests for a dimensional or use variance:
  1. By statute, a public hearing must be held by the Zoning Board of Appeals.
  2. All affected property owners within 300 feet of the property are notified by the City through mail of the upcoming public hearing.
  3. During the Public Hearing, members of the community have the opportunity to speak regarding the proposed special land use or rezoning request.

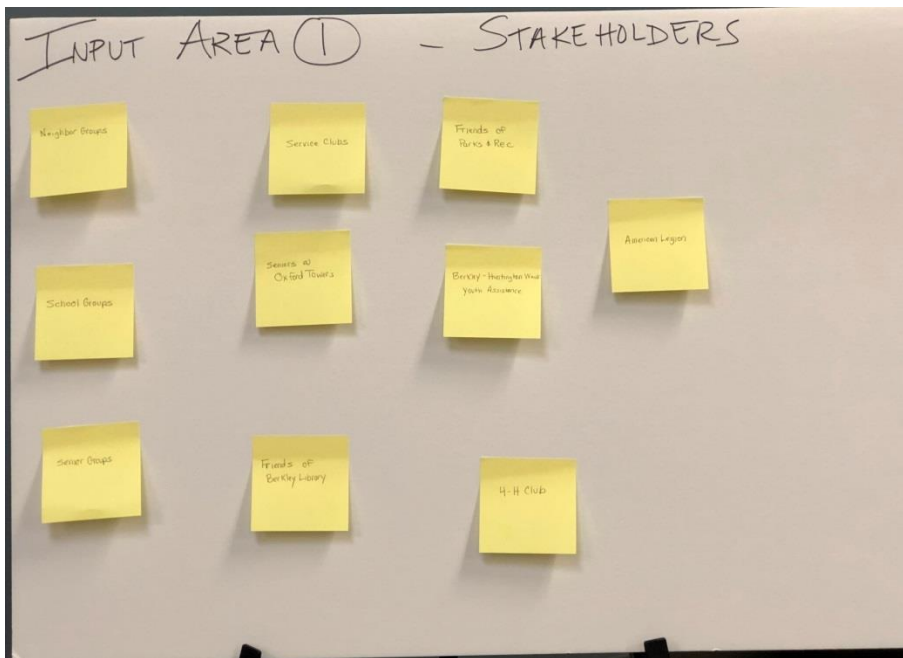
4. Written comments submitted in advance of the meeting are also entered into the public record.
- B. **ZONING AMENDMENTS-** The following process applies to amendments to the text of a zoning ordinance and map amendments:
1. By statute, a public hearing must be held.
  2. All affected property owners within 300 feet of the property are notified by the City through mail of the upcoming public hearing.
  3. During the Public Hearing, members of the community have the opportunity to speak regarding the proposed special land use or rezoning request.
  4. Written comments submitted in advance of the meeting are also entered into the public record.
  5. Protest petitions for zoning ordinance text amendments may be filed.



## IDENTIFYING KEY STAKEHOLDERS

Stakeholder participation is vital to the success of the development process. Stakeholders can enhance the participation process and can assist in identifying groups that may not traditionally be part of the visioning process. Listed below is a list of key stakeholders in the City of Berkeley. The following items need to be considered in identifying stakeholders:

- **Who is your target audience?**
- **Who in your target audience is the least likely to participate and how do we reach them?**



In order to ensure that key stakeholders are involved in the process, this list should be reviewed prior to an event where community participation is utilized. This is not an exhaustive list.

- Community members most affected by a potential development
- City Boards & Commissions
- Various City departments
- Downtown Development Authority
- Berkeley Area Chamber of Commerce
- Neighborhood groups
- Business owners
- Seniors groups
- Neighboring municipalities
- Service clubs (Rotary, Lions, etc.)
- Religious groups
- Potential investors
- Woodward Avenue Action Association
- Berkeley Public Schools
- Student groups
- Real Estate Professionals

## **PUBLIC PARTICIPATION OPPORTUNITIES**

This section is intended to provide examples of opportunities to receive public input. This is not an exhaustive list.

