



**CITY OF BERKLEY PUBLIC NOTICE
JOINT PLANNING COMMISSION AND CITY COUNCIL MEETING
MONDAY, MARCH 16, 2026 - 5:30 PM
PUBLIC SAFETY 2ND FLOOR CONFERENCE ROOM - 2395 12 MILE ROAD
248-658-3300**

CALL 41ST COUNCIL TO ORDER

APPROVAL OF AGENDA

PUBLIC COMMENT(S)

Comments are invited on each Agenda item when that item comes up for consideration. Matters not listed on the Agenda may be addressed at this time. Please state your name and residential city. Each speaker's remarks are a matter of public record, and the Council will not engage in a back-and-forth discussion. Any person speaking at a City Council Meeting may be called to order by the Mayor or any Council Member for failure to be germane to the business of the City or for disruptive or disorderly behavior which prevents the Council from conducting its business. There is a three-minute limit per speaker.

ORDER OF BUSINESS

- 1) Special Land Use Training.

ADJOURN

Note: The City Of Berkley Will Provide Necessary Reasonable Auxiliary Aids And Services, Such As Signers For The Hearing Impaired And Verbal Representations Of Printed Materials Being Considered At The Meeting, To Individuals With Disabilities At The Meeting Upon Four Working Days' Notice To The City. Individuals With Disabilities Requiring Auxiliary Aids Or Services Should Contact The City By Writing Or Calling: Victoria Mitchell, ADA Contact, Berkley City Hall, 3338 Coolidge Highway, Berkley, MI 48072 (1-248-658-3310).

Note: Official Minutes Of City Council Meetings And Supporting Documents For Council Packets Are Available For Public Review In The City Clerk'S Office During Normal Working Hours. Anyone Wishing To Submit Correspondence To The Council Before The Meeting May Send An Email To Comment@Berkleymi.Gov By Noon On The Day Of The Meeting. Emails Sent Prior To The Deadline Will Be A Part Of The Meeting Record But Will Not Be Read During The Council Meeting.



Special Land Use Training

MARCH 2026

AGENDA:

What makes a special land
use special

Making Effective Decisions &
Findings

Risk Management

What makes a special land use special?

Statutory Authority

Zoning

- Michigan Zoning Enabling Act
- Public Act 110 of 2006 (MCL 125.3101 et seq)
- City of Berkley Zoning Ordinance

