



**CITY OF BERKLEY PUBLIC NOTICE
PLANNING COMMISSION MEETING
TUESDAY, JULY 28, 2026 - 7:00 PM
CITY HALL - COUNCIL CHAMBERS
248-658-3320**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES

- a. Meeting minutes of July 14, 2026

VI. COMMUNICATIONS

VII. PUBLIC COMMENT(S)

VIII. OLD BUSINESS

IX. NEW BUSINESS

- a. **PUBLIC HEARING** An ordinance of the City Council of the City of Berkley, Michigan to amend Section 5.09.E.2 Exterior side yards on corner lots on Chapter 138 Zoning of the City of Berkley Code of Ordinances to clarify exterior side yard setback regulations for accessory structures on corner lots.
- b. **Election of Officers/Committee Liaisons**
- c. **Introduction of Civics Plus Software**

X. LIAISON REPORTS

XI. COMMISSIONER / STAFF COMMENTS

XII. ADJOURN

Notice: Official Minutes Of The City Planning Commission Are Stored And Available For Review At The Office Of The City Clerk. The City Of Berkley Will Provide Necessary Reasonable Auxiliary Aids And Services, Such As Signers For The Hearing Impaired And Audio Tapes 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: City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

You Can Watch The Meeting On Channel 10 For Both Comcast And WOW,
At <http://Www.Youtube.Com/Cityofberkley> Or <http://Www.Berkleymich.Org/Livestream>.

THE SPECIAL MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, JULY 14, 2026 AT BERKLEY CITY HALL BY CHAIR LISA KEMPNER.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item.

DRAFT

PRESENT: Dana Kaplan Mike Woods
Shiloh Dahlin Bob Williams
Lisa Kempner
Eric Arnsman

ABSENT: Josh Stapp

ALSO PRESENT: Kristen Kapelanski, Community Development Director

APPROVAL OF AGENDA

Motion by Commissioner Arnsman to approve the agenda and supported by Commissioner Woods.

Voice vote to approve the agenda

AYES: 6

NAYS: 0

ABSENT: Stapp

MOTION CARRIED

APPROVAL OF THE MINUTES

Motion by Commissioner Dahlin to approve the minutes of the June 23, 2026 regular Planning Commission meeting and supported by Commissioner Arnsman.

Voice vote to approve the meeting minutes of June 23, 2026.

AYES: 5

NAYS: 0

ABSTAN: Williams

ABSENT: Stapp

MOTION CARRIED

COMMUNICATIONS

NONE

CITIZEN COMMENTS

NONE

OLD BUSINESS

NONE

NEW BUSINESS

1. **PUBLIC HEARING PSU-01-26 3462 Greenfield Rd.:** The applicant, Ashley Coleman, is requesting special land use approval for a medical spa use at 3462 Greenfield Rd., in the Residential Corridor District.

Community Director Kapelanski introduced the special land use request and noted an updated draft motion has been prepared listing each of the special land use standards, as recommended by the City Attorney.

Chair Kempner opened the public hearing at 7:03PM.

No one wished to speak and there were no comments received.

Chair Kempner closed the public hearing at 7:03PM.

The Planning Commission went through each of the standards for special land use consideration, finding that all were met.

Motion by Commissioner Kaplan and supported by Commissioner Arnsman to recommend approval of the special land use approval for PSU-01-26, Sugarcoated, for 3462 Greenfield Rd. because the Planning Commission finds it meets all of the standards in Chapter 138, Section 10.03 of the City of Berkley Zoning Ordinance as follows:

- The request is compatible with adjacent land uses;
- The request is compatible with the Master Plan;
- The request is located and designed in a manner that will minimize the impact of traffic;
- The request is adequately served by essential public facilities and services;
- The request is in compliance with the Zoning Ordinance;
- The request does not unreasonably impact the quality of natural features and the environment; and
- The following factors do not unreasonably impact surrounding properties when compared to permitted uses:
 - o The nature and character of the activities, processes, materials, equipment or conditions or operation, either specifically or typically associated with the use;
 - o Vehicular circulation and parking areas;
 - o Outdoor activity, storage and work areas;
 - o Hours of operation; and
 - o Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light or other public nuisances.