### **MASTER PLAN UPDATE**

A Master Plan is a strategic document that is intended to guide growth and development for the short and long term for the benefit of all. A high level of public participation and input can increase the effectiveness of a Master Plan. When Berkley is going through the process to amend or update its Master Plan, this is when the highest levels of public participation are needed. Each phase of the master planning process requires robust public participation.

### **RECREATION MASTER PLAN**

Programs and amenities provided through the Parks & Recreation Department are largely driven by community input that is gathered as part of the Recreation Master Planning process. In order to ensure that the City continues to provide programs and opportunities for recreation that meet the needs and expectations of the community, a high level of community engagement is vital.

### **CORRIDOR IMPROVEMENT PLAN**

A corridor improvement plan involves a high level of communication and education with business owners and residents in close proximity to the corridor being studied. Transportation organizations are an important stakeholder to involve in this process as well.

### **PLANNED UNIT DEVELOPMENT**

Planned Unit Developments (PUD) have the ability to deviate from established zoning regulations. A PUD is not intended to side-step conventional zoning regulations. Rather, a PUD is intended to provide development that could not be achieved through conventional zoning for the benefit of the community. Because a PUD can deviate from established regulations, they are often controversial. The City and a developer can minimize controversy by engaging the community early when a PUD becomes a possibility. A high level of community engagement early in the PUD process, particularly with those residents most affected by a PUD, can make for a much smoother process.

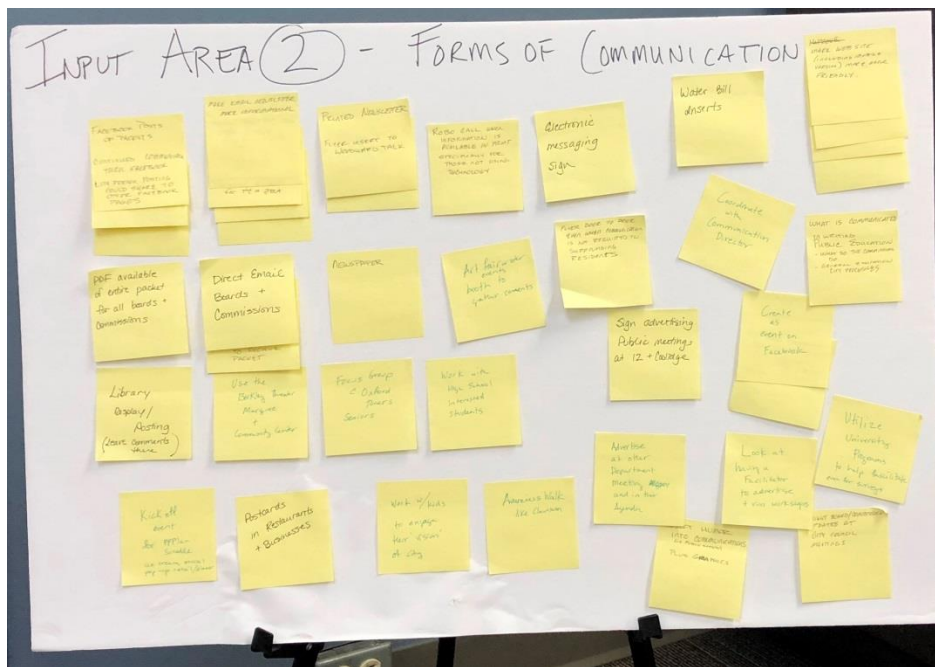
### **ORDINANCE AMENDMENT**

At a minimum, the City of Berkley shall follow the statutory requirements for public notification. An ordinance amendment will typically go through 1-2 readings before the public hearing is scheduled. This affords multiple opportunities for public comment and input.

### **SITE PLAN REVIEW**

Depending on the type of site plan review application, there can be multiple opportunities for public input. When an applicant is seeking a Special Land Use permit, by statute, all affected property owners within 300 feet are notified of the public hearing. A Special Land Use will have a public hearing with the Planning Commission. The Planning Commission will then take action on a formal recommendation to City Council. There would be an additional opportunity for public input at the City Council level on a Special Land Use application. At a minimum, the City will follow statutory requirements for public notification.

## COMMUNICATIONS TOOLBOX



### BASIC METHODS

This section provides examples of basic methods of communication. This list is intended to serve as an example and not an exhaustive list. Statutory requirements for public hearing notices would be an example of a basic method.

