

PUBLIC NOTICE

CITY OF BERKLEY, MICHIGAN REGULAR MEETING OF THE CITY PLANNING COMMISSION

Tuesday, July 23, 2019
7:00 PM - City Hall
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES -- *Meeting of June 25, 2019*
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **ELECTIONS:** Matter of electing a chairperson, vice chairperson, and secretary of the Planning Commission
2. **APPOINTMENTS:** Matter of appointing Planning Commission liaisons to the following Boards and Commissions:
 - a. City Council (First and third Monday of every month at 7:00pm)
 - b. Downtown Development Authority (Second Wednesday of every month at 8:30am)
 - c. Chamber of Commerce (fourth Friday of every month at 8:00am)
 - d. Environmental Advisory Committee (Fourth Thursday of every month at 6:30pm)
3. **PRESENTATION:** Proposed Downtown Master Plan presented by Lakota Group
4. **MOGO INSTALATION:** Consideration of approval of MoGo Bike Station installations at Twelve Mile & Robina and Earlmont & Coolidge.
5. **SITE PLAN REVIEW SP-04-19:** St. Mary's Orthodox Church is requesting site plan approval for the addition of a dome at 3212 Twelve Mile Road, between Gardner and Griffith.
6. **SITE PLAN REVIEW SP-05-19:** Joe Novitsky is requesting site plan approval for a façade change at 3818Twelve Mile Road, between Prairie and Bacon.
7. **PUBLIC HEARING:** Matter Of Conducting A Public Hearing For Application PRZ-01-19, a Proposed Conditional Rezoning At 2219 Coolidge Highway
8. **CONDITIONAL REZONING REQUEST PRZ-01-19:** 2219 Coolidge LLC, 2219 Coolidge Highway, southwest corner of Coolidge Highway and Oxford Road., Parcel ID: 25-18-431-022 is requesting a conditional rezoning from Office District (O-1) to Multiple-Family Residential District (R-M).

LIAISON REPORTS
COMMISSIONER/STAFF COMMENTS
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.

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 PM, JUNE 25, 2019 AT CITY HALL BY CHAIR 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 Martin Smith Ann Shadle
 Lisa Kempner Greg Patterson Matt Trotto
 Kristen Kapelanski Tim Murad Michele Buckler

ABSENT: NONE

ALSO PRESENT: Tim McLean, Community Development Director
 Ross Gavin, City Council Liaison
 Several members of the public

* * * * *

APPROVAL OF AGENDA

It was moved by Commissioner Richardson to approve the Agenda supported by Commissioner Trotto.

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

APPROVAL OF MINUTES

It was moved by Commissioner Kempner to approve minutes from May 28, 2019 and supported by Commissioner Richardson.

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

COMMUNICATIONS

Planning Commissioners received a copy of *Planning Today*
Community Development Director McLean directed the Planning Commission to a memo under postponed Agenda Item #2.
* * * * *

CITIZEN COMMENTS

Charles Tyrrell, 1209 Colombia Rd: stated that he had questions about the proposed Design Overlay District.

Chair Kapelanski responded that if City Council made any substantive changes to the Proposed District that it may have to come back before Planning Commission.

* * * * *

1. **PUBLIC HEARING:** POSTPONED UNTIL JULY MEETING

2. **REZONING REQUEST:** RZ-01-19 POSTPONED UNTIL JULY MEETING

3. **PUBLIC HEARING:** PUBLIC HEARING FOR PROPOSED ORDINANCE AMENDMENTS TO SEC.138-383-SPECIAL USES IN OFFICE DISTRICT AND SEC.138-388-SPECIAL USES IN LOCAL BUSINESS DISTRICT

Chair Kapelanski opened the Public Hearing at 7:36 PM.

No public comments were made

Chair Kapelanski closed the Public Hearing at 7:37 PM.

4. **ORDINANCE AMENDMENTS:** PROPOSED AMENDMENTS TO SEC.138-383-SPECIAL USES IN OFFICE DISTRICT AND SEC.138-388-SPECIAL USES IN LOCAL BUSINESS DISTRICT

Community Development Director McLean provided a short summary of revisions that were made to the proposed ordinance.

Commissioner Richardson discussed screening requirements. Mr. Richardson stated that he was in favor of amended language that states the Planning Commission can require reasonable requirements.

Vice Chair Smith stated that LARA requirements are extensive.

Commissioner Buckler discussed potential language related to requirements for dropping off.

Commissioner Kempner asked if screening requirements conflicted with existing ordinances.

Commissioner Patterson stated that he was in agreement with Mr. Richardson.

It was moved by Vice Chair Smith to recommend that City Council adopt amendments to Sec.138-383 and Sec.138-388 of the Berkley City Code with suggested changes and supported by Commissioner Richardson.

AYES: Murad, Patterson, Richardson, Shadle, Smith, Trotto, Buckler, Kempner, Kapelanski

NAYS: None

ABSENT: None

5. PLANNING COMMISSION BYLAWS: AMENDMENT

Mr. McLean stated that in order to change the start time of Planning Commission meetings, it would necessitate an amendment to the existing bylaws.

Vice Chair Smith recommended that the bylaws be amended to reflect a 7:00 PM start time for any future Work Sessions as well.

Commissioner Patterson stated that the Planning Commission had been contacted by a member of City Council regarding the possibility of two meetings per month. Mr. Patterson stated that there is that option with Work Sessions.

Mr. Smith stated that previous Planning Commissions had regular Work Sessions.

It was moved by Commissioner Murad to amend Section Three (2) (3) to reflect a 7:00 PM start time for Regular Meetings and Work Sessions and supported by Commissioner Trotto.

AYES: Patterson, Richardson, Shadle, Smith, Trotto, Buckler, Kempner, Murad, Kapelanski

NAYS: None

ABSENT: None

6. PLANNING COMMISSION: ANNUAL REPORT

Received by Planning Commission

* * * * *

LIAISON REPORTS

Mr. Murad stated that Art Bash was very successful and well attended.

Mr. Richardson stated that Art Bash was successful. The Energy Efficiency Plan adopted by the Environmental Committee was being sent to City Council for consideration.

* * * * *

STAFF/COMMISSIONER COMMENTS

Mr. Murad wished everyone a safe and happy 4th of July.

Mr. Smith reminded the Planning Commission of officer appointment at the July meeting.

With no further business, the meeting was adjourned at 8:02PM.



Office of the
City Manager

Memo

To: Chair Kapelanski and Members of the Berkley Planning Commission

From: Matthew Baumgarten, City Manager

Date: July 15, 2019

Subject: Staff Report- July 23, 2019 Regular Meeting of the Berkley Planning Commission

Commissioners,

Please accept the following staff report (alternatively titled, "The Definitely-not-a-Planner's Report") for the July 2019 Regular Meeting of the Berkley Planning Commission. This report covers four action items from the proposed agenda for July 23, 2019 meeting.

Agenda Item	Pages
<u>MOGO INSTALLATION</u> : Consideration of approval of MoGo Bike Station installations at Twelve Mile & Robina, and Earlmont & Coolidge.	1
<u>SITE PLAN REVIEW SP-04-19</u> : St. Mary's Orthodox Church is requesting site plan approval for the addition of a dome at 3212 Twelve Mile Road, between Gardner and Griffith.	2
<u>SITE PLAN REVIEW SP-05-19</u> : Joe Novitsky is requesting site plan approval for a façade change at 3818 Twelve Mile Road, between Prairie and Bacon.	4
<u>CONDITIONAL REZONING REQUEST PRZ-01-19</u> : 2219 Coolidge LLC, 2219 Coolidge Highway, southwest corner of Coolidge Highway and Oxford Road., Parcel ID: 25-18-431-022 is requesting a conditional rezoning from Office District (O-1) to Multiple-Family Residential District (R-M).	6

MOGO INSTALLATION: Consideration of approval of MoGo Bike Station installations at Twelve Mile & Robina, and Earlmont & Coolidge.

MoGo, a non-profit bike sharing organization based out of Detroit, is making its first suburban expansion into Ferndale, Royal Oak, Huntington Woods, Oak Park, and Berkley. The MoGo bike stations will be placed around these suburban communities in order to create a transportation network for cyclist.

For the Berkley installations, there is a proposed location at Robina Plaza (south of Twelve Mile Road) and another in the right-of-way of Earlmont (West of Coolidge). The City's ordinance for public property installations of bike racks is Sec. 106-51. - Bicycle racks which reads:

Bicycle racks may be installed by the city in the public right-of-way at locations approved by the city. The city manager or his or her designee shall determine where the bicycle rack may be located based on public safety and the location of on street parking, doorways, street furniture, signs, and the like. If a property owner or business owner requests installation of a bicycle rack, the owner shall be responsible for the full cost as set forth in the city's fee schedule. All bicycle racks within the public right-of-way shall be the property of the city after installation.

The intent of the ordinance seems to be written for simple racks but does not cover this particular circumstance. This is why I am asking the Planning Commission to review and consider approval of the installations.

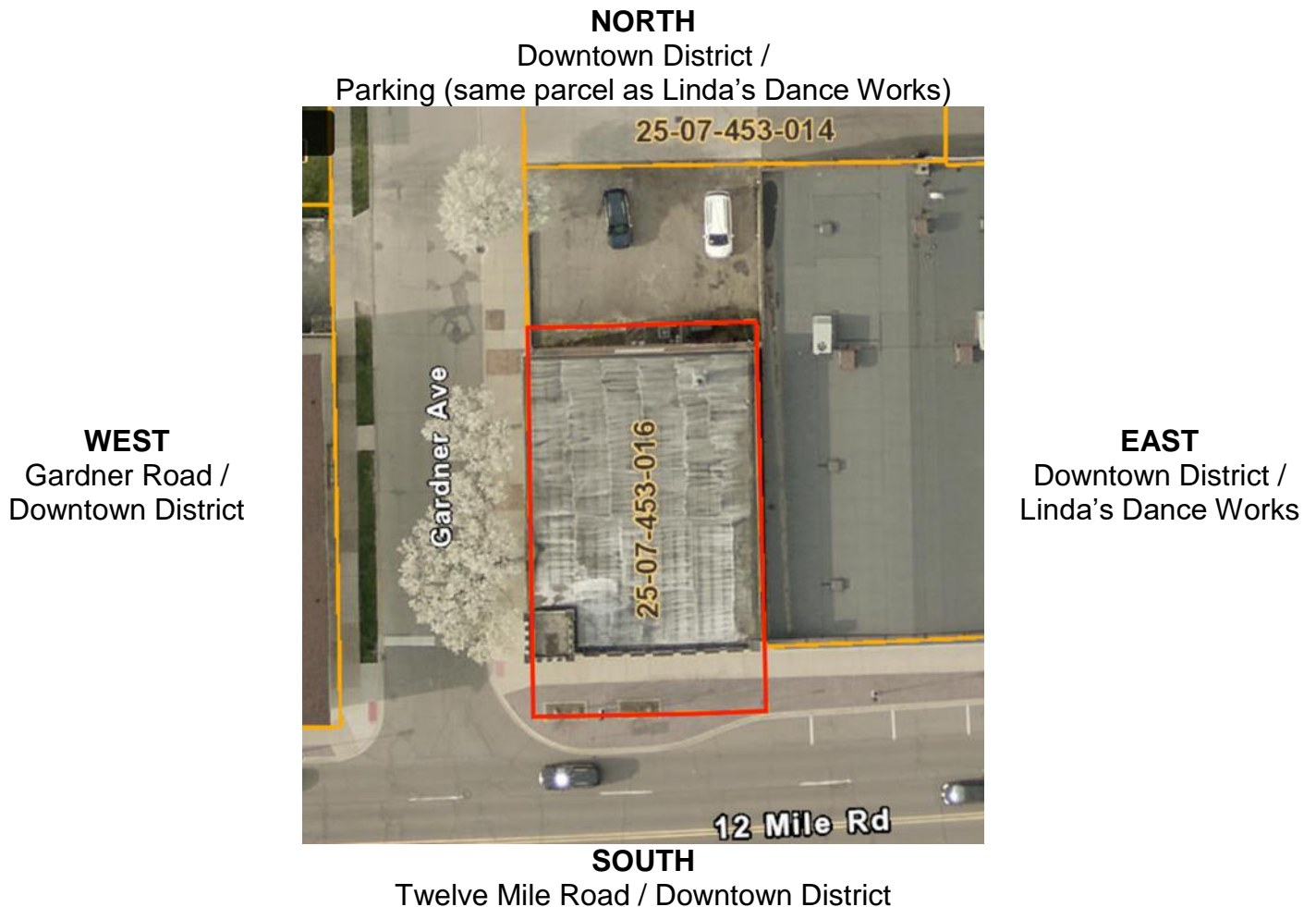
A Few Caveats:

MoGo has worked to determine the best locations to serve both their non-profit model and their host community. Station locations were narrowed to the current proposals based on feedback throughout the process by the community (online and in meetings) and staff.

- The installation of the station on Robina Plaza South will be installed on a City owned property.
- The Earlmont Avenue, east of Coolidge, will be installed in City owned controlled Right-of-Way.
- The primary goal for stations is to be located near key destinations with foot traffic, transit, bike routes, and parks.
- The goal of station siting is to limit the amount of new concrete pads for stations due to cost and the flexibility of moving a station to another location if usage is low.
- As part of the operations agreement with MoGo, maintenance of the stations and bikes, snow removal, etc. will be handled by Shift Transit (not DPW).
- Other caveats have been provided by the Department of Public Works review letter enclosed in your packet.

SITE PLAN REVIEW SP-04-19: St. Mary's Orthodox Church is requesting site plan approval for the addition of a dome at 3212 Twelve Mile Road, between Gardner and Griffith.

Existing Zoning / Land Use: Downtown District / House of Worship
Surrounding Zoning / Land Use:



Section 138-678 of the Berkley City Code says that the site plan shall be reviewed and approved by the planning commission upon finding that:

- The site meets the requirements of the City Code of Ordinances.
- The proposed development does not create adverse effects on public utilities, roads, or sidewalks.
- Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.
- Site design, architecture, signs, orientation, and materials are consistent with the City's Master Plan objectives and the design of the neighboring sites and buildings.
- Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.
- Site engineering has been provided to ensure that existing utilities will not be adversely affected.