Roll vote on the motion to recommend approval of PSU-01-26.

AYES: 6

NAYS: 0

ABSENT: Stapp

MOTION CARRIED

LIAISON REPORT

Commissioners provided updates on the Chamber of Commerce, the Downtown Development Authority and Zoning Board of Appeals.

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COMMISSIONER COMMENTS

NONE

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STAFF COMMENTS

Community Development Director Kapelanski noted there will be a regular meeting on July 28th.

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ADJOURNMENT

Motion to adjourn by Commissioner Arnsman, supported by Commissioner Dahlin.

Voice vote for adjournment

AYES: 6

NAYS: 0

ABSENT: Stapp

With no further business, the meeting was adjourned at 7:23PM.



MEMORANDUM

To: Members of the Planning Commission
From: Kristen Kapelanski, Community Development Director
Date: July 28, 2026
Subject: Ordinance O-13-26 – Corner Lot Setbacks Amendment

Background

- The updated Zoning Ordinance was adopted in March of 2025. This update replaced the previous Zoning Ordinance and included a rewrite of all sections.
- Section 5.09.E includes standards for exterior side yard setbacks on corner lots, which are treated differently than ‘traditional’ side yard setbacks.
- An applicant wishing to construct a garage on a corner lot requested an interpretation from the Zoning Board of Appeals earlier this year. In his application, the applicant asserted that the ordinance standards, as written, did not apply to accessory structures. The Zoning Board of Appeals considered this request and, as part of their interpretation, asked that the Planning Commission consider initiating a text amendment to address the fact that the ordinance was silent on required exterior side yard setbacks for accessory structures on corner lots.

Summary

- The proposed amendment addresses this ambiguity by adding language to clarify that exterior side yard setbacks apply to both principal and accessory buildings and structures.
- Historically, for corner lots, when a rear yard abuts a side yard, the exterior side yard setback for all structures has been 25 ft. unless the rear setback of any structure is 35 ft. or more. In those instances, the exterior side yard setback for all structures has been 10 ft. This standard can be established going back to ordinances first adopted in 1967.
- The purpose of such a provision is to maintain a consistent building line along street frontages.

Recommendation

Motion to recommend (approval/denial/postpone) of an Ordinance of the City Council of the City of Berkley, Michigan to amend Section 5.09.E.2 Exterior side yards on corner lots of Chapter 138 Zoning of the City of Berkley Code of Ordinances to clarify exterior side yard setback regulations for accessory structures on corner lots.