- City website
- City newsletter
- City Facebook page
- The City Manager hosts a monthly session to meet with community members.
- Public Notices—Newspaper
- Postcard notices (ex. Public Hearing notice for affected property owners in the case of Special Land Uses, Rezoning, Planned Unit Development, Variance Requests)
- City Council, Planning Commission, Zoning Board of Appeals meetings are streamed online and shown on public access television.
- Open House

### APPLYING BASIC METHODS

The City utilizes the basic forms of communication for the development process with the Planning Commission and Zoning Board of Appeals. Basic methods of communication should be utilized for all forms of planning and development. In most cases, site plan review, special land uses, variance requests, and some rezoning requests would not need to utilize advanced communication methods.

## **ADVANCED METHODS**

This section is intended to provide examples of tools the City can use to enhance the public participation process above and beyond what is required by statute. These methods are intended to encourage higher levels of participation. The methods should vary depending on the type of input being sought.

### **SURVEYS**

Surveys are often a useful mechanism for the starting point of the planning process. It gives City staff a sense of community expectations on something, whether it is a Master Plan update/overhaul, or a Corridor Improvement Plan. Surveys are great for getting the proverbial “ball” rolling. Before you can strategize how to give people what they want or expect, you have to know what they want and expect.

**Type of Development: Master Land Use Plan, Downtown Plan, Recreation Master Plan, Corridor Improvement Plan**

### **FOCUS GROUPS**

A focus group is a good “next step” companion to a survey. A survey provides a broad overview of needs, wants, and expectations. A focus group should dig deeper into the input process. A focus group can narrow the scope and prioritize solutions.

**Type of Development: Master Land Use Plan, Downtown Plan, Recreation Master Plan, Corridor Improvement Plan**

### **CHARRETTES**

A charrette differs from a workshop because it is a multi-day event where designers and planners work on a plan in-between what are called “feedback loops.” Usually between three and seven days, citizens can come to the “charrette studio,” which is an office on or near the location of the proposed plan or project. Citizens offer ideas while the charrette team facilitates and observes. From these suggestions, the designers and planners change the plan to suit community input and present their creation the next day where the community offers feedback again. This makes up one cycle of a “feedback loop.” There can be up to five feedback loops, resulting in a final plan shortly thereafter. This process can be completed with many different budgets, depending on the expertise of municipal state and local residents. Charrettes take much planning beforehand. Depending on the plan or project, a charrette will be an inclusive way to envision and create. The location and participants will be dependent on the scope of the project. Ideally, stakeholders to be effected by the project will convene for the charrette and it will be located near the project site.

**Type of Development: Master Land Use Plan, Downtown Plan, Recreation Master Plan, Corridor Improvement Plan**

### **COMMUNITY WORKSHOPS**

Workshops are intended to be less presentational and more about interactive dialogue. Workshops can be as simple as a series of question-and-answer sessions or as creative as creating a board game. Often, workshops are a great way to educate the community and hear concerns, questions, and ideas.

**Type of Development: Master Land Use Plan, Downtown Plan, Recreation Master Plan, Corridor Improvement Plan**

**TABLE 1: TYPE OF DEVELOPMENT & COMMUNICATION METHODS**

	Basic	Advanced
Site Plan Review	A	N/A
Special Land Use	A	N/A
Planned Unit Development	A	S
Variance	A	S
Rezoning	A	S
Master Plan	A	A
Recreation Plan	A	A
Corridor Improvement Plan	A	A
Ordinance Amendment	A	S

**A: Always    S: Sometimes    N/A: Not Applicable**

**WHO DECIDES WHICH TOOLS SHOULD BE USED?**

There is not a “one size fits all” approach to public participation. A majority of the basic methods of communication are driven by City Staff. Several of the methods are statutory requirements under the Planning Enabling Act and Zoning Enabling Act. However, the decision to utilize an advanced method such as an open house can be made by a Board/Commission.