DISCUSSION:

The signage, exterior lighting, driveways, and sidewalks appear to be unchanged in provided application materials. The applicant is requesting the installation of a dome on the church tower increasing the height from 38'10" to 47'8.5". The applicant describes dome as decorative.

On their site plan, the applicant also indicates that, "the height allowed on Twelve Mile Road is 40'," however, the applicant is misapplying the maximum height standard for the Twelve Mile zoning District. This property lies in the Downtown zoning district which does not carry a maximum height standard per Sec. 138-526- Schedule of Regulations.

ELEVATIONS:

The building currently is composed of stone and brick. The tower will require a building permit for reinforcements to existing trusses to support the decorative dome. The proposed dome will not affect the existing stone and brick visible in the current façade.

NORTH: The north elevation is the rear of the building. It is not altered in any way by the proposed addition to the building.

WEST: The west elevation faces Gardner Ave. It is not altered in any way by the proposed addition to the building.

SOUTH: The south elevation faces Twelve Mile Road. It is not altered in any way by the proposed addition to the building.

EAST: The east elevation immediately abuts Linda's Dance Works. It is not altered in any way by the proposed addition to the building.

ENGINEERING:

There are no comments under engineering.

SITE PLAN REVIEW SP-05-19: Joe Novitsky is requesting site plan approval for a façade change at 3818 Twelve Mile Road, between Prairie and Bacon.

Existing Zoning / Land Use: Twelve Mile District / Storage

Surrounding Zoning / Land Use:



Section 138-678 of the Berkley City Code says that the site plan shall be reviewed and approved by the planning commission upon finding that:

- The site meets the requirements of the City Code of Ordinances.
- The proposed development does not create adverse effects on public utilities, roads, or sidewalks.
- Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.
- Site design, architecture, signs, orientation, and materials are consistent with the City's Master Plan objectives and the design of the neighboring sites and buildings.
- Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.
- Site engineering has been provided to ensure that existing utilities will not be adversely affected.

DISCUSSION:

The applicants are proposing a complete renovation of the building and its façade as well as a change of use. The building lies within the Twelve Mile District. This zoning district requires a maximum height of 40' and a 10' rear yard setback. The proposed renovation meets both those standards. The applicant has also provided a floor plan indicating how the proposed 3,846.7 square foot will be segmented into various uses, all of which are allowed as principal uses in Twelve Mile District.

In addition to the bulk requirements, the Twelve Mile district has additional design requirements set forth by Sec. 138-462. - Building design requirements. All of which appear to have been met based upon the application materials:

- (a) The first floor elevation of a building that fronts a street shall be composed of a minimum of 40 percent and a maximum of 80 percent windows. When there is a choice between a major thoroughfare and a minor street, the elevation that faces the major thoroughfare shall be considered the front.
- (b) The building elevation that fronts a street shall contain an entrance. The entrance shall access the first floor of the building. When there is a choice between a major thoroughfare and a minor street, the elevation that faces the major thoroughfare shall be considered the front.
- (c) Siding, generally considered residential, regardless of orientation, and T111-type material shall not be permitted.
- (d) The planning commission may revise these requirements, if the commission finds that the standards for site plan approval, as outlined in section 138-678, have been met.

ELEVATIONS:

The building currently is composed of and brick with a parapet roof. The proposed renovation will completely change the façade and add a partial second floor (mezzanine) bringing the new height to 24'.

NORTH: The north elevation is the rear of the building and is also included in the façade change. Rear elevation currently faces the parking lot which services the building.

WEST: The west elevation faces Prairie Ave and is also included in the façade change. The renovated façade will be visible from the west elevation.

SOUTH: The south elevation is front of the building and is also included in the façade change.

EAST: The east elevation is not visible and directly abuts Pine State Enterprises.

ENGINEERING:

Plans indicate that the roof will drain onto grade and into the drain in the parking lot. DPW Director has reviewed the plans and directed the property owner to install a restricted manhole cover in the parking lot to slow the flow of storm water into the combined sewer system.

CONDITIONAL REZONING REQUEST PRZ-01-19: 2219 Coolidge LLC, 2219 Coolidge Highway, southwest corner of Coolidge Highway and Oxford Road., Parcel ID: 25-18-431-022 is requesting a conditional rezoning from Office District (O-1) to Multiple-Family Residential District (R-M).

Existing Zoning / Land Use: Office District / Storage

Surrounding Zoning / Land Use:

NORTH
Coolidge District /
Retail Center



WEST
Multi-family Residential
District / Parking

EAST
Coolidge District /
Coolidge Highway

SOUTH
(Result of Lot Split Not Show in picture above)
Office District / House of Worship

Process Note

Section 138-583(g) *Findings of fact and recommendation of the city planning commission* requires the Planning Commission to make written findings of fact that shall be submitted to the City Council. The Commission should examine five issues in particular.

- (1) Existing uses of property within the general area of the property in question;
- (2) The zoning classification of property within the general area of the property in question;
- (3) The suitability of the property in question to the uses permitted under the existing zoning classification;
- (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and
- (5) The objectives of the current master plan for the city.

Staff Note

Richard Carlisle of Carlisle Wortman has been contracted to act as the City's planner for this and subsequent applications related to this project. In separate documents, Mr. Carlisle has supplied to the Planning Commission an analysis of the appropriateness of a conditional rezoning and a review of application PRZ-01-19.

Detroit Bike Share System
Berkley, MI



SITE ID: 67 - Coolidge Hwy & Earlmont Rd.

Preferred Option: Sidewalk location.

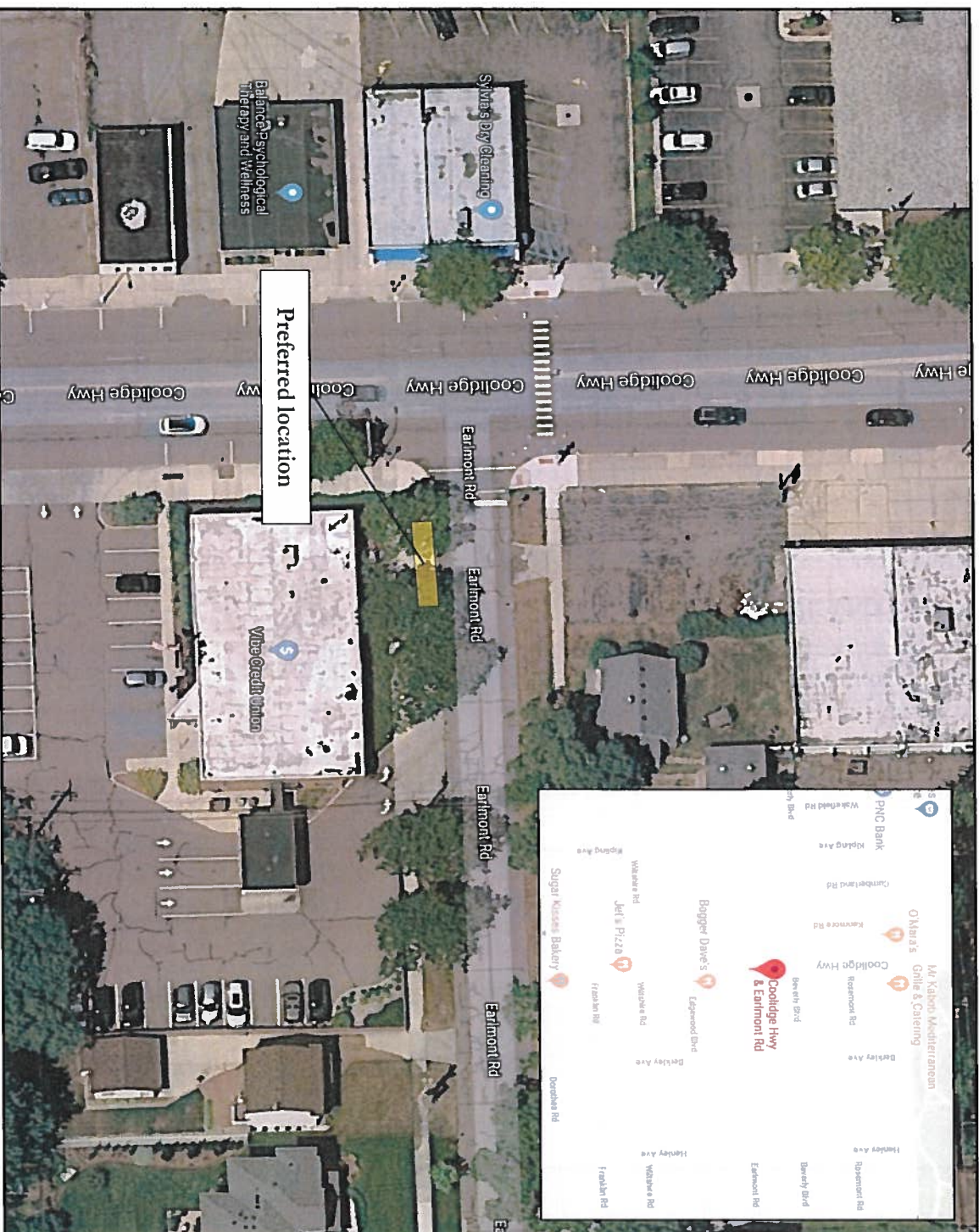
Station Dimensions: 20.0' x 6.0'

Includes: 7 docks and satellite kiosk.

Abutters: n/a

Site Ownership: City of Berkley, MI.

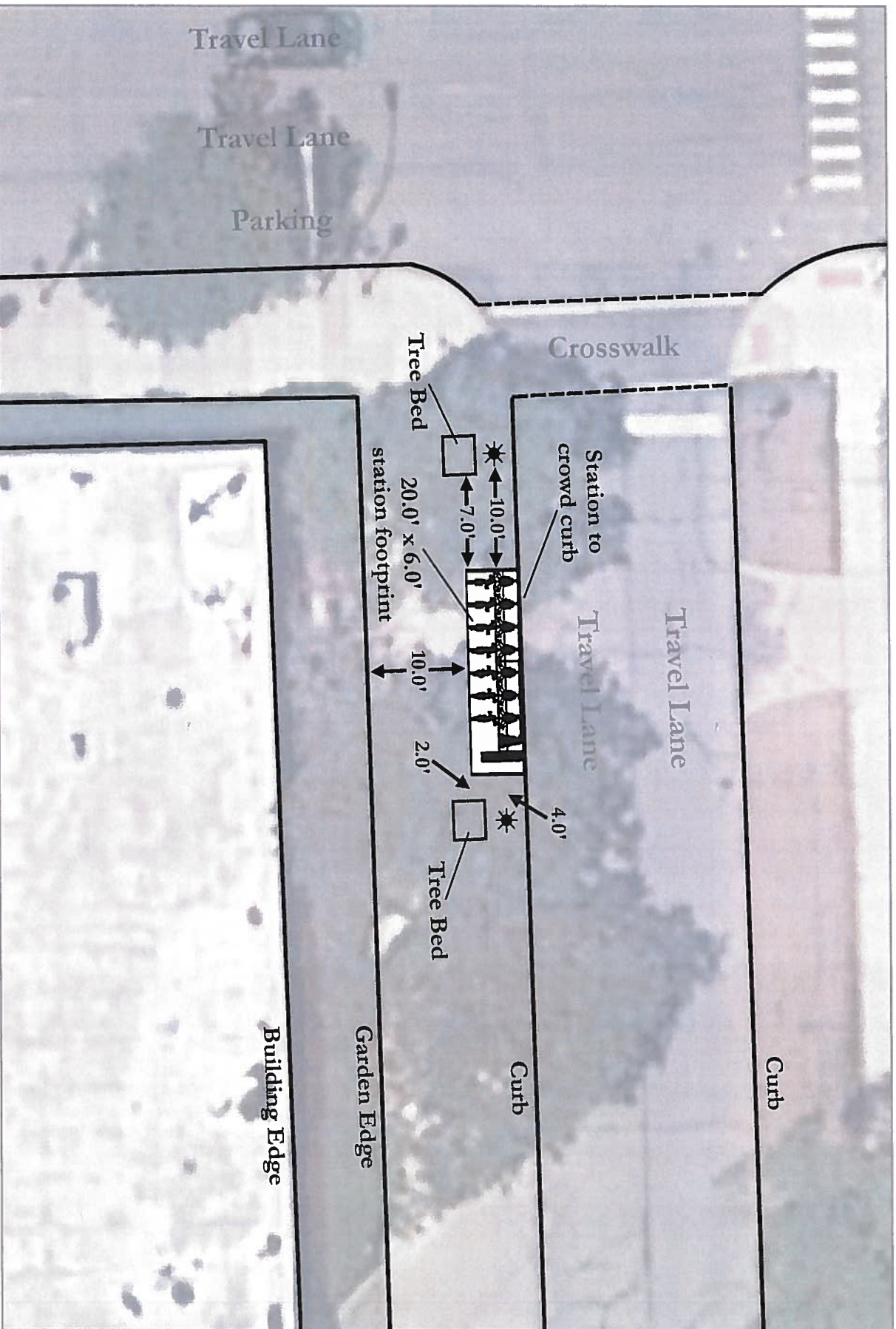
Presence of Historic District: n/a.



Map view diagram showing Preferred station location



SITE ID: 67 - Coolidge Hwy & Earlmont Rd.