Michigan Zoning Enabling Act

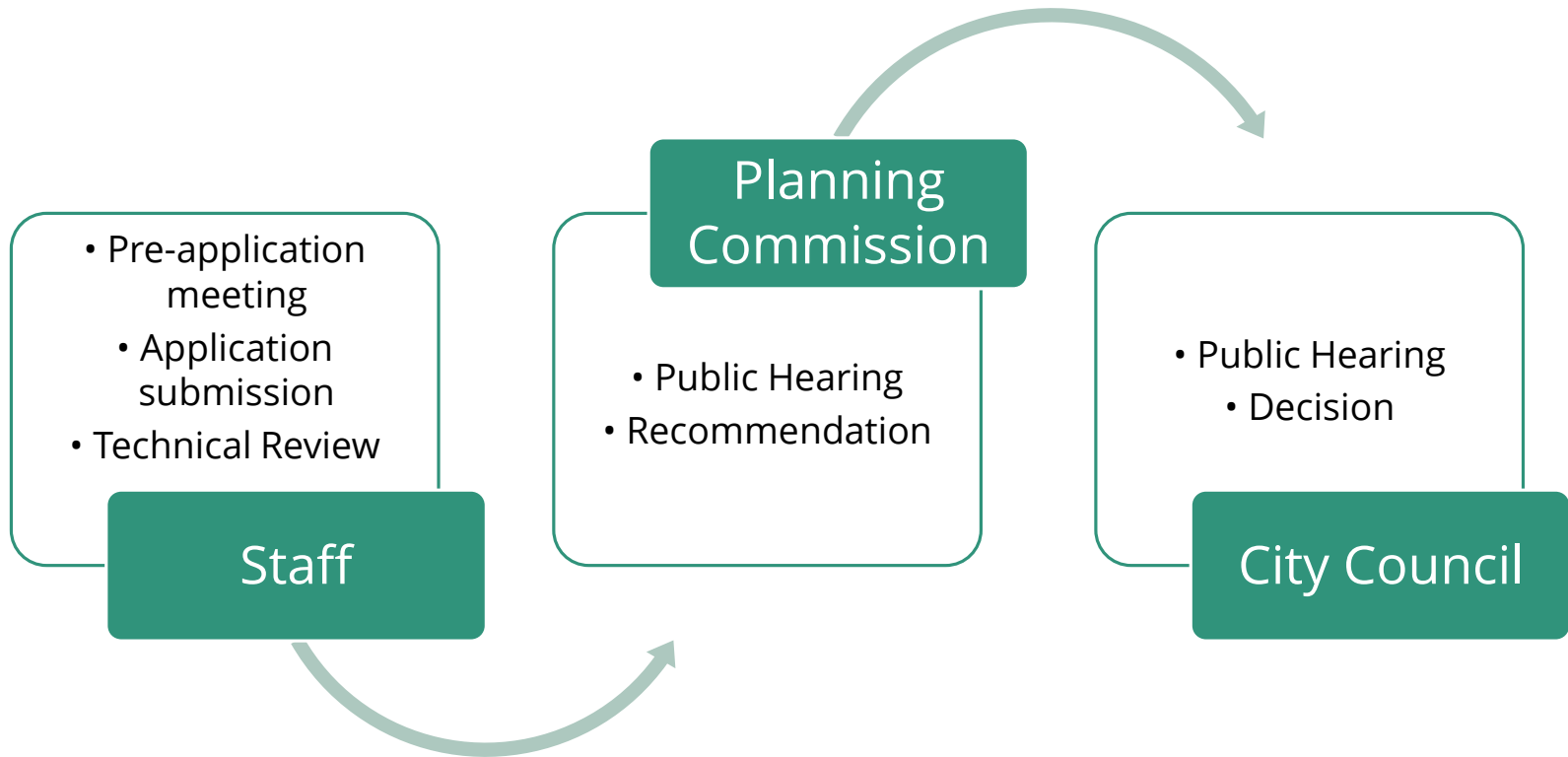
Section 502

- Legislative body *may* provide for special land uses in a zoning district. If so, must specify:
 - Special land uses and activities eligible for approval
 - The body or official responsible for reviewing and granting approval
 - The requirements and standards for approval
 - The procedures and supporting materials required
- Public hearing *required* when a discretionary decision
 - Notice in newspaper and mailed to property within 300 feet
 - Must happen before decision is made
- Body or official may *deny, approve, or approve with conditions*
 - Decision incorporated in a *statement of findings and conclusions* relative to the special land use which specifies *the basis for the decision and any conditions imposed*

The City of Berkeley Zoning Ordinance

- Special Land Uses in each zoning district (Article 10)
- Planning Commission recommends & City Council makes the final decision
- Conditions of approval – Section 10.04
- Process and supporting materials – Section 10.02 to Section 10.05
- Public hearing with notice for Planning Commission & City Council
- City Council: table, approve, approve with conditions, deny, postpone

Special Land Use Process



Special Land Use Standards

Section 10.03

The Planning Commission must consider all of the following general standards, and any standards established for a specific use when reviewing a special use request.

Special Land Use Standards

Section 10.03.A

Compatibility with Adjacent Uses.

The Special Land Use must be designed and constructed in a manner harmonious with the character of adjacent properties and the surrounding area, as compared to the impacts of permitted uses.

Special Land Use Standards

Section 10.03.B

Compatibility with the Master Plan.