Who decides which tools should be utilized when advanced forms of communication are needed varies by the type of project or development. For example, when the City begins the process to update its Master Land Use Plan or Recreation Master Plan, in most cases, the services of an outside consultant will be engaged. A scope of work is created by the Board/Commission/Committee tasked with oversight of a particular plan. The scope of work is included in a Request for Proposals (RFP). The Board/Commission/Committee creating the scope of work can require or recommend that the consultant use advanced communication methods during the process. For a Master Land Use Plan, the City Council or Planning Commission could require that the consultant conduct surveys, focus groups, or community workshops in order to gain the very valuable feedback essential to the plan.

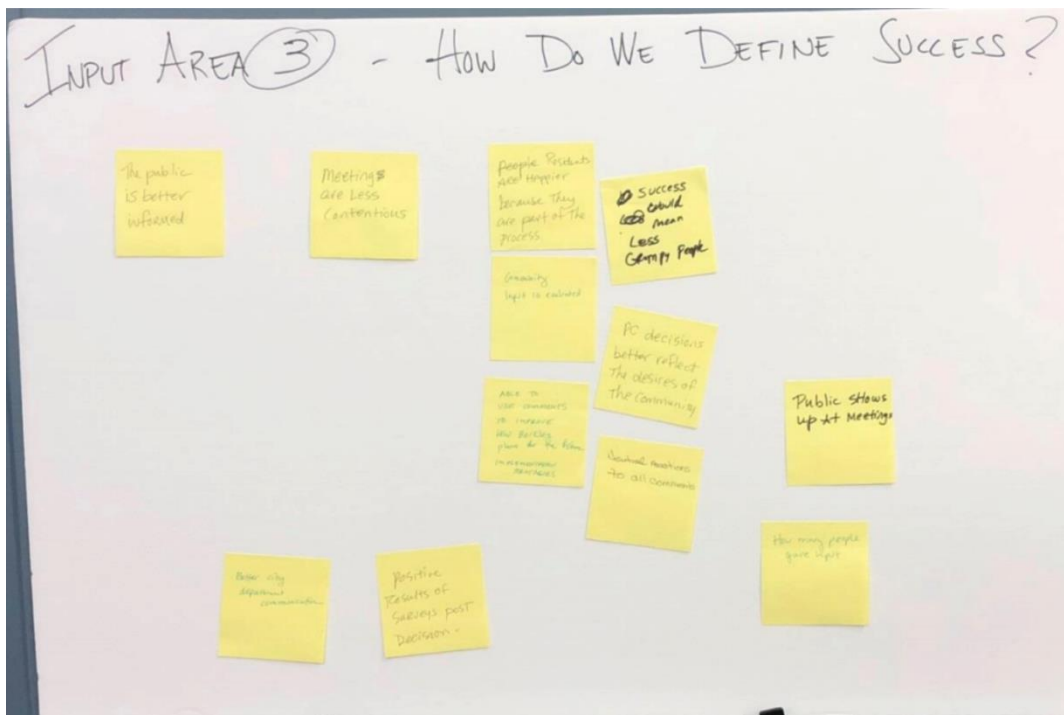
For a Planned Unit Development (PUD), one of the requirements by ordinance is that the applicant must have a pre-application conference with the Planning Commission. While this is not required by ordinance, the Planning Commission could recommend that the applicant engage community members, using an advanced form of communication.

## COMMUNICATING RESULTS

Results from public engagement sessions should be shared in a final plan document. In a Master Plan or Recreation Plan, these results could, for example, be communicated in the appendix section. Examples could include survey results, post-it notes placed on white boards during public engagement workshops, or results from focus groups.

## DEFINING SUCCESS OF PUBLIC ENGAGEMENT

A well informed public should be a goal of public engagement. In many communities, the reality has often been that levels of citizen participation are minimal unless there is strong opposition to a particular project or development. Successful public engagement need not be contentious. Rather, it is a process by which collective feedback, representative of all segments of the community play a constructive role in the development of Berkley.



## SUCCESSFUL ENGAGEMENT RESULTS IN

- A better informed public
- Collaborative community feedback
- Decisions by Boards & Commission that reflect community needs and desires
- Rational discourse
- Increased levels of citizen participation

**SUSTAINABILITY**

A Public Participation Plan must be sustainable. It is strongly recommended that City Council and the Planning Commission evaluate its plan every 5 years. As technology and social media evolves, so too must the City in terms of how these tools are utilized for public engagement.