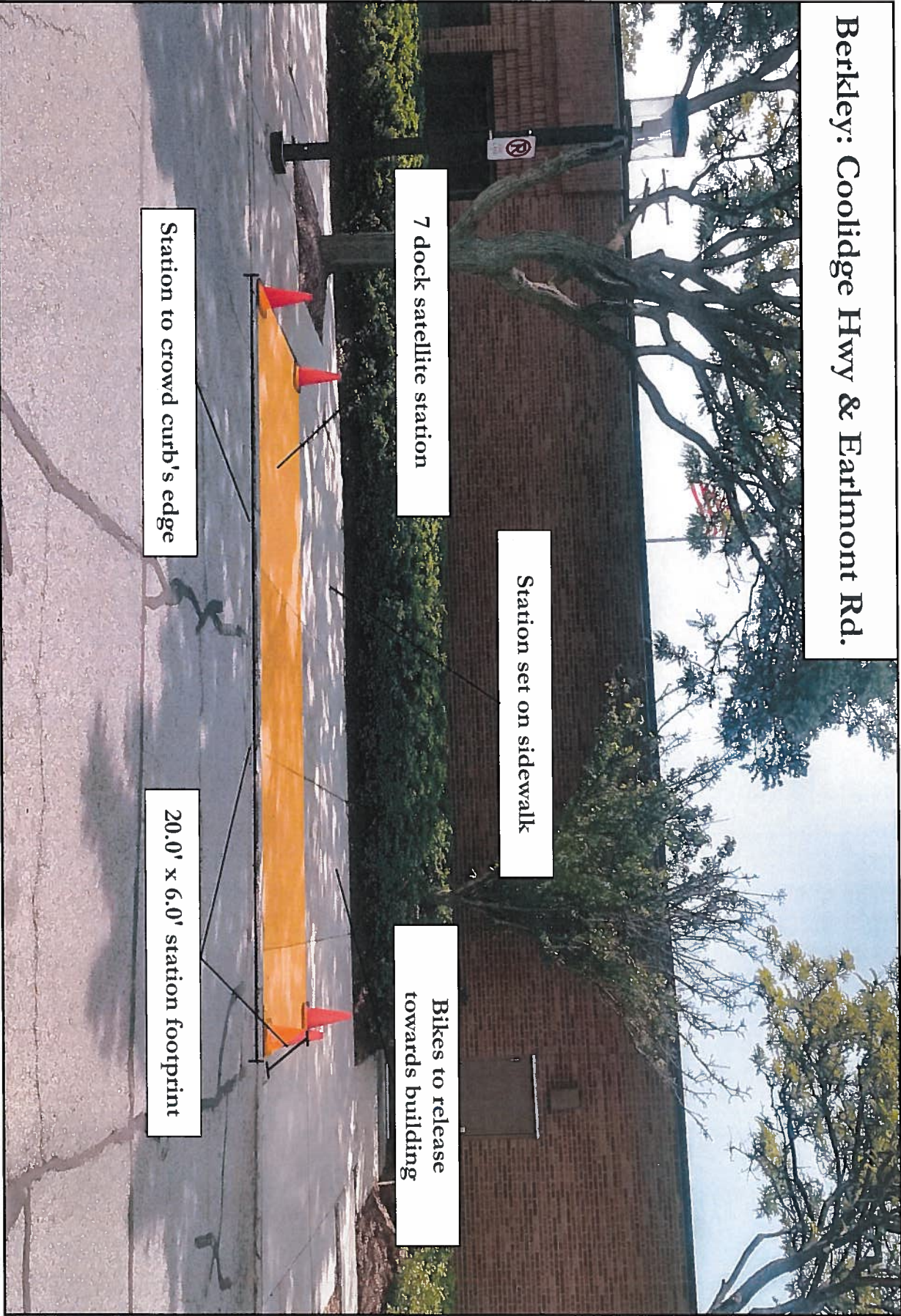


Plan view diagram of Preferred Option



SITE ID: 67 - Coolidge Hwy & Earlmont Rd.

Berkley: Coolidge Hwy & Earlmont Rd.



7 dock satellite station

Station set on sidewalk

Bikes to release
towards building

Station to crowd curb's edge

20.0' x 6.0' station footprint

Photo view diagram of Preferred Option facing south.

SITE ID: 67 - Coolidge Hwy & Earlmont Rd.



Photo view diagram of Preferred Option facing west.



SITE ID: 67 - Coolidge Hwy & Earlmont Rd.

Additional graphics and photographs

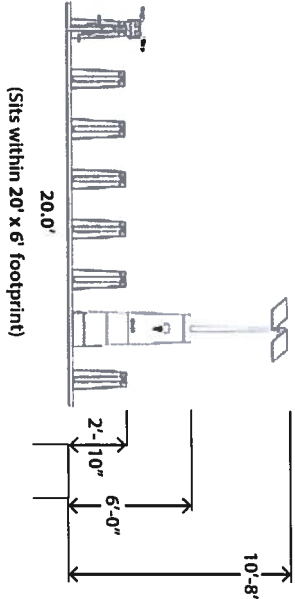


Graphic representation of a satellite station.

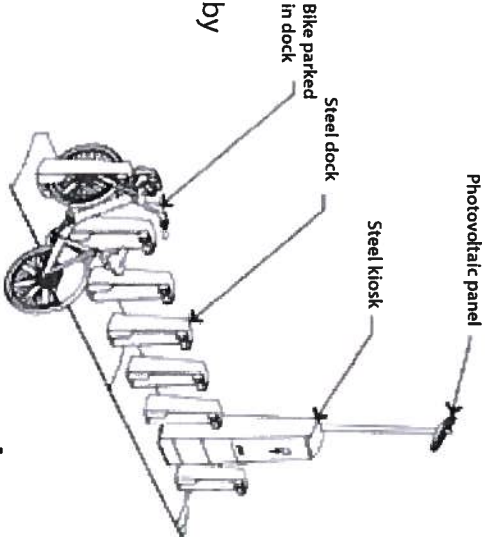


On-sidewalk station located towards the road, with a buffer between the station and the curb.

Elevation View



Stations equipped with and powered by solar panels and do not require hard wiring into the ground



Elevation + Axonometric view of a 7-dock satellite bikeshare station

Axonometric View



**DOWNTOWN
DETROIT
PARTNERSHIP**



Preferred Option: Sidewalk location.

Includes: 7 docks and satellite kiosk.

Site Ownership: City of Berkley, MI.

Presence of Historic District: n/a.



Map view diagram showing Preferred station location

Plan view diagram of Preferred Option



DOWNTOWN
DETROIT
PARTNERSHIP



SITE ID: 68 - W 12 Mile Rd & Robina Ave

Berkley: W 12 Mile Rd & Robina Ave

Bikes release towards building

7 dock satellite station

20.0' x 6.0' station footprint

Station set back on sidewalk

Photo view diagram of Preferred Option facing south-east.



DOWNTOWN
DETROIT
PARTNERSHIP



SITE ID: 68 - W 12 Mile Rd & Robina Ave



Photo view diagram of Preferred Option facing north.

SITE ID: 68 - W 12 Mile Rd & Robina Ave

Additional graphics and photographs

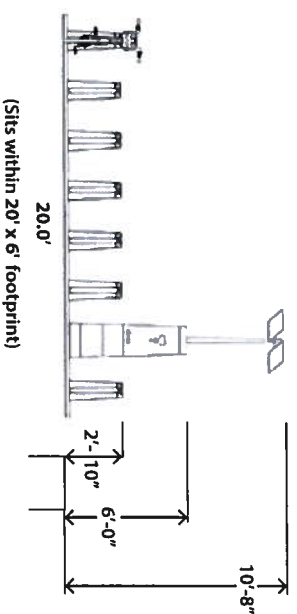


Graphic representation of a satellite station.



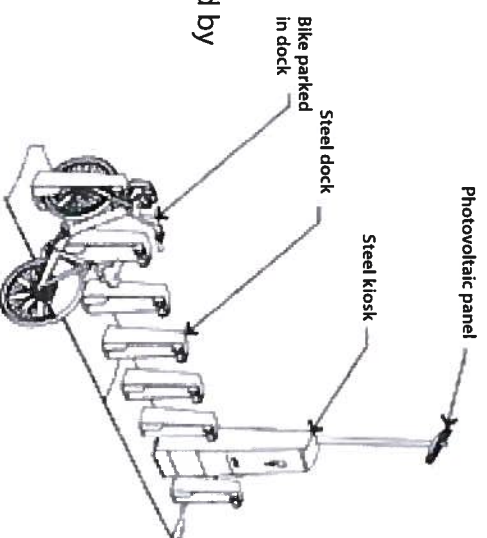
On-sidewalk station located towards the road, with a buffer between the station and the curb.

Elevation View



Stations equipped with and powered by solar panels and do not require hard wiring into the ground

Elevation + Axonometric view of a 7-dock satellite bikeshare station



Axonometric View

City of Berkley
3338 Coolidge Hwy., Berkley, MI 48072
Department of Public Works
248-658-3490 phone
248-658-3491 fax



July 15, 2019 (via email)

Vivian Carmody, Executive Director
Berkley DDA
2838 Coolidge Highway, Suite 101
Berkley, Michigan 48072

Subject: MoGo Bike Docks & Satellite Kiosks
Robina South of 12 Mile & Earlmont East of Coolidge
Right-of-Way Review #2

Dear Ms. Carmody:

We understand the DDA and Detroit Bike Share System are proposing to place two (2) new MoGo bike dock stations and kiosks within the public right-of-way. Locations have been revised and now include Robina just south of 12 Mile and Earlmont just east of Coolidge. Power is provided via solar panels and the stations will not require concrete mounting and/or ground disturbance.

We have completed our second review of the design schematics and offer Public Works approval at this time contingent upon the following items:

1. We recommend the applicant notify all of the adjacent businesses of the intent to build the stations and the locations.
2. Public Works defers to other City departments on the need for an agreement and/or financial compensation. Among other things, the agreement would speak to ownership, future maintenance, repairs, removal, etc.

Prior to the start of construction, the following items shall be addressed:

- a. Contact information for the contractor shall be provided to the City along with proof of insurance showing the City of Berkley as additionally insured.
- b. A written construction schedule shall be provided.
- c. An on-site meeting shall be coordinated with City staff a few days prior to the installation to confirm final locations and clearances.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Schueller", is written over a horizontal line.

Derrick Schueller, Director of Public Works

DLS

J:\DDA\MoGo\2019\MoGo Robina Earlmont Review #2 7-15-19.doc

cc: Matthew Baumgarten, City Manager (via email)
Annette Boucher, City Clerk (via email)
Matt Koehn, Public Safety Director (via email)
Shawn Young, DPW Foreman (via email)
John Staran, City Attorney (via email)
file



3338 Coolidge
Berkley, Michigan 48072
(248) 658-3320
FAX (248) 658-3301
www.berkleymich.org

APPLICATION FOR SITE PLAN REVIEW

A complete application, a check payable to the 'City of Berkley', and 18 copies of a complete set of **signed, sealed and folded** plans must be submitted to the City of Berkley one month prior to the date of the Planning Commission meeting. If engineering review is required, an additional fee must be submitted. Should the review fees be greater than the required minimum, sufficient additional charges will be imposed to satisfy the additional review fees. All fee obligations must be satisfied prior to permit approval.

The Planning Commission meets the fourth Tuesday of every month. The meetings are held at 7:30 p.m. in the Council Chambers at the City Hall, 3338 Coolidge

Applicant:

Name: Archibed (Edward) Alshaib 6445 Winona, Allen Park, MI 48101
Phone: 313-282-3453

Complete Address: 3212 W. 12 Mile Rd. Berkley MI 48072.

Property Owner (if different than above):

Name: ST MARY'S ORTHODOX Church. Phone: _____

Complete Address: _____

Representative:

Name: Edward Alshaib Title: Architect

Description of Property for Review:

Lot Number _____ Subdivision _____

Street Address: 3212 W. 12 Mile Rd.

Reason for Review by Planning Commission: Adding a dome on top of church.

I understand that Planning Commissioners may need to access my property to better understand my case.

Edward Alshaib
Signature of Applicant

6-17-2019
Date

Fees: Site Plan Review: \$350.00

Façade Change: \$200.00

Revision: \$100.00

Engineering (Multiple Family): \$1,100

Engineering (Non Residential): \$800

If an application is withdrawn more than 2 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 2 weeks prior to the meeting, no refund will be given. Engineering review fees are not refundable.

Office use only Account Number: 1019

Received 6-17-19 Receipt # _____ Hearing Date _____

Case # PSP-04-19

Planning Commission Disposition: _____



Building & Planning
3338 Coolidge Hwy
Berkley, MI 48072
248-658-3320
Fax: 248-658-3301
www.berkleymich.org

Print Form

CITY OF BERKLEY, MICHIGAN

APPLICATION FOR SITE PLAN REVIEW

A complete application, a check payable to the 'City of Berkley', and 18 copies of a complete set of **signed, sealed and folded** plans must be submitted to the City of Berkley one month prior to the date of the Planning Commission meeting. If engineering review is required, an additional fee must be submitted. Should the review fees be greater than the required minimum, sufficient additional charges will be imposed to satisfy the additional review fees. All fee obligations must be satisfied prior to permit approval.

The Planning Commission meets the fourth Tuesday of every month. The meetings are held at 7:30 p.m. in the Council Chambers at the City Hall, 3338 Coolidge

Applicant:

Name: JOSEPH S. NOVITSKY Phone: (248) 433-2030
Complete Address: 3856 12 MILE, BERKLEY, MI. 48072

Property Owner (if different than above):

Name: TIMOTHY AND NICOLETTE YANKE Phone: (248) 417-2992
Complete Address: 10864 NADINE AVE.; HUNTINGTON WOODS, MI 48070

Representative:

Name: JOE NOVITSKY Title: ARCHITECT

Description of Property for Review:

Lot Number 3, 4 & 5 Subdivision ELLWOOD HEIGHTS
Street Address: 3818 12 MILE ROAD, BERKLEY, MI

Reason for Review by Planning Commission: FACADE CHANGE / NEW USE

I understand that Planning Commissioners may need to access my property to better understand my case.

Signature of Applicant [Signature] Date 6-20-19

Fees: Site Plan Review: \$350.00 Facade Change: \$200.00 Revision: \$100.00
Engineering (Multiple Family): \$1,100 Engineering (Non Residential): \$800

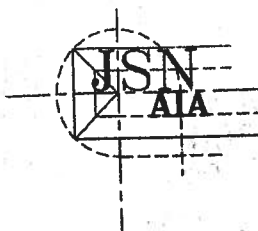
If an application is withdrawn more than 2 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 2 weeks prior to the meeting, no refund will be given. Engineering review fees are not refundable.