The proposed Special Land Use must be compatible and in accordance with the goals and objectives of the City of Berkeley Master Plan and any associated sub-area and corridor plans, including the Downtown Master Plan.

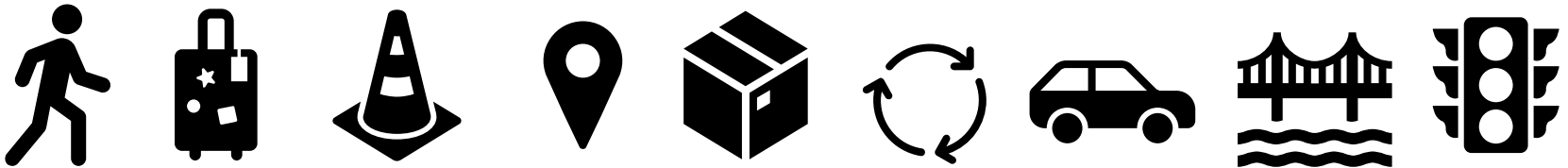


Special Land Use Standards

Section 10.03.C

Traffic Impact.

The proposed Special Land Use must be located and designed in a manner that will minimize the impact of traffic, taking into consideration the following:



Efforts must be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate mode of access and alleviate vehicular traffic congestion.

Special Land Use Standards

Section 10.03.D

Impact on Public Services.

The proposed Special Land Use must be adequately served by essential public facilities and services, such as:



Such services must be provided and accommodated without an unreasonable public burden.

Special Land Use Standards

Section 10.03.E

Compliance with Zoning Ordinance Standards.

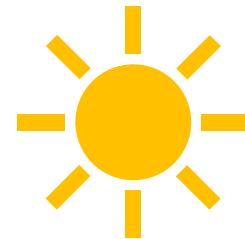
The proposed Special Land Use must be designed, constructed, operated, and maintained to meet the stated intent of the zoning districts and must comply with all applicable ordinance standards.

Special Land Use Standards

Section 10.03.F

Impact on the Overall Environment.

The proposed Special Land Use must not unreasonably impact the quality of natural features and the environment in comparison to the impacts associated with typical permitted uses.



Special Land Use Standards

Section 10.03.G

Special Land Use Approval Specific Requirements.

The general standards and requirements of this Section are basic to all uses authorized by Special Land Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.

Special Land Use Standards

Section 10.03.H

The following factors must also be considered by the Planning Commission when reviewing a Special Land Use request:



Questions

WHAT MAKES A SPECIAL LAND USE A
SPECIAL LAND USE

Making Effective Decisions

AND FINDINGS

Elements of Effective Decisions



Expect complete
information



Be prepared



Conduct Orderly
Meetings



Deliberate
properly



Document
decisions

Preparation

- Conduct site visit
- Avoid “ex parte” contacts
- Review materials
 - Planner and other professional reports
 - Application and plans
 - Ordinance requirements
- Ask questions

Site Visits

DO

- Look at the plans beforehand
- Have a list of things to look at on the site visit
- Observe the site from the street or public property
- Look at the character of the surrounding area
- Look at the site using Google Street View or the Oakland County parcel viewer
- Ask staff for assistance

DO NOT

- Trespass on the applicant's property or any other private property
- Talk with the applicant or the neighbors about the case - "Ex Parte" discussion

General Meeting Rules

- Keep order
- Stay on subject
- Eliminate misunderstanding of outcomes
- Maintain fairness during deliberation

Deliberation Process

RULES FOR SPEAKERS

- Degree of formality
- Comments through the Chair
- Speaking time should adhere to Rules of Procedure

RULES FOR DECISION MAKERS

- Comments through the Chair
- Deliberate in the open
- Express opinions
- Use ordinance standards for decisions