Part of continuously improving our process is measuring the level of satisfaction with events that solicit high levels of citizen engagement. Each plan and project should have a Public Participation survey. An example of how this survey might look is included in the Appendix.

# APPENDIX

## COMMUNITY EVENT SATISFACTION SURVEY

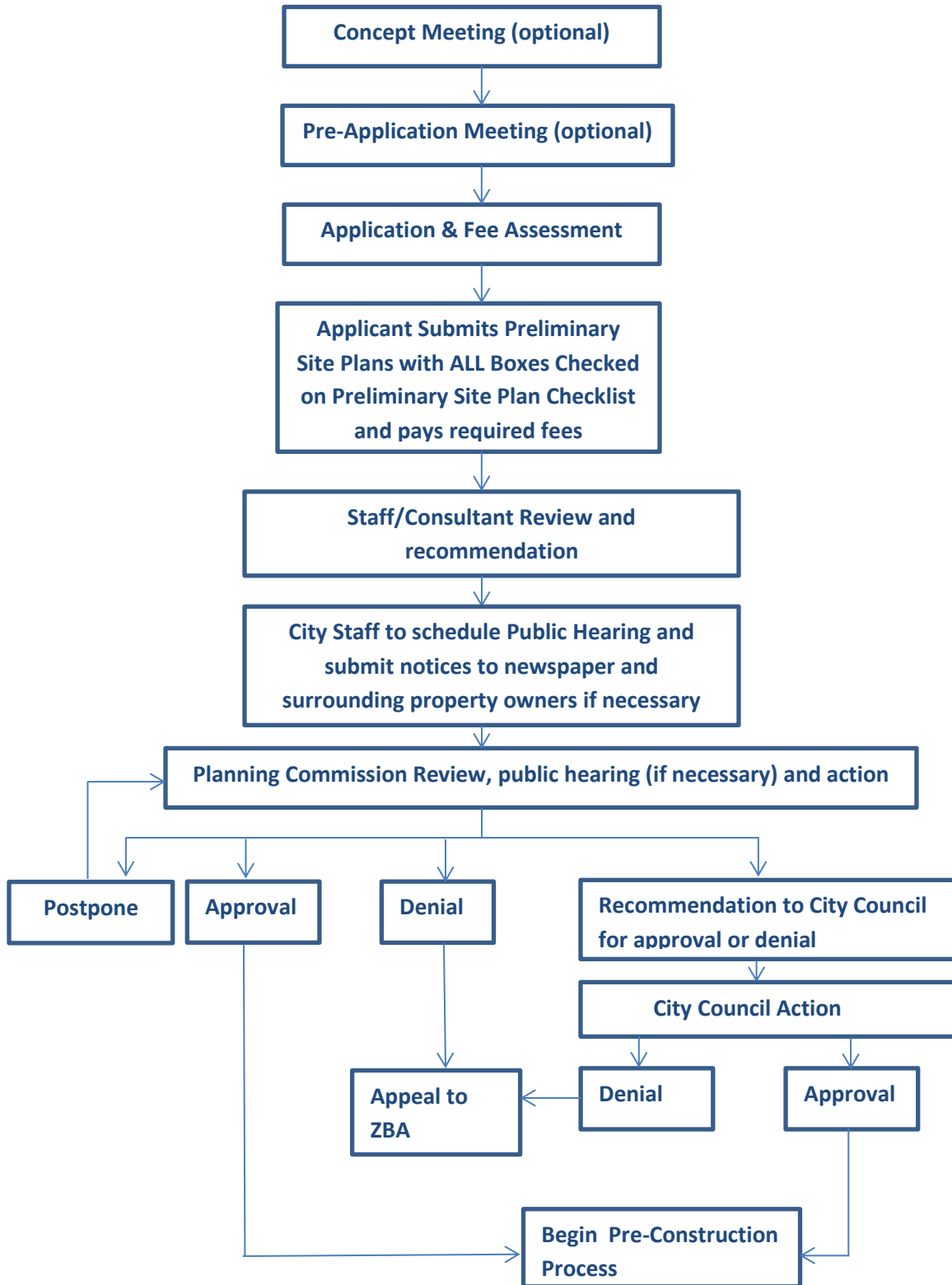
Community Event Satisfaction Survey
Event:
How did you hear about this event?
Was this event held at a convenient time & location?
What time or location would have been more convenient?
Are you glad you came to the event? How would you improve it?