Office use only Account Number: 1019

Received 6-21-19 Receipt # ASP-05-19 Hearing Date _____ Case # ASP-05-19

City Planning Commission Disposition: _____

**TRANSMITTAL
LETTER**
AIA DOCUMENT G810



Architecture
3856 12 Mile Road
Berkley, MI 48072

PROJECT: 3818 12 MILE ROAD
(name, address) BERKLEY, MI 48072

ARCHITECT'S
PROJECT NO: 19067

DATE: 6/21/19

TO: CITY OF BERKLEY
3338 COOLIDGE HWY.
BERKLEY, MI 48072

ATTN: TIM MCLEAN; COMM. DEV.
DIRECTOR

If enclosures re not as noted, please
inform us immediately.
If check below, please:
() Acknowledge receipt of enclosures.
() Return enclosures to us.

WE TRANSMIT:

☒ herewith

() under separate cover via _____

☒ in accordance with your request _____

FOR YOUR:

() approval

() review & comment

☒ use

☒ distribution to parties

☒ record

() information

THE FOLLOWING:

☒ Drawings

() Specifications

() Change Order

() Shop Drawing Prints

() Shop Drawing Reproducible

() Samples

() Product Literature

☒ PLAN REVIEW APPLICATION & CHECK FOR FEE(S)

COPIES	DATE	REV. NO.	DESCRIPTION	ACTION CODE
(18)	6/21/19	—	P.C. REVIEW DRAWINGS, SEALED w/ (4) SHEETS EACH: S-1, S-2, A-1 & A-2	
(1)	—	—	PLAN REVIEW APPLICATION	
(1)	6/21/19	—	CHECK (\$200.00) FOR REVIEW FEE(S)	
(1)	—	—	C.D. w/ 'pdf' COPIES OF REVIEW DWG'S.	

ACTION A. Action indicated on item transmitted
CODE B. No action required
C. For signature and return to this office

D. For signature and forwarding as noted below under REMARKS
E. See REMARKS below

REMARKS

COPIES TO:

CC: T. YANKE

(with enclosure)

☐
☐
☐
☐

MAURICE CHARBONNEAU

FOR JOSEPH S. NOVITSKY

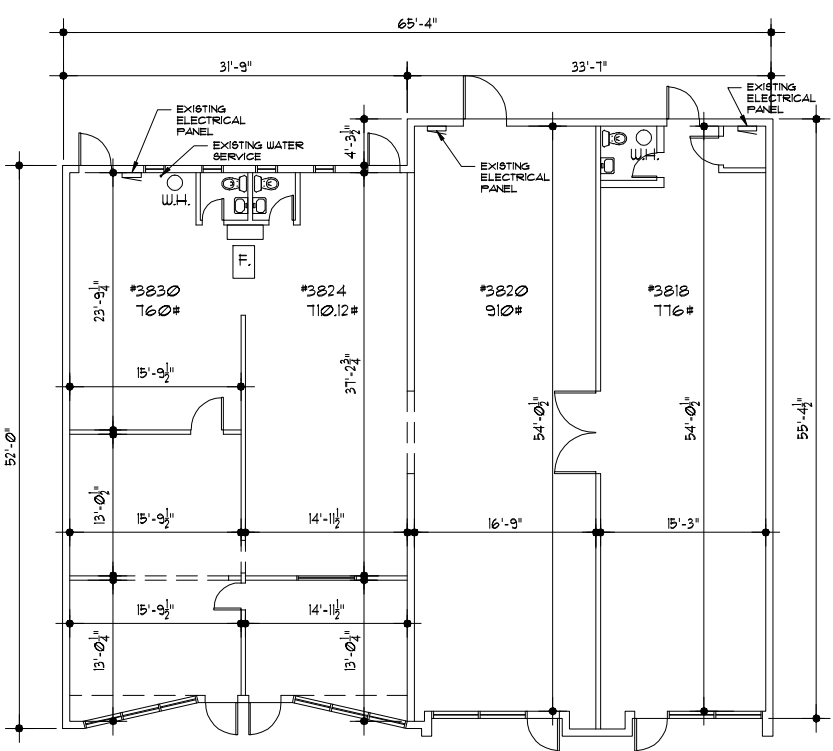
CODE ANALYSIS (I.B.C./ M.B.C. 2015)

CHAPTER - 3	USE AND OCCUPANCY CLASSIFICATION 3021 CLASSIFICATION USE GROUP: 'B' - BUSINESS
CHAPTER - 5	GENERAL BUILDING HEIGHTS AND AREAS SCOPE OF WORK AS PROPOSED DOES NOT INCREASE EXISTING BUILDING HEIGHT OR AREA. GENERAL AREA AND HEIGHT LIMITATIONS FOR THE EXISTING FACILITY HAVE BEEN REVIEWED AND APPROVED AS PART OF THE ORIGINAL BUILDING PERMIT.
CHAPTER - 6	TYPES OF CONSTRUCTION TYPE II-B (2-B); ONE STORY; NO FIRE SUPPRESSION
CHAPTER - 7	FIRE AND SMOKE PROTECTIVE FEATURES FIRE RESISTIVE RATING(S) FOR NEW CONSTRUCTION SHALL MEET THE REQUIREMENTS OF CHAPTER 7.
CHAPTER - 8	INTERIOR FINISHES ROOM FINISHES SHALL MEET THE REQUIREMENTS OF SECTION 803 AND TABLE 803.2. CLASS 'C' FOR INTERIOR ROOMS & CLASS 'B' FOR CORRIDORS & GENERAL AREAS. INTERIOR FLOORS SHALL MEET THE REQUIREMENTS OF SECTION 804, CLASS II IN CORRIDORS AND OPEN AREAS AND TYPE DOC FF-1 IN ENCLOSED ROOMS.
CHAPTER - 10	MEANS OF EGRESS SECTION 1004 OCCUPANT LOAD FOR PROP. TENANT - TABLE 1004.1.2 MAXIMUM OCCUPANT LOAD FOR THIS TENANT OCCUPANCY DOOR(S) PROVIDED ARE AT LEAST 36 INCHES WIDE WHICH MEET EGRESS AND ALSO BARRIER FREE REQUIREMENTS.
CHAPTER - 11	ACCESSIBILITY ALL NEW CONSTRUCTION SHALL COMPLY WITH CHAPTER 11 REQUIREMENTS.
CHAPTER - 12	INTERIOR ENVIRONMENT
SECTION 1205	THE LIGHTING AND NATURAL LIGHT REQUIREMENTS HAVE BEEN DESIGNED TO MEET OR EXCEED THE MINIMUM REQUIRED LIGHTING LEVELS FOR BOTH DAY AND NIGHT FOR THE PROPOSED LEASE SPACE.
SECTION 1205	EXISTING MECHANICAL VENTILATION TO BE DESIGNED AND MODIFIED TO CORRESPOND WITH THESE PLANS AND OWNER REQUIREMENTS. THE MECHANICAL CONTRACTOR SHALL SUBMIT AIR DISTRIBUTION DRAWINGS, IF APPLICABLE, FOR REVIEW BY THE ARCHITECT AND THE CITY.
	APPLICABLE PARTS OF THE AMERICANS WITH DISABILITIES ACT SHALL APPLY TO THIS PROPOSED ADDITION. ALL DOORS WIDTHS, ELECTRICAL DEVICES, PLUMBING DEVICES, CORRIDORS, SIGNAGE AND ALARM DEVICES SHALL MEET ADA FOR THE PHYSICALLY, VISUALLY AND HEARING IMPAIRED.

THE AMERICANS WITH DISABILITIES ACT PROVIDES THAT IT IS A VIOLATION OF THE ADA TO CONSTRUCT A FACILITY FOR FIRST OCCUPANCY LATER THAN JANUARY 26, 1993, THAT DOES NOT MEET THE ACCESSIBILITY AND USABILITY REQUIREMENTS OF THE ADA, EXCEPT WHERE AN ENTITY CAN DEMONSTRATE THAT IT IS STRUCTURALLY IMPRACTICAL TO MEET SUCH REQUIREMENTS. TENANT AND LANDLORD ACKNOWLEDGE THAT THESE REQUIREMENTS OF THE ADA WILL BE SUBJECT TO VARIOUS AND POSSIBLY CONTRADICTORY INTERPRETATIONS. THE ARCHITECT, THEREFORE, WILL USE ITS BEST PROFESSIONAL EFFORT TO INTERPRET APPLICABLE ADA REQUIREMENTS AND OTHER FEDERAL, STATE AND LOCAL CODES, LAWS AND ORDINANCES AS THEY APPLY TO THE PROJECT. THE ARCHITECT, HOWEVER, CANNOT AND DOES NOT WARRANT OR GUARANTEE THAT THE TENANT LEASED SPACE COMPLY WITH ALL INTERPRETATIONS OF THE ADA REQUIREMENTS AS THEY APPLY TO THIS PROJECT. THE ARCHITECT DOES NOT WARRANT OR GUARANTEE THAT THE DESIGN OF ANY COMPONENT IN THE TENANT LEASED SPACE WILL MEET THE REQUIREMENTS OF THE ADA IF THEY HAVE NOT BEEN SUBMITTED TO THE ARCHITECT FOR REVIEW.

GENERAL NOTES

- THIS PROJECT HAS BEEN DESIGNED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE 2015, AND ALL CONSTRUCTION SHALL CONFORM TO ITS REQUIREMENTS.
- THESE NOTES ARE FOR GENERAL REFERENCE. WHERE CONFLICTS EXIST, THE MORE REQUIREMENTS SHALL APPLY.
- ANY DISCREPANCIES, ERRORS, AND/OR OMISSIONS IN THE DRAWINGS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/DESIGNER. FAILURE TO DO SO MAY RESULT IN FUTURE CHANGES, THE COST OF WHICH WILL BE BORNE BY THE APPROPRIATE TRADE.
- DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS!
- PROVIDE TEMPORARY BRACING AS REQUIRED, TO INSURE THE STABILITY OF THE STRUCTURE UNTIL THE PERMANENT FRAMING IS IN PLACE.
- PROVIDE SHOP DRAWINGS AND ENGINEERING DATA ON ALL STRUCTURAL STEEL AND PREFABRICATED TRUSSES, INCLUDING GIRDER TRUSSES. LL = 25 psf
- PROVIDE SAFETY GLAZING IN CONFORMANCE WITH CODE.
- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE IBC 2006 BUILDING CODE AND ALL THE CITY AND LOCAL ORDINANCES AS ADOPTED BY THE STATE OF MICHIGAN.
- CONTRACTOR SHALL EXERCISE EXTREME CARE IN SETTING GRADES FOR NEW CONSTRUCTION AS THESE GRADES ARE CRITICAL.
- FOUNDATIONS SHALL BE CARRIED DOWN (MIN. 3'-6" DEEP) TO NATURAL UNDISTURBED SOILS CAPABLE OF SUPPORTING A 2500 P.S.F. BEARING CAPACITY. IF POORLY CONSOLIDATED SOILS ARE ENCOUNTERED AT THE DEPTHS SHOWN, THE ARCHITECT/DESIGNER SHALL BE NOTIFIED AND THE FOUNDATIONS WILL BE MODIFIED ACCORDINGLY.
- SAND FILL UNDER SLABS SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
- CONCRETE SHALL HAVE COMPRESSIVE STRENGTH OF 3,000 P.S.I. FOR FOUNDATION WORK AND FLOOR SLABS WITH 4,000 P.S.I. FOR WALKS AND STEPS. REINFORCING STEEL = 40KSI, ASTM A42.
- STRUCTURAL STEEL = 36 KSI ASTM GRADE 36.
- THE OWNER IS NOT RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION, NOR FOR THE SAFETY ON THE JOBSITE. THESE RESPONSIBILITIES ARE INTENDED TO REST SOLELY WITH THE GENERAL CONTRACTOR.
- THE INTENT IS TO UTILIZE ALL EXISTING UTILITIES: 1st: PHONE, ELEC, GAS, WATER, SEWER.
- CONSULT WITH THE OWNER & INTERIOR DESIGNER FOR ALL INTERIOR FINISHING, INCLUDING BUT NOT LIMITED TO: WALLS, CEILINGS, FLOORS, LIGHTING FIXTURES, PLUMBING FIXTURES, CASEWORK, MILLWORK, HARDWARE FINISHES, ETC.



EXISTING FLOOR PLAN
SCALE: 1/8" = 1'-0"

LEGAL DESCRIPTION

PARCEL #25-07-381-033

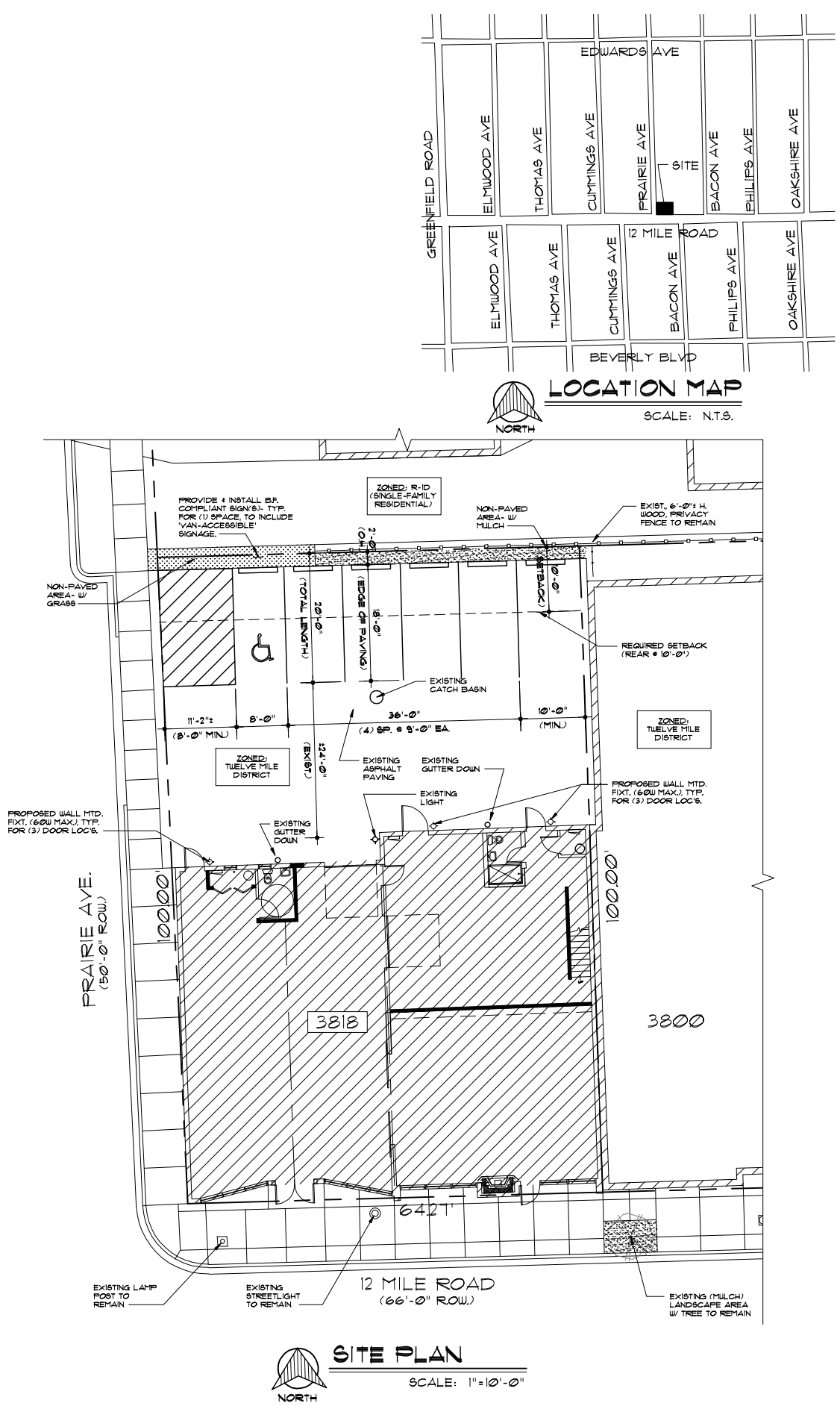
LEGAL DESCRIPTION: TIN, R1E, SEC. 7
ELLWOOD HEIGHTS LOTS 3, 4 & 5.