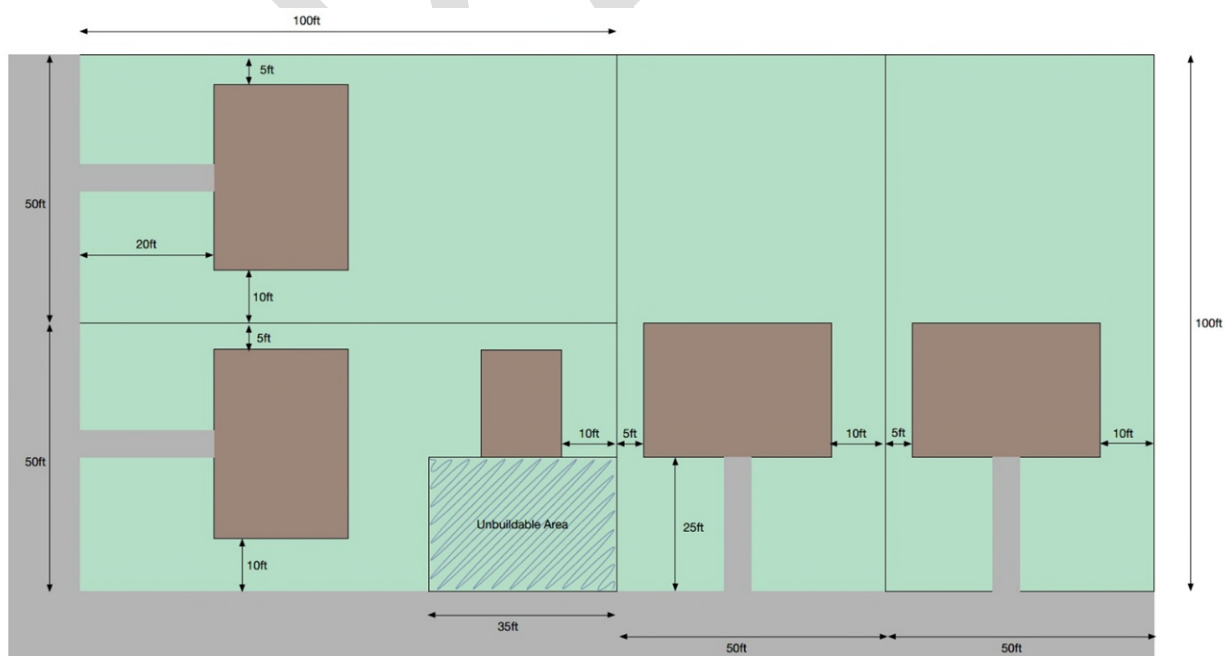
AN
ORDINANCE

of the City Council of the City of Berkley, Michigan to amend Section 5.09.E.2 Exterior side yards on corner lots of Chapter 138 Zoning of the City of Berkley Code of Ordinances to clarify exterior side yard setback regulations for accessory structures on corner lots.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 5.09.E.2 Exterior side yards on corner lots of Chapter 138 Zoning of the Berkley City Code is amended to clarify setback regulations, as follows:

- E.** Exterior side yards on corner lots for all principal and accessory buildings and structures:
1. When a rear yard abuts a rear yard, the exterior side yard setback must not be less than ten feet.
 2. When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception:
 - i. When the distance from the rear lot line to the ~~principal~~ structure is greater than thirty-five feet, the minimum setback is reduced to ten feet.



SECTION 2: Savings

Red, strikethrough text is proposed to be deleted: ~~example~~

Blue underlined text is proposed to be inserted: example

The amendments of the Berkley Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Berkley Code of Ordinances set forth in this ordinance.

SECTION 3: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4: Penalty

All violations of this ordinance shall be municipal civil infractions and upon determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

SECTION 5: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 6: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on _____ .

Adopted on the Second Reading at the Regular City Council Meeting on _____ .

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

Red, strikethrough text is proposed to be deleted: ~~example~~

Blue underlined text is proposed to be inserted: example

THE CITY OF BERKLEY
Community Development Department
3338 Coolidge Hwy. Berkley, Michigan 48072
(248) 658-3320

NOTICE OF PUBLIC MEETING
BERKLEY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN, in accordance with the Berkley City Code, Chapter 138, Section 18.03, that there will be a meeting of the Berkley Planning Commission to be held at the City of Berkley in the Council Chambers, 3338 Coolidge Hwy., Berkley, Michigan on **Tuesday, July 28, 2026** at 7:00 PM.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BERKLEY, MICHIGAN TO AMEND SECTION 5.09.E.2 EXTERIOR SIDE YARDS ON CORNER LOTS OF CHAPTER 138 ZONING OF THE CITY OF BERKLEY CODE OF ORDINANCES TO CLARIFY EXTERIOR SIDE YARD SETBACK REGULATIONS FOR ACCESSORY STRUCTURES ON CORNER LOTS.

The draft ordinance is available for review at: www.berkleymi.gov/community-development/development-projects.

Comments regarding the amendment may be made in person on the night of the meeting or may be made in writing. All written comments must be submitted to the Community Development Department or emailed to planning@berkleymi.gov before 4:30 pm on the date of the Planning Commission meeting.

KRISTEN KAPELANSKI
COMMUNITY DEVELOPMENT DIRECTOR

Publish Once:
Oakland Press
Friday, July 10, 2026