Decisions and Motions

- A motion is a formal proposal by a member
- Types of motions include MAIN and SECONDARY
- Main motion brings subject to the floor and are amendable and debatable
- Secondary motion modifies a main motion and may be amenable and debatable
- Common secondary motions: Amendment and recess

Debate: Limits

- Chair must recognize speaker
- Cannot speak or carry on side conversation while another is speaking
- Common modifiers to speaking order
 - Maker of motion speaks first
 - No member permitted to speak twice until each member has the opportunity to speak

Debate: Protocol

- Stick to subject
- Debate issues and not personalities
- Use formal speech such as “Mr. Smith” and not “Joe” or “Madam Chair” and not “Betty”
- Motion to limit or extend limits on debate possible
- Motion to immediately close debate possible

Meeting Etiquette



FACE OF THE CITY



RESPECT EACH OTHER
AND THE PUBLIC



TREAT ALL FAIRLY



KEEP ACTIONS SIMPLE
AND UNDERSTANDABLE

Delays

Appropriate

- Incomplete application
- Extensive changes necessary to comply with ordinance standards
- Applicant requests delay in writing
- When necessary information from an agency or the applicant has not been received

Not appropriate

- When receipt of another agency permit can be handled as a condition
- Minor changes to the plan are required which will not affect site layout and can be handled as a condition (e.g., variance request for a larger sign)

Motions

- Phrase motions carefully to withstand scrutiny by a court
- Ensure everyone is clear on motion
- Reference relevant sections of ordinance and reports
- Conditions may be imposed on a special land use decision

Motion Musts

- Special Land Use name and number
- Site Plan name and number attached to the Special Land Use
- Date of plan (including revision dates)
- The result (approved, approved with conditions, denied, tabled)
- Findings supporting action(s) taken
- Any conditions (with timetables, if applicable)
- Who will verify conditions are met (if applicable)

CONDITIONS

May be attached to any affirmative decision

Must be reasonable and bear a relationship to the review standards




General Zoning Principles

- Right to control land use decisions is not absolute.
- The rights to the public must be weighed against the rights of individuals.
 - Reasonable use of their property; and
 - Reasonable economic return.
- Zoning Ordinance must be fair and reasonable.
 - It must not be arbitrary.

A good Master Plan is
a good defense in
zoning litigation.

Zoning ordinances
should not exclude
otherwise lawful uses.

*There are exceptions to this
rule.*



General Zoning Principles

- Following procedure matters. Adhere to the letter of the requirements of the ZEA and the local ordinance.
- Require applicants seeking zoning relief to follow procedure.
- Deal with zoning issues in a prompt manner.


General Zoning Principles



Make sure all zoning decisions are made in open meeting.



Do not express an opinion regarding a pending zoning decision until all the facts have been received in open meeting; to do otherwise is to deprive the applicant of the right to a fair hearing and invite litigation.



General Zoning Principles

- When making a decision, make sure it is supported by competent evidence.
 - Create a good record.
- Experts provide an invaluable service to the City at every stage of the zoning process.
 - Their expertise and guidance can be crucial in zoning litigation.
 - Whenever there is an issue that appears to be generating controversy, they should be consulted early in the process.



Questions

MAKING EFFECTIVE DECISIONS

Risk Management



Risk Management

- You CAN'T avoid litigation
- You CAN manage risk & liability exposure by:
 - Using consistent rules and procedures
 - Treating everyone fairly and consistently
 - Avoiding conflicts of interest
 - Keeping accurate and complete records

Risk Management: Conflict of Interest

Identification

- You are the applicant
- Relative
- Business associate
- Close ties
- If you have to ask...

Procedure

- State nature of conflict
- Request to abstain from discussion and voting
- Must be approved by the body
- Minutes should reflect abstention and reason

Risk Management

- Zoning must provide a reasonable use.
- The use need NOT be the most profitable.
- Support your decisions with findings based on review standards.
- Follow proper procedures.
- Case law: In state and federal courts is still emerging.



Questions

RISK MANAGEMENT