AREA/ SQUARE FOOT ANALYSIS

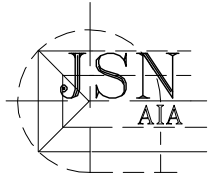
BLDG. FOOTPRINT (GROSS AREA): 3,484 SQ. FT.
TOTAL FLOOR AREA: 3,846.7 SQ. FT.
TOTAL USABLE AREA: 2,692.7 SQ. FT.

PARKING ANALYSIS

PARKING REQUIREMENT(S): PER SEC. 138-219:	
ART. STUDIO:	949.3 SF. (USABLE) / 400 + 236 = (2) SP.
CLIENT MEETING:	579.0 SF. (USABLE) / 300 + (2) + 331 = (4) SP.
STORAGE:	591.2 SF. (USABLE) / 500 = 1.18 = (1) SP.
MEZZANINE:	579.2 SF. (USABLE) / 500 = 1.15 = (1) SP.
TOTAL REQUIRED BY AREA(S)	= (8) SPACES
PARKING REDUCTION(S): PER SEC. 138-268:	
BICYCLE(S):	(2) SP. REDUCTION PER (4) BICYCLE SPACES
(4) BIKE SPACES / 4 + (2) SPACE REDUCTION	
TOTAL PARKING REDUCTION	= (2) SPACES
PARKING TOTAL(S)	
(8) REQ. BY AREA CALC. - (2) REDUCTION	
TOTAL PARKING REQUIRED	= (6) SPACES
TOTAL (PROVIDED) = 6 SPACES (PROPOSED)	



SITE PLAN
SCALE: 1" = 10'-0"



Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal

Revisions:

DATE	DESCRIPTION
05/31/2019	EXISTING CONDITIONS
06/10/2019	REVIEW
06/21/2019	P.C. REVIEW

Project Name:
3818 TWELVE MILE
BERKLEY, MI 48072

OWNER:
TIM YANKE
(248)-417-2892

Sheet Title:

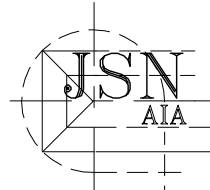
**GENERAL
NOTES,
SITE
PLAN,
LOCATION
MAP,
&ZONING**

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WRITTEN CONSENT OF JSN ARCHITECTURE

Date: 05/31/2019
Drawn by: CES

Project Number:
19067

Sheet Number:
S-1



Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal

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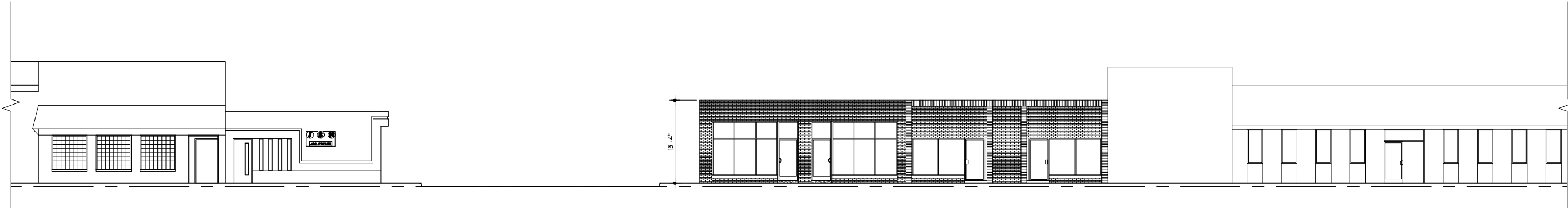
Sheet Title:
EXISTING
AND
PROPOSED
STREET
ELEVATIONS

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Date: 05/31/2019
Drawn by: CES

Project Number:
19067

Sheet Number:
S-2



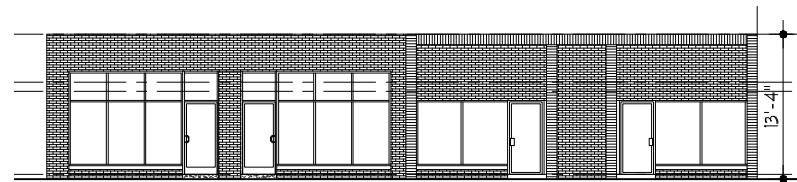
EXISTING ELEVATION

12 MILE ROAD FACADE(S) SCALE: 1/8" = 1'-0"



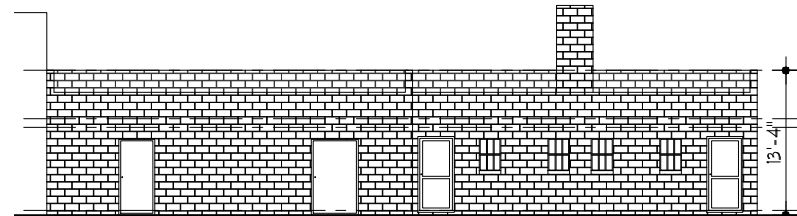
PROPOSED ELEVATION

12 MILE ROAD FACADE(S) SCALE: 1/8" = 1'-0"



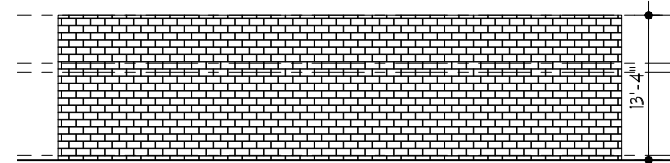
EXISTING SOUTH ELEVATION

SCALE: 1/8"=1'-0"



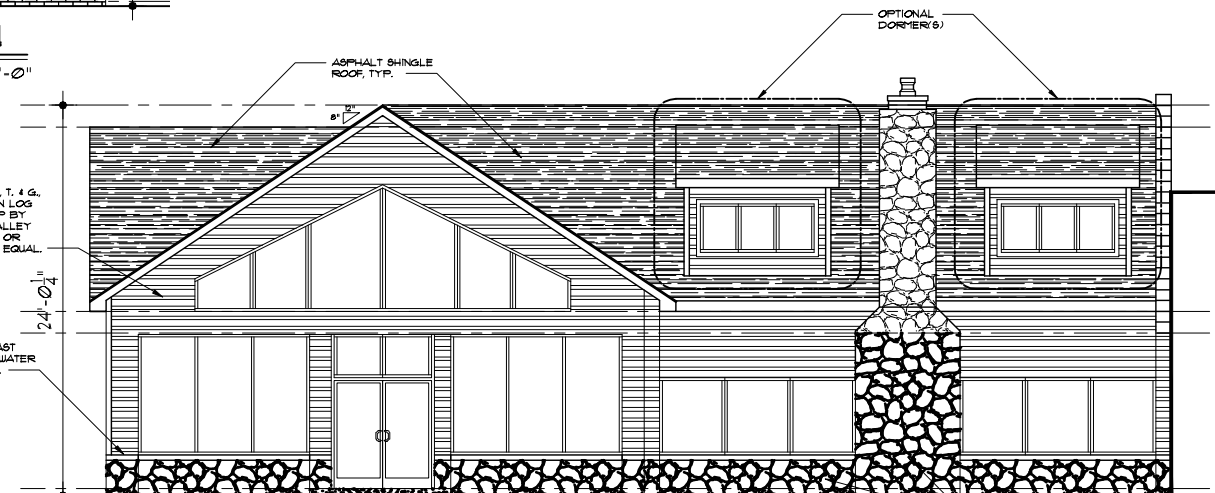
EXISTING NORTH ELEVATION

SCALE: 1/8"=1'-0"



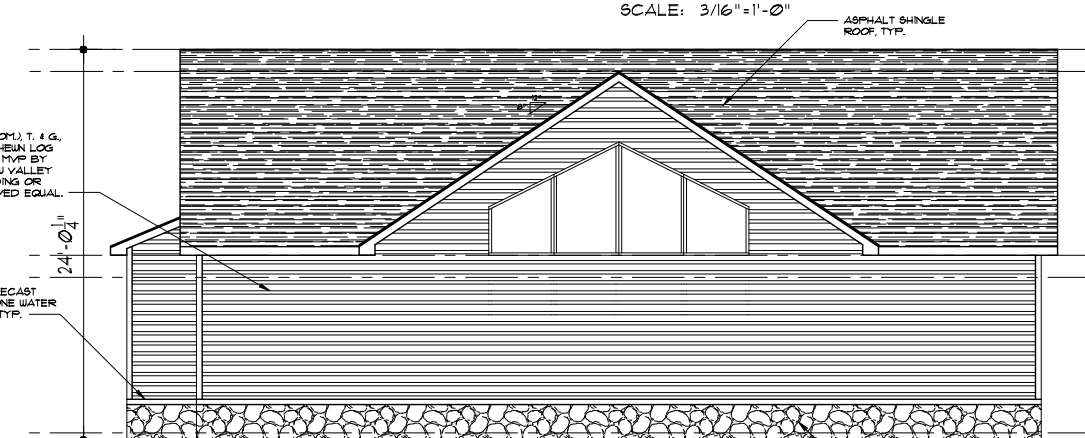
EXISTING WEST ELEVATION

SCALE: 1/8"=1'-0"



PROPOSED SOUTH (FRONT) ELEVATION

SCALE: 3/16"=1'-0"



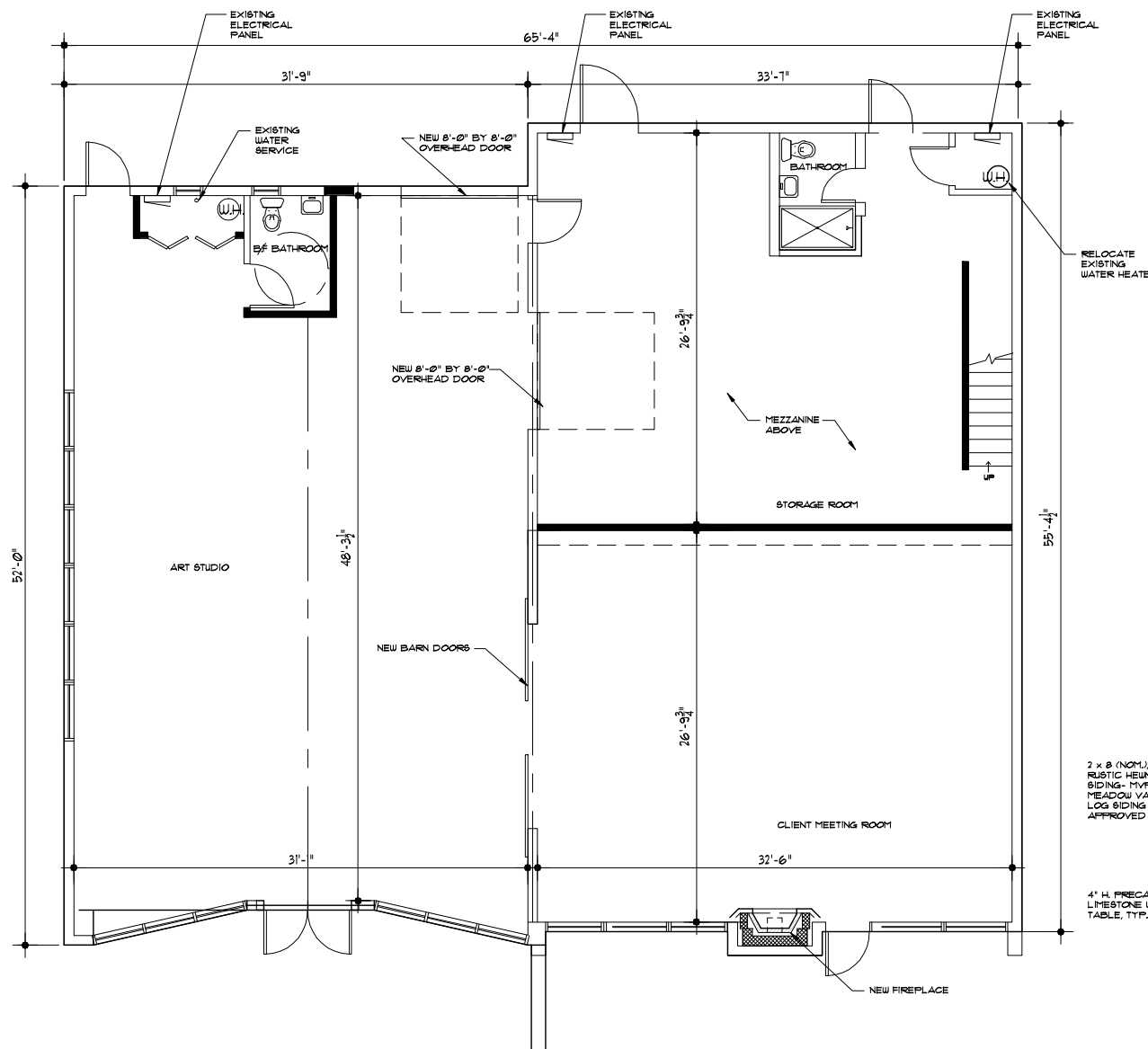
PROPOSED WEST (SIDE) ELEVATION

SCALE: 3/16"=1'-0"



PROPOSED NORTH (REAR) ELEVATION

SCALE: 3/16"=1'-0"



PROPOSED FLOOR PLAN

SCALE: 3/16"=1'-0"



JSN
AIA

Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal

Revisions:	
DATE	DESCRIPTION
05/31/2019	EXISTING CONDITIONS
06/10/2019	REVIEW
06/21/2019	P.C. REVIEW

Project Name:
**3818 TWELVE MILE
BERKLEY, MI 48072**

OWNER:
**TIM YANKE
(248)-417-2892**

Sheet Title:
**PROPOSED
FLOOR PLAN
& PROPOSED
ELEVATIONS**

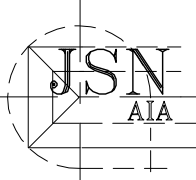
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Date: 05/31/2019
Drawn by: CES, MLC

Project Number:
19067

Sheet Number:
A-1





**Joseph S. Novitsky
Architecture**
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal

Revisions:	
DATE	DESCRIPTION
05/31/2019	EXISTING CONDITIONS
06/10/2019	REVIEW
06/21/2019	P.C. REVIEW

Project Name:
**3818 TWELVE MILE
BERKLEY, MI 48072**

OWNER:
**TIM YANKE
(248)-417-2892**

Sheet Title:
**PROPOSED
RENDERINGS**

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Date: 06/14/2019
Drawn by: DJS

Project Number:
19067

Sheet Number:
A-2



Building & Planning
3338 Coolidge Hwy
Berkley, MI 48072
248-658-3320
Fax: 248-658-3301
www.berkleymich.org

Print Form

CITY OF BERKLEY, MICHIGAN

APPLICATION FOR REZONING

AMENDED AND RESTATED

Instructions to Applicant: This application must be submitted with 18 copies of a plan, survey or map showing all lots and areas to be rezoned and surrounding area within at least 100 feet of property to be rezoned. Fee: \$600.00. If an application is withdrawn more than 3 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 3 weeks prior to the meeting, no refund will be given.

Applicant:

Name: 2219 Coolidge LLC Phone: 586-506-4904
Complete Address: 6400 Telegraph Road, Suite 2500, Bloomfield Hills, MI 48301

Property Owner: (If different than above)

Name: Archdiocese of Detroit Phone: _____
Complete Address: 12 State Street, Detroit, MI 48322

Description of Property to be Rezoned:

Street Address: 2219 Coolidge Highway
Between Oxford And Harvard
Lot Number: Lots 13, 14 and 15 and Part of Lot 12 - See Exhibit
Subdivision: Denler Acres
Sidwell Number: Part of 25-18-431-022
Zoning: Present Office
Proposed: RM Multiple Family Residential/Conditional Rezoning

Signature of Applicant

Date

6/25/19

Office use only (account #1019)

Date Application Received _____ Fee _____ Receipt Number _____

Hearing Date _____ Case Number _____

Planning Commission Hearing: _____

City Council, First Reading: _____

City Council, Second Reading: _____



June 25, 2019

City of Berkley
Building & Planning
3338 Coolidge Highway
Berkley, MI 48072

Re: 2219 Coolidge Highway

To Whom it May Concern,

This letter will confirm that 2219 Coolidge LLC is authorized to apply for the rezoning of the property, consisting of Lots 13, 14, 15 and part of Lot 12, from Office to RM Multiple Family Residential.

Sincerely,



Michael E. McNerney
Director of Properties



CONSULTING. ENGINEERING. CONSTRUCTION.

DESCRIPTION OF A 1.482 ACRE PARCEL OF LAND (TO BE REZONED) BEING LOTS 14 AND 15, INCLUSIVE AND PART OF LOTS 12 AND 13, DENLER ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 11 EAST, CITY OF BERKLEY, OAKLAND COUNTY, MICHIGAN:

LOTS 14 AND 15 AND PART OF LOTS 12 AND 13, DENLER ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 11 EAST, CITY OF BERKLEY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF LOT 15, DENLER ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF OXFORD ROAD (PLATTED AS GARRISON AVENUE)(50 FEET WIDE) AND THE WEST RIGHT OF WAY LINE OF COOLIDGE HIGHWAY (VARIABLE WIDTH); THENCE S01°21'56"E 206.32 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID COOLIDGE HIGHWAY; THENCE N89°43'00"E 0.01 FEET; THENCE S01°21'56"E 103.16 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID COOLIDGE HIGHWAY; THENCE N89°43'00"E 0.01 FEET; THENCE S01°21'56"E 75.05 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID COOLIDGE HIGHWAY; THENCE N87°07'01"W 21.13 FEET; THENCE 132.46 FEET ALONG THE ARC OF A 133.07 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT, CHORD BEARING N57°33'02"W 127.06 FEET; THENCE N31°30'35"W 25.22 FEET; THENCE 36.11 FEET ALONG THE ARC OF A 37.00 FOOT RADIUS CIRCULAR CURVE TO THE LEFT, CHORD BEARING N62°02'16"W 34.70 FEET; THENCE S89°49'43"W 21.15 FEET; THENCE N01°25'00"W 276.62 FEET ALONG THE WEST LINE OF LOTS 13, 14 AND 15 OF SAID DENLER ACRES; THENCE N89°43'00"E 190.96 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF SAID OXFORD ROAD ALSO BEING THE NORTH LINE OF SAID LOT 15 TO THE PLACE OF BEGINNING, BEING A PART OF THE SOUTHEAST 1/4 OF SAID SECTION 18, CONTAINING 1.482 ACRES OF LAND, MORE OR LESS.



3338 Coolidge
Berkley, Michigan 48072
(248) 658-3320
FAX (248) 658-3301
www.berkleymich.org

APPLICATION FOR REZONING

Instructions to Applicant: This application must be submitted with 18 copies of a plan, survey or map showing all lots and areas to be rezoned and surrounding area within at least 100 feet of property to be rezoned. Fee: \$600.00. If an application is withdrawn more than 3 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 3 weeks prior to the meeting, no refund will be given.

Applicant:

Name: JOHN DEPORRE Phone: 586-506-4904
Complete Address: 6400 TELEGRAPH RD SUITE 2500
BLOOMFIELD TWP MI 48301

Property Owner: (If different than above)

Name: BRADLEY FRIEDMAN Phone: 248-343-9475
Complete Address: 6400 TELEGRAPH RD SUITE 2500
BLOOMFIELD TWP, MI 48301

Description of Property to be Rezoned:

Street Address: 2219 COOLIDGE HWY
Between OXFORD And HARVARD

Lot Number: _____

Subdivision: _____

Sidwell Number: 25-18-431-015 THROUGH 25-18-431-017 / 25-18-431-021 THROUGH

Zoning: Present: COOLIDGE OFFICE DISTRICT | 25-18-431-022

Proposed: RM

J. H. D. P. 4/26/19

Signature of Applicant

Date

Office use only (account #1019)

Date Application Received 4-26-19 Fee 600⁰⁰ Receipt Number PRZ-01-19

Hearing Date _____ Case Number PRZ-01-19

Planning Commission Hearing: _____

City Council, First Reading: _____

City Council, Second Reading: _____

CONDITIONAL REZONING AGREEMENT

This Conditional Rezoning Agreement ("**Agreement**"), dated _____, 2019, is entered into by and between 2219 Coolidge LLC, a Michigan limited liability company, whose address is 6400 Telegraph Road, Suite 2500, Bloomfield Township, Michigan 48301 ("**Developer**") and the City of Berkley, a Michigan municipal corporation, whose address is 3338 Coolidge Highway, Berkley, Michigan 48072 ("**City**").

RECITALS:

A. Developer has submitted to the City an Application for Rezoning with respect to the real property and improvements thereon which are more particularly described on **Exhibit A** attached hereto (the "**Property**").

B. The Rezoning Application seeks to rezone the Property from Office to RM, Multiple Family Residential.

C. The Property currently contains an office building that Developer desires to renovate for multiple family residential use.

D. In connection with Developer's Rezoning Application, Developer desires to voluntarily offer certain conditions to the rezoning, as set forth below, in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

E. The City, by action of its City Council at its meeting of _____, 2019, has accepted the voluntary conditions offered by Developer to enter into this Agreement.

The parties agree as follows:

1. Developer agrees that, if the Property is rezoned from Office to RM, Multiple Family Residential, the following conditions and covenants shall apply to the rezoning (the "**Rezoning Conditions**"):

(a) The existing building within the Property shall be renovated for multi-family use;

(b) The existing building within the Property shall not be demolished and the

footprint of the building shall not be enlarged;

(c) The historic integrity of the exterior of the building within the Property shall be maintained. The gymnasium within the building may be renovated to include exterior windows that will be architecturally consistent with the existing windows on the building;

(d) If Developer has not acquired title to the Property by December 31, 2019, the zoning of the Property shall automatically revert back to Office; and

(e) Developer acknowledges that variances will be required in connection with Developer's multi-family project, including but not limited to setback and height variances for the existing building, and any variances will require City approval, in accordance with the City's Zoning Ordinance.

2. In consideration of the foregoing Rezoning Conditions voluntarily offered by Developer, the City hereby rezones the Property from Office to RM, Multiple Family Residential. Such rezoning is expressly subject to the Rezoning Conditions.

3. The covenants and conditions set forth in this Agreement, including the Rezoning Conditions, shall constitute covenants, conditions and restrictions that run with the Property and shall be binding on the parties hereto and their respective successors and assigns.

4. At the request of either party, this Agreement, or a memorandum thereof, shall be recorded by Developer with the Oakland County Register of Deeds.

5. This Agreement embodies the entire understanding between the parties with respect to the transaction contemplated herein. All prior or contemporaneous agreements, understandings, representations, warranties and statements, oral or written, are superseded by and merged into this Agreement.

6. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

7. This Agreement may only be amended by written agreement of the City and Developer or any successor in title. In addition, any amendment to this Agreement shall also require the signature of the owner of the Property, if different than Developer.

8. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

Signatures on following pages

[Developer Signature page to Conditional Rezoning Agreement]

The parties hereto have executed this Agreement as of the year and date set forth above.

"DEVELOPER"

2219 Coolidge LLC
a Michigan limited liability company

By: _____
Steve Friedman
Its: Manager

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing Conditional Rezoning Agreement was acknowledged before me this _____ day of _____, 2019, by Steve Friedman, Manager of 2219 Coolidge LLC on behalf of the company.

Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

[City Mayor Signature page to Conditional Rezoning Agreement]

CITY:

City of Berkley,
a Michigan municipal corporation

By: _____
Daniel Terbrak
Its: Mayor

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2019, by Daniel Terbrak, the Mayor of the City of Berkley, a Michigan municipal corporation, on behalf of such municipality.

Notary Public

County, Michigan
Acting in _____
County, Michigan
My Commission Expires: _____

[City Clerk Signature page to Conditional Rezoning Agreement]

CITY:

City of Berkley,
a Michigan municipal corporation

By: _____

Annette Boucher

Its: City Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2019, by Annette Boucher, the City of Clerk of the City of Berkley, a Michigan municipal corporation, on behalf of such municipality.

Notary Public

County, Michigan
Acting in _____
County, Michigan
My Commission Expires: _____

[Owner Signature page to Conditional Rezoning Agreement]

The undersigned owner of the Property described on Exhibit A attached hereto, hereby consents to the foregoing Conditional Rezoning Agreement and acknowledges and agrees that the Property shall be bound by the foregoing Conditional Rezoning Agreement.

Allen H. Vigneron, Roman Catholic Archbishop of
the Archdiocese of Detroit

STATE OF MICHIGAN)
)ss.
COUNTY OF _____)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2019, by Allen H. Vigneron, Roman Catholic Archbishop of the Archdiocese of Detroit.

Notary Public

County, Michigan
Acting in _____
County, Michigan
My Commission Expires: _____

Drafted by and when recorded return to:

Mark S. Cohn, Esq.
Seyburn Kahn
2000 Town Center, Suite 1500
Southfield, Michigan 48075

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF A 1.482 ACRE PARCEL OF LAND (TO BE REZONED) BEING A PART OF LOTS 12 THRU 15, INCLUSIVE, DENLER ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 11 EAST, CITY OF BERKLEY, OAKLAND COUNTY, MICHIGAN:

PART OF LOTS 12, 13, 14 AND 15, DENLER ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 11 EAST, CITY OF BERKLEY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF LOT 15, DENLER ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF OXFORD ROAD (PLATTED AS GARRISON AVENUE)(50 FEET WIDE) AND THE WEST RIGHT OF WAY LINE OF COOLIDGE HIGHWAY (VARIABLE WIDTH); THENCE S01°21'56"E 206.32 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID COOLIDGE HIGHWAY; THENCE N89°43'00"E 0.01 FEET; THENCE S01°21'56"E 103.16 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID COOLIDGE HIGHWAY; THENCE N89°43'00"E 0.01 FEET; THENCE S01°21'56"E 75.05 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID COOLIDGE HIGHWAY; THENCE N87°07'01"W 21.13 FEET; THENCE 132.46 FEET ALONG THE ARC OF A 133.07 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT, CHORD BEARING N57°33'02"W 127.06 FEET; THENCE N31°30'35"W 25.22 FEET; THENCE 36.11 FEET ALONG THE ARC OF A 37.00 FOOT RADIUS CIRCULAR CURVE TO THE LEFT, CHORD BEARING N62°02'16"W 34.70 FEET; THENCE S89°49'43"W 21.15 FEET; THENCE N01°25'00"W 276.62 FEET ALONG THE WEST LINE OF LOTS 13, 14 AND 15 OF SAID DENLER ACRES; THENCE N89°43'00"E 190.96 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF SAID OXFORD ROAD ALSO BEING THE NORTH LINE OF SAID LOT 15 TO THE PLACE OF BEGINNING, BEING A PART OF THE SOUTHEAST 1/4 OF SAID SECTION 18, CONTAINING 1.482 ACRES OF LAND, MORE OR LESS.

Part of Tax Parcel Number(s): 25-18-431-022

THE CITY OF BERKLEY
Building Department
3338 Coolidge, Berkley, Michigan 48072
(248) 658-3320

NOTICE OF PUBLIC HEARING
BERKLEY CITY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN, that in accordance with the City of Berkley Code of Ordinances, Chapter 138 *Zoning*, Article VI *Administration and Enforcement, Amendments*, a Public Hearing will be held by the Berkley City Planning Commission on Tuesday, July 23, 2019 at 7:00 p.m. or as near thereto as the matter may be reached at the City Hall Council Chambers, 3338 Coolidge Highway, Berkley, Michigan to determine the necessity for and effect of rezoning property as follows.

Application Number PRZ-01-19

2219 Coolidge LLC, 2219 Coolidge Highway, southwest corner of Coolidge Highway and Oxford Road., Parcel ID: 25-18-431-022, DESCRIPTION OF A 1.482 ACRE PARCEL OF LAND (TO BE REZONED) BEING LOTS 14 AND 15, INCLUSIVE AND PART OF LOTS 12 AND 13, DENLER ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 11 EAST, CITY OF BERKLEY, OAKLAND COUNTY, MICHIGAN:

LOTS 14 AND 15 AND PART OF LOTS 12 AND 13, DENLER ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 11 EAST, CITY OF BERKLEY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF LOT 15, DENLER ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF OXFORD ROAD (PLATTED AS GARRISON AVENUE)(50 FEET WIDE) AND THE WEST RIGHT OF WAY LINE OF COOLIDGE HIGHWAY (VARIABLE WIDTH); THENCE S01°21'56"E 206.32 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID COOLIDGE HIGHWAY; THENCE N89°43'00"E 0.01 FEET; THENCE S01°21'56"E 103.16 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID COOLIDGE HIGHWAY; THENCE N89°43'00"E 0.01 FEET; THENCE S01°21'56"E 75.05 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID COOLIDGE HIGHWAY; THENCE N87°07'01"W 21.13 FEET; THENCE 132.46 FEET ALONG THE ARC OF A 133.07 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT, CHORD BEARING N57°33'02"W 127.06 FEET; THENCE N31°30'35"W 25.22 FEET; THENCE 36.11 FEET ALONG THE ARC OF A 37.00 FOOT RADIUS CIRCULAR CURVE TO THE LEFT, CHORD BEARING N62°02'16"W 34.70 FEET; THENCE S89°49'43"W 21.15 FEET; THENCE N01°25'00"W 276.62 FEET ALONG THE WEST LINE OF LOTS 13, 14 AND 15 OF SAID DENLER ACRES; THENCE N89°43'00"E 190.96 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF SAID OXFORD ROAD ALSO BEING THE NORTH LINE OF SAID LOT 15 TO THE PLACE OF BEGINNING, BEING A PART OF THE SOUTHEAST 1/4 OF SAID SECTION 18, CONTAINING 1.482 ACRES OF LAND, MORE OR LESS, **is requesting a rezoning from Office District (O-1) to Multiple-Family Residential District (R-M).**

At the conclusion of the Public Hearing, the Planning Commission will make a recommendation to the City Council regarding the rezoning request. The City Council will hear the rezoning request and make the final determination on the proposal.

Comments regarding the proposed rezoning may be made in person on the night of the Public Hearing or may be made in writing. All written comments must be in the hands of the Building Department before 7:00 p.m. on the date of the Public Hearing.

TIMOTHY MCLEAN
COMMUNITY DEVELOPMENT DIRECTOR

Publish Once:
The Daily Tribune
Royal Oak, Michigan
Sunday,

Occupant
2160 COOLIDGE HWY
BERKLEY MI 48072 1547

Occupant
2680 OXFORD RD
BERKLEY MI 48072 3604

Occupant
2691 HARVARD RD
BERKLEY MI 48072

Occupant
2440 OXFORD RD
BERKLEY MI 48072 1787

Occupant
2639 SUNNYKNOLL AVE
BERKLEY MI 48072 3612

Occupant
2186 COOLIDGE HWY
BERKLEY MI 48072 1547

Occupant
2345 OXFORD RD
BERKLEY MI 48072 1718

Occupant
2436 HARVARD RD
BERKLEY MI 48072 1782

Occupant
2277 COOLIDGE HWY
BERKLEY MI 48072 1569

Occupant
2446 CAMBRIDGE RD
BERKLEY MI 48072 1768

Occupant
2446 HARVARD RD
BERKLEY MI 48072 1782

Occupant
2588 OXFORD RD
BERKLEY MI 48072 1527

Occupant
2051 COOLIDGE HWY
BERKLEY MI 48072

Occupant
2630 OXFORD RD
BERKLEY MI 48072 3604

Occupant
2652 OXFORD RD
BERKLEY MI 48072 3604

Occupant
2659 HARVARD RD
BERKLEY MI 48072

Occupant
2060 COOLIDGE HWY
BERKLEY MI 48072 1546

Occupant
2301 COOLIDGE HWY
BERKLEY MI 48072 1550

Occupant
2689 HARVARD RD
BERKLEY MI 48072

Occupant
2679 OXFORD RD
BERKLEY MI 48072 3606

Occupant
2608 OXFORD RD
BERKLEY MI 48072 3604

Occupant
2685 HARVARD RD
BERKLEY MI 48072

Occupant
2445 HARVARD RD
BERKLEY MI 48072 1783

Occupant
2033 COOLIDGE HWY
BERKLEY MI 48072 1545

Occupant
2669 HARVARD RD
BERKLEY MI 48072

Occupant
2657 HARVARD RD
BERKLEY MI 48072

Occupant
2599 HARVARD RD
BERKLEY MI 48072 1512

Occupant
2665 HARVARD RD
BERKLEY MI 48072

Occupant
2655 HARVARD RD
BERKLEY MI 48072

Occupant
2681 HARVARD RD
BERKLEY MI 48072

JOHN M KOERBER
2652 OXFORD RD
BERKLEY MI 48072 3604

OUR LADY OF LASALETTE
2600 HARVARD RD
BERKLEY MI 48072 1578

SUNDANCE INC
7915 KENSINGTON CT
BRIGHTON MI 48116

BERKLEY GMPS COMPANY LLC
PO BOX 354
CLARKSTON MI 48347 0354

SD INVESTMENTS LLC
18185 SHORELINE CT
NORTHVILLE MI 48168 3291

OUR LADY OF LASALETTE
2600 HARVARD RD
BERKLEY MI 48072 1578

SURNOW ASSOCIATES LLC
UNION LAKE ASSOCIATES LLC
320 MARTIN ST STE 100
BIRMINGHAM MI 48009 1486

SD INVESTMENTS LLC
18185 SHORELINE CT
NORTHVILLE MI 48168 3291

BERKLEY BISTRO & CAFE
35735 STANLEY DR
STERLING HEIGHTS MI 48312 2663

DANIEL MILLER
ELAINE MILLER
2608 OXFORD RD
BERKLEY MI 48072 3604

BRANDON N BRYANT
2662 OXFORD RD
BERKLEY MI 48072 3604

CATHERINE A PAPPAYLIOU
JACOP KYLE MCLAUGHLIN
2661 HARVARD RD
BERKLEY MI 48072

CITI AUTO LLC GEORGE BANOT OWNER
3280 11 MILE RD
BERKLEY MI 48072 1208

BERKLEY MPS HOLDINGS
PO BOX 354
CLARKSTON MI 48347 0354

ROBERT W KRATZER
ROBIN L KRATZER
2687 HARVARD RD
BERKLEY MI 48072

OUR LADY OF LASALETTE
2600 HARVARD RD
BERKLEY MI 48072 1578

BRADY GREEN
2432 HARVARD RD
BERKLEY MI 48072 1782

STEVEN ORI
4905 SEASONS
TROY MI 48098 6625

MARK C BUREK
BECKY A BUREK
2681 HARVARD RD
BERKLEY MI 48072

2186 COOLIDGE LLC
51194 ROMEO PLANK RD # 734
MACOMB MI 48042 4111

SCOTT C WILSON
PATRICIA A WILSON
2671 HARVARD RD
BERKLEY MI 48072

JEFFREY M BEAUREGARD
SARAH HILLEGONDS
2679 HARVARD RD
BERKLEY MI 48072

MICHELLE KIRKWOOD
JERRY KIRKWOOD
2600 OXFORD RD
BERKLEY MI 48072 3604

MASHIUR RAHMAN
2667 HARVARD RD
BERKLEY MI 48072

SAGAR PARVATANENI
AMITA DESAI
2677 HARVARD RD
BERKLEY MI 48072

SHARON HUTT
JOHN HUTT
PO BOX 75
CLAWSON MI 48017

JAMES E ZORBAS
LAYLA J ZORBAS
2663 HARVARD RD
BERKLEY MI 48072

DANIELLE E NELSON
2675 HARVARD RD
BERKLEY MI 48072

DAVID HUMPHREY
MARIE HUMPHREY
2427 HARVARD RD
BERKLEY MI 48072 1783



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Matt Baumgarten, City Manager
City of Berkley

FROM: Richard K. Carlisle, AICP

DATE: July 2, 2019

RE: Conditional Rezoning Amendments

The Chair of the Planning Commission has requested information about conditional rezonings in anticipation of the proposed conditional rezoning of the former LaSalette school.

The Michigan Zoning Enabling Act, PA 110 of 2006, authorizes a property owner, or their authorized representative, to voluntarily offer conditions to the rezoning of their property. Sec. 3405 of the Michigan Zoning Enabling Act (MZEA), authorizes the use of conditional rezoning as a voluntary mechanism for an applicant to self-limit their request. Prior to these provisions being enacted, a City was restricted to reviewing a rezoning application for all potential permissible uses, even in cases where well-intentioned applicants wanted to make, and were willing to commit to, very specific use of the property. This circumstance was frustrating to citizens, communities, and applicants.

Sec. 3405 provides one means of providing authority to communities to create binding conditions on the rezoning of property. However, this authority is limited by the statute in that it is only the applicant who is permitted to offer conditions, as stated in Sec. 405 (1).

Specifically, Sec. 3405 says the following:

125.3405 Use and development of land as condition to rezoning.

Sec. 405. (1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

History: 2006, Act 110, Eff. July 1, 2006.

Further explanation of the limiting condition is found in the Michigan Planning and Zoning Guidebook, Section 4.8 which states:

"...this tool remains somewhat limited, taking into consideration that only the property owner is permitted to offer and dictate the terms of a conditional rezoning. The community is prohibited from initiating, altering, or adding to a proposal for a condition to a rezoning, MCL 125.3405(3), and caution must be very carefully exercised in this regard during proceedings initiated under this statute."

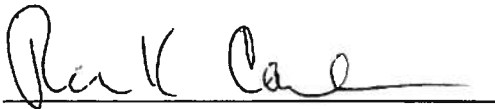
The question frequently arises regarding what can be offered and considered as a condition. In the first instance, a condition is always a limitation on what is otherwise authorized by the Zoning Ordinance. Although some applicant's attorneys may argue that the statute authorizes any and all conditions, it was neither the intent of legislature nor appropriate zoning practice to allow conditions outside the scope of the Ordinance.

Regarding the nature of the conditions that may be offered, the Planning and Zoning Guidebook offers this explanation:

"Depending on the nature and complexity of the particular offer made by a property owner, an approval of conditions could consist of something as simple as a specification of one or more uses that would be permitted – or not permitted – if the rezoning were granted. Likewise, an approval may merely specify such things as a minimum setback or a maximum building height that might be deemed necessary to ensure compatibility with adjoining property. On the other extreme, the offer and approval might encompass a detailed site plan accompanied by a comprehensive set of use restrictions."

I have found the conditional rezoning process very useful and note that its use is increasing in the communities we represent. I hope the Planning Commission finds this explanation useful. Please let me know if you have any questions or comments.

Yours Truly,



CARLISLE/WORTMAN ASSOC., INC.

Richard K. Carlisle, PCP, AICP
President



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: July 2, 2019

Conditional Rezoning Review For City of Berkley, Michigan

GENERAL INFORMATION

Applicant: 2219 Coolidge LLC

Project Name: N/A

Location: Southwest corner of Coolidge Hwy and Oxford Rd.

Zoning: Office District

Action Requested: Conditional Rezoning to RM-Multiple Family District

Required Information: Provided.

PROJECT AND SITE DESCRIPTION

An application for conditional rezoning has been submitted for the property occupied by the vacant LaSalette school building. The request is to rezone the site from Office District to RM-Multiple Family. The site consists of part of Lot 12 and Lots 13, 14 and 15 of the Denler Acres subdivision, which is approximately 1.5 acres. The rear portion of the site is zoned RM-Multiple Family and is nearly 1.5 acres.

Under the Michigan Zoning Enabling Act PA 110 of 2006, as amended, Section 405 permits an applicant may voluntarily offer conditions to a rezoning applicant. Specifically, Sec. 405 states the following:

125.3405 Use and development of land as condition to rezoning.

Sec. 405. (1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

History: 2006, Act 110, Eff. July 1, 2006.

The applicant has provided a set of conditions to the rezoning that are set forth in a Conditional Rezoning Agreement, which may be recorded at the request of either party. The conditions set forth in this Agreement are as follows:

- (a) The existing building within the Property shall be renovated for multi-family use;
- (b) The existing building within the Property shall not be demolished and the footprint of the building shall not be enlarged;
- (c) The historic integrity of the exterior of the building within the Property shall be maintained. The gymnasium within the building may be renovated to include exterior windows that will be architecturally consistent with the existing windows on the building;
- (d) If Developer has not acquired title to the Property by December 31, 2019, the zoning of the Property shall automatically revert back to Office; and
- (e) Developer acknowledges that variances will be required in connection with Developer's multi-family project, including but not limited to setback and height variances for the existing building, and any variances will require City approval, in accordance with the City's Zoning Ordinance.

In summary, the applicant is offering to renovate the existing building for reuse as a multiple family development. The historic integrity of the building will be maintained, and the footprint will remain as it currently exists. Any necessary variances, discussed more fully herein, will be sought.

NEIGHBORING ZONING AND LAND USE

The Coolidge corridor on the west side from Catalpa to Eleven Mile is predominantly zoned Coolidge District along the frontage with multiple-family as a transition to single-family. Area zoning is provided in Figure 1. On the east side of Coolidge, the frontage is mostly designated as Coolidge District.

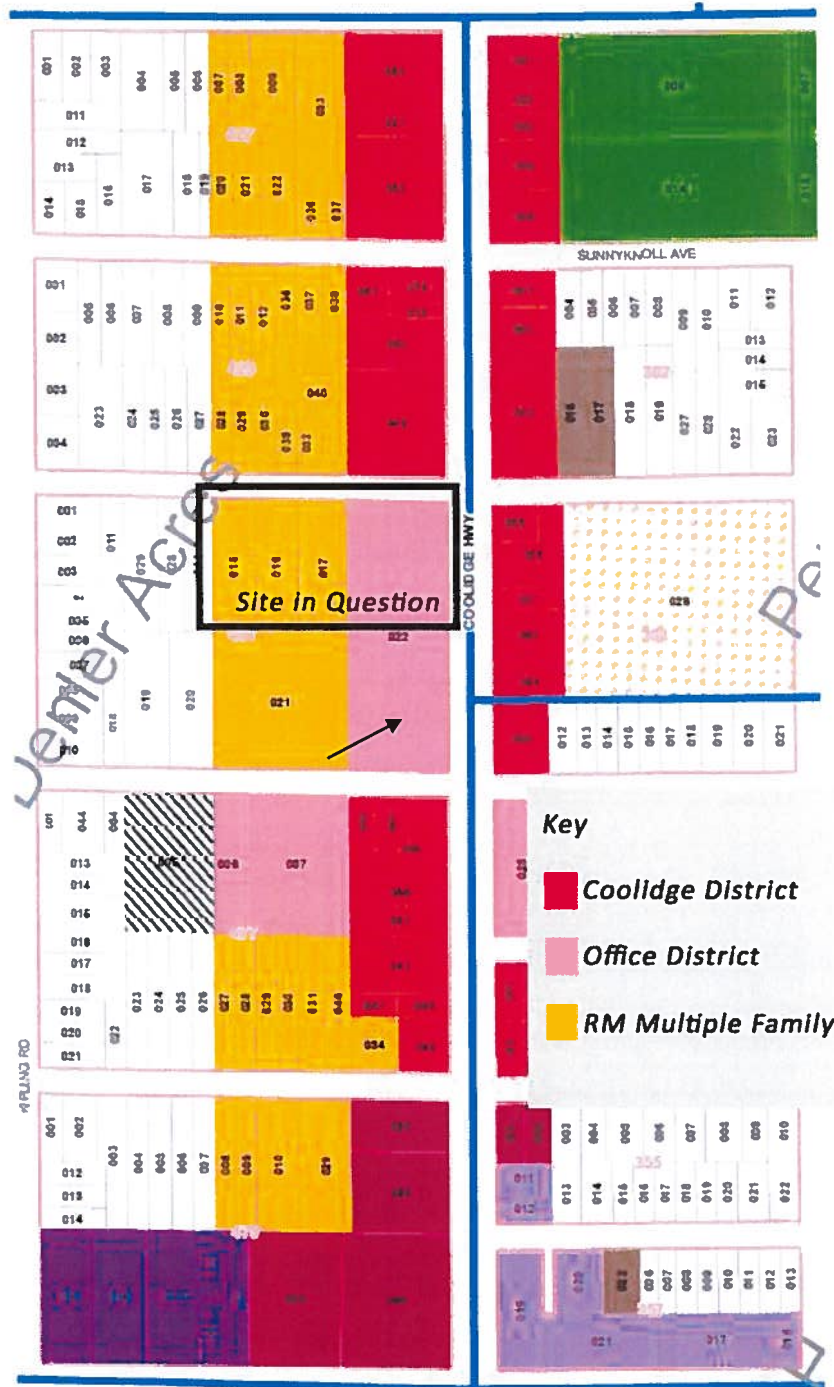
The front portion of the site is zoned Office District. As a result, the existing school could be converted or replaced with uses permitted within the Office District. This includes a variety of professional, medical and business offices; business schools, colleges and other types of schools; places of worship; and/or funeral homes.

The rear 1.5 acre portion of the site is zoned RM – Multiple Family which would permit, among other uses, multiple family dwellings as of right. The permissible density in the RM-Multiple Family District is based upon the following formula:

"The total number of rooms (other than kitchen or sanitary facilities) provided shall not be more than the area of the parcel in square feet divided by 500."

Items to be Addressed: None.

Figure 1 – Zoning



MASTER PLAN

The City's Master Plan was adopted in 2007 and updated in 2017. The City is currently in the process of revising the Master Plan. The Future Land Use Plan (see Figure 2) designates the entire site as institutional reflecting the church and school use of the site. The site is adjacent to the church to the south. Property to the north across Oxford is designated as General Commercial and Services and Multiple Family. On the opposite side of Coolidge, property is designated for General Commercial and Services. The area behind the site is designated single family residential. The City adopted a Master Plan Amendment on February 28, 2017 addressing "Residential Future Land Use". In the resolution of adoption, the Planning Commission recognized the following:

- The Master Plan was adopted in 2007 and observed that while Berkley has a wide variety of single-family detached housing it does not have a variety of housing types.
- The City of Berkley Planning Commission wishes to encourage new apartments, two-family to four-family housing and townhouses.
- Based upon meetings with the community, new apartments, two-family to four-family housing and townhouses should be constructed along major thoroughfares where it is currently permitted.
- Whereas, diverse housing stock will provide quality housing opportunities to residents regardless of age, ability or income.

The 2017 Amendment concludes with the following recommendations that are relevant to the subject application:

- The Planning Commission wants to accommodate this population cohort and to ensure that such housing types are of equally high quality to the single-family housing currently being constructed.
- There is no desire to change the prohibition of parking on the street between the hours of 2 AM and 6 AM. Any new housing developments would need to accommodate sufficient parking on the site.
- Current zoning regulations permit construction of new multiple family housing dwellings primarily in the Greenfield District and Twelve Mile District. At this time, there is no desire to expand multi-family zoning to other areas of the City of Berkley.
- Any code changes should require that new buildings are of an appropriate scale and style so that they fit into the neighborhood. Appropriate outdoor space and parking should also be required.

The proposed 2017 Amendment appears to support the type of housing proposed for the subject property. Thus, while the rezoning does not strictly conform to the 2007 Master Plan, the rezoning is consistent the 2017 Master Plan Amendment.

Items to be Addressed: None.

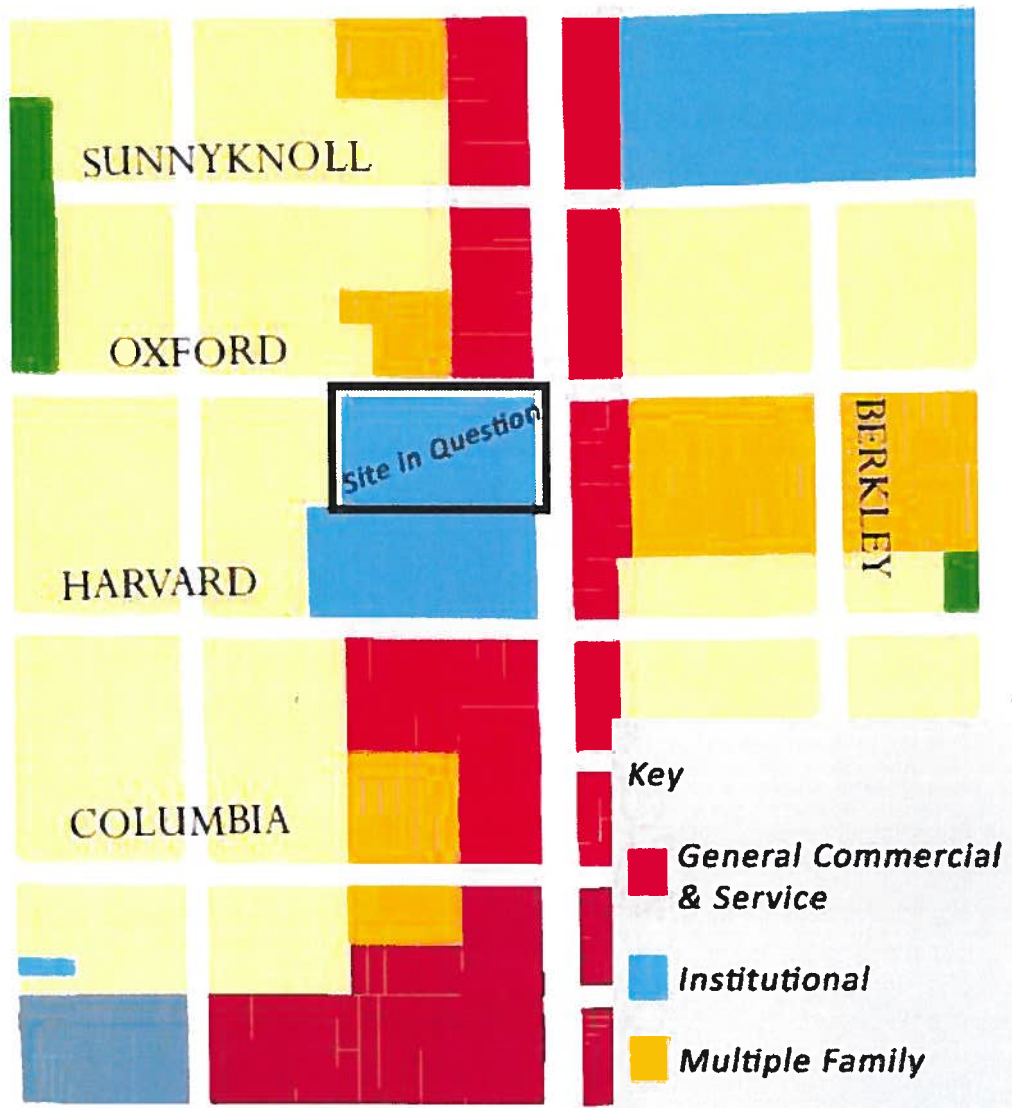


Figure 2 – Future Land Use Plan

DEVELOPMENT POTENTIAL

As currently zoned, the Office District permits a variety of professional, medical and business office uses; business schools, colleges, private schools and vocational schools; private lodges; places of worship; and, funeral homes and mortuaries.

The RM District permits all permitted and special uses from the R-2 (and thus R-1A) District along with multiple family dwellings. In this specific case, the applicant is restricting the use to multiple family

dwelling. In the RM Districts, the following density restrictions apply, as found in footnote (f) in Sec. 130-526, Schedule of Regulations:

(f) No multiple dwelling shall be erected on a lot or parcel of land that has an area of less than 10,000 square feet. The total number of rooms (other than kitchen and sanitary facilities) provided shall not be more than the area of the parcel in square feet divided by 500.

Therefore, the subject parcel that is 1.5 acres could accommodate 130 rooms or roughly 50-65 studio or one-bedroom apartments, depending on the actual floor plan.

NATURAL RESOURCES

The site has been previously altered by the development as a school and parking lot. Therefore, there are no significant resources on the site.

Items to be Addressed: None.

ESSENTIAL FACILITIES AND SERVICES

The site will be serviced by public water and sewer. On-site stormwater management will be required. We will defer to the City Engineers for further comment at the time of site plan review, should the project receive conditional rezoning approval.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

Site access is limited by the location of the building and will remain as currently exists. Primary access will be from Coolidge with a secondary access to Oxford. Specific design parameters and conditions will be subject to further comment at the time of site plan review.

Items to be Addressed: None.

FINDINGS OF FACT

The Zoning Ordinance requires that the city planning commission make written findings of fact and submit with its recommendations to the city council within 30 days of receipt of the application, and at the conclusion of the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the planning commission shall make findings based upon the evidence presented to it in each specific case with respect to the following manners **(our comments provided in bold)**:

- (1) Existing uses of property within the general area of the property in question;

Comments: Existing land use along the frontage of Coolidge on both sides is predominantly commercial. Properties to the interior of the commercial frontage are largely single family, with the exception of Oxford Park Towers on the east site of Coolidge.

Inasmuch as the balance of the former school is already zoned RM, rezoning of the subject parcel to RM would not be incompatible with surrounding land use patterns. This is particularly relevant since the existing building will remain and be redeveloped.

- (2) The zoning classification of property within the general area of the property in question;

Comments: The same comments regarding existing uses pertains to zoning patterns. The proposed rezoning to RM would not be incompatible with surrounding zoning patterns.

- (3) The suitability of the property in question to the uses permitted under the existing zoning classification;

Comments: Conversion of the school to housing especially in a manner which preserves its historic integrity, is both an excellent and creative reuse of the property.

- (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and

Comments: In general, there is a trend for a variety of multiple family housing. The February 2017 Master Plan Amendment recognizes the lack of housing diversity in the City and speaks about the need for additional multiple family housing. The resolution adopting the Master Plan Amendment concludes that diverse housing stock will provide quality housing opportunities to residents regardless of age, ability or income.

Rezoning the subject site would be a logical location for multiple family and would be a creative reuse of an obsolete school building.

- (5) The objectives of the current master plan for the city.

Comment: The same comments set forth in #4 are applicable.

The city planning commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is not detrimental to the public interest. The planning commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any classification less intensive than that requested by the applicant.

Comment: It is our conclusion that the rezoning to RM, particularly with the conditions offered by the applicant, would not be detrimental to the public interest. In fact, creative reuse of the existing school would provide needed housing and preserve the historic integrity of the building.

Respectfully submitted.