## INTERNAL PUBLIC PARTICIPATION EVALUATION

Internal Public Participation Evaluation
Type of Public Participation:
Date & Time:
How was the event advertised?
Where was the event held?
How many people attended? Was there a group under-represented? Over-represented?
Who was the event facilitator?
In what ways could the event have been improved?

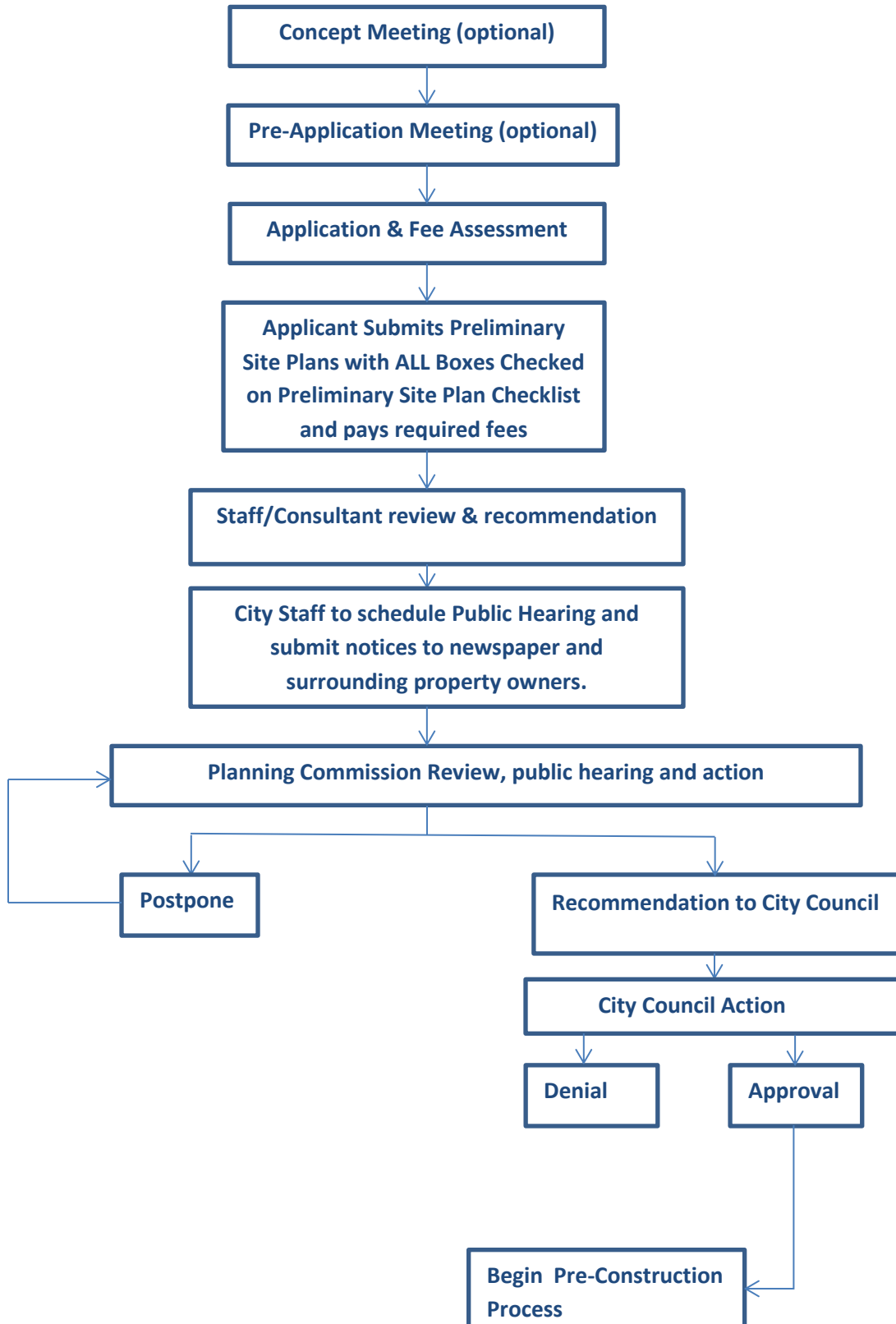


**TABLE 2: SITE PLAN REVIEW FLOW CHART**

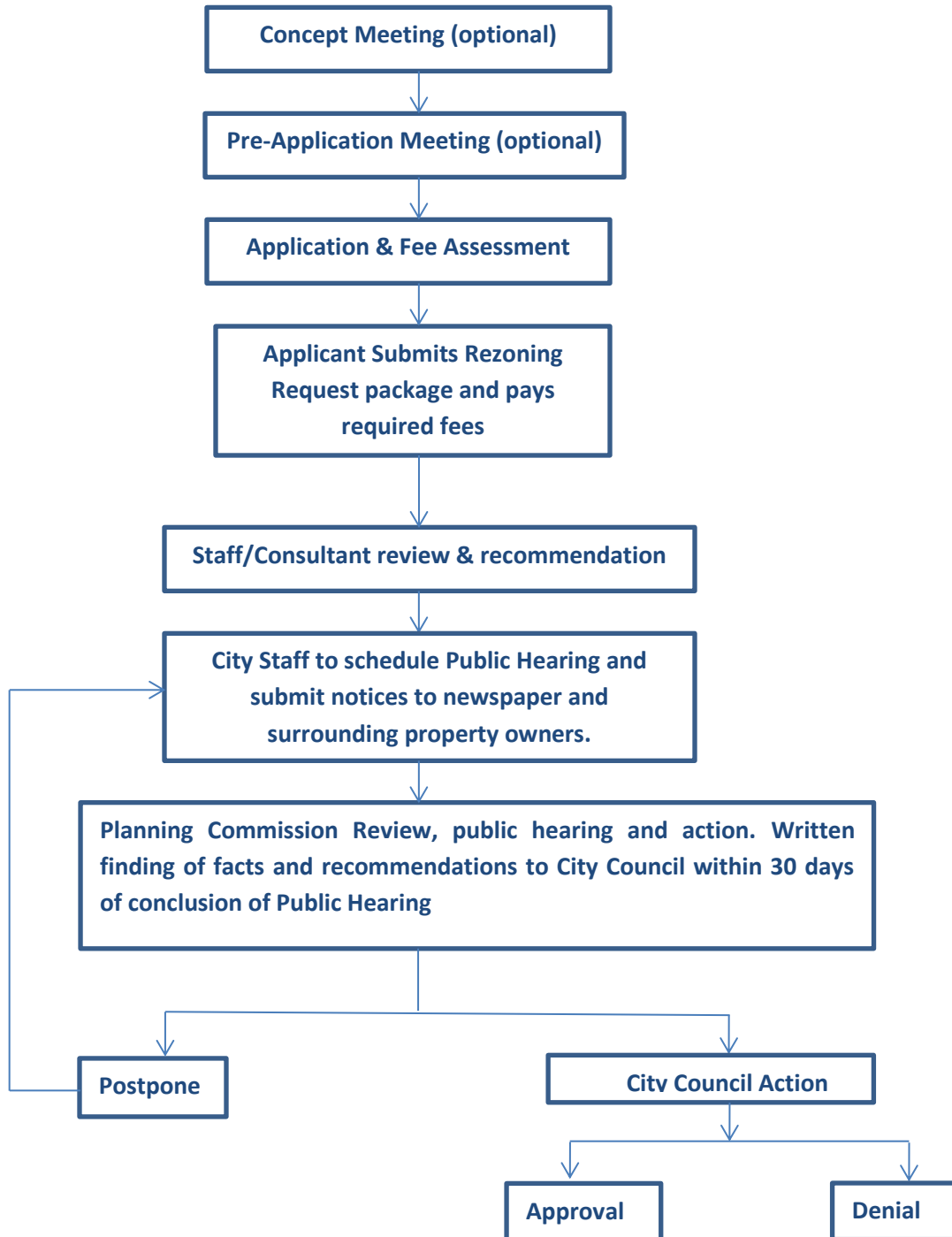


**TABLE 3: SPECIAL LAND USE REVIEW FLOW CHART**

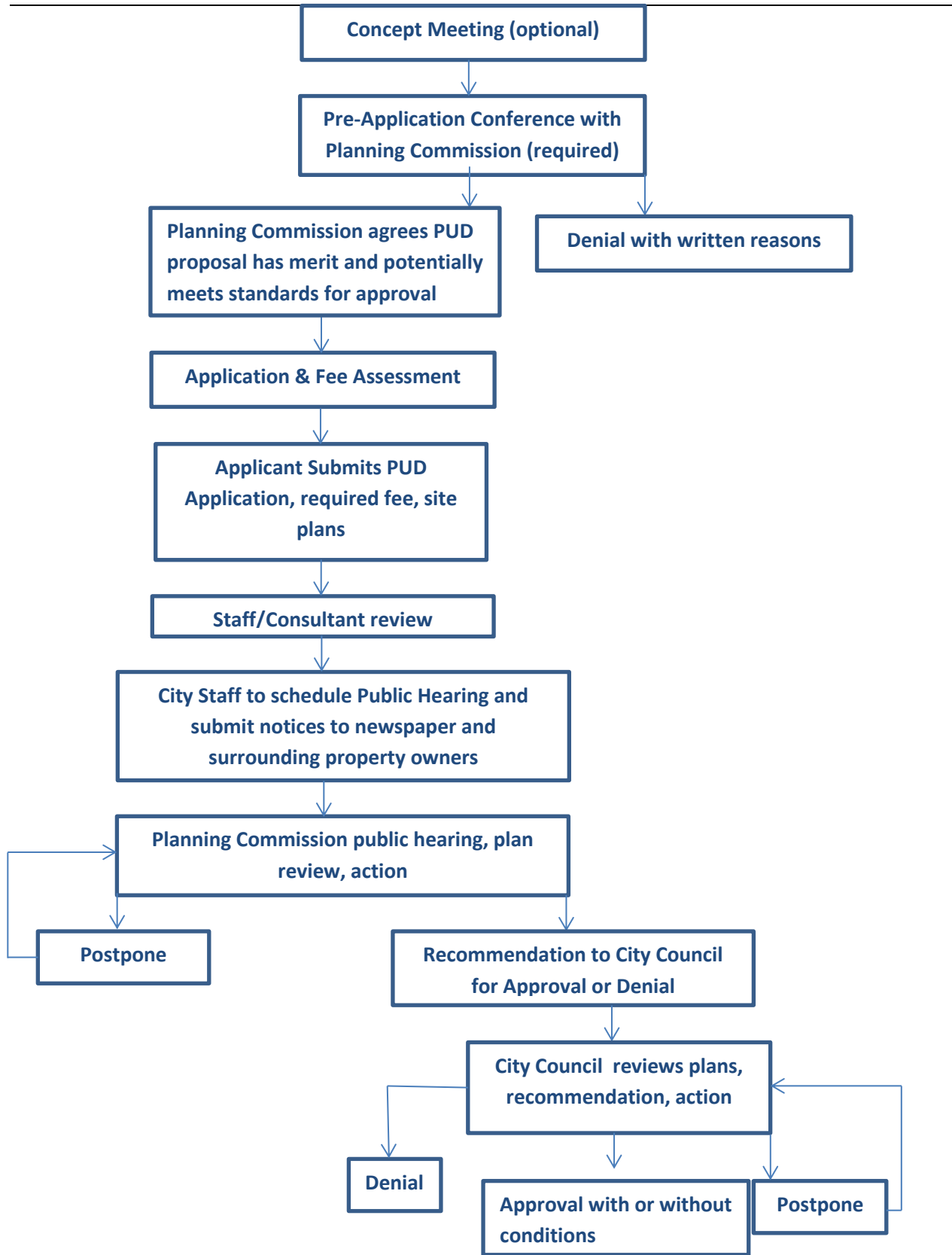
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**TABLE 4: REZONING REQUEST REVIEW PROCESS FLOW CHART**



**TABLE 5: PLANNED UNIT DEVELOPMENT PROCESS FLOW CHART**



**TABLE 6: VARIANCE REQUEST PROCESS FLOW CHART